



PRESBYTERIAN CHURCH OF VICTORIA

Conflict of Interest Policy [Oct 2021, min. 92]

1. Purpose

The purpose of this policy is to enable the courts, committees, organisations, boards and congregations of the Presbyterian Church of Victoria (PCV) to effectively manage any actual, potential or perceived conflicts of interest in a way that is 'honourable not only in the Lord's sight but also in the sight of man' (2 Cor 8:21).

2. Scope

This policy applies:

- a) to all persons under the jurisdiction of the PCV, especially in regard to their role as members or employees of courts, committees, organisations, boards or congregations of the PCV; and
- b) in connection with all business of the PCV including, without limitation, all business conducted in responding to or arising from complaints of child sexual abuse.

3. Objectives

The objectives of this policy are to:

- a) encourage the highest possible standards of honesty, transparency and integrity in every aspect of the life of the PCV;
- b) guide courts, committees, organisations, boards and congregations of the PCV in the effective identification, disclosure and management of actual, potential or perceived conflicts of interest; and
- c) honour God's name by guarding the reputation of the PCV in the eyes of the world and protecting the rights of all.

In order to ensure that these objectives are achieved:

- d) individuals to whom this policy applies must:
 - i) exhibit the highest possible standards of honesty, transparency and integrity;
 - ii) act responsibly by disclosing the existence of all actual, potential or perceived conflicts of interest that may exist in relation to their work for the church; and
 - iii) not make decisions for personal promotion or gain, or for the purpose of furthering another financial or non-financial interest.
- e) courts, committees, organisations, boards and congregations of the PCV must:
 - i) take cognisance of any conflict of interest, whether disclosed by any of its members or employees or otherwise determined by it; and
 - ii) effectively manage any such conflict of interest in accordance with this policy.

4. Definition of conflict of interest

- a) A conflict of interest arises where the interests of an individual are different from, and conflict with, the interests of a court, committee, organisation, board or congregation of the PCV of which the individual is a member or employee. A conflict of interest exists when it is likely that the individual could be influenced, or could be perceived to be influenced, by a personal interest in carrying out his or her duties, over and above the interests of the PCV. For the purposes of this policy, a reference to a conflict of interest (whether financial or other) includes:
 - i) an actual conflict of interest;
 - ii) a potential conflict of interest; and
 - iii) an appearance of a conflict of interest (i.e. a perceived conflict of interest).

- b) Personal interests which may give rise to a conflict of interest include direct interests, as well as the interests of family, or any other party (such as a friend, associate or organisation) with whom the person may be involved or to whom the person has loyalty or owes duty.

5. Policy statement

- a) Every member or employee of a court, committee, organisation, board and congregation must ensure that any conflict of interest (defined above) is fully declared to the applicable entity.
- b) Every court, committee, organisation, board and congregation where a conflict of interest has been declared or determined must:
 - i) ensure that the conflict of interest does not interfere with the proper or fair outcome of the business of that entity;
 - ii) manage the conflict of interest in accordance with this policy; and
 - iii) respond to any breach of this policy according to church law.

6. Monitoring and review

The General Assembly shall monitor compliance with this policy throughout the PCV and review this policy on an annual basis to ensure that the policy is operating effectively. Until the establishment of a Risk Committee (or an alternate body for this purpose), the Clerks of Assembly, acting collectively, shall report to each General Assembly on the operation of this policy.

7. Managing conflicts of interest

A. Conflicts of interest of members or employees of a court, committee, organisation, board or congregation

- a) Except where a conflict of interest has been declared by a conflicted person and he/she has voluntarily withdrawn from the meeting, once any conflict of interest has been declared or otherwise determined to exist (for example, after its being brought to light by a non-conflicted person), the court, committee, organisation, board or congregation, excluding the conflicted person, must decide whether or not the conflicted person is permitted to do any or all of the following:
 - i) vote on the matter;
 - ii) participate in any debate; and
 - iii) be present during the debate and the voting.
- b) Any decision taken under clause 7A(a) is to be by a majority of votes of those members of the court, committee, organisation, board or congregation present and entitled to vote at the meeting, excluding the conflicted person.
- c) Any action under this clause including a declaration of a conflict of interest by a conflicted person and his/her voluntary withdrawal from a meeting and the result of any vote must be recorded in the minutes of the meeting.

B. Matters to be considered

For the purposes of a decision under clause 7A(a), the following must be considered:

- a) determining what is right is to be followed rather than what is comfortable or expedient;
- b) whether proper management of the conflict of interest demands the exclusion of the conflicted person;
- c) the extent to which the conflict of interest may impair the conflicted person's capacity to impartially participate in decision-making or discharge their duties; and
- d) the extent to which the conflicted person's participation may adversely affect PCV's reputation and the honour of God's name.

8. Matters relating to congregations

Within a congregational meeting there remains the possibility of a conflict of interest as defined by this policy, without limitation, in such matters as:

- a) its approval of the annual financial statements, or appointment of an auditor during the regular business of the ACM; or
- b) determining a Call or the Terms of Settlement, or its approval of a new construction proposal at a special meeting.

Congregations are advised to either invite prior to the meeting declarations of conflict of interest in writing from their members in relation to any item/s of business on the proposed agenda or to pause

at the commencement of any meeting for the chairman to ask: 'Is there anyone who ought to declare a Conflict of Interest, as defined by the PCV Conflict of Interest Policy in relation to the business of this meeting?'

9. Matters relating to boards of management

Within a board of management meeting there remains the possibility of a conflict of interest as defined by this policy, without limitation in such matters as the counting and banking of plate offerings, awarding of contracts (whether big or small) to workers for jobs of repair, building or maintenance. In all matters, a board member must ensure that he/she:

- a) does not make improper use of information acquired as a member;
- b) does not divulge business to anyone outside board membership (rule 2.39.5); and
- c) does not allow personal interests, or the interests of any family or associated persons, to conflict with the interests of the congregation or the PCV as a whole.

Boards of management are advised to either invite prior to the meeting declarations of conflict of interest in writing from their members in relation to any item/s of business on the proposed agenda or to pause at the commencement of any meeting for the chairman to ask: 'Is there any member of this board who ought to declare a Conflict of Interest, as defined by the PCV Conflict of Interest Policy in relation to the business of this meeting?'

10. Matters relating to courts of the church or their committees

Within the business of a court, commission or committee of the church there remains the possibility of a conflict of interest as defined by this policy relating to its business. While not being comprehensive or prescriptive, at least the following must be considered:

- a) for a committee of the General Assembly, consider rule 5.30;
- b) for a court of the church, a member must ensure that he/she:
 - i) does not make improper use of information acquired as a member;
 - ii) does not divulge business to anyone outside membership of the court whenever meeting in private is determined (bearing in mind rule 3.9.1);
 - iii) does not allow personal interests, or the interests of any family or associated persons, to conflict with the interests of the court or the PCV as a whole; and
 - iv) does not take part in debate or vote whenever his own appointment or re-appointment (including licensing, call, induction, ordination) is being considered; but may take part in discussion if invited to do so by a unanimous decision by all other members of the meeting.

Courts and committees of the church are advised to either invite prior to the meeting declarations of conflict of interest in writing from their members in relation to any item/s of business on the proposed agenda or to pause at the commencement of any meeting for the moderator/chairman to ask: 'Is there any member of this meeting who ought to declare a Conflict of Interest, as defined by the PCV Conflict of Interest Policy in relation to the business of this meeting?'

11. Compliance with this policy

If a court, committee or board has a reason to believe that a person subject to the policy has failed to comply with it, it must investigate the circumstances. If it is found that this person has failed to disclose a conflict of interest, the court, committee or board may take appropriate action to remedy the situation. If a person suspects that a member of the court, committee, organisation, board or congregation has failed to disclose a conflict of interest, it is that person's responsibility to notify the moderator or chairman as soon as practicable.