

## APPENDIX 1

### CONFLICT OF INTEREST PROTOCOL

1. All Rugby Bodies and Persons must comply with this Conflict of Interest Protocol. A breach of the Conflict of Interest Protocol shall be deemed to be a breach of the Code of Conduct and dealt with accordingly.
2. A Conflict of interest arises in any situation where a person has a private or personal interest that is, or may be sufficient to appear to be, in conflict with the objective exercise of that person's official SARU duties and/or obligations owed to SARU.
3. Conflicts of Interest cannot be allowed to taint the activities/decisions of Rugby Bodies/Persons. Such activities and decisions must be taken and/or carried out on an entirely objective basis and situations in which a Rugby Body/Person's other interest and/or relationships could adversely influence their judgement or the manner in which they perform their functions and duties for SARU must be avoided.
4. Conflicts of Interest can be either actual or apparent. An actual Conflict of Interest arises where a person's personal, professional and/or private interests do, in fact, conflict or compete with the way in which they perform their official SARU duties.
5. An apparent Conflict of Interest arises where a person's personal, professional or private interests appear, or may appear, to influence the objective exercise of that person's official SARU duties, even though the person may not be influenced in this way.
6. It is not possible to define or describe all circumstances in which a Conflict of Interest, actual or apparent, may arise. However, the following situations provide a non-exhaustive list of Conflicts of Interest that all Rugby Bodies/Persons shall avoid. Rugby Bodies/Persons shall:
  - 6.1 not engage in any activity directly or indirectly and/or own an interest in any entity that competes with the existing, planned and/or potential interests of SARU;
  - 6.2 save in accordance with the provisions of the Code of Conduct, not own or have any ownership interests, either directly or indirectly in any entity that provides goods or services to SARU;
  - 6.3 not solicit or obtain for themselves or relatives, friends or any other person, a material benefit of any kind from his association with SARU;
  - 6.4 not accept gifts or benefits of any kind or fail to declare gifts or benefits of any kind where such gifts and/or benefits would or may conceivably appear to improperly influence the Rugby Body/ Person in the performance of his duties for SARU for the

avoidance of doubt, gifts of a monetary value of R1000 or over should be declared and provided to the relevant authority;

- 6.5 not engage in any conduct, activity or take any other action not expressly referred to in this Conflict of Interest Policy, where the Rugby Body/Person's interest may compete or appear to compete or conflict with the interests of SARU.
7. For the avoidance of doubt, Rugby Bodies/Persons are personally responsible for all decisions in relation to receipt of gifts and for avoiding the risk of damage to public confidence in SARU.

### **Register of Interests**

8. All Rugby Bodies/Persons shall subscribe to a Register (a Conflicts of Interest Register) to be maintained by SARU, disclosing any interest or benefit of whatever nature, whether direct or indirect which he has had, may have or expect to have in relation to the activities, business or affairs of SARU to include, without limitation:
  - 8.1 Contracts or arrangements proposed to be entered into between SARU and the Rugby Body/Person or any person, firm or company with whom the Rugby Body/Person is associated;
  - 8.2 Any directorship of a company or any partnership or any other profit, salary or fee earning activity not covered under (a) above;
  - 8.3 Any arrangement made, proffered or contemplated in consequence of his holding a position as a Rugby Body/Person within SARU with any third party (for this purpose, benefit includes financial support or allowance or advantage);
  - 8.4 Any benefit which a Rugby Body/Person receives from a sponsor of or donor to SARU and/or any other Member of SARU, either personally or on behalf of a third party;
  - 8.5 And/or any other arrangement, relationship or contract which may constitute a Conflict of Interest;

## **Declaration/Management of Interests**

9. As well as the Registration of Interests, it is necessary to manage and/or declare interests as they arise.
10. It is important to recognise that interests that are not pecuniary can also amount to conflicts of interest. Friendship, membership of an association, society, trusteeship and many other kinds of relationship can sometimes influence (or be seen to influence) decision making and judgements and give an impression that personal motives are involved. In order to determine whether a Conflict of Interest exists, it is appropriate to consider whether a reasonable person viewing the relationship objectively, would be of the opinion that a person motives may be influenced by the relationship. If such reasonable person considered that a Conflict could be present, or there is any doubt, the Interest should be disclosed.
11. The procedure set out below is designed to allow for the effective declaration and management of interests (whether recorded on the Register of Interests or otherwise). In meetings and/or discussions, as soon as possible and practicable, the following procedure shall be applied:
  - 11.1 Any Rugby Body/Person must declare any interest apparent or otherwise in matters to be discussed. The meeting or other persons involved in the discussion should require the Covered Person to leave the room/discussion at that stage;
  - 11.2 In the absence of the Rugby Body/Person, the meeting and/or others involved in the discussion, will decide whether the Rugby Body/Person may, notwithstanding the declared interest, take part in the consideration or discussion or voting on any question relating to the matter in which the Rugby Body/Person has declared an interest. The Council, Committee concerned, meeting or others involved in the discussion shall be entitled to impose a condition that the Rugby Body/Person who has declared the interest may take part in the meeting, discussions or otherwise but may not vote on any question relating to the matter affected by the interest and/or impose such other conditions as it sees fit. However, if a person has a financial interest in the transaction and/or decision, that person should not, in any event, be entitled to vote or participate in the discussions/deliberations;
  - 11.3 If the meeting or those involved in the discussion decide that the Rugby Body/Person may take part in the consideration and discussion on the matter concerned, the Rugby Body/Person shall be entitled to re-join the meeting and/or discussion. For the avoidance of doubt, the procedures adopted in relation to the management of Conflicts of Interest, should be fully minuted;

- 11.4 Where a Rugby Body/Person becomes aware in advance of a meeting that they may have an interest in matters discussed at that meeting, the Covered Person shall notify the chairman of the committee. The chairman will at the start of the meeting report any such notification(s) received and further shall remind Members of their obligation to make a declaration of any interest that they may have in matters to be discussed.

**Guidelines on the Implementation of the Declaration/Management of Conflicts of Interest**

12. It is important that Conflicts of Interest are properly identified and managed. However, it is not necessary to declare an interest that is too remote or insignificant that could not reasonably be regarded as having in any way influenced a Rugby Body/Person in the discussion or voting of an issue. To do so, would impede the effective administration of SARU business. However, if in doubt, an interest should be declared and the responsibility to do so rests with the individual Rugby Body/Person.
13. Conflict of Interest should be declared as soon as practicable after they have arisen and/or the Rugby Body/Person becomes aware of such conflict.