

Conflicts of Interest Policy

1 Objective

As a regulator, IPART's reputation for integrity and professionalism is critically important. Citizens rightly expect that IPART's staff and members should not be in a position to obtain undue personal benefits. Therefore, any conflict of interest that is concealed or mismanaged can damage IPART's reputation.

Given the breadth of IPART's work, it is inevitable that conflicts of interest will arise from time to time. What is most important is how the risks associated with those conflicts are managed. This policy sets standards in relation to the ethical management of conflicts of interest.

2 Scope, exclusions and authority

This policy applies to all IPART employees, contingent labour or contractors (staff).

The policy also applies to Tribunal and Committee members, in so far as it sets out principles for the identification and management of conflicts of interest. However, a separate process for the declaration of Tribunal and Committee member interests applies (see the Disclosure of Interests Protocol for Tribunal members (D21/29685)).

The principles for identification and management of conflicts of interest apply to IPART's Audit and Risk Committee (ARC), and are managed in that context as outlined within the ARC Charter (D18/2214: December 24).

Similarly, the principles for identification and management of conflicts of interest apply to vendors, suppliers and consultants. The Procurement Manual includes further information on management of these conflicts.

3 Principles

IPART takes a conservative approach to reporting and managing any conflicts of interest. The following principles apply:

- **Disclose all conflicts of interest:** In many cases, only the person who has the conflict of interest will be aware of it. Therefore, the onus is on you to disclose your own interests in accordance with this policy.
- **If in doubt, err on the side of disclosure:** It is difficult to objectively identify your own conflict of interest, so if you are unsure whether something constitutes a conflict, it is better that you disclose it.

- **Avoid conflicts where practical:** You should avoid placing yourself in situations that may give rise to a conflict of interest where it is practical to do so.
- **Conflicts of interest must be managed:** Having a conflict of interest is not necessarily wrong, but it must be managed through an agreed and documented approach in accordance with this policy.
- **Management action should be risk-based:** The action taken to manage a conflict of interest should address the risks arising from the conflict. However, management actions also have a cost (for example, where they remove staff with relevant expertise from a matter), so should also be proportionate.
- **Resolve conflicts in the public interest:** Regardless of any disclosure you have made, you should never favour your personal interest over the public interest.

4 Policy details

This policy:

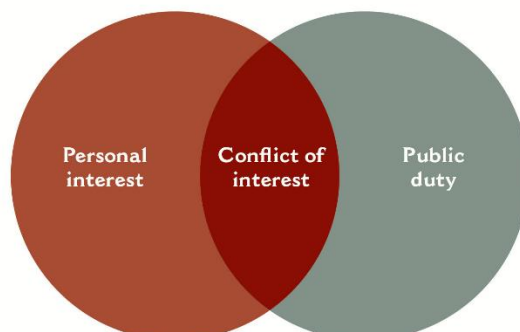
- defines a 'conflict of interest' (section 4.1);
- sets requirements for declaration of personal interests (section 4.2); and
- sets requirements for managing conflicts of interest (section 4.3).

There are also specific conflict of interest management requirements to be aware of relating to:

- secondary employment (section 4.4.1);
- secondments to and from Regulated Entities (section 4.4.2); and
- transactions that involve personal financial benefit (section 4.4.3).

4.1 What is a conflict of interest?

A 'conflict of interest' exists when a reasonable person might perceive that your personal interests could be favoured over your public duties. In practice, this requires a connection or overlap between those interests and duties.



4.1.1 What is a 'personal interest'?

Personal interests that may trigger a conflict of interest include:

- Financial interests
- Personal relationships
- Connections to people who have provided income or may provide income
- Involvement in secondary employment (see section 4.4.1 below)
- Secondments to or from Regulated Entities (see section 4.4.2 below)
- Affiliations with organisations and clubs, and people connected to them
- Connections to people and entities who have given benefits or favours
- Other close connections.

As a general rule, the personal interests of family members and close connections are considered to be your personal interests.

See the Conflicts of Interest Policy Guidance for further information.

4.1.2 What is a 'public duty'?

Your public duties include:

- the requirements of your job description (where applicable)
- statutory functions you perform as part of your role (for example, Tribunal members or those exercising functions delegated by the Tribunal); and
- a requirement to act accordance with applicable policies, procedures, codes and values of IPART.

4.2 When must I declare a personal interest?

As an IPART staff member, you must make a declaration on commencement, and renew your declaration annually, or if circumstances change in such a way as to affect the nature of your interests. Changes in circumstances may include changes to both your role (for example, starting in a new position or starting work on a new review) and to your personal interests. All conflicts must be registered in the Conflicts of Interest Register (via MyCareer). More detail can be found in the Conflicts of Interest Policy Guide.

If you are undertaking procurement, you must also declare any personal interest where you contribute substantially to a Scope of Work or before reviewing quotes. More detail on how the declaration is to be made can be found in the Procurement Manual.

If you are undertaking recruitment, you must declare any personal interest as soon as practicable after you have access to candidates' applications. You should make the declaration to the hiring manager or to the delegate who will approve the appointment.

Failure to declare an interest that gives rise to a conflict is a breach of the IPART Code of Ethics and Conduct.

Tribunal and Committee members should refer to the relevant Code of Ethics and Conduct, and to the *Disclosure of Interests – Protocol for Tribunal and Committee members* for further detail on when they should declare personal interests.

The ARC is to refer to the ARC Charter for further detail on declaring of conflicts.

4.3 How must a conflict of interest be managed?

The public interest must be put ahead of personal interests. Once you have disclosed a conflict (whether perceived or actual), you must, together with your manager, discuss and document how your conflict of interest will be managed. You must adhere to the agreed, documented approach to managing your conflict of interest. You must also notify your manager promptly of any significant changes to your conflict of interest and update your declaration in MyCareer.

If you are a manager and one of your staff has disclosed a conflict of interest, you must:

- Ensure the disclosure is in writing and recorded in the conflicts of interest register through MyCareer
- If necessary, make further enquiries to verify the accuracy and completeness of the disclosure
- Together with the affected employee/contractor, discuss and document how the conflict of interest will be managed in MyCareer
- Monitor the situation to ensure compliance with the agreed management plan.

Recorded management actions are reviewed and considered on a monthly basis by the Chief Audit Executive. If you are in doubt as to how to manage a conflict, you should contact the Chief Audit Executive or Principal Risk Officer.

If you become aware of any non-compliance issues you should promptly report them to the Principal Risk Officer using the [Incident Report Template](#) in line with the [Compliance Management Policy](#). You may also consider making a voluntary and confidential public interest disclosure. For more information, please consult the [Public Interest Disclosure Policy](#).

Managers should always consider whether the circumstances warrant removing the employee from the duties that are in conflict. The same applies to a panel chair or other person to whom a declaration is made in the context of a procurement or recruitment.

Options for management of conflicts of interest are detailed in the Conflicts of Interest Policy Guidance.

Conflicts of interest can involve the disclosure of information that may be private in nature, such as details about personal finances and relationships. Personal information should only be shared with other IPART staff or members, and only on a genuine need-to-know basis.

4.4 Requirements applying to specific scenarios

4.4.1 Employment outside IPART

Requirements to declare paid employment outside of official duties for IPART, and to update that declaration at least once every 12 months, are set out in the IPART Code of Ethics and Conduct.

In certain circumstances, the IPART Code of Ethics and Conduct also requires IPART staff to notify IPART where they express interest in, apply for or are offered employment with regulated entities. Employees should read these requirements in full. The Code also prohibits detrimental action against any person because they express interest in, apply for, or are offered employment outside of IPART.

4.4.2 Secondments to or from Regulated Entities

IPART does not accept secondments to or from Regulated Entities in competitive markets. Where the Regulated Entity is not in a competitive market, the employee and the person responsible for approving the secondment should still consider whether any risks arising from the secondment can be managed in the public interest.

4.4.3 Transactions for your own benefit

You must not approve transactions that provide you a personal financial benefit without written approval of the CEO or delegate (e.g. payroll or reimbursement of expenses).

4.4.4 Hiring, recruitment and appointments

If you are involved in a hiring or recruitment decision, you must declare all previous working relationships and other connections with candidates that could constitute a personal interest.

Unlike other conflict declarations, if you suspect that your ability to make a recruitment decision may be affected by a conflict you should provide this declaration to the hiring manager or delegate who will approve the recruