

Victorian Protected Areas Council

Guidelines for Members

1. Conflict of Interest and
2. Privacy and Confidentiality

Date Approved:

Approved by: VPAC Committee

Scope

This Guideline addresses Conflict of Interest (COI) that may arise between Victorian Protected Areas Council (VPAC) members' personal, business or work interests and the interests of the Council. The Guideline does not address COIs between VPAC members and their employers or clients (for members who are contractors or consultants), who will already be subject to the COI policies and guidelines of their employer or client.

The Guideline also addresses Privacy and Confidentiality principles for VPAC members.

1. Conflict of Interest

Background

Conflicts of interest in professional associations occur when an individual's *private interests* could compromise their ability to act in the best interests of the Council. These conflicts can be *actual/real, apparent, potential or perceived*, and they can undermine member and/or public confidence if not recognised and managed.

A *private interest* includes a member's personal, material, professional or business interests, and the personal, professional or business interests of individuals or groups a member may be associated with. This includes relatives and friends or other associations and/or community groups a member is involved with.

Types of Conflict of Interest

- **Actual/Real** – There is a conflict between the member's interests and the Council's.
- **Apparent** – A member appears to be influenced by their private (Including employment) interests when participating in Council business.
- **Potential** – A member has a private interest or employment interest that could foreseeably conflict with their membership duties.
- **Perceived** – It is reasonable for people to believe that the member's private or employment interests could influence their membership duties.

When assessing whether a conflict involves private interests, members should consider the Following:

Material interests

Material interests are personal advantages or financial gain they might receive, such as job offers, money, and direct profit. Material interests can include directorships, family businesses, and shareholdings.

Secondary employment and affiliations

The following may give rise to conflicts of interest:

- Current employment
- Employment commitments
- Affiliations with other organisations such as interest groups, sporting clubs, political associations, professional associations or recreational bodies
- Other personal interests

VPAC Guidelines about the management of Conflicts of Interest

According to the above definitions and explanations, VPAC members who are current employees, including contractors and sub-contractors, of public land protected area management organisations may have an *actual, apparent, potential or perceived* COI. Examples are provided below. Further guidance is provided in the table outlining the 6R's of managing Conflict of Interest (Appendix 1). VPAC recommends members read this in relation to their duties to VPAC.

VPAC notes that COI is inherent in all professional and other types of associations that attract a set of members who are particularly committed to the association or its goals. It is expected that VPAC members will actively seek to recognise, declare and manage any COIs (whether actual, apparent, potential or perceived). Members should discuss any COIs with the President or Vice President and, if deemed necessary through that discussion, declare the COI in writing.

Consequences of Non-Compliance

Failure to comply with these guidelines could invoke disciplinary action in accordance with Rule 19 of VPAC's constitution and may result in the expulsion of the member.

2. Privacy and Confidentiality

Definitions

Privacy: Personal freedom from public interference is protected by restricting the public from accessing personal details. It is voluntary and based on personal choice and considered a fundamental human right. (<https://www.humanrights.vic.gov.au/for-individuals/human-rights/>)

Confidentiality: Personal information is kept secret from the reach of any other person. Access to such information is granted only to trustworthy individuals, typically based on an agreement or understanding between parties to keep specific information secret.

VPAC Guidelines relating to Privacy & Confidentiality

Contact Details: VPAC member contact details, including email, telephone number and home address are not to be shared with non-members.

VPAC Membership Data: The names and other details of VPAC members are not to be shared outside of VPAC without the prior written consent of VPAC members. The VPAC membership list is not to be made publicly available.

Documents: All documents developed by VPAC (including meeting minutes), unless posted to publicly accessible pages on VPAC's website, are not to be shared outside of VPAC's membership. Minutes of meetings will be posted in a Members Only section of the web site.

VPAC Meetings: All conversations at and records of VPAC meetings are to remain confidential.

Conflict of Interest Risk Identification

Risk Type	Explanation	Example	Management
Use of Confidential Information	Sharing or intentionally or unintentionally using confidential information gained through membership of the Council for personal gain or for competing with the Council.	<ol style="list-style-type: none"> 1. A member shares the membership list with their employer, who then excludes members from being contractors or consultants due to prejudice or a perception of risk. 2. A member sharing information that VPAC had received from a third party that was considered sensitive (i.e. for VPAC information only) back to their employer or other organisation. 	<p>No internal documents or other information is to be shared outside of VPAC without President, Vice President or Committee approval, including:</p> <ul style="list-style-type: none"> • membership data, • meeting agendas, minutes or other records, • background information, • position papers or presentations, • email correspondence.
Personal	Situations where a personal relationship (family, friend, romantic partner) could create an appearance of bias or compromise impartiality in decision-making.	A member's partner owns a business that operates in national parks or that undertakes contract or consulting work to a protected area management organisation.	Member registers COI in writing after discussion with president or vice president.
Employment or business association	Situations where a member's prior employment or association with a business could create a conflict if the Council engages with that business.	A member is a licenced tour operator and seeks to influence VPAC positions on matters that may impact their business by becoming part of a project working group on relevant policy.	<p>Member registers COI in writing after discussion with president or vice president.</p> <p>Member restricts their involvement in relevant matters and may remove themselves from discussions on those matters.</p>
Outside activities	Engaging in activities that could compromise the member's ability to act in the Council's best interests.	<ol style="list-style-type: none"> 1. A member has an association with another organisation whose purposes or aims are contrary to VPAC's. 2. A member has an association with a recreational group that maintains positions on protected areas or their management that conflict with VPAC's views and attempts to influence VPAC's position/s. 	<p>Member registers COI in writing after discussion with president or vice president.</p> <p>Member restricts their involvement in relevant matters and may remove themselves from discussions on those matters.</p>

Appendix 1

Managing conflicts of interest (The 6R's)

All conflicts of interest—actual, apparent, potential or perceived—must be managed by members in consultation with VPAC Committee COI contact person. When determining how to manage a conflict of interest, all members have a duty to ensure VPAC's interest is not compromised. Some standard options for managing conflicts of interest are set out below.

Management strategy

Register Details of the existence of a potential conflict of interest are formally registered—minimum requirement for all conflicts of interest.

Restrict Placing restrictions on the member's involvement in the matter.

Recruit Using a disinterested third party to oversee part or all of the process that deals with the matter.

Remove The member chooses to remove themselves from the matter.

Relinquish The member relinquishes the private interest that is creating the conflict.

Resign The member resigns from their position.

When most suitable

Very low-risk conflicts of interest and potential conflicts of interest. Where being transparent about and recording the conflict is sufficient.

The member can be effectively separated from parts of the process or activity. The conflict of interest is not likely to arise frequently.

It is not feasible or desirable for the member to remove themselves from the decision-making process. If the member has a particular knowledge set that only they possess that adds value to the decision that no other council member can

For ongoing serious conflicts of interest where ad hoc restriction or recruitment of others is not appropriate.

The member's commitment to public duty outweighs his or her attachment to the private interest.

No other options are workable. The member cannot or will not relinquish their conflicting private

When least suitable

The conflict of interest is more significant or higher risk. The potential or perceived effects of a conflict of interest requires more proactive management.

The conflict is likely to arise more frequently. The member is constantly unable to perform his or her duties because of conflict-of-interest issues.

The conflict is serious and ongoing rendering ad hoc recruitment of others unworkable. Recruitment of a third party is not appropriate for the proper handling of the matter. A suitable third party is unable to be sourced.

The conflict of interest and its perceived or potential effects are low risk or low significance. The member is prepared to relinquish the relevant private interest rather than radically change their work responsibilities or environment.

The member is unable or unwilling, for various reasons, to relinquish the relevant private interest.

The conflict of interest and its potential or perceived effects