



CONFLICT OF INTEREST MANAGEMENT PLAN

In broad terms **Victorian Group Training Co Ltd** believes the areas where there is a potential for conflict of interest are:

- That a company employee attempting to unduly influence host employers to use employees that they are unhappy with.
- That if a family member of any employee is applying for a position of employment, the company employee removes him/herself from any decision making process.

Victorian Group Training Co Ltd and associated companies is confident that with appropriate management safeguards, operational policies and practices and quality training and professional development, these potential conflicts can be managed effectively.

To ensure that the potential conflicts are managed effectively within its businesses, **Victorian Group Training Co Ltd** will implement procedures that will be additional to any monitoring/auditing conducted by the Victorian Registrations & Qualifications Authority.

Some important points in relation to conflict of interests for the purposes of this policy:

1. Any conflict must be actual. The mere possibility of conflict is not enough unless “its imminence is such that would affect the exercise of independent judgement”
2. The fiduciary duty is owed to the customer. Therefore the customer, if fully informed of the situation and its respective advantages and disadvantages may allow a fiduciary to act for another customer in the same manner. Note the onus is on the fiduciary to explain fully and inform the customer – if information is withheld from the customer the consent will be invalid.
3. The duty is only owed to a customer once engaged. Therefore prior to accepting any work, no conflict exists and **Victorian Group Training Co Ltd** may consider other customer requests for advice.
4. In a conflict of interest situation the existing customer is in the most protected position. Generally to avoid a conflict of interest the second customer must not be taken “on board”. Termination of the arrangement with the first customer will not avoid a conflict situation, unless it is done prior to receiving

instructions or information from the customer (i.e. almost immediately). Conflict situations may also arise in relation to past as well as current customers.

5. Compartmentalisation or sectionalisation within an organisation is not necessarily a means to avoid conflict situations. The presumption as to imputation of knowledge of one customer of an organisation to another is considered by some to be un-rebuttable. Even if it were, undertakings not to become involved in certain proceedings (in which a conflict situation arises) and the establishment of “Chinese Walls” (security measures undertaken to compartmentalise access to and restrict the spreading of information within the organisation) are insufficient to rebut the presumption.