

Conflict of interest policy

Department of Mining and Energy

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Contact details	Department of Mining and Energy Governance Email: governance.dme@nt.gov.au Phone: 08 8999 2350
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Version	Date	Author	Changes made
1.0	14 March 2023	Director Governance	Substantial update to Policy to ensure: <ul style="list-style-type: none"> • Reflects legislative requirements • Simply explain obligations • Reflects current practice.
1.1	3 April 2024	Policy Officer, Governance	The policy underwent a review, resulting in the following minor amendments: <ul style="list-style-type: none"> • Aligning to the new template and internal policy framework. • Changed review to biennially. • Enhanced formatting and reordering of sections to enhance readability. • Moved process detail into newly developed 'conflicts of interest procedure'. • Integrated hyperlinks for increased accessibility and ease of navigation. • s2.1 Addition of a new section addressing temporary conflicts as out of scope. • s8.1 Inclusion of details regarding closing off a declaration form. • s9 Revised reporting to the Board of Management (BOM), along with adjustments to frequency.
2.0	8 January 2025	Policy Officer, Governance	Updated to reflect audit recommendations to included sections on declaring conflicts annually and record retention. Policy reviewed and revised to reflect recent machinery of government changes and improve overall readability.

Acronym	Full form
CEO	Chief Executive Officer
DCEO	Deputy Chief Executive Officer
ECO	Executive Contract Officer
BOM	Board of Management
ICAC	Independent Commissioner Against Corruption
NTPS	Northern Territory Public Service
SAO2	Senior Administration Officer level 2
SP2	Senior Professional level 2

Term	Definition
Actual conflicts of interest	Where the private interests of an employee interfere with the employee's official duties and responsibilities.
Conflicts of interest	A conflict of interest occurs when the private interest of an employee interferes with, or is perceived to interfere with, your professional obligations to the public. A conflict of interest can be actual, potential, or perceived.
Delegate	Person who has authority to decide regarding a disclosure of interest's declaration.
EO	Executive Officer
Perceived conflicts of interest	Where a third party could form a view that an employee's private interests could improperly influence the performance of their official duties.
Potential conflicts of interest	Where an employee has private interests that could interfere with the official duties at some point in the future.
Private interests	Those personal, professional, or business interests that can benefit or disadvantage individuals, or that may disadvantage another. They also include the personal, professional, or business interests of individuals or groups we associate with (e.g. friends, family, rivals, or enemies).
Public duty	The responsibility of employees to put the public interest above their own personal or private interests when carrying out their official duties
Relationships with companies, professional or non-profit organisations	Direct or distant family connection, close acquaintance, third party relationship through clubs or associations

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1. Purpose

This policy outlines the obligations and responsibilities of Department of Mining and Energy (department) employees regarding the disclosure and management of conflicts of interest.

The aim is to assist with effective decision-making when a conflict of interest arises and encourage communication so that employees are comfortable to disclose and discuss conflicts of interest. The overarching objectives of the policy are to:

- maintain public trust by encouraging employees to make decisions on merit without regard to private interest, personal attributes, or opinions
- support transparency and scrutiny by providing mechanisms to disclose and manage interests and conflicts as they arise
- promote individual responsibility and personal example
- provide protection to employees and the department from perceptions or allegations of improper or unprofessional conduct.

2. Scope

This policy applies to all ongoing, fixed period and casual employees of the department. It encompasses the personal, professional, and business interests of employees, as well as their relatives, close friends, and associates.

This policy should be with the [conflict of interest procedure](#).

2.1. Out of scope

Temporary conflicts related to specific business processes (such as governance committees, grants administration, recruitment, or procurement) should be addressed through their relevant processes before formal discussions. This may include informing the relevant committee chair, panel chair, or division head for consideration and record keeping.

3. Principles

Responsible management of conflicts of interest is based on the following principles:

- Protecting the public interest through upholding public sector values.
- Supporting transparency and accountability.
- Promoting individual integrity and impartiality.
- Developing a culture that encourages effective management of conflict of interest.

4. Authority

The Northern Territory Public Sector (NTPS) Code of Conduct defines the expected standards of conduct and provides guidance on various ethical and moral issues affecting NTPS employees. It mandates the declaration and management of all perceived, potential, or actual conflicts of interest to

ensure duties are performed fairly and without bias, thereby maintaining confidence in the integrity of both employees and the department.

