

City of Wollongong Brass Band

Incorporated



By-Law No. 2

Conflicts of Interest



President: William Short

Secretary: Lindsay Dunstan

Date: 23 March 2018

Date: 23 March 2018

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Part 1 - Introduction

- 1.1 This By-Law shall ensure that the **BAND** and its members conduct its business, and, any personal use of BAND assets and equipment, is without a conflict of interest in accordance with the **BAND Constitution Rule 2.7** and legislation requirements.
- 1.2 The Conflicts of Interest Register must contain information relating to:
 - 1.2.1 The interests that a Committee Member has within the BAND where their duties and/or interests might create conflict with their duties and/or interests as a Committee Member of the **BAND**.
 - 1.2.2 The interests that a Committee Member has with other bands, orchestras and ensembles where duties or interests might be in conflict with their duties or interests as a Committee member of the **BAND**.
 - 1.2.3 Details of a Committee member's management and/or Committee involvement with other organisations where their duties or interests might be in conflict with their duties or interests as a Committee member of the **BAND**.
 - 1.2.4 Association and/or employment with sponsors, suppliers and hirers for performances where employment, association and/or interests might be in conflict with their duties or interests as a Committee member of the **BAND**.
 - 1.2.5 A declaration by **BAND** members who seek to use **BAND** instruments and/or assets for non-**BAND** activities.
- 1.3 Amendments to this By-Law shall be in accordance with the provisions of **Part 10** of the **BAND Constitution**.

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- 1.4 Nothing in this By-Law shall permit the **BAND** and its members to do anything, or omit to do anything which is not in accordance with the **BAND** Constitution, Australian law, regulation or policy.
- 1.5 Disputes arising from conflicts of interest together with personal use of **BAND** instruments and equipment shall be dealt with in accordance with the **BAND** Dispute Resolution Process.

Part 2 – The Register

- 2.1 The Conflicts of Interest Register shall be a mandatory agenda item at all BAND meetings.
- 2.2 The **BAND** Secretary shall circulate the Conflicts of Interest Register at all meetings.
- 2.3 The Secretary shall record all relevant declared changes to conflicts of interest in the meeting minutes and update the Register after the meeting.
- 2.4 The Conflicts of Interest Register shall be kept at the **BAND** official address with all other registers and original **BAND** records (*Constitution Rule 8.4*).
- 2.5 Inspection of the Conflicts of Interest Register shall be in accordance with *Constitution Rule 8.5*.

Part 3 – Committee Members

- 3.1 **BAND** Committee members must declare their;
 - 3.1.1 Membership and positions held with any other band, orchestra and/or ensemble, and/or,
 - 3.1.2 **BAND** membership where their duties and/or interests might create a conflict with their duties and/or interests as a Committee Member of the **BAND**, and/or,
 - 3.1.3 Positions and/or employment with hirers and venue operators, and/or
 - 3.1.4 Relationship & association with suppliers of goods and services to **BAND**.
- 3.2 At the conclusion of the **BAND** Annual General Meeting, the Secretary will provide each new Committee Member with a declaration form titled “Declaration of Conflict and Personal Interests”.
- 3.3 The new Committee member must complete and sign the declaration, and return the declaration to the Secretary before the next committee meeting following the Annual General Meeting.
- 3.4 If the declaration has not been signed or received by the Secretary by the next committee meeting following the Annual General Meeting, the **BAND** Executive shall be informed.

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- 3.5 Existing Committee members must declare any changes to their personal interests and/or conflicts of interest at the commencement of any meeting that they attend.

Part 4 - General BAND Members

- 4.1 General membership must declare their relevant conflicts of interest at the **BAND** Annual General Meeting.
- 4.2 General membership shall declare their relevant conflicts of interest at any **BAND** Special Meeting.
- 4.3 General membership shall declare their relevant conflicts of interest at any **BAND** Committee meeting they may attend.

Part 5 - Request for Personal Use of Band Assets for Non- BAND Activities &

Declarations by Members of their Conflict/Personal Interest

- 5.1 A **BAND** member must seek permission in writing from the Secretary to use a **BAND** instrument or other **BAND** assets for personal use.
- 5.2 The **BAND** Secretary will provide the Member with a “Request for Personal Use of Band Instruments and/or Property for Non-BAND Activities” form.
- 5.3 Each **BAND** Member (and parent for members under sixteen [16] years of age) must complete and sign the declaration form “Declaration of Personal Interests” whenever a conflict of interest arises and return the signed Declaration to the Secretary.
- 5.4 The Secretary must forward the request to the Committee within seven (7) days of receipt of the request.
- 5.5 The Committee shall consider the request before or at the next scheduled committee meeting and the Secretary shall notify (**Constitution Rule 8.6**) the Member of the Committee decision within seven (7) days of the date of the decision.
- 5.6 If the request and/or declaration has not been signed and received by the Secretary before the next Committee Meeting, the **BAND** Executive must be informed so that steps may be taken to address the conflict of interest, e.g. permission for a member to use an instrument for personal use is not granted and, in an extreme case, the Member shall return the instrument until the conflict ceases.
- 5.7 The Secretary must update the Conflicts of Interest Register as a result of any changes for all **BAND** members who are, and/or intend to use **BAND** instruments and/or assets for non-**BAND** activities.
- 5.8 The Secretary (**Constitution Rule 3.2.3(d)**) or his/her delegate must update the Band records in respect of instruments (**Constitution Rule 4.5**), uniforms (**Constitution Rule 4.13**) and sheet music (**Constitution Rule 4.7**) as a result of any member using **BAND** instruments and equipment.

