

## Conflict of Interest - HR034

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### Objective



RWWA has statutory obligations to ensure the highest level of integrity in the racing industry, including perceptions that RWWA employee can have inappropriate influence over race meetings. This policy aims to ensure that RWWA operates transparently and provides a framework for resolving situations where conflicts of interest exist, or might be perceived to exist.

**Additional advice and guidance on the application of this policy are available from the General Manager Racing Integrity or the Human Resources Division.**

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### Definitions



For the purpose of this policy:

“Employee” means all permanent, fixed term contract and casual employees of RWWA and all contracted RWWA consultant staff.

“Interest ” means an employee owning or leasing a racing animal, an employee’s spouse, partner, cohabitant, close relative, business or other close associate owning, leasing, training, riding or driving a racing animal, membership of a company, partnership or syndicate which owns or leases a racing animal or has any interest direct or indirect in a racing animal.

“Actual conflict of interest” exists when there is potential that an employee’s private interests are likely to interfere with the proper performance of their official duties.

“Apparent conflict of interest” exists when it appears that an employee’s private interests have the potential to interfere with the proper performance of their official duties.

“Permanent official” means a person (by whatever job title) appointed by RWWA in a permanent, fixed term, maximum term or contract capacity to officiate at a race meeting, or act in any other official capacity directly connected with the integrity and/or control of a meeting, or who carries out similar duties to a Racing Manager, handicapper, judge, assistant judge, supervisor (including betting), attendant, (track or general), starter, assistant starter, veterinary surgeon, clerk of scales or such other official duties associated with the control of a race meeting.

“Casual official” means a person (by whatever job title) appointed by RWWA in a casual capacity to officiate at a specific meeting, or act in any other official capacity directly connected with the integrity and/or control of a specific race meeting, or who carries out similar duties to a handicapper, judge, assistant judge, supervisor (including betting), attendant, (track or general), starter, assistant starter, veterinary surgeon, or such other official duties associated with the control of a specific race meeting.

“Permanent Steward” means a person (by whatever job title) appointed on a permanent basis by RWWA to officiate in the capacity and role of a Steward in accordance with the RWWA Rules of Racing of any code.

“Casual Steward” means a person (by whatever job title) appointed on a casual basis by RWWA to officiate in the capacity and role of a Steward in accordance with the RWWA Rules of Racing of any code.

“Racing animal” is a horse or greyhound as defined by the relevant rules of racing.

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## Policy



A conflict of interest exists when it is likely that employee could be influenced, or it could be reasonably perceived that employee has been influenced, by a personal interest when fulfilling their duties and functions as employees or contractors of RWWA.

Some related interests (although not an extensive list) that may give rise to a conflict of interest include:

1. Financial interests in a matter under the control of RWWA, or having relatives or friends with financial interests that an employee is aware of.
2. Employees by virtue of their position, are in a situation where, if they exercised a power or privilege afforded to them by an Act or Rule of Racing, a person with which they have a relationship that goes beyond the level of a professional working relationship, would have, or be likely to have, a financial or other significant interest in the outcome.
3. Personal benefits or attitudes that may influence the impartiality of the discharge of an employee's duties.
4. Secondary employment, paid or otherwise, which places an employee in a position that may potentially give rise to either an actual or apparent conflict of interest. Actions around secondary employment are detailed in RWWA's Code of Conduct.

In many cases only individual employees will be aware of the potential for conflict and therefore the responsibility is on employees to notify the General Manager Racing Integrity or General Manager Human Resources (as applicable) if an apparent or actual conflict of interest may exist.

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## Ownership of Racing Animals



RWWA recognises that most employees (except where defined below) have the right to own racing animals and this interest in the racing industry is why a number of employees have chosen employment with RWWA. However, RWWA has an obligation under the Racing and Wagering Act to ensure that it maintains the highest levels of integrity in operating within the racing industry.

Additionally, the RWWA Rules of Racing of the three codes also prohibit ownership of racing animals by employees in the positions of Steward or their deputies, employees involved in handicapping/grading or judging duties.

The following restrictions shall apply to the ownership of animals by certain categories of employee.

1. Permanent and Casual officials cannot own or have a financial interest in any racing animal racing in Western Australia related to their respective specific Code. Permanent and casual officials are permitted to own or have a financial interest in a racing animal racing outside of Western Australia or in another code.
2. Permanent Stewards cannot own or have a financial interest in any racing animal.

3. Casual Stewards cannot own or have a financial interest in any racing animal racing in Western Australia related to their respective Code. Casual Stewards are permitted to own or have a financial interest in a racing animal racing outside of Western Australia or in another code.
4. The restrictions on ownership of racing animals do not prevent ownership by the member's spouse, partner, cohabitant, or sibling owning any racing animal, provided that such ownership is notified by the lodgement of the "Declaration of Racing Interest" form.

If employees are uncertain whether a conflict of interest exists, they should discuss the related interest with their Line Manager who will submit a report to the General Manager Racing Integrity.

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## Requirement to Complete "Declaration of Racing Interest" Form



Mindful of the matters referred to above, all employees of RWWA are required to complete the "**Declaration of Racing Interest**" form for review and consideration by the General Manager Racing Integrity. It is the responsibility of all employees to update this information from time to time as circumstances necessitate. Failure to disclose such interests that may give rise to conflicts of interest may result in disciplinary action being taken.

The requirement to complete the "Declaration of Racing Interest" form extends to all staff up to and including the position of General Manager Racing Integrity, whose form will be reviewed by the Chief Executive Officer in line with the process described below.

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## Review and Consideration Process



On receipt of the completed/updated Declaration of Racing Interest form, the General Manager Racing Integrity will consider the appropriate action to satisfactorily eliminate or minimise possible conflicts of interest that may arise. To resolve any conflicts of interest that occur, or could occur, a range of options are available depending on the significance of the conflict. The principal aim of this process remains the effective management of these issues to minimise risks to RWWA and its operations. These options include:

1. Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure.
2. If the details of the disclosure indicate that the potential for conflict is not serious, but can be minimised or eliminated through effective supervision, then the General Manager Racing Integrity will discuss these procedures with the employee concerned and his/her supervisor and instigate effective procedures to manage the issue.
3. If the details of the disclosure indicate the potential for conflict could present a risk to RWWA's operations then the General Manager Racing Integrity will meet with the employee and investigate all available options and, through mutual resolution, implement appropriate procedures to ensure risks are minimised and maintained to acceptable levels. Such options may include:
  - (a) where practicable or as required through the RWWA Act, the employee relinquishing the personal interest giving rise to the conflict;
  - (b) where practicable/possible the employee transferring from the area of work or particular task where the conflict arises;
  - (c) where practicable/possible the employee may be required to step-aside from their duties in those matters that may give rise to the conflict. Such action only being considered appropriate where it can apply to short-term moments such as a particular race, inquiry, examination, investigation etc and is not intended to apply to the position as a whole and in no way impinges on an employee's right to employment;
  - (d) such other actions/procedures that may be resolved between the General Manager Racing Integrity and the employee concerned.

In all cases, the resulting resolution reached between the General Manager Racing Integrity and the employee will be documented and signed by both parties and retained on file along with the Declaration of Racing Interests document.

4. **In the event that the Declaration of Racing Interest form discloses a serious conflict of interest, the matter will be referred to the General Manager Human Resources who, with the General Manager Racing Integrity, will decide on the appropriate action in the circumstances. This may include involving the Chief Executive Officer in the process.**

Disputes over alleged conflicts of interests may be resolved through normal grievance handling procedures.

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### Associated Forms



The Declaration of Racing Interest Form can be found on portal within the Human Resources section under forms.

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### Responsible Officer(s)



It is the responsibility of the General Manager Racing Integrity and the General Manager Human Resources to ensure that this policy is implemented and conveyed to staff.

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### Document Control



Date Adopted	Minute no	File Number
October 2005		26.187

Version	Change	Authoriser	Published
1.3	Policy review – no change required	Deanne Dixon	15/02/2018
1.2	Amended to define positions restricted from animal ownership	Denis Borovica	16/2/2010
1.1	Formatting Amended for Portal	Ashley March	17/03/2005
1.0	Implemented	Karen Sanders	4/11/2004