

Conflict of Interest Policy



Board Approved Policy

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Purpose

The VBA has issued this policy to support behaviour consistent with the *Code of Conduct for Victorian Public Sector Employees* (Code of Conduct). All employees are required under clause 1.2 of the Code of Conduct to comply with this policy.

Conflicts of interest are inevitable, and it is not improper for conflicts to arise. However, failure to disclose and manage conflicts damages our ability to earn and maintain the highest levels of integrity and public trust in the VBA and broader public sector. All employees must comply with this policy, the Code of Conduct and all procedures or other guidance issued in support of this policy.

Scope

This policy applies to all employees defined as workplace participants including employees, contractors, consultants and any individuals or groups undertaking activity for or on behalf of the VBA.

Guiding principles

The VBA's approach to managing conflicts of interest is based on principles which reflect the Code of Conduct:

1. Employees place the public interest above their private interests.
2. Employees are accountable for avoiding wherever possible or identifying, declaring and managing actual, potential or perceived conflict of interest.
3. Employees manage the risk of a conflict of interest in any consensual workplace personal relationship.
4. The VBA ensures the quality of its processes for declaring and managing conflicts.
5. The VBA takes a proactive, risk based, approach to assessing and managing conflict of interest risks.



Implementation

All employees are briefed on integrity policies upon commencement and provide annual compliance attestations which are complemented by learning modules.

Online training sessions are conducted every quarter. These are presented by the Special Advisor, Integrity and are open to all employees to attend.

Speak up

Employees who believe that a conflict of interest within the VBA may not have been declared or appropriately managed, should speak up and notify their manager, People and Capability or make a report to Safe2Speak. This also applies to any aspect of this policy or its related procedures that is not being adhered to.

The VBA will take decisive action, including possible disciplinary action, against employees who discriminate against or victimise those who speak up in good faith. Employees who do not report breaches of this policy may be subject to disciplinary action.

Contraventions

Actions inconsistent with this policy and related procedures may constitute misconduct under the Public Administration Act 2004, which includes breaches of the Code of Conduct for Victorian Public Sector Employees. Disciplinary action consistent with the relevant industrial instrument and legislation, including dismissal, may be taken where an employee fails to adhere to this policy and its related procedures. Material breaches of the policy will be reported to the Risk, Audit and Finance Committee.

Review and amendment

This policy will be reviewed biennially by the Risk, Audit and Finance Committee.

Definitions and Acronyms

Term/Acronym	Definition
Conflict of interest	A conflict of interest is where an employee has private interests that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties.
Actual conflict of interest	There is a real conflict between an employee's public duties and private interests.
Consensual personal relationships	Consensual personal relationships include consensual sexual, intimate and/or romantic relationships between adults of any sex or gender identity. Relationships of this kind may be on a casual, periodic or regular basis and may or may not constitute a primary relationship. A familial relationship of spouse or de facto partner also constitutes a consensual personal relationship.
Potential conflict of interest	An employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
Perceived conflict of interest	The public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.
Private interest	A private interest means anything that can influence an employee.



Term/Acronym	Definition
	<p>Private interests include direct interests, such as an employee's own personal, family, professional or business interests. They also include indirect interests, such as the personal, family, professional or business interests of individuals or groups with whom the employee is, or was recently, closely associated.</p> <p>Private interests may be pecuniary (i.e. financial), which includes any actual, potential or perceived financial gain or loss. They may also be non-pecuniary, which includes any tendency toward favour or prejudice resulting from personal or family relationships, such as friendships, enemies, sporting, cultural or social activities.</p>

Related Documents

Code	Document Name
PC-POL-004	Gifts, Benefits and Hospitality Policy
PC-POL-012	Fraud and Corruption Control Policy
N/A	Procedure: Managing offers of gifts, benefits and hospitality
N/A	Procedure: Offering gifts, benefits and hospitality
N/A	Declaration and Management of Conflicts of Interest Procedure
N/A	Code of Conduct for Victorian Public Sector Employees



Appendix 1

Compliance with VPS conflict of interest requirements

Mandate	COI Policy	Draft procedure: Declaration and management of conflicts of interest
VPSC Model COI Policy		
Policy principles Public interest Accountability Risk-based approach	✓	
Definitions Actual conflict of interest Potential conflict of interest Perceived conflict of interest Private interest	✓	
Employees must avoid wherever possible or identify, declare and manage conflict of interest	✓	
Specific processes have been established to manage consensual personal relationships as a specific category of interest		✓
Processes to identify, declare and manage a conflict of interest		✓
Process for managing consensual personal relationships		✓
Declaration and management of private interests by: <ul style="list-style-type: none"> All Executive Officers Employees holding a financial delegation Employees assessed as warranting declaration of private interests because of potential, perceived or actual conflict of interest risk 		✓
Breaches - failure to avoid wherever possible or identify, declare and manage a conflict of interest could lead to disciplinary action including dismissal	✓	✓
Speak up	✓	✓