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Part 6 – Definitions

Association	Is a definition from the Associations Act, 2009, and means an association registered under the Associations Incorporation Act, 2009. There is no reference to the Band Association of NSW.
BAND	City of Wollongong Brass Band Incorporated which is the registered association in accordance with the Associations Act, 2009.
Clause	A particular and separate paragraph, point, rule, subsection.
Competing interests	When two or more interests are in conflict with one another. This situation may occur between an individual's official duties and their private interests or duties. It may also occur when the individual has two or more official roles that come into conflict through the different duties expected from each role.
Conflict of duty	Where a committee member has two or more official roles with a competitive relationship. No private interest is involved or apparent.
Conflict of interest	A conflict of interest involves a conflict between a committee member's duties and responsibilities in serving the BAND interest, and the committee member's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage, whether financial or otherwise, and may arise from a relationship with a family member and/or relative.
Conflict of interest management strategy (Individual Committee)	A strategy adopted by a committee member for managing a conflict of interest that they have identified. The choice of strategy will depend on an assessment of the (individual) nature of the conflict, the complexity of the situation and the subtleties and severity of the case.
Conflict of interest management strategy (organisation)	A series of basic steps for developing a comprehensive strategy for managing management strategy conflicts of interest within the BAND before problems arise. Suggested (organisation) seven steps (Identify, Develop, Educate, Lead, Communicate, Enforce, Review).

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City Of Wollongong Brass Band Inc.

Declaration of Conflict and Personal Interests

I,

First Names.....

Family Name..... D.O.B.....

Currently hold a committee position of.....

In accordance with the provisions of Section 31 of the NSW Associations Incorporation Act, 2009, I declare interests which may conflict with the interests of the **BAND** as follows:

1 - Details of my duties or interests which conflict with my duties or interests as a Committee Member of the **BAND**.

2 - Positions with other bands, orchestras and/or ensembles where playing, duties and/or interests might create conflict with my duties or interests as a Committee Member of the **BAND**.

Are you using a **BAND** instrument with another band/orchestra/group? (Note: the **BAND** reserves the right to withdraw permission for you to use its instrument for any purpose other than use with the **BAND**)

3 - Positions with other associations, sports clubs, etc. where duties or interests might be created in conflict with my duties or interests as a committee member of the **BAND**.

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4 - Committee involvement with other organisations where duties or interests might be created in conflict with my duties or interests as a committee member of the **BAND**.

5 - Association with sponsors, suppliers and hirers for performances where my employment, association and/or or interests might be created in conflict with my duties or interests as a committee member of the **BAND**.

I am aware that I am required to notify the Secretary of any changes to my conflicts of interest at the commencement of a meeting so that the Conflicts of Interest Register can be updated.

I certify that the information provided in this statement properly reflects, as far as I am aware, my registrable interests and that the information provide is in accordance with the guidelines and relevant legislation for declaring interests.

Signature:

Date:

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City of Wollongong Brass Band Inc.

**Request to Use BAND Instruments and/or Property
for
Personal Use and other non- BAND Activities**

Date:

I:

Address:

Telephones: Home; Mobile

E-mail;

Request to use

Instrument type, Brand, Serial no.

Reason for request:

Expected duration of use:

I am aware that the use of a **BAND** instrument may cause a conflict of interest in accordance with the **BAND** Conflict of Interest Policy and Procedure and my use of the instrument/property will be recorded in the **BAND** Conflict of Interest Register and instrument property records. I am aware that I am required to notify the Secretary of the **BAND** of any changes to my circumstances so that the Register can be updated.

I am also aware that:

1. I am required to take all steps to mitigate loss and/or damage to the instrument/property whilst it is in my care during my personal use.
2. I will either make good any loss or damage at my own expense, or reimburse the **BAND** for the cost of any replacement or repairs arising from any loss or damage whilst the instrument/property is in my care during my personal use.
3. The **BAND** reserves the right to withdraw its approval of my use of its instrument/property for any reason at any time.
4. I will also notify the Secretary of any changes of my conflicts of interest in respect of my usage of any of the Band's equipment and/or property within seven (7) days of the change occurring.

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Signed:

Dated:

President: William Short

Secretary: Lindsay Dunstan

Date: 23 March 2018

Date: 23 March 2018