



POLICY

CONFLICT OF INTEREST POLICY

The Victorian Bar (*the Bar*) is committed to ensuring Bar Councillors and senior Bar Office staff (referred to in this policy as **office holders**) act in the best interests of the Bar, and proactively address actual and potential conflicts of interest by identifying, declaring and actively managing such conflicts.

Office holders have a duty to ensure that the integrity and reputation of the Bar are maintained by ensuring that their decision-making is not affected by actual or potential conflicts of interest and understand their obligations when such a conflict of interest arises.

This policy is intended to supplement and not replace any state or federal laws and regulations binding on the Bar.

Objectives of the policy

The objectives of the policy are to:

- provide direction and guidance in identifying, reporting and managing conflicts of interest;
- protect the integrity of the Bar's decision-making processes;
- promote confidence in the Bar by its members and staff;
- protect the reputation of the Bar;
- support transparency and accountability within the Bar;
- promote individual responsibility; and
- engender an organisational culture which appropriately manages conflicts of interest.

Definition of Conflict of Interest

For the purposes of this policy, a conflict of interest means a conflict between the duty of office holders to act in the best interests of the Bar and, including any duty they may have to another public or private organisation, their private interests.

Policy Name:	Conflict of Interest Policy	Policy No.
Approved By:	Victorian Bar Council	Date Published: 13 Dec 2018 (last reviewed 17 May 2021)
Delegation:	Not applicable	Date to be Reviewed:
Date to Cease:	Not applicable	Quality Reference



Conflicts of interest may be actual, potential or perceived.

Consistent with the provisions of the *Associations Incorporation Reform Act 2012* (Vic), an office holder who has a private interest being considered by the Bar Council must, as soon as they become aware of his or her interest in the matter, disclose the nature and extent of that interest to the Bar Council at the next ordinary meeting of the Bar Council.

Direct or indirect

A private interest can be direct or indirect.

A direct interest is an interest held by an office holder. An indirect interest is an interest held by a related party of an office holder, including but not limited to:

- an immediate family member;
- a regular household member; or
- a close friend or business associate.

Pecuniary or non-pecuniary

A private interest can be financial, non-financial or both, and can arise from a range of personal, professional or business sources.

Pecuniary interests include actual, potential or perceived financial gains or losses, which exist whether held directly or indirectly, and may include:

- property ownership;
- shares, investments or business interests;
- receipt of monetary benefits such as discounts, concessions, gifts, or hospitality;
- holding office in another organisation; and/or
- financial interests under a contract, trust, or entitlement to income.

Non-pecuniary interests are non-financial interests that may arise from personal or family relationships, or from involvement with sporting, cultural, interest or social groups.

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Identification and Disclosure

Once a conflict of interest is identified by an office holder in accordance with this policy (or alternatively, by a third party), then a written disclosure must be made by completing the Conflict Disclosure Form and providing it to the President of the Bar via email at presidentbc@vicbar.com.au.

In the event that the President of the Bar identifies a conflict of interest, he or she will provide the Conflict Disclosure Form to the Executive Director of the Bar via email at ED@vicbar.com.au.

Any information contained in the Conflict Disclosure Form will be treated confidentially.

Management of disclosures

The appropriate course of action to manage a conflict of interest will be dependent on the nature of the conflict disclosed and its severity.

Upon receiving a Conflict Disclosure form, the President of the Bar will delegate the matter to the Bar Council Executive for determination as to whether a conflict of interest exists, and if so, the severity of the conflict, and how it should be managed, including whether the office holder should:

- withdraw their presence while the matter from which the conflict arises is being considered at a Bar Council meeting;
- refrain from participating in discussions relevant to the conflict with other office holders;
- be excluded from managing or monitoring work or material relevant to the conflict;
- take some other step to mitigate the conflict;
- be (in the case of a Bar Councillor) removed from Bar Council in accordance with clause 41 of the Bar's Constitution
- have, in the case of any other office holder, some other consequence applied in the discretion of Bar Council.

The determination reached by the Bar Council Executive will be communicated to the relevant office holder prior to the next ordinary meeting of Bar Council, and to Bar Councillors at the next meeting of Bar Council.

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Conflict Disclosure Form

The Conflict Disclosure Form is available on the Bar website via the below link:
[Conflict Disclosure Form](#).

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