



SOFTBALL ASIA

CONFLICT OF INTEREST POLICY

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(As at 16 November 2021)



CONFLICT OF INTEREST POLICY

1 Introduction

- 1.1 This Policy sets out the procedures for identifying and managing conflicts and potential conflicts of interests or duty (called “**Conflicts**” in this Policy) affecting all persons involved in the governance, management, administration and operations of SOFTBALL ASIA (hereinafter referred to as “**SA**”) and its business (which persons are hereinafter referred to as “**Parties**”).
- 1.2 Parties have an obligation to act impartially and objectively and in the best interests of SA, and in accordance with the SA Constitution, and its Rules, Regulations and By-Laws. In deliberations and decision-making, parties are also expected to actively take steps to avoid Conflicts, which would affect discussions and decision-making, and may result in decisions being reached that are not in the best interests of SA. Conflicts can give the impression – both internally and to the wider public – that improper conduct has occurred even when it may not have.
- 1.3 As such, it is primarily the responsibility of each Party to identify, and then declare, if there is a Conflict or potential Conflict that may affect them, or someone connected to them.
- 1.4 This Conflict of Interest Policy is not intended to adversely affect normal decision making within SA. It is intended to make it more transparent, and to allow SA to manage Conflicts that may arise. It is important that the management of a Conflict is proportionate to the risk that it poses to the best interests of SA.
- 1.5 This Conflict of Interest Policy was approved by the SA Executive Council and comes into effect on 16 November 2021, as ratified by the SA Extraordinary Congress on 21 December 2021.

2. Identifying what a Conflict is

There are two (2) types of Conflict:

2.1 A conflict of interest

This is where a Party has an interest personal to him/her (which may be financial or non-financial) which conflicts, or may conflict, with the best interests of SA.

2.2 A conflict of duty

This is where a Party owes a duty to another organisation/body (for example, the Party is an employee, elected official, shareholder, trustee and or the like of another organisation/body) that conflicts, or may conflict, with their duty to act in the best interests of SA.



3. Connected persons

- 3.1 A Conflict can still rise if it involves a payment and or a benefit being given to a third party connected to the Party in question. A “**Connected Person**” is any one or more of the following:
- 3.1.1 Any parent, grandparent, child, stepchild, grandchild, brother, sister or spouse, or other family member of a Party, or any person living with the Party as his or her partner.
 - 3.1.2 A firm, company or association/organisation/body in which the Party is a partner, officer, employee, consultant, director, member or shareholder, or in which the Party has a direct or an indirect but beneficial interest (unless the Party owns no more than one per cent (1%) of the issued shares of an entity listed on a recognised stock exchange).
 - 3.1.3 A firm or company in which an individual listed in para 3.1.1 above is connected in the ways set out in para 3.1.2.
 - 3.1.4 Any official on duty that holds the same nationality as the competing teams during SA international tournaments or competitions, or any of the officials/officers whom are put forward for any election, appointment or other decision.

4. Duty to avoid conflict

- 4.1 All Parties are under a duty to avoid a Conflict, where possible.
- 4.2 If a Conflict or potential Conflict exists, it must be declared by the Party and managed as set out in this Conflict of Interest Policy.
- 4.3 Any doubt as to whether certain facts or circumstances may give rise to a Conflict should be resolved in favour of declaring those facts or circumstances.

5. Declaration of interest(s)

- 5.1 Upon election and or appointment, all Parties must declare his/her respective interest(s), on the declaration of interests’ form attached as **Appendix 1**, In particular, this declaration must include any one or more of the following:
- 5.1.1 Directorships, partnerships, engagement and or employments with Member Federations and or Continental Associations, or business(es) or service(s) that are engaged in the sport of Baseball, Softball and Baseball5 (including all disciplines and events thereof) (hereinafter referred to collectively as “**the Sports**”, or derive any substantial portion of his/her income and or revenue from any one or more of the Sports.
 - 5.1.2 Trusteeships or board or similar positions with Member Federations and or



Continental Associations, or business(es) and or service(s) that are engaged in any one or more of the Sports, or derive any substantial portion of his/her income and or revenue from any one or more of the Sports.

