

MANAGING CONFLICT OF INTEREST UNDER THE EPPRD

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PURPOSE

The purpose of this guideline is to assist in the effective identification, disclosure, and management of real, potential, or apparent conflict of interest.

SCOPE

The scope of this guideline encompasses all Parties and their personnel (including its officers, employees, and contractors) when undertaking functions (activities) under the Emergency Plant Pest Response Deed (EPPRD). As conflict of interest is most likely to be realised through functions associated with the Consultative Committee on Emergency Plant Pests (CCEPP) and the National Management Group (NMG), this guideline primarily references those committees however equally applies to other functions under the EPPRD.

DEFINITIONS

Unless otherwise indicated, all capitalised words/terms (excluding names) which are not otherwise defined in this document have the meaning set out in the EPPRD.

ABBREVIATIONS

CCEPP	Consultative Committee on Emergency Plant Pests
EPPRD	Emergency Plant Pest Response Deed
NMG	National Management Group
ORC	Owner Reimbursement Claim
PHA	Plant Health Australia

INTRODUCTION

In undertaking functions under the EPPRD, a conflict of interest may occur if an individual's personal interests conflict with their responsibility to act in the best interests of the Parties to the EPPRD or the organisation they represent under the EPPRD.

The aim of identifying and managing a conflict of interest is to:

- protect individuals and organisations from real or perceived corruption, abuse of position, or misconduct
- reduce unfair competitive advantages
- maintain confidence in the integrity of individuals and organisations
- commit to good governance and transparent processes.

Failure to declare and effectively manage a conflict of interest in a timely manner has the potential for adverse consequences for an individual, their Party, and the EPPRD, and brings the integrity of these entities into dispute. It also has the potential to compromise the effectiveness of a response and the partnerships underpinned by the EPPRD.

Each Party has a responsibility to ensure that any of its personnel (including its officers, employees, and contractors) who participate in functions under the EPPRD take reasonable steps to avoid any conflict of interest in connection with their role.

What is a conflict of interest?

A conflict of interest exists when it appears that an individual may be compromised or could be influenced (or perceived to be compromised or influenced) by a personal interest in carrying out a function under the EPPRD. It means that their independence, objectivity, or impartiality may be called into question.

A conflict of interest could be positive or negative and could be seen as favouring/benefitting an individual, organisation, or company or creating a disadvantage for others. Regardless, the disclosure of a conflict of interest is important for transparency of decision-making and ensuring a level of confidence in the integrity of personnel delivering the roles and responsibilities of each Party when undertaking functions under the EPPRD.

A conflict of interest may be real, potential, or apparent as described below:

- **Real (also known as actual)** – an individual is in a position where a conflict of interest already exists between their private interest(s) and their role or activity under the EPPRD.
- **Potential** – an individual is in a position where they may be influenced in the future by their private interests when undertaking a role or activity under the EPPRD.
- **Apparent** – where it appears or could be perceived that an individual's private interests are improperly influencing the performance of their role or activity under the EPPRD, regardless of whether or not that is actually the case.

A poorly managed apparent conflict of interest can be just as damaging as a poorly managed actual conflict of interest.

Identifying conflict of interests

A conflict of interest can arise through a relationship, activity, or personal view. When an individual is undertaking a function under the EPPRD, their particular role and responsibilities are to be taken into account when considering if and what to disclose.

In assessing whether there is a conflict of interest, consider *"Would a reasonable, disinterested observer think that your personal interests conflict (or could conflict) with your role, responsibilities, or involvement in specific functions/activities under the EPPRD"*. This could include the following reflections:

- Could you or anyone associated with you benefit from or be detrimentally affected by a decision, or action, now or in the future?
- Could you or someone you know be influenced by future employment opportunities because of your actions or decisions?
- Do you have a current or previous personal, professional, or financial relationship with someone who could gain or lose financially?
- Are you a member of a club or other organisation which could gain or lose from your decision or action?
- Could you or someone close to you be seen to benefit from the disclosure of information, as part of your role under the EPPRD?
- Would you be concerned if your private interests and decisions taken (or not taken) were to be disclosed publicly?

A conflict of interest may look like:

- an individual financially benefiting through employment based on a decision made
- information arising during CCEPP proceedings benefiting the business interests of a CCEPP Representative by giving them a competitive advantage compared to those who are not privy to the same information

- an individual recommending a specific person or contractor they are married to for an efficiency audit or as an Owner Reimbursement Claim (ORC) valuer
- a CCEPP Representative that is involved in a research project, the products of which are now progressing to commercialisation for which the CCEPP Representative will be receiving a return. This product is being considered for application within the Response Plan being co-drafted and approved by the CCEPP
- an NMG Representative being a close friend or relative of a commercial grower whose claim for ORC is currently being considered by the NMG as to whether it will be Cost-Shared or not.

MANAGING CONFLICT OF INTERESTS

Individuals involved in implementing functions under the EPPRD should regularly consider whether they have a conflict of interest, and where possible, take reasonable steps to avoid conflicts of interest. However, it may not be possible to avoid a conflict of interest, and declaring a conflict of interest is important so that these conflicts can be identified, monitored, and appropriately managed.

Declaration of a conflict of interest

If there is any doubt as to whether a conflict of interest exists, the individual should err on the side of caution and declare the interest. This should be declared (verbally or in writing) at the time when a potential conflict of interest emerges. For example, at the commencement of a CCEPP or an NMG meeting, the Chair will ask participants to declare any conflict of interest. However, this does not prevent an individual from declaring a conflict of interest at a subsequent point in the meeting or when undertaking another function/activity under the EPPRD.

Managing a declared conflict of interest

Depending on the conflict of interest being declared and the risk and consequence identified, management actions may include the following (noting this list is not exclusive):

- No further action is required as the conflict of interest can be managed or eliminated by disclosure and effective supervision.
- The individual abstains from decision making.
- The flow of information to the individual may be restricted.
- The individual may withdraw or be removed from particular discussions or activities.
- Reassignment of the role to another individual.

Depending on the circumstances or situation in which a conflict of interest is declared, the suggested approach to management is outlined.

1. A conflict of interest is raised during a CCEPP or NMG activity (in a meeting or otherwise).

- If the conflict of interest is raised at the start or at any point throughout the activity, the Chair of the committee will request that the individual declare the conflict of interest consider and state whether the conflict of interest is actual, potential, or perceived, state the potential risks and consequences of the conflict of interest and suggest management action/s for consideration by the Committee.
- If the Committee does not raise concerns regarding the conflict of interest and agrees with the management action/s, the conflict of interest and its management is documented (within the minutes or otherwise as appropriate to the situation).
- If an objection is raised, the Chair will work with the Committee to develop an agreed outcome.
- If an agreed outcome cannot be resolved the Chair will make the final decision of management action, the outcomes of which are to be documented.

2. A conflict of interest is raised outside of the CCEPP or NMG functions, in another committee or working group.

The conflict of interest is suggested to be managed similarly to CCEPP or NMG activities, namely raising the conflict with the 'lead' (or chair as may be relevant) of the activity and working collaboratively through next steps.

If the individual is unsure as to the approach to take, then it is suggested they consult within their Party in the first instance, and if still unsure, to contact Plant Health Australia to discuss.

The identification and disclosure of a conflict of interest is the individual's primary responsibility, however, the collective (committee or otherwise) as a whole is responsible for the decision about the action taken to mitigate risk and avoid harm.

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