



Australian Government
National Capital Authority

CONFLICT OF INTEREST POLICY

August 2025

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1 Introduction

- 1.1 The National Capital Authority (**NCA**) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988 (PALM Act)*. The NCA is a non-corporate Australian Government agency within the Infrastructure, Transport, Regional Development, Communications, Sport and the Arts portfolio.
- 1.2 The NCA performs the role as trustee of Australia's National Capital, Canberra, and in this capacity, serves the interests of the Australian Government, the nation and its people.

2 The NCA's obligations

- 2.1 As an Australian Government agency, the NCA has conflict of interest obligations deriving from a number of sources, including under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Commonwealth Procurement Rules* (CPRs), the *Public Service Act 1999* (PS Act), the *Criminal Code Act 1995*, the Accountable Authority Instructions (AAls) and the fraud control strategies outlined in the NCA's Fraud Control Plan.
- 2.2 The PGPA Act, for example, requires Commonwealth entities to meet high standards of governance, performance and accountability and to use and manage public resources properly.
- 2.3 The CPRs have provisions relating to conflicts of interest. It is common for entities to rely on declarations from employees, contractors and advisory bodies to identify any conflicts that may require management.
- 2.4 The Australian Public Service (APS) Code of Conduct has a number of provisions which are relevant to conflict of interest, but in particular provides that APS employees must, "take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment". Public confidence in the integrity of the APS is vital to the proper operation of government. Confidence may be jeopardised if the community perceives that an employee has a conflict of interest when undertaking their functions. APS employees need to be aware that any private interests, both financial and personal, could conflict with their official duties.

3 Purpose of this policy

- 3.1 The NCA is committed to ensuring its people work in an unbiased way, without being influenced by improper considerations. The purpose of this policy is to clearly define the NCA's requirements for the disclosure of interests, and management of conflicts of interest. This policy should be read in conjunction with the legislation noted above.

4 Coverage

- 4.1 This policy applies to all NCA staff, Authority Members, volunteers and contracted staff. Where relevant, the NCA places equivalent obligations into arrangements with service providers to the NCA.

5 What is a Conflict of Interest?

- 5.1 A conflict of interest exists when a person is influenced, could become influenced, or could be perceived to be influenced, by a personal interest when undertaking their official duties. Conflicts of interest may be real, perceived or potential:
 - 5.1.1 **Real** – where a direct conflict exists between a person's official duties and their private interests, such that the person's private interests could improperly influence the performance of their official duties.

5.1.2 **Perceived** – where the public might reasonably perceive that a person’s private interests might improperly influence the performance of their official duties, regardless of whether or not that is the case.

5.1.3 **Potential** – where a person’s private interests are not currently conflicting with their official duties, but they could conflict in the future.

5.2 Awareness of the potential for conflicts of interest is important at all times, but the risk of a conflict occurring increases when employees are involved in particular types of work, for example, procurement or recruitment. Three types of interest that can give rise to a conflict of interest are financial, political and personal.

Financial interests

5.3 Financial interests include holding securities (such as shares), real estate, directorships, running a private business or other income sources, which might be affected by a decision made within the NCA.

5.4 Section 13(10) of the PS Act relevantly provides that an APS employee must not improperly use inside information or their position to gain a benefit for themselves or for any other person. For example, APS employees must not use information obtained at work to unfairly advantage them on the share-market, or provide information to a tenderer which would unfairly advantage them.

Political interests

5.5 Political interests include where an employee has a relationship with a lobbyist, is a member of a political party, or is a member of an organisation that advocates about political matters. Section 13(11) of the PS Act requires APS employees to uphold the APS Values, one of which is that the APS is apolitical. An APS employee must be able to provide impartial advice.

Personal interests

5.6 Personal interests include personal relationships, such as those made during sporting, social or cultural activities, friendships made at work, and family or intimate relationships.

Examples of conflicts of interests

5.7 Examples of where personal interests may conflict with official duties are where an employee is:

- a member of a recruitment selection advisory committee and has a personal relationship with an applicant for the position; or
- a member of a tender evaluation committee during a procurement process and owns shares in a company that is tendering for an NCA contract.

