



VETERINARY PRACTITIONERS BOARD
AUSTRALIAN CAPITAL TERRITORY

Conflict of Interest Policy

Content	ACT Veterinary Practitioners Board – Conflict of Interest Policy	Date
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Table of Contents

1.0	Purpose	2
2.0	Introduction/Context.....	2
2.1	Requirements of Board members	2
3.0	Existing legislative provisions.....	2
3.1	Veterinary Practice Act 2018.....	3
3.2	Other.....	3
4.0	Policy principles.....	4
5.0	Managing Conflicts of Interest	4
5.1	Identification	4
5.2	Declaration	4
5.3	Board consideration	4
5.4	Management options	5
5.5	Quorum.....	5
5.6	Confine conflicts of interest and bias.....	5
5.7	Declaration and management of private interests	5
5.8	Reporting	5
5.9	Breach.....	5
6.0	Definitions.....	6

1.0 Purpose

This is an internal Board policy.

The purpose of this policy is to ensure that conflicts of interest are identified, disclosed and appropriately managed in a manner that maintains public confidence in the integrity, impartiality and effectiveness of the Board's decision-making.

Members will encounter conflict of interest, and the ACT Veterinary Practitioners Board (the Board) acknowledges that conflicts will not always be able to be avoided. They must however be identified and appropriately managed to ensure that the highest levels of integrity and public trust in the Board and broader public sector are earned and maintained.

2.0 Introduction/Context

The Board is a body corporate established under the [Veterinary Practice Act 2018](#) (the Act) and exercises powers or functions under that Act in relation to protecting the public and animal welfare through registration of suitably qualified veterinary practitioners and veterinary specialists, registering veterinary premises and the monitoring of the practice standards and conduct of the profession.

Upon commencement on the Board, all Board members sign a conflict-of-interest form, and this policy then applies to any new conflicts that arise in the course of duty.

The effectiveness of the Board depends upon maintaining the highest levels of credibility, confidence, and trust with the communities it serves and all parties with whom it works. It is essential to protect the Board's reputation for objectivity and fairness by identifying and appropriately dealing with actual, potential, and perceived conflicts of interest.

A declaration of a conflict of interest does not, of itself, determine a member's participation in a matter. Following declaration, the Board will determine the appropriate management of the declared conflict having regard to the Act, the nature of the conflict and the effective functioning of the Board.

All persons associated with the Board are reminded that the decisions and activities of its members and secretarial staff, whether or not addressed in this policy, are governed by an overriding requirement of honesty, good faith, and fiduciary responsibility for the Board and to the communities it serves.

2.1 Requirements of Board members

A process to identify and manage conflicts of interest encourages good decision making, promotes integrity and maintains public confidence in relation to the work of the entity.

A failure in that process has the potential to undermine the exercise of powers or functions by the entity and to invalidate decisions made or actions taken under an empowering law.

An individual who fails to declare a conflict of interest, or who participates in any decision or action of the Board without openly and appropriately managing a conflict of interest, may breach their legal obligations and may be subject to sanction or removal.

Any decision made or action taken by the Board may be subject to legal challenge. If the challenge is successful, the decision, and any actions in reliance of the decision, could be taken to be invalid. A conflict of interest cannot be diluted by the presence of others in the decision or action.

3.0 Existing legislative provisions

The Act sets out requirements of Board members to disclose interests and also processes to reach quorum and make and delegate decisions. Board members must disclose conflicts of interest, and decisions can be reached by the Board in a variety of ways where a conflict exists.

3.1 Veterinary Practice Act 2018

Reference	Description
Section 97	Disclosure of interests by board members (1) If a board member has a material interest in an issue being considered, or about to be considered, by the board, the member must disclose the nature of the interest at a board meeting as soon as practicable after the relevant facts come to the member's knowledge. (2) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not— (a) be present when the board considers the issue; or (b) take part in a decision of the board on the issue. (3) Any other board member who also has a material interest in the issue must not be present when the board is considering its decision under subsection (2). (4) In this section: associate, of a person, means— (a) the person's business partner; or (b) a close friend of the person; or (c) a family member of the person. indirect interest—without limiting the kinds of indirect interests a person may have, a person has an indirect interest in an issue if any of the following has an interest in the issue: (a) an associate of the person; (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation; (c) a subsidiary of a corporation mentioned in paragraph (b); (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation; (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust; (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership; (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business. material interest—a board member has a material interest in an issue if the member has a direct or indirect— (a) financial interest in the issue; or (b) interest of any other kind if the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.
Section 108	Delegation by board (1) The board may delegate a function to— (a) a board member; or (b) the registrar; or (c) a committee of the board; or (d) anyone else the board considers appropriate. (2) The board must not delegate the board's decision-making power under any of the following: (a) section 60 (Board may dismiss certain complaints); (b) section 61 (Decision on completion of investigation); (c) section 62 (Indication that offence committed); (d) section 65 (Application to ACAT for occupational discipline).

3.2 Other

There are other legislative frameworks that impose obligations in relation to Conflict of Interest, including the [Public Sector Management Act 1994](#).

4.0 Policy principles

The Board is committed to and will uphold the following principles in applying this policy:

- a) **Public interest:** all members have a duty to place the public interest above their private interests when carrying out their official functions. One way they do this is by applying the public sector values (in section 9 of the **Public Sector Management Act 1994**) and the CED Values to their actions and decision-making.
- b) **Accountability:** all members are accountable for avoiding wherever possible or identifying, declaring and managing any actual, potential or perceived conflict of interest that applies to them.
- c) **Risk-based approach:** the Board will take a proactive approach to assessing and managing conflict of interest risks.
- d) **Proportionality:** conflict management should be proportionate to the nature and significance of the declared conflict. The Board will adopt the least restrictive management approach that appropriately protects the integrity, impartiality and effectiveness of its decision-making.

5.0 Managing Conflicts of Interest

Members must avoid wherever possible or identify, declare and manage conflict of interest or bias in accordance with this policy.

Professional acquaintance, prior professional interaction or knowledge arising from practising within the ACT veterinary profession does not necessarily constitute a material conflict of interest requiring refusal. Such circumstances should be declared where appropriate and considered by the Board in determining the appropriate management of the declared conflict.

5.1 Identification

Parties should regularly consider the relationship between their private interests and public duties to identify any conflict of interest or bias in relation to any decision or action.

It is expected that members review the agenda prior to a meeting and identify any potential bias on an ongoing basis.

5.2 Declaration

A member who becomes aware of an actual, potential or perceived conflict of interest must declare that conflict as soon as practicable.

The declaration will be recorded in the minutes.

5.3 Board consideration

Following declaration, the remaining Board members will determine the appropriate management of the declared conflict.

In making that determination, the Board may consider:

- whether the conflict is actual, potential or perceived;
- whether a reasonable person could perceive that impartiality may be affected;
- the significance of the interest;
- the importance of the member's expertise;
- the need to maintain public confidence in the Board's decision-making; and
- the Board's ability to maintain quorum and discharge its statutory functions.

5.4 Management options

Following consideration, the Board may determine that one or more of the following management responses is appropriate:

- declaration only (member participates fully);
- participation in discussion but not voting;
- absence during part of discussion;
- absence during discussion and decision;
- another management arrangement considered appropriate under the Act.

The management of declared conflicts is a decision of the Board.

5.5 Quorum

The Board will consider quorum after determining the appropriate management arrangements for declared conflicts of interest.

Where the management of declared conflicts results in the Board being unable to achieve quorum, the procedures contained in the Board's Quorum Policy will apply.

5.6 Confine conflicts of interest and bias

Outside a meeting, parties should abstain from discussing with other members of the Board any proposed decision or action in which they have an actual conflict, potential conflict or perceived conflict or an actual bias or apprehended bias unless asked by the President to give information on the proposed decision or action.

5.7 Declaration and management of private interests

Every member must complete a Declaration of Private Interests form upon appointment. If a members circumstances change that may be relevant to a conflict of interest, it is expected that members provide an updated Declaration of Private Interests form within five working days.

Conflicts of interest are a standing agenda item at every Board meeting. Members are required to declare any actual, potential or perceived conflicts of interest at each meeting, and any declared conflicts will be recorded in the meeting minutes and managed in accordance with this policy.

5.8 Reporting

Action taken by the Board to manage a conflict of interest or bias shall be recorded in the minutes and may be recorded in a resolution.

The Secretariat of the Board must report to the Directorate every six months on the Declarations of Private Interests, the incidence of any conflicts of interest or bias and the steps taken to manage those conflicts of interests or bias in the work of the Board.

5.9 Breach

A failure to avoid wherever possible or identify, declare and manage a conflict of interest in accordance with this policy could lead to disciplinary action including removal (consistent with the relevant industrial instrument and legislation).

6.0 Definitions

Term	Definition
Actual Bias	where there is a bias as a matter of fact
Actual Conflict	where there is a real conflict between public duties and private interests
Apprehended Bias	where a fair-minded lay observer, informed of the matter, might reasonably apprehend that there could be a bias
Bias	an act, fact, matter or circumstance which indicates that the member of the Board might not bring an impartial mind to a decision or action in the exercise of a statutory function or power
Conflict of Interest	a conflict between the public duty and private interests of a member of the Board whether financial or personal activities, affiliations and associations which could improperly influence the performance of official duties and responsibilities
Directorate	the Directorate within the ACT Public Service that is given responsibility by the Administrative Arrangements made under the Australian Capital Territory (Self-Government) Act 1988 and Public Sector Management Act 1994 for administration of the Territory law under which the entity operates
Perceived Conflict	where a member of the public, informed of the matter, might reasonably form the view that an Actual Conflict or Potential Conflict exists
Potential Bias	where an act, fact, matter or circumstance might give rise to a Bias. This refers to instances where it is foreseeable that a claim of Bias could be made
Potential Conflict	where private interests exist that could give rise to a Conflict of Interest. This refers to instances where it is foreseeable that a Conflict of Interest may arise in future and steps should be taken now to mitigate that future risk
Private Interest	any interest in a decision or action that might reasonably influence a member of the Board. Private interests include direct interests, such as a member's own personal, family, professional or business interests, as well as indirect interests, such as the personal, family, professional or business interests of individuals or groups with whom the member is, or was recently, closely associated