



Australian Government
Department of Agriculture,
Water and the Environment

Guideline for the identification and management of material interests for Accredited Veterinarians





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Cataloguing data

This publication (and any material sourced from it) should be attributed as: Department of Agriculture, Water and the Environment 2020, *Guideline for the identification and management of material interest: for Australian Government Accredited Veterinarians*, Canberra.

ISBN 978-1-76003-532-7

This publication is available at www.awe.gov.au/biosecurity-trade/export/controlled-goods/live-animals/livestock/information-exporters-industry/vet.

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Warning

This document is not intended as a template. It is intended as guidance only.



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Glossary

Term	Definition
Accredited Veterinarian (AAV)	A veterinarian who is accredited under the Export Control (Animals) Rules 2021 to undertake approved export programs (AEPs). AAVs may be accredited to perform pre-export preparation services or shipboard services or both in relation to AEPs.
Approved Export Program (AEP)	An AEP is a program of activities to be undertaken by an AAV. For pre-export operations, this covers treatments and tests for export livestock in accordance with importing country requirements, ASEL and the exporters approved arrangement. For shipboard operations, this covers the management of the health and welfare of the livestock onboard the vessel and daily and end of voyage reporting requirements.
Australian Standards for the Export of Livestock (ASEL)	The standards set the minimum animal health and welfare requirements the livestock export industry must meet throughout the supply chain, from sourcing to completion of disembarkation overseas. The latest version is published on the department's website . The standards are enforceable under the <i>Export Control Act 2020</i> and the Export Control (Animals) Rules 2021.
Department	The relevant Commonwealth government agency responsible for the regulation of live animal exports. At the time of publishing of these guidelines, this is the Department of Agriculture, Water and the Environment.
Exporter	A holder of a livestock export licence under the <i>Export Control Act 2020</i> . An exporter can be an individual, business or organisation.
Export licence	Licence to export livestock granted by the Secretary or their delegate following the satisfaction of certain criteria in accordance with the Export Control Act 2020.
Importing country requirements	Requirements set by a government body in an importing country that must be met in order for a product to be imported into that country.
Livestock	Livestock, as defined in the Export Control (Animals) Rules 2021, means cattle, sheep, goats, deer, buffalo or camelids, and includes the young of any of those animals.
Material interest	The interests, pecuniary or otherwise, of the AAV that could or would impair the objectivity of the AAV's judgment, or conflict with their ability to properly carry out an approved export program.
The Secretary	The Secretary (or their delegate) of the department.



Material interest guidelines

1.1 Purpose of this document

Accredited Veterinarians (AAVs) play a significant role in the livestock export regulatory framework that is administered by the Department of Agriculture, Water and the Environment.

AAVs have an obligation to declare all interests under section 9-13 of the Export Control (Animals) Rules 2021 (the Rules). This document details:

- how an AAV can fulfil their obligations concerning the identification, disclosure and management of all interests, pecuniary or otherwise (referred to in this document as 'material interests') that conflict or could conflict with an AAV's ability to properly carry out their role
- examples of material interests and possible mitigation strategies
- what the department will do with a material interest declaration.

1.2 Policy statement

AAVs play a significant role in the live animal export regulatory framework administered by the department. They ensure the health and welfare of livestock before and during export voyages, and that importing country requirements are met. Stakeholder confidence in AAVs is essential for the proper functioning of the live export trade.

AAVs have legislative requirements, which outline their role and responsibilities in the live animal export regulatory framework. As a registered veterinarian (in their state or territory), AAVs also have professional and ethical responsibilities for the health and welfare of animals under their care. At the same time, they have a contractual agreement with an exporter to undertake activities on the exporters' behalf.

AAVs may have public and private interests, both financial and personal, that could conflict with their duties. It is their responsibility to provide a statement declaring any material interests to the department, or if they have no such interests to disclose that fact.

The department recognises that AAVs may have additional obligations to declare material interests under the Australian Veterinarian Association Code of Professional Conduct and/or under their relative state or territory veterinary boards.

Declaring a material interest may not always remove the perception of a conflict, but it does allow the department and the AAV to manage the situation in a professional and ethical manner. Where possible AAVs should:

- avoid any material, apparent or real conflicts
- where material interests cannot be avoided, declare and manage the conflict in a way that mitigates risk.



1.3 Material interests

Material interest refers to a situation where an outside interest conflicts, has the potential to or could be seen to conflict, a behaviour or decision made by an AAV in implementing an AEP.

There are many different circumstances that could give rise to a real, potential or perceived conflict. There is no complete list identifying interests requiring disclosure. It is the responsibility of each individual to consider and disclose any personal or financial interests that may or may not be seen to influence the performance of their duties as an AAV.

1.3.1 Types of material interests

Financial conflicts

Financial conflicts may arise where an AAV has a financial interest in the outcome of the export, outside of their normal pay. Some examples of potential financial conflicts for AAVs are:

- they are a shareholder of a licenced export company
- they are part owner of a sheep farm that occasionally sells sheep to an exporter for export to the Middle East
- being employed directly by an exporter in another capacity, occasionally they work as an AAV and implement AEPs for the exporter.

Personal conflicts

A personal conflict may arise where the benefit to be realised by the AAV is best categorised as ideological or doing someone a favour. Some examples of potential personal conflicts are:

- a family member owns a licenced export company an AAV has been contracted by
- an AAV is married to the operator of a registered premises where they are implementing an AEP.

1.4 Legislative framework

Relevant legislation includes:

- The Privacy Act 1988: Outlines the requirements that the department must meet regarding the storage, review and dissemination of declared material interests.
- Export Control (Animals) Rules 2021: Section 9-13 states that an AAV must provide written notice of each interest, pecuniary or otherwise that conflicts or could conflict with their ability to carry out the Approved Export Program (AEP).

When a registered veterinarian first applies to the department to become an AAV, they provide a statement on the application form declaring if they have, or do not have any material interests. AAVs must declare an activity or association even where they are unsure whether it is a material interest.

It is an ongoing condition of accreditation under section 9-13(2) of the Rules that notice is given to the department (in writing), any time a new material interest is acquired, or there is any other change, that could affect an AAVs ability to carry out export operations in approved export programs.



A false, misleading or incomplete disclosure of material interests constitutes a breach of a condition of an AAVs accreditation. This may result in suspension or cancellation of accreditation.

1.5 Roles and responsibilities

It is an AAVs responsibility to:

- declare any material interest, real or apparent
- notify the department of any changes to material interests
- comply with management strategies to mitigate the risks posed by conflicts of interest.

It is the department's responsibility to:

- determine if the material interests require further mitigation
- work with the AAV to apply mitigation strategies where it is possible to do so.

1.6 Declaring a conflict of interest

It is an AAVs responsibility to provide a statement declaring any material interests to the department or if they have no such interests, to disclose that fact. Material interests can be provided to the department on the [application for accreditation](#) or by email livestockexp@agriculture.gov.au. Any management strategies in place must also be outlined in the declaration.

1.7 What will the department do with the declarations?

The department will review any material interest declarations provided. Having a material interest does not necessarily preclude individuals from being accredited. AAVs should identify, apply and engage appropriate strategies to manage risk. If required, the department will work with individuals to mitigate conflicts on a case-by-case basis.

The successful management of an AAV's real or apparent material interest, and the department's assessment of whether those interests' conflict, or could conflict, with the AAV's ability to properly carry out an AEP, depends on timely and accurate declarations to the department of such a material interest.

1.7.1 Imposing conditions on accreditation

The Secretary may place conditions on an AAVs accreditation, under Section 9-13(1)(b) of the Rules, or vary conditions on an existing registration, under section 9-19(1)(b) of the Rules.

The assessment of whether it is appropriate to limit engagement due to a material interest, will be done on a case-by-case basis. That is, in relation to a particular conflict or potential conflict. When assessing the need to impose conditions on an accreditation because of a material interest, the following will be considered:

- the reason for imposing the condition
- the nature and relevance of imposing the condition
- the ability of the AAV to comply with the condition (including time allowed for compliance)



- the consequences if the AAV fails to comply with the condition (and whether these are proportionate to the requirement)
- affording procedural fairness if conditions might adversely affect them.

These factors will also be relevant in making decisions to vary conditions under section 9-19(1)(b) of the Rules. This section gives the Secretary the power to vary the conditions of an AAV's accreditation, including by removing conditions, or imposing new conditions, if it is reasonably necessary to do so. Any new information about material interests that an AAV has provided to the department would be considered in making this decision.

1.8 What conditions could be placed on an AAV's accreditation?

The Rules do not prescribe what conditions may be placed on an accreditation, only that any conditions be 'appropriate'.

An appropriate condition could be to limit an AAV's ability to accept engagements by certain exporters, where a potential or real material interest that conflicts with their ability to carry out an AEP has been identified.

The department would be open to suggestions from the AAV to apply other mitigation strategies where it is possible to do so.

1.9 Reviewing a decision to implement conditions

A decision to accredit a veterinarian subject to additional conditions and a decision to vary the conditions of the accreditation are each a reviewable decision under the *Export Control Act 2020* (the Act). If an AAV believes their interests are negatively affected by a decision, they can apply for internal review under section 383 of the Act, and subsequently to the Administrative Appeal Tribunal for review of the internal decision.

1.10 Failure to declare a material interest

Sections 9-20(1)(f) and 9-24(1)(f) of the Rules allows for the Secretary to suspend or revoke the accreditation if a false, misleading, or incomplete statement is made in an application.

1.11 Contact

Any queries about material interest for AAVs may be directed to the Live Animal Exports Branch on (02) 6272 4581 or livestockexp@awe.gov.au.