

# **ACTRA**

## **Australasian College of Toxicology and Risk Assessment**

### **BY-LAW**

#### **CODE OF PROFESSIONAL CONDUCT OF THE AUSTRALASIAN COLLEGE OF TOXICOLOGY AND RISK ASSESSMENT**

(By-law Made Pursuant to Clause 30 of the *Rules*)

#### **Preamble**

The Australasian College of Toxicology and Risk Assessment (“ACTRA”) Code of Professional Conduct is fundamental to the values of ACTRA and designed to assist in achieving its mission to promote toxicology and risk assessment.

The objectives of the Code of Professional Conduct are to support the continuing development and maintenance of standards for Registrants; to provide guidance on ethical and service standard issues; and to provide a complaint procedure directed at the standards and conduct of Registrants.

#### **Content of the Code of Professional Conduct**

##### **1. Registration of members of ACTRA**

It is necessary for a Registrant to maintain his/her recognition status and expertise and continually develop as a professional in line with the constant changes in the state-of-knowledge.

###### 1.1. Minimum standards for registration of members

1.1.1. Registration is carried out by ACTRA.

1.1.2. ACTRA has documented registration procedures publicly available and easily accessible.

1.1.3. How these registration procedures are implemented and managed is at the discretion of ACTRA.

1.1.4. The criteria for registration and the process for registration is set out in the ACTRA By Law *Registration Process for a Registrant of the Australasian College of Toxicology and Risk Assessment*.

##### **2. Integrity, honesty, objectivity, impartiality**

2.1. Registrants will perform their work and duties with integrity, honesty and equity while adhering to legal principles.

2.2. Registrants will provide advice, express opinions or make statements in an honest, objective, impartial and efficient way and consider the reasonably foreseeable consequences of that advice.

### **3. Areas of competence**

- 3.1. Registrants will perform work only in their areas of competence and within the limits of their abilities. Make public statements claiming professional knowledge in an area of public interest only if competent to do so, and only if such statements are consistent with other parts of the Code and Service Standards.

### **4. Conflict of interest**

- 4.1. Registrants will to avoid real or apparent conflicts of interest.
- 4.2. Registrants will disclose promptly and effectively all significant financial and other relevant interests with potential for providing conflict of interest or influencing the impartiality of any reports, advice or decisions. Parties to be advised of financial and other relevant interests will be determined by the particular circumstances and may include employees, employers, other workplace parties, the community and the Registrant's employer or clients.

### **5. Confidentiality**

- 5.1. Registrants will respect the confidentiality of the information obtained in the course of their work and only reveal such information to others with the consent of the person(s) or organisation(s) or their legal representative(s).

### **6. Compliance evidence-based practice**

- 6.1. Registrants will undertake their work using an 'evidence-based' practice approach including using research and other relevant information from recognised sources, using valid and reliable information and giving appropriate credit to and using proper citations with regard to sources of information.

### **7. Expert witness**

- 7.1. Where a Registrant is acting as an expert witness in legal proceedings or proposed proceedings, they will comply with the Expert Witness Code of Conduct or other appropriate requirements as specified by the jurisdiction

### **8. Consultant professional members who are Registrants**

This section does not apply to Registrants who have an employment contract and are employees of an organisation, even if their job title/position description/employment contract entails them to act as a 'consultant' within/to the organisation. In addition to meeting all the preceding requirements, Registrants will also meet the following requirements:

- 8.1. Registrants will inform the client of any interest or employment that may compromise the exercise of independent professional judgment or conduct.
- 8.2. Registrants will not solicit for work either by calling into question the ability or integrity of another Registrant or by offering or paying to a prospective client financial or material inducement
- 8.3. Registrants will conduct their business in an ethical manner, including:
  - 8.3.1. providing a clear and unambiguous statement of costs and fees;
  - 8.3.2. inclusion of appropriate disqualification clauses in contracts;
  - 8.3.3. the ethical management and resolution of conflicts of interest;

- 8.3.4. proper representation of capacities, competencies and areas of expertise;
  - 8.3.5. reasonable requests for information from employers/clients;
  - 8.3.6. accountability for their actions;
  - 8.3.7. responsible and proper undertakings and commitments to employers/clients about the conduct and outcomes of their work.
- 8.4. Registrants will at all times maintain adequate insurance coverage appropriate to the scope, circumstances and content of their work and which provides adequate cover for all parties. This typically involves Public Liability and Professional Indemnity insurance and may also include workers' compensation and other insurances.