5. Roles and responsibilities

Role	Responsibility
Employee	<ul style="list-style-type: none"> • Maintain awareness of obligations under the Code of Conduct. • Discuss any actual, potential, or perceived conflicts with your supervisor. • Submit an annual conflict of interest disclosure by 30 June each year each year, or when conflicts arise. • Manage conflicts according to the agreed management action plan. • Review and update your disclosure before starting in a new work unit.
Supervisor or manager	<ul style="list-style-type: none"> • Discuss declarations with employees to identify best practices for managing or resolving conflicts. • Review management plans with employees annually or sooner if conflicts change or new conflicts are disclosed.
Director or Senior Director	<ul style="list-style-type: none"> • Review all declarations completed by employees in their work unit and agree on a management approach if required.
Delegate	<ul style="list-style-type: none"> • Review all disclosed conflicts per section 5.4.4 of the code of conduct.
Governance	<ul style="list-style-type: none"> • Review declarations according to the internal Governance standard operating procedure and provide advice or suggest an alternative management plan. • Assist employees and managers in resolving disagreements on conflict management plan. • Provide ongoing education and training around conflicts of interest. • Send annual reminders and track completion. • Director Governance to review all declarations that are SAO2 or above.
SAO2/SP2 and above	<ul style="list-style-type: none"> • Determination 13 of 2011 under <i>Public Sector Employment and Management Act 1993</i> states that an executive contract officer (ECO) must disclose in writing to the department where a potential conflict between their personal interest and official duty, whether real or apparent, has arisen or is likely to arise. • All employees at the SAO2/SP2 level and above are required to submit a conflict of interest declaration by 30 June each year, even if they have no conflicts to declare. This requirement, mandated by the Board of Management (BOM), serves as an essential risk mitigation measure due to the seniority and decision-making authority associated with these roles. Additionally, newly appointed, or acting employees at this level must complete the declaration process, including disclosing any conflicts or confirming nil conflicts, within the first three months of their commencement

Role	Responsibility
Chief Executive Officer	<ul style="list-style-type: none"> • Review and the approve conflicts of interest declarations from BOM members. • Complete a NTPS declaration of private financial and other interests form on commencement, annually and when a potential conflict is recognised or becomes apparent. This declaration is provided to the Commissioner of Public Employment in accordance with the guidelines provided at the front of the declaration. • Discuss the management of an actual, potential, or perceived conflict of interest with the relevant Minister and, if appropriate, the Chief Executive of the Department of the Chief Minister and Cabinet. <ul style="list-style-type: none"> – In situations where the CEO has a conflict of interest, they will disclose the conflict, excuse themselves from the process, and refer considerations and decisions to either the DCEO or another appropriate delegate.

6. Identifying conflicts of interest

A personal interest, whether inside or outside of work, does not automatically constitute a conflict of interest. A conflict arises when a work related matter is associated with these interests. Note that private interests can extend to the interests of immediate family members and close friends of the employee.

Factors to consider when determining whether public duty and private interests may conflict include, but are not limited to:

- shareholdings or other interests in a company or business
- family or other relationships with co-workers, clients, or contractors
- interests in property or land
- significant liabilities to organisations or individuals, excluding home mortgages
- outside employment, appointments, or directorships, whether remunerated or not
- bankruptcy
- affiliations with for profit or non-profit organisations (including sporting bodies, clubs, and associations)
- obligations to professional, community, ethnic family, or religious groups in a personal or professional capacity
- holding Local Government office
- enmity towards or competition with another individual or group
- future employment prospects or plans (i.e. post separation employment).

For further examples or a clearer understanding of conflicts of interest, please consult the [conflict of interest procedure](#). Additionally, you can refer to the [educational video course](#), jointly developed by the NT ICAC Commissioner, the Auditor-General, the Ombudsman, and the Electoral Commissioner.

7. Disclosure

While it may not always be possible to avoid conflicts of interest, especially in small communities or specialised industries, the key is what employees do once they become aware of the conflict.

Ongoing conflicts of interest must be disclosed through the online [conflict of interest declaration form](#). Follow the [conflict of interest procedure](#) as needed.

Failure or refusal to complete a conflict of interest declaration may be considered a breach of employment (or a breach of contract in the case of an ECO) under section 49 of the [Public Sector Employment and Management Act 1993](#).

