



VETERINARY PRACTITIONERS BOARD
AUSTRALIAN CAPITAL TERRITORY

Conflict of Interest Policy

Background

The ACT Veterinary Practitioners Board (the Board) is a body corporate established under the ACT *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.

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.

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.

Requirement

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, and may be invalidated by, a conflict of interest with the result that the actions of the Board, and the actions of others in reliance on the decision of the entity, are rendered unlawful. A conflict of interest cannot be diluted by the presence of others in the decision or action.

This can have serious consequences for the legal rights and obligations of third parties and it can have serious consequences in terms of legal proceedings against the Territory.

Purpose

This policy states the position of the Board on conflict of interest and bias, including the requirement of members that conflict of interest and bias are avoided wherever possible, or identified, declared and managed.

Members will encounter conflict of interest and 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.

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 TCCS 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.

Interpretation

Definitions

Table 1 The following definitions apply in this Policy.

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 (i.e. a competing practice)
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, where the bias may be Actual Bias or Apprehended Bias and the acts or facts may involve Outside Conduct or Extraneous Information and the facts or circumstances may involve Conflicts of Interest
Outside Conduct	any public or private statement or action by a member of the Board at any previous time which may be relevant to any fact or matter at issue in the decision or action
Extraneous Information	any information held by a member of the Board in any capacity at any previous time which may be relevant to any fact or matter at issue in the decision or action
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, where interests may be Pecuniary Interests or Non-Pecuniary Interests and conflicts may be Actual Conflicts, Potential Conflicts or Perceived Conflicts
Directorate	the Directorate within the ACT Public Service that is given responsibility by the Administrative Arrangements made under the <i>Australian Capital Territory (Self-Government) Act 1988</i> and <i>Public Sector Management Act 1994</i> for administration of the Territory law under which the entity operates

Non-Pecuniary Interest	a tendency toward favour or prejudice resulting from personal or professional relationships, such as friendships, associations and social activities
Pecuniary Interest	any actual, potential or perceived financial gain or loss
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

Process

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

Identify bias

Prior to any meeting, parties should check the agenda and consider in relation to each item on the agenda which may involve a decision or action whether there is any act, matter fact or circumstance in relation to them that may constitute:

- outside conduct;
- extraneous information;
- a pecuniary interest; or
- a non-pecuniary interest.

During any meeting, parties should consider any potential bias as it may arise.

The following functions are high risk within the Board:

- Approaches by complainants or respondents in relation to a professional standards complaint, their relatives or friends or other interested parties;
- Decision making in relation to any matter where a member has disclosed a conflict of interest; and
- Members should refrain from considering information obtained unofficially in handling complaints.

Declare a bias

Any bias, or potential bias, must be declared.

Prior to any meeting, parties should disclose and discuss with the President any:

- outside conduct;
- extraneous information;
- a pecuniary interest; or
- a non-pecuniary interest.

A disclosure should be made as soon as practicable after the matter is identified.

During any meeting, parties should disclose any such thing to the President immediately.

Identify conflicts of interest

Parties should regularly consider the relationship between their private interests and public duties in order to identify any conflict of interest in relation to any decision or action (for example, before major projects, decisions or policy development).

While conflict of interest may occur in any decision or action of the Board, some functions and activities are higher risk than others and may require increased risk mitigation measures.

The following functions are high risk within the Board:

- making, receiving, investigation and/or determination of professional standards complaints.

Declare conflict of interest

A conflict of interest, or potential conflict of interest, must be declared.

Parties should disclose and discuss any such thing with the President prior to Board meetings upon receiving papers.

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.

Manage conflict of interest and bias

The President may conduct a meeting or take other steps to ensure that any actual, potential or perceived conflict of interest and any actual or apprehended bias are managed and resolved in favour of the public interest, based on the following mitigation strategies:

- **Reveal:** the conduct, information, association or interest of the member of the Board is stated;
- **Restrict:** restrictions are placed on the involvement of the member of the Board in the matter;
- **Recuse:** the member if the Board removes themselves, or is removed, from the matter;
- **Relinquish:** the member of the Board relinquishes the private interest that is creating the conflict;
- **Resign:** the member of the Board resigns where he or she cannot or will not relinquish the interest.

Declaration and management of private interests

Every member must complete a Declaration of Private Interests form upon appointment, annually after appointment and within five working days after any change to the circumstances of the member of the Board that may be relevant to a conflict of interest.

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.

Authorising Officer

This policy is issued under the authority of President and is subject to annual review.

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).

Resources

Relevant legislation

Legislation	Location
<i>ACT Veterinary Practice Act 2018</i>	http://www.legislation.act.gov.au/a/2018-32
<i>Public Sector Management Act 1994</i>	http://www.legislation.act.gov.au/a/1994-37/current/pdf/1994-37.pdf
<i>ACT (Self-Government) Act 1988</i>	http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/acta1988482/
<i>Public Sector Management Standards 2016</i>	http://www.legislation.act.gov.au/di/2016-251/default.asp
<i>Freedom of Information Act 2016</i>	http://www.legislation.act.gov.au/a/2016-55/current/pdf/2016-55.pdf

Relevant resources

Legislation	Location
ACT Veterinary Practitioners Board Risk Register	Contact the Secretariat
Transport Canberra and City Services - Values	https://www.cmtedd.act.gov.au/employment-framework/managers-And-supervisors/managers-toolkit/values-and-behaviour