## **9. Complaint Procedure**

### **9.1. Purposes of the Complaint Procedure:**

- to establish a forum to hear complaints about potential non-compliance of Registrants with the Code of Ethics and Code Professional Conduct of ACTRA;
- to resolve complaints about Registrants;
- to maintain, strengthen and extend professionalism of Registrants and the integrity of the ACTRA;
- to support and facilitate the continuing professional development of Registrants;
- to provide guidance to Registrants on professional standards and ethical conduct.

### **9.2. The Complaint Procedure aims to:**

- be independent, objective, fair and ensures natural justices for all parties;
- discover all relevant facts regarding matters complained about;
- provide appropriate responses to upheld complaints, including punitive measures in the case of serious wrongdoing;
- operate efficiently, effectively and transparently with regard to all parties and with regard to processes and procedures, technical matters, timeliness, communications and implementation of decisions and outcomes ;
- have clear, transparent and well documented processes and pathways that are accessible to all parties involved, or who have the potential to be involved, in a complaint;
- have outcomes that are reported appropriately and provides reasons for decisions;
- have minimum complexity and legality;
- to be affordable and practical;
- be regularly audited and regularly reviewed, with input from relevant parties including Registrants in light of experience and external factors;
- maintain confidentiality, anonymity and privacy at all times except when the resolution of a complaint requires otherwise;
- rigorously control access to and use of information and records and access to be strictly determined by the requirements of the Procedure.

### **9.3. ACTRA's role in the Complaint's Procedure is:**

- to be committed to the efficient and fair resolution of complaints and follow through of outcomes including compliance with any disciplinary provisions;

- to recognise that being involved in a complaint process can be stressful and difficult and may involve risks to professional relationships and reputations;
- to provide good support for parties as necessary during the complaint process. This does not include legal support. Support may include advice and information about the complaints process, counselling and the opportunity to discuss the particular complaint and options for resolution;
- to appropriately publicize the existence and content of the Complaint Procedure internally and externally.

#### 9.4. **What can be complained about?**

Possible or perceived breaches of ACTRA's Code of Ethics and Code of Professional Standards

#### 9.5. **What cannot be complained about?**

A range of matters, including:

- complaints about contractual or legal matters;
- fees;
- obtaining financial restitution or compensation;
- issues best dealt with by other bodies;
- complaints about ACTRA as an organisation/corporation - such matters are addressed by reference to ACTRA's constitution

Complaints outside the Procedure's scope may be referred on to an appropriate alternative dispute mechanism such as a community justice centre, mediation or arbitration, direct court action, police or a state or federal jurisdictional body.

#### 9.6. **Who can make a complaint?**

- members of the public, clients of Registrants, consumers of services provided by members
- ACTRA members
- ACTRA
- external agencies or organisations

#### 9.7. **Who can be complained about?**

Only Registrants bound by the association's Code of Ethics and Code of Professional Standards.

#### 9.8. **Making a complaint**

There will be published on-line and available to all at no cost:

- contact details (postal address, email address and telephone) of a person or persons nominated by ACTRA with whom complaints can be discussed, verbally or in writing in the first instance. This provides an opportunity to screen complaints and also to provide guidance to the person making the complaint;
- information about the rationale, function and workings of the complaints process;
- information about common misunderstandings on which complaints are often based;

- advice about contacting and attempting to resolve an issue or complaint directly with the member before recourse to the complaints process;
- a complaint form and guidance on making a complaint and the complaints process.

## 9.9. **Processing of complaints**

- 9.9.1. If the issue or complaint has not been able to be resolved directly with the Registrant then a complaint is lodged in writing with ACTRA.
- 9.9.2. A complaint may be rejected if it is deemed to be frivolous, vexatious, inappropriate, invalid, misconceived or beyond the scope of the Procedure. The complainant may be requested to provide further information at this stage.
- 9.9.3. Complaints judged outside the Procedure's scope may be referred on.
- 9.9.4. If it is decided there is a case for a complaint, the subject of the complaint is advised of the complaint and provided with all relevant information to do with the complaint within 5 working days of this decision.
- 9.9.5. Support and advice is offered to the subject of the complaint
- 9.9.6. There is a staged and flexible process for resolving the complaint:
- at first less formal avenues are explored. Complaints are, if possible, resolved between the parties in the first instance by mediation and other means; and
  - if less formal avenues are unsuccessful there is a hearing into the complaint by a Panel.

## 9.10. **Hearing of a complaint by a Panel**

- 9.10.1. A Panel is appointed by the a process determined by ACTRA.
- 9.10.2. Panel members are subject matter experts both technically with regard to the issues associated with the complaint and with regard to the industry involved.
- 9.10.3. The Panel is independent, impartial, objective and credible.
- 9.10.4. Members are peers of, or have higher professional standing than the subject of the complaint.
- 9.10.5. The backgrounds and associations of panel members are known to the subject of the complaint and the complainant.
- 9.10.6. Membership of the Panel can be challenged by the complainant or the subject of the complaint e.g. on grounds of bias.
- 9.10.7. A Panel member or members may come from outside ACTRA.
- 9.10.8. With regard to the standard of proof, laws of evidence do not apply but natural justice must be observed.
- 9.10.9. The Panel must be 'comfortably satisfied' about any decision it makes.
- 9.10.10. Any decision of the Panel will be based on the evidence.

## 9.11. **Outcomes of a Panel hearing**

- 9.11.1. Complaints will generally be about unsatisfactory professional conduct (involving a

substantial or consistent failure to reach reasonable standards of competence or diligence) or serious professional misconduct (involving conscious and deliberate bad behaviour).

9.11.2. A Panel may decide to dismiss a complaint.

9.11.3. If a complaint is confirmed by a Panel the nature of the complaint will be reported to the Committee for consideration under Clause 8 of the Rules.

9.12. *As a guide only* unsatisfactory professional conduct may result in:

- counselling or mentoring or both;
- admonition;
- reprimand;
- the undertaking of specified professional development;
- the obligation for specified decisions to be referred from time to time to an appropriate person.

9.13. *As a guide only*, serious professional misconduct may result in:

- the obligation to operate professionally for a specified time under the supervision of an appropriate person. This could involve auditing of professional work including examination of work product or obtaining feedback on the member's behaviour or professional conduct;
- suspension of Registration for a specified period;
- withdrawal of Registration with a possible opportunity to seek re-registration after a specified period;
- suspension from membership;
- expulsion from membership.

9.14. **Publication of Panel findings**

ACTRA will determine the purpose, criteria, form, content and medium for the publication of any findings.

9.15. **Management of the Procedure**

9.15.1. ACTRA is responsible for the management and conduct of the Procedure.

9.15.2. ACTRA may set up systems, procedures and delegations as it sees fit to fulfill part or all of these responsibilities.

9.15.3. ACTRA will review the Procedure from time to time, and make whatever changes are necessary to improve its functioning. The review will establish whether there has been sufficient awareness of the Procedure and whether the Procedure has been efficient and effective in meeting its desired aims. The Procedure review may also include a review of the Code of Ethics and Code of Professional Standards.

## 10. Glossary

Interpretation

For the purposes of this document, the term:

Registrant - refers to both a Registered Member or a Fellow as defined in By Law – Registration Process for a Registrant of the Australasian College of Toxicology and Risk Assessment;

Member - refers to members of ACTRA

Rules - means the Rules of the Australasian College of Toxicology and Risk Assessment

Professional and ethical conduct – Behaviour and conduct that complies with the association’s Code of Ethics and Professional Conduct.

Natural justice - natural justice operates on the principles that people are basically good, that a person of good intent should not be harmed, and one should treat others as one would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:

- A member who is the subject of a complaint should be given adequate notice and information about the complaint and the proceedings and, usually, the name of complainant;
- A Panel member should declare any personal interest they may have in the proceedings;
- A Panel member should be unbiased and act in good faith. He/she therefore cannot be one of the parties in the complaint, nor have an interest in the outcome;
- Proceedings should be conducted so they are fair to all the parties;
- The complainant and the subject of the complaint are entitled to ask questions and contradict the evidence of the other;
- Any Panel should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If Members are satisfied that justice has been done, they will continue to place their faith in the Procedure.

Code of Ethics – These are as specified by the association and are available from ACTRA’s website.

Comfortably satisfied - Panel members should uphold a complaint only when they are convinced that there are no outstanding relevant matters to be considered and that the balance of evidence presented at the hearing clearly supports the Panel’s finding

Complainant - The person or organisation making a complaint

Subject of the complaint - The member about whom a complaint is being made

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