5.8 Situations where there is a heightened potential for a conflict of interest to arise include involvement in:

- amendments to the National Capital Plan;
- the assessment of works approval applications;
- payments processing where a person has an interest in a service provider to the NCA;
- procurement processes;
- recruitment selection panels, where a member has a relationship with an applicant; and
- a supervisory role between an employee and their partner, family member or friend.

Declaration of Material Interests

5.9 The NCA identifies real, perceived or potential conflicts of interest in several ways, notably:

WHO	WHEN	HOW
<ul style="list-style-type: none"> New Employees 	<ul style="list-style-type: none"> New employees including contractors, complete an acknowledgement of the Conflicts of Interest Policy (see Appendix A) within the first month of their employment. Declaration of Material Interests form to be completed on commencement of employment (see Appendix B) All employees have an ongoing obligation to declare relevant interests as they arise or as circumstances change. 	<ul style="list-style-type: none"> Conflicts of Interest policy and acknowledgement form to be provided by line manager as part of induction process Declaration of Material Interests form provided by Line Manager
<p>Category 2 Employees</p> <ul style="list-style-type: none"> SES EL2 Employees whose role requires them to be involved in key financial, planning or procurement decisions 	<ul style="list-style-type: none"> In addition to new employee declaration, Category 2 Employees are required to complete an annual Declaration of Material Interests by 30 June each year 	<ul style="list-style-type: none"> Provided to relevant Employees by Manager Governance
<ul style="list-style-type: none"> Employees involved in particular processes from time to time, but not as a regular component of their role, such as procurement, recruitment or specific projects 	<ul style="list-style-type: none"> Required to complete the declaration of material interests specific to each project 	<ul style="list-style-type: none"> Provided by relevant project lead, Director, or Branch Head
<ul style="list-style-type: none"> Authority Members 	<ul style="list-style-type: none"> Complete a Declaration of 	<ul style="list-style-type: none"> Provided by Manager

	<p>Material Interests on appointment</p> <ul style="list-style-type: none"> • Complete a Declaration annually at the commencement of each calendar year • New interests to be declared at the commencement of each meeting, and where specific agenda items may be considered a conflict 	Governance
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- 5.10 If a person is unsure whether there is a conflict of interest (or conflict of duty) it is in all instances preferable to declare it. When considering if a conflict exists, consider the situation from the viewpoint of a reasonable person. If it is likely a reasonable person would consider a conflict exists, then the NCA staff member or Authority Member should act as though a conflict does exist. Disclosures should be detailed enough that the assessor can accurately understand and appropriately manage the interest.
- 5.11 The NCA has a Register of Relevant Interests (for senior executive staff and Authority Members) and a Gifts and Benefits Register (for all staff). The Register of Relevant Interests will reflect (by way of explanation) whether or not the declaration is a conflict of interest, and how that interest will be managed. The Gifts and Benefits Register is published on the NCA website and supported by the Gifts and Benefits policy.
- 5.12 Government policy provides that the Chief Executive, members of the Senior Executive Service (SES) and those acting in SES positions for longer than three months, are required to disclose their own private interests, and those of their immediate family, to the extent to which they are aware of those interests. Further, section 13(7)(b) of the PS Act provides that an APS employee must disclose the details of any material personal interest of the employee in connection with the employee's APS employment. A "material" personal interest is of a type that can give rise to a real or potential conflict of interest. Personal interests do not give rise to a conflict of interest unless there is a real or reasonable possibility of conflict, not simply a remote or theoretical possibility of conflict. These requirements are extended to NCA Authority Members under this policy.
- 5.13 Completing the Declaration of Material Interests form does not absolve personnel of their continuing obligation to avoid a conflict wherever possible or to declare conflicts as they may arise.
- 5.14 Due to privacy issues associated with the release of information to third parties, if a staff member or Authority Member discloses the personal information of another person in a Declaration of Material Interest then the individual completing the declaration should inform that person of:
- the details of the personal information disclosed to and now held by the NCA; and
 - to whom the information may reasonably be expected to be released.
- 5.15 The Manager, Human Resources, is responsible for retaining staff member declarations on appropriate files. Once noted by the relevant line manager and also the Chief Executive where a conflict is declared, the forms should be provided to the Manager, Human

Resources, who must classify them as 'Official: Sensitive – Personal Privacy' and place them on the relevant personnel or contractor files, or other relevant files (recruitment files). Access to the forms must be restricted on a 'need-to-know' basis. Personnel may access their own forms at any time.