8. Managing conflicts of interest

The conflicts of interest declaration require employees and managers to discuss and propose arrangements for managing declared conflicts. One or more of the following actions may be recommended to address the declared conflicts:

- abstain from the conflicted process
- remove the employee from the decision-making process associated with the conflict
- assign another employee to undertake the function
- refer to a more senior officer or delegate
- engage an independent person to review actions undertaken by the employee
- restrict or cease involvement in the private interest or association
- remove the employee from the conflict, for example transferring the employee to another business unit within the department or to another agency
- in more serious cases, the employee can resign from their position.

In the event of conflicts of interest, the delegate must decide whether:

- the employee can continue their duties
- the employee should divest themselves of the interest
- a rearrangement of duties or transfer is required to remove the conflict.

The delegate may consult with the supervisor, senior director, executive director, governance, or the employee concerned before making a decision regarding the management of the conflict of interest. The employee and manager will be notified of the delegate's decision in writing.

8.1. Changes to an employee's interests

If an employee's interests change, a new conflict of interest declaration form must be submitted.

Changes in interests may include acquisition, divestments, altered relationships, or a significant change in responsibilities of the employee.

If interests no longer present a conflict, contact governance to have the declaration form closed.

8.2. Annual declarations

Employees required to provide an annual declaration by 30 June include:

- Any employee who has previously declared a conflict of interest must update their disclosure.
- All employees at SAO2, SP2, EO2 and EO3 level.
- All executive contract officers (ECO's).

Employees submitting a conflict of interest form after 31 March are not required to submit another form unless their declaration changes.

8.3. Grievances

Should an employee and the delegate not agree on a management plan, the matter should be referred to the Director Governance.

If unresolved, the employee may lodge a grievance review request with the Commissioner for Public Employment under section 59 of the [Public Sector Employment and Management Act 1993](#).

To ensure that the objectives of this policy are not jeopardised, the employee must cease involvement in the matters involving the conflict until the grievance is resolved.

8.4. Corrupt conduct

Under Section 10 of the [Independent Commissioner Against Corruption Act 2017](#), failure to adequately manage an actual or perceived conflict, is considered corrupt conduct.

Subsection (2) Conduct is also corrupt conduct if it is conduct engaged in by a public officer (whether or not the identity of the public officer is known):

(c) that involves or results in any of the following:

(ii) failure to manage adequately an actual or perceived conflict

8.4.1. Whistleblowing

Employees are encouraged to report concerns about improper conduct. Protection is available for those who disclose suspected wrongdoing, including potential or actual corrupt conduct. For more details, please refer to the [reporting suspected improper conduct intranet page](#).

9. Privacy and confidentiality

All information in employee declarations will be held confidentially by governance in accordance with the [Information Act 2002](#).

Access is restricted to employees who require it to perform their official functions. Employees may access their own information in line with the [Information Privacy Principles](#).

10. Record retention

Department records must be disposed of in accordance with the *Information Act 2002*. The NTG [disposal schedules](#) outline how long records must be kept before being archived or destroyed. To manage the archiving and disposal of department records, the approved NTG information and records management system should be used. In most cases, this system is the Territory Records Manager (TRM).

11. Monitoring and reporting

A register for conflicts of interest declarations is held securely by governance. Access to declarations is limited to the employee, their supervisor, relevant directors, delegate and the CEO unless required by law.

Governance will provide reporting and insights to the BOM via 2 avenues:

Reporting to	Reporting avenue	Reporting frequency
BOM (collective reporting)	BOM meetings	Biannual
BOM (individual reporting)	Divisional meeting and emails	Quarterly

12. Communication

This policy will be published on the department's intranet and will also be available on the department's website for third party access.

13. Review of the policy

This policy will be reviewed at least every 2 years or following any significant organisational, legislative, or regulatory changes.

14. Related legislation

[Public Sector Employment and Management Act 1993](#)

[Employment Instruction No. 12 - Code of Conduct](#)

[Information Act 2002](#)

[Information Privacy Principles](#)

[Independent Commissioner Against Corruption Act 2017](#)

15. Interpretation, feedback, and further information

For further information or any feedback, contact governance by phone on 8999 2350 or by email governance.dme@nt.gov.au