



Directors' Bulletin



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New Association Incorporations Act 2009

Conflict of Interest

Housing Associations that are incorporated as associations need to be aware of the new *Associations Incorporations Act 2010*. The new law which commenced in July 2010 takes a strong stance against transgressions of committee members in relation to: disclosure of interests, dishonest use of information and dishonest use of position.

The specific sections of the act are:

- **Section 31(1)** states if a committee member fails to disclose a direct or indirect interest in a matter being considered and that interest 'appears to raise a conflict with the proper performance of the committee member's duties' then they face a fine of up to \$6,600
- **Section 32** states a committee member 'who uses information obtained as a committee member dishonestly' for personal advantage or detrimental to the organisation has committed an offence and may be fined up to \$26,400 and /or be jailed for up to 2 years.
- **Section 33** states matches the penalties of the previous section if a committee member uses his or her position dishonestly for personal gain or to the detriment of the organisation
- **Section 91(1)** states that any committee member who 'knowingly authorised or permitted the contravention' is liable for the same penalties

A fact sheet on Conflict of Interest can be found on the NCOSS website. [NCOSS Managing conflicts of interest fact sheet](#)

The Act can be found at [Associations Incorporations Act 2009](#)

Reference: *Conflict of interest and the new Association Incorporations Act 2009*
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