6 Assessing Conflicts of Interest (Refer to Appendix B for flow chart)

STEP	ACTION	BY WHOM	HOW
New Employees			
1	Disclosure of possible conflicts	New staff members who believe they may have an interest	<ul style="list-style-type: none"> New staff members to be provided with a Declaration of Material Interests form by Line Manager to be completed and then returned to relevant manager
2	Assess declaration and determine if conflict of interest has been declared	Relevant manager	<ul style="list-style-type: none"> Immediate Director (or Branch Manager where this process applies to a Director) to consider all relevant circumstances and, if necessary, seek further advice from Manager Governance If no conflicts are declared, the form is sent to HR to be placed on personnel file. Where a conflict is declared, Line Manager will escalate to Branch Manager for assessment
3	Where a conflict has been declared (real, perceived or potential) determine appropriate strategy to manage conflict	Branch Manager	<ul style="list-style-type: none"> Branch Manager to consider appropriate strategy. Once the strategy is developed, it should be communicated to affected staff member and agreement sought. Where a conflict exists, the declaration form and conflict management strategy is sent to the Chief Executive for review.
4	Review of conflict management strategy	Chief Executive	<ul style="list-style-type: none"> The Chief Executive will satisfy themselves that the conflict management strategy is appropriate.

			<ul style="list-style-type: none"> When satisfied, the form will be returned to HR for placement on personnel file.
5	Recording of conflict and management strategy	Governance team	<ul style="list-style-type: none"> Where a conflict management strategy is implemented, the Line Manager will advise Manager, Governance and this will be recorded on the NCA Staff Register of Relevant Interests
Category 2 Employees			
1	Disclosure of possible conflict	<ul style="list-style-type: none"> SES EL2 Employees whose roles require them to be involved in key financial, planning or procurement decisions 	<ul style="list-style-type: none"> In addition to initial declaration as new employee, staff members in this category will be provided with a Declaration of Material Interests form on an annual basis for completion by 30 June
2	Assess declaration and determine if conflict of interest exists	Chief Executive	<ul style="list-style-type: none"> Chief Executive to consider all relevant circumstances. If no conflicts are declared, the form is sent to HR to be placed on personnel file.
3	Where a conflict exists (real, perceived or potential) determine appropriate strategy to manage conflict	Chief Executive	<ul style="list-style-type: none"> Where a conflict exists and management strategy developed, it should be communicated to affected staff member and agreement sought.
4	Recording of conflicts and management strategy	Governance Human Services	<ul style="list-style-type: none"> Conflicts and management plans pertaining to staff are logged on the NCA Staff Register of Relevant Interests by Manager, Governance All declarations are stored by HR on personnel files

Authority Members			
1	Disclosure of possible conflict	Authority members at any time where it is believed a conflict may exist	New Authority Members to be provided with a Declaration of Material Interests form by the Manager, Governance
2	Assess declaration and determine if conflict of interest exists	Governance	Governance Manager to consider all relevant circumstances and, if necessary, seek further advice from the Director responsible for the Governance team. Advice may also be sought from the Chief Counsel. If no conflicts are declared, the form is sent to CE to be placed in secure storage.
3	Where a conflict exists (real, perceived or potential) determine appropriate strategy to manage conflict	Governance	Where a conflict exists, the form is sent to the Director responsible for the Governance team and a management strategy is developed. Advice may also be sought from the Chief Counsel. The management strategy should be communicated to the affected Authority Member and agreement sought.
4	Recording of conflict and management strategy on NCA Authority Register of Relevant Interests	Governance	The Register of Relevant Interests is maintained as a standing document at Authority meetings for review.

7 Managing Conflicts of Interest

The strategy selected for managing the conflict of interest will depend on a number of factors and will be decided taking into account the:

- Nature of conflict
- Complexity of the situation
- Implications and risks to the NCA, task, matter or work.

Conflict Management Strategy	When most suitable
Registration Details of real or perceived conflicts are formally advised and noted	For very low risk conflicts of interest and potential conflicts where the act of recording is sufficient.

