



TABLE TENNIS NEW SOUTH WALES INC

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| Policy Name: | Board and Sub-Committees Conflict of Interest Policy |
| Approval Date: | Approved – July 2022 |

NOTE: This Policy is made under rule 25 and rule 26.5 of the TTNSW Constitution. It is subject to, and to be interpreted in accordance with, the TTNSW Constitution.

Part 1 – PURPOSE

The purpose of this policy is to ensure that any conflicts of interest, whether actual, potential or perceived, can be handled in an appropriate and professional manner so as to ensure that TTNSW is governed and administered with the highest standard of honesty, impartiality, equity and integrity, thereby enhancing its reputation and position within Australian and international sport.

Part 2 – RESPONSIBILITY

The following persons are responsible for ensuring compliance with this policy:

- Directors.
- Committee Members.
- TTNSW Office.

Part 3 – PROCESSES AND PROCEDURES

TTNSW acknowledges that Directors/Sub-Committee Members may have a variety of legitimate interests outside of their relationship with TTNSW. Directors/Sub-Committee Members are responsible for ensuring any such interests do not create an actual, potential or perceived conflict of interest with the interests of TTNSW. This policy is designed to assist Directors/Sub-Committee Members in recognising what a conflict of interest is, when a conflict of interest arises and how to deal with a conflict of interest.

Directors/Sub-Committee Members are responsible for assessing their personal interests to ensure that any decisions they make will not affect them in their capacity with TTNSW and will not conflict, have the potential to conflict or appear to conflict, with their duties as a Director/Sub-Committee Member. It is the responsibility of Directors/Sub-Committee Members to identify conflicts of interests (whether

actual, potential or perceived) and to take active steps to remove themselves from or appropriately manage the conflict. All Directors/Sub-Committee Members are required to disclose the interest to TTNSW in line with this policy to assist in consideration and management of the conflict of interest.

This policy also deals with the receipt of gifts, benefits, hospitality and other advantages by Directors/Sub-Committee Members and in particular the acceptance and reporting requirements associated with this.

When Does a Conflict of Interest Arise?

A conflict of interest arises in circumstances where in the opinion of TTNSW, an interest of a Director/Sub-Committee Member does not align with, is not consistent with or is in competition with the objectives and/or interests of TTNSW. A conflict of interest may arise out of, including but not limited to:

- Personal and/or financial matters.
- Interests of a person and/or entity related or associated with the Director/Sub-Committee Member.
- Responsibilities or duties owed to a person or entity other than

NSW

Types of Conflict of Interest

A conflict of interest may be either:

- An actual conflict of interest: In instances where there is an obvious conflict of interest.
- A potential conflict of interest: In instances where there is no immediate conflict of interest, but in the future there may be or is likely to be a conflict of interest.
- A perceived conflict of interest: In instances where an onlooker may reasonably assume that there could be a conflict.

TTNSW treats actual, potential and perceived conflicts of interest in the same manner.

Examples of a Conflict of Interest

Examples of an actual conflict of interest include, but are not limited to:

- A Director/Sub-Committee Member is an owner of a company that is a supplier of table tennis equipment that has business dealings with TTNSW.
- A Director/Sub-Committee Member misuses their position or knowledge within TTNSW for their personal or professional gain, profit or advantage.
- A Director/Sub-Committee Member gives favorable treatment to another person or entity in exchange for a promise or expectation of provision of goods, hospitality, benefits or other services.

Examples of a potential conflict of interest include, but are not limited to:

- A Director/Sub-Committee Member is in the process of negotiating a new deal with a supplier for TTNSW and receives four passes to a prominent artist's concert (to a value of \$800), flights and accommodation for a weekend interstate to enjoy the concert from the CEO of the company whilst negotiations are taking place. Receiving the passes, flights and accommodation from the potential supplier may be viewed as an inducement to enter into the supply agreement, irrespective of whether it is the best commercial arrangement for TTNSW. In addition to the potential for this arrangement to be a conflict of interest, there are also implications in respect of reporting the gift in line with this policy.

Examples of a perceived conflict of interest include, but are not limited to:

- A State/Territory team player has a personal relationship with a member of a Selection Panel. The Selector will be perceived by outsiders to be in a position of conflict arising out of the personal relationship.
- A State team player is from a committee member's local club.
- A Club coach is ineligible to be a State Selector.

Managing a Conflict of Interest

Directors/Sub-Committee Members are responsible for preventing, or appropriately managing a conflict of interest by ensuring that they do not put themselves in a position where their loyalties are divided, or where there is a risk that the objectivity of their decision making or actions will be questioned.

TTNSW requires that Directors/Sub-Committee Members take active steps to:

- Avoid situations where practicably possible where a conflict of interest (whether actual, potential or perceived) may arise (i.e. remove yourself from the conflict).
- Seek advice from the TTNSW Office as to whether there is a conflict of interest (whether actual, potential or perceived).
- Disclose any conflict of interest to TTNSW as soon as the Director/Sub-Committee Member becomes aware of the conflict (whether actual, potential or perceived).

Disclosing a Conflict of Interest

Directors/Sub-Committee Members must disclose a conflict of interest (whether actual, potential or perceived) in circumstances where:

- They know, reasonably suspect or are concerned that a conflict of interest exists (i.e. if in doubt, declare the conflict of interest).
- They cannot reasonably remove themselves from the situation in which the conflict arises.

If in doubt the Director/Sub-Committee Member should disclose and discuss with the Board/Sub-Committee and/or the TTNSW Office. .

In such instances the Director/Sub-Committee Member must immediately disclose the conflict of interest to the TTNSW Office and provide all relevant information requested by the TTNSW Office.

Disclosure of a conflict of interest by a Director/Sub-Committee Member (whether relating to themselves or anyone else) must be made in writing to the TTNSW Office.

The TTNSW Office will acknowledge receipt of the Director's/Sub-Committee Member's notice of conflict of interest and advise them of any immediate action that they are required to take pending consideration by TTNSW.

All disclosures of a conflict of interest will be recorded on the TTNSW Conflict of Interest Register.

Consideration of a Conflict of Interest by TTNSW

Following disclosure of a conflict of interest to the TTNSW Office by a Director/Sub-Committee Member, the TTNSW Executive will determine whether the Director/Sub-Committee Member has a conflict of interest.

The TTNSW Executive has absolute discretion as to whether a conflict of interest exists, and if so, how to deal with the conflict of interest.

If it is determined by the TTNSW Executive that there is a conflict of interest:

- The TTNSW Office will consult with the Director/Sub-Committee Member to determine how to resolve the conflict of interest.
- If the TTNSW Office determines necessary, he/she may consult with internal or external parties for further consideration of the appropriate course of action to deal with the conflict of interest.
- The TTNSW Office may take the following action in respect of the conflict of interest:
 - 1) Notify the Director/Sub-Committee Member that they are required to remove themselves from the situation that creates the conflict of interest which may include, for example, excusing themselves from any formal or informal discussions related to the conflict of interest and refraining from seeking to influence any matter related to the conflict of interest.
 - 2) Where it is determined by the TTNSW Office that the conflict of interest is able to be managed (for example, in circumstances where the Director/Sub-Committee Member cannot reasonably remove themselves from the conflict), TTNSW may impose conditions on the Director/Sub-Committee Member to manage the conflict of interest. The TTNSW Executive has absolute discretion in dealing with the conditions imposed on a Director/Sub-Committee Member.
 - 3) Take other action as determined to be appropriate by

TTNSW

If it is determined by the TTNSW Office that there is no conflict of interest:

- The TTNSW Office will notify the Director/Sub-Committee Member in writing that TTNSW has no conflict of interest exists at that point in time.
- A determination by the TTNSW Executive does not limit the right of TTNSW to further consider the situation or the conflict of interest if there are changes in the circumstances that have an impact on the conflict of interest.
- Directors/Sub-Committee Members are required to monitor their interests and continually assess whether there is a conflict of interest and notify the TTNSW Office as soon as they

become aware of any change in circumstances that may give rise to the conflict of interest, even in circumstances where the TTNSW Office has determined that there is no conflict of interest. Once notified of any such change, the TTNSW Office will review the conflict of interest in line with the procedures outlined in this policy.

Ongoing Obligation

Disclosure of conflicts of interest to TTNSW is a continuing obligation for all Directors/Sub-Committee Members.

Gifts

Unless otherwise governed by another TTNSW policy or code, Directors/Sub-Committee Members and/or their associate(s) may, in certain circumstances, accept personal gifts, benefits, hospitality or other advantages in connection with their duties as a Director/Sub-Committee Member.

Acceptance of a gift by a Director/Sub-Committee Member and/or their associate(s) must not reasonably be seen to potentially influence the Director/Sub-Committee Member in performing their role or create a conflict of interest (actual, potential or perceived).

Monetary Gifts

The acceptance of a monetary gift (in any form) by Directors/Sub-Committee Members and/or their associate(s) is strictly prohibited.

Directors/Sub-Committee Members and/or their associate(s) are not permitted to accept any form of cash payment from a third party in consideration for any services provided by TTNSW.

Directors/Sub-Committee Members are required to report any offer of a monetary gift immediately once any offer of a monetary gift is made to them and/or their associate(s). All offers of monetary gifts must be declared on TTNSW's Gift Register.

Gifts of Value of a Less Than A\$100

Directors/Sub-Committee Members and/or their associate(s) may accept non-monetary gifts without prior disclosure to TTNSW where the commercial value of the gift is less than A\$100.

In assessing the value of the gift, Directors/Sub-Committee Members and/or their associate(s) have an obligation to make a reasonable assessment of the gift's value. However, valuation from the supplier or third party is not required unless requested by TTNSW.

In all cases, irrespective of whether the gift was received or rejected, offers of gifts must be declared on the TTNSW Gift Register.

Gifts of a Value Equal to or Greater Than A\$100

Gifts of a value of equal to or greater than A\$100 must be disclosed by the Director/Sub-Committee Member and/or their associate(s) to the TTNSW and may only be accepted with approval of the TTNSW Office.

Following disclosure of the gift to the TTNSW Office, the TTNSW Office will, at their absolute discretion, consider whether the Director/Sub-Committee Member and/or their associate(s) may accept the gift. The TTNSW Office has the absolute discretion as to whether the gift can be accepted and how to deal with the gift.

The TTNSW Office may take the following action in respect of the gift:

- Notify the Director/Sub-Committee Member and/or their associate(s) they are permitted to receive the gift.
- Advise the Director/Sub-Committee Member and/or their associate(s) they are not permitted to receive the gift, or they must return the gift if it has already been received by the Director/Sub-Committee Member and/or their associate(s).
- Take other action as determined to be appropriate.

In all cases, irrespective of whether the gift was received or rejected, offers of gifts must be declared on the TTNSW Gift Register.

Consequences of Non-Compliance

If a Director/Sub-Committee Member is found to have not complied with this policy, either intentionally or unintentionally, action appropriate to the seriousness of the non-compliance will be taken, including but not limited to:

- Formal warning.
- Termination of duties as a Director/Sub-Committee Member.

If an instance of non-compliance with this policy occurs the TTNSW Board must be notified immediately and all necessary action will be taken to mitigate risk to TTNSW, external organisations and/or individuals.

Register

[illegible]

TTNSW Gift Register

| <u>Gift Offered To</u> | <u>Position</u> | <u>Gift Offer Date</u> | <u>Offered Gift and by Who</u> | <u>Gift Value</u> | <u>Determination Required</u> | <u>Determination Outcome</u> | <u>Accept Reject</u> |
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