- 5.1.3 Any material interest(s) arising from any close family or personal relationships with another Party in SA.
- 5.2 SA will use the information in the declarations to maintain a register of interests. The information provided in any declarations will be processed in accordance with the data protection principles. The information provided will not be used for any other purpose by SA.
- 5.3 All Parties must submit his/her declaration to the SA secretariat, within thirty (30) days of election and or appointment, and within thirty (30) days of each occasion where a Conflict or potential Conflict arises and or any change in circumstances.
- 5.4 If a Party has an interest listed in the Register of Interests that should be disclosed as a Conflict, the chairman of the meeting shall disclose it to the meeting if the Party does not do so at the relevant point on the agenda of that meeting.
- 5.5 Any Party who has a concern or is unsure of the proper procedure to follow should contact the SA secretariat for advice.

6. Managing conflicts of interest

- 6.1 If a Party has a Conflict, then a decision must be made as to how to manage it. This decision will be made by:
 - 6.1.1 The SA President for Conflicts relevant to the SA Executive Council office-bearers; and
 - 6.1.2 The chairman of the meeting at which the Conflict becomes relevant.and in each case after consultation with the SA Integrity Committee or Commission, if any.
- 6.2 If the SA President has a relevant Conflict, then the SA Secretary General will make the decision. If the chairman of the meeting has a relevant Conflict, a new chairman will be appointed by the SA Executive Council for that matter.
- 6.3 A Party is required to give the decision-maker any additional information requested of the Party in order to determine how the conflict is to be managed.
- 6.4 The decision-maker may decide that the Party:
 - 6.4.1 can continue to participate in the normal way with the interest being minuted;
or
 - 6.4.2 shall not participate in the proceedings and is to abstain in any vote (but the



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body may ask the Party to provide any relevant information concerning the matter); or

6.4.3 is to withdraw for the whole or part of the affected proceedings.



APPENDIX 1
Declaration of interest(s)

Name:	
Nationality:	
Position:	
Profession:	
Date:	

Category	Please state details of any interests, including full background, any other parties involved and the duration.
<u>Offices or positions held with:</u> 1) a Member Federation 2) Associate Members 3) Continental Association 4) Any other organisation/body	
Involvement with the training or selection of competitors	
Contractual or commercial relationships with the SA	
<u>Partnership or employment with:</u> 1) a Member Federation 2) Associate Members 3) Continental Association 4) Business(es)/Service(s) that are engaged in the sports of Baseball, Softball or Baseball5, or derive any substantial portion of his/her income/revenue from any of the Sports	
<u>Board positions with:</u> 1) a Member Federation 2) Associate Members 3) Continental Association 4) Business(es)/Service(s) that are engaged in the sports of Baseball, Softball or Baseball5, or derive any substantial portion of his/her income/revenue from any of the Sports	
Close family relationships, commercial/business or personal relationships with another Board, Council, Committee or Commission Member	
<u>For Board Members:</u> In respect of business(es)/Service(s) that are engaged in the sports of Baseball, Softball, Baseball5, or derive any substantial portion of his/her income/revenue from any of the Sports: 1) Investments in unlisted companies, partnerships and other forms of business, 2) Major shareholdings of more than 5% of the issued capital	



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To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis or more frequently if requested by the SA or if I have something to declare.

I give my consent for it to be used for the purposes described in the SA Conflict of Interest policy and for no other purpose.

Signature:	
Date:	

Note: This Declaration Form may be changed from time to time by Softball Asia



APPENDIX 2
Declaration Form – Softball Asia

Name:	
Position:	
Date:	
Vote for:	

Please mark the statement that relates to you

<input type="checkbox"/>	I declare that I DO NOT have any conflict of interest
<input type="checkbox"/>	I declare that I DO have a conflict of interest

Details of conflict:

Signature:	
Date:	