Restriction Restrictions are placed on a person's involvement in a matter	The person can be effectively separated from the activity The conflict is not likely to arise frequently
Removal Person does not participate at all in the matter	If it is not feasible or reasonable to be removed from only parts of activity or process For ongoing serious conflicts of interest where ad hoc restriction is not appropriate
Relinquishment The private interest is relinquished	Person's commitment to public duty outweighs attachment to interest
Resignation Person steps down from their role	No other workable options and the person prefers this course

8 Making Public Comment and Participating Online

Official Capacity

- 8.1 Some staff, as part of their official duties, provide comment to the media and through websites, including social networking and blogging websites. Comments may include information surrounding agency activities, updates to the public and responses to commentary.
- 8.2 When commenting in an official capacity, staff are bound by the APS Values and Code of Conduct, including a duty under the *Public Service Regulations 2023*, not to disclose certain information without authority.
- 8.3 Requests to clear material for public release are to be submitted to the relevant Senior Executive Service Officer and escalated where appropriate to the Chief Executive.

Unofficial Capacity

- 8.4 Staff may engage in online and social media activity and make public comments in a professional or private capacity, separate to their APS employment. However, employees must be aware that doing so carries risks, such as breaching the APS Code of Conduct, and could lead to sanctions including termination of employment.
- 8.5 Under the APS Code of Conduct, employees must, at all times, behave in a way that upholds the APS Values, such as acting impartially and apolitically, and uphold the integrity and good reputation of the employee's Agency and the APS. Therefore, employees should consider whether their online and social media activity, including making posts and 'liking' and commenting on posts, could breach the APS Code of Conduct.
- 8.6 For in-depth information on employees' use of social media, please see the APSC guidance: [Social media: Guidance for Australian Public Service Employees and Agencies | Australian Public Service Commission](#).

9 Outside Employment and Volunteer Work

- 9.1 Employees are able to perform paid work and volunteer work outside the APS, provided it does not conflict with, or adversely affect, the performance of their official duties.
- 9.2 As a general rule, employees should not engage in paid or volunteer work if it:

-
- would create an actual, perceived or potential conflict of interest with their official duties; or
 - is likely to affect their efficiency in the performance of their official duties.

9.3 Additional information is included in the [Secondary Employment Guidelines](#) and [Application to Engage in Secondary Employment form](#)

10 Roles and Responsibilities

Managing conflicts of interest is the shared responsibility of Human Resources, Governance, employees, Managers, Chief Executive and Authority Members. The overriding objective of the conflict of interest management strategy is to ensure the agency's decision making is not compromised.

Human Resources

HR is responsible for:

- Onboarding of new staff including provision of Conflicts of Interest Policy and Conflicts of Interest Declaration
- Maintain declaration forms in a secure manner

Governance

Governance is responsible for:

- Proposing a system for identifying and managing conflicts of interest in the form of policies and procedures
- Building a culture that supports implementation of policies through education, training and activities
- Reviewing policies to ensure they remain fit for purpose
- Developing and maintaining a conflicts of interest register
- Reviewing and managing the Gifts and Benefits register

Staff members

Staff members subject to these general procedures must;

- Take reasonable steps to avoid placing themselves where they could be in a position to be compromised
- Declare possible conflicts of interest accurately and promptly
- Abstain from involvement in decisions and actions that could be reasonably be seen to be compromised by personal interests
- Avoid private action which could be seen to have improper advantage from inside information they may have access to because of official duties
- Ensure there can be no perception that they have received an improper benefit that may influence the performance of official duties
- Not taking improper advantage of position or privileged information gained in their employment when seeking employment outside of NCA

Managers

Managers are responsible for complying with conflict of interest policies with respect to their own conflicts and potential conflicts of interest and compliance of those they supervise by:

- Being aware of the conflicts inherent in the work of the staff they manage

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- Making staff aware of relevant policies and procedures
 - Escalating conflict of interest management strategies as required
 - Monitoring the work of staff and the risks they are exposed to
 - Monitoring compliance with, and the effectiveness of agreed management strategies

Chief Executive

The Chief Executive will be responsible for:

- Satisfying themselves that a proposed management strategy is appropriate and implemented
- Reviewing any identified undeclared conflict that may have affected the handling of a matter or the making of a decision and determining action

Authority Members

Authority members will be responsible for:

- Ensuring conflict management strategies are adhered to where they apply to Authority Members
- Take reasonable steps to avoid placing themselves where they could be in a position to be compromised
- Declare possible conflicts of interest accurately and promptly
- Abstain from involvement in decisions and actions that could be reasonably be seen to be compromised by personal interests
- Avoid private action which could be seen to have improper advantage from inside information they may have access to because of official duties
- Ensure there can be no perception that they have received an improper benefit that may influence the performance of official duties
- Not taking improper advantage of their position or privileged information gained in their employment when seeking employment outside of the NCA



Appendix A - Acknowledgement of Conflict of Interest Policy

I acknowledge that:

- I have read and understand the National Capital Authority's Conflict of Interest Policy.
- The APS Values and APS Code of Conduct in the *Public Service Act 1999* place an obligation on all APS employees to behave with the highest ethical standards and I will abide by that obligation.
- I must provide the Chief Executive with the *Declaration of Material Interests* where my material interests are of such a nature that they may conflict, may be perceived to conflict, or may potentially conflict with my NCA duties.
- I must submit a new *Declaration of Material Interests* form if my circumstances change and that change raises a new material interest that could create a real, perceived or potential conflict of interest.
- If I am a senior employee (SES and EL2s), I must provide an annual *Declaration of Material Interests* to the Chief Executive by 31 July each year to either confirm that my previous circumstances remain unchanged or to advise of a relevant change in circumstances.
- I agree to identify and report any real, potential or perceived conflict of interest in relation to my duties or any other role I am asked to perform from time to time, to the relevant supervisor or process manager and the Chief Executive.
- I agree to identify and seek permission from the Chief Executive to undertake external paid or unpaid work as per the [Secondary Employment Guidelines](#).

Name:
Position and Team:
Date:
Signature:



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Appendix B – Declaration of Material Interests

Instructions for completing this form

- (1) You are only required to declare material interests if they are of such a nature that they may be seen to give rise to a conflict of interest or the perception of a conflict of interest in relation to your employment with the National Capital Authority (NCA).
- (2) You must declare your material interests and, where known to you any material interests of your dependent, spouse or partner.
- (3) A non-exhaustive list of relevant material interests includes:
 - a) Financial, for example:
 - i. Securities including shareholdings and interests in trusts (e.g. shares in companies with which the NCA does, or intends to, conduct business);
 - ii. Real Estate/Property Interests (e.g. land or buildings that may be affected by a decision by the NCA);
 - iii. Directorships in companies or associations (e.g. a company that does business with the NCA);
 - iv. Income sources, including gifts or hospitality (e.g. income, gifts or hospitality from a lobby group, company, professional association, local councils or other body who may have an interest in influencing NCA decision making not including official allowances as an employee of the NCA); and
 - v. Liabilities (e.g. liabilities to organisations that have an interest in influencing NCA decision making not including credit cards, personal loans and similar liabilities to recognised banking and financial institutions).
 - b) Political, for example:
 - i. Membership of political parties;
 - ii. Relationship with lobbyists; and
 - iii. Membership of organisations that advocate about political matters.
 - c) Personal, for example:
 - i. Friendships made at work or during sporting, social or cultural activities, where the friend is applying for a position with the NCA;
 - ii. Family or intimate relationships where the person owns a business that is tendering for an NCA contract.

To: NCA Chief Executive

DECLARATION OF MY MATERIAL INTERESTS

I declare the following material interests which may give rise to a real, perceived or potential conflict of interest with my official NCA duties:

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DECLARATION OF MATERIAL INTERESTS OF MY DEPENDENT, SPOUSE OR PARTNER

I declare the following material interests of my dependent, spouse or partner which may give rise to a real, perceived or potential conflict of interest with my official NCA duties:

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I declare that I hold no interests, other than those identified above, which might give rise to a conflict of interest or the perception of a conflict of interest in my capacity as an employee of the NCA. I will notify the Chief Executive of any change to any information I have declared within 28 days of becoming aware of such a change.

Name of declarant:

Date of declaration:

Signature of declarant:

COMPLETE below only if applicable (i.e. Manager or Branch manager consideration required)

Manager comments (including a proposed conflict management strategy):

Manager name:

Manager signature:

Date:

Branch Manager comments (including a proposed conflict management strategy):
Branch Manager name:
Branch Manager signature:
Date:

Escalate to the Chief Executive only if a conflict management strategy is proposed

CHIEF EXECUTIVE

Date noted by the Chief Executive:
Signature of the Chief Executive:
Action determined by the Chief Executive to manage any conflict of interest:

