



ABN 86 800 958 958

CONFLICT OF INTEREST REGULATIONS OF THE MONASH GRADUATE ASSOCIATION INC.

PROMULGATED ON September 2023

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CONFLICT OF INTEREST REGULATIONS OF THE MONASH GRADUATE ASSOCIATION INC.

1. Short Title

These regulations may be cited as the Conflict of Interest Regulations of the Monash Graduate Association Inc. (“MGA”).

2. Authorising Provision

These Regulations are made pursuant to the *Associations Incorporation Reform Act 2012 (Vic)* and subject to the MGA Constitution. The MGAEC may only amend these regulations in accordance with the provisions of the MGA Constitution.

3. Objective and Purpose

- a. The MGA is the Monash University recognised representative association for all Monash Australian campus enrolled graduate students.
- b. The MGA is entrusted with a portion of the SSAF amenities fee paid by most graduate students and is authorised to apply same to areas of greatest need and benefit to its constituents.
- c. The purpose of these regulations is to help the MGAEC to effectively identify, disclose and manage any actual, potential or perceived conflicts of interest in order to protect the integrity of the MGA and manage risk.
- d. The MGAEC aims to ensure that its members are aware of their obligation to disclose any conflicts of interest that they may have, and to comply with these regulations to ensure they effectively manage those conflicts of interest as representatives of the MGA.

4. Scope

These regulations apply to the MGAEC members.

5. MGA Commitment

The MGA is an incorporated entity under the *Associations Incorporation Reform Act 2012 (Vic)* and is subject to the Constitution of the MGA. The MGA is also a not-for-profit association committed to supporting MGA Constituents.

6. Meanings

ACNC means the Australian Charities and Not-For-Profits Commission

Constituent has the same meaning as in the MGA Constitution.

Graduate Student means a graduate student currently enrolled at any Australian campus.

MGA Advocate means an advocate staff member employed by the MGA.

MGA Executive Officer means a staff member employed by the MGA.

MGA means the Monash Graduate Association Inc.

MGAEC means the Monash Graduate Association Executive Committee.

SSAF means Student Services and Amenities Fee, imposed by Monash University pursuant to the Higher Education Legislation Amendment (Student Services and Amenities) Act 2011.

7. Definition of Conflicts of Interest

- 7.1. A conflict of interest occurs when an MGAEC member's personal interests conflict with their responsibility to act in the best interests of the MGA.
- 7.2. Personal interests include direct interests, as well as those of family, friends, or other organisations a person may be involved with or have an interest in (for example, as a shareholder).
- 7.3. It also includes a conflict between an MGAEC member's duty to the MGA and another duty that the MGAEC member has (for example, to another association or a committee). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.
- 7.4. These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the MGA and these situations must be managed accordingly.

8. Regulations

- 8.1. These regulations have been developed to address conflicts of interest affecting the MGA.
- 8.2. Conflict of interest are common, and they do not need to present a problem to the MGA as long as they are openly and effectively managed.
- 8.3. It is the policy of the MGA as well as a responsibility of the MGAEC, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to the MGA.
- 8.4. The MGA will manage conflicts of interest by requiring MGAEC members to:
 - a. avoid conflicts of interest where possible;
 - b. identify and disclose any conflicts of interest;
 - c. carefully manage any conflicts of interest, and
 - d. follow these regulations and respond to any breaches.

9. Responsibility of the MGAEC

- 9.1. The MGAEC is responsible for:
 - a. establishing a system for identifying, disclosing and managing conflicts of interest across the MGA;
 - b. monitoring compliance with these regulations;
 - c. reviewing these regulations on a regular basis to ensure that the regulations are operating effectively;
 - d. ensuring that the MGAEC members are aware of the ACNC governance standards, particularly governance standard 5; and
 - e. disclosing any actual or perceived material conflicts of interests as required by governance standard 5 and clause 12 of the MGA Constitution.
- 9.2. If a person suspects that a MGAEC member has failed to disclose a conflict of interest, they must raise the matter with the MGA President and MGA Executive Officer. A discussion must be had with the member concerned. The matter may thereafter be referred to the MGAEC for determination.

10. Identification and disclosure of conflicts of interest

- 10.1. Once an actual, potential or perceived conflict of interest is identified, it must be entered into the next MGAEC Agenda for that month's meeting.
- 10.2. Where every other MGAEC member shares a conflict, the board should refer to ACNC Governance Standard 5, and clause 12 of the MGA Constitution to ensure that proper disclosure occurs.
- 10.3. The decision of interests must be recorded in the subsequent Minutes of MGAEC meeting where the matter is discussed. The MGAEC Minutes must record information related to a conflict of interest, including the nature and extent of the conflict of interest and any steps taken to address it.

11. Confidentiality of disclosures

The MGAEC and the MGA Executive Officer and the MGA Senior Advocate shall have access to the information disclosed even if it is of a sensitive nature.

12. Action required to manage conflicts of interest

- 12.1. The MGAEC must determine if a member has a conflict of interest in a matter, whether it was declared or not, and in any event the member concerned must leave the room once they have been given an opportunity to be heard, while discussions are conducted and a decision is reached.
- 12.2. If an MGAEC member is found to have a conflict of interest which has been appropriately disclosed, but the MGAEC recognises the conflict of interest is minor and has no consequences for the MGA, the MGAEC can decide if the member can or cannot:
 - a. be permitted to vote on the matter; and/or
 - b. participate in any debate, and/or
 - c. be present in the room during the debate and the voting.
- 12.3. In exceptional circumstances, such as where a conflict is very significant or likely to prevent a MGAEC member from regularly participating in discussions, the MGAEC must consider if it is appropriate for the person conflicted to resign from the MGAEC.

13. Factors to be considered

In deciding which approach to take, the MGAEC must consider:

- a. whether the conflict needs to be avoided or simply documented;
- b. whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making;
- c. alternative options to avoid the conflict;
- d. the MGA's objects and resources; and
- e. the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the MGA.

14. MGAEC decision

- 14.1. The approval of any action requires the agreement of a simple majority of the MGAEC to decide the matter and excluding any conflicted member/s, who are present and voting at the meeting.

14.2. The action and result of the decision must be recorded in the minutes of the meeting.

15. Compliance with these regulations

- 15.1. If the MGAEC has a reason to believe that a member subject to these regulations has failed to comply with these regulations or a decision or directive of the MGAEC, the MGAEC will investigate the circumstances.
 - 15.2. If it is found that this member has failed to disclose a conflict of interest, the MGAEC may take action against them. This may include a formal warning, invoking the discipline process as outlined in the MGA Constitution or a request for that member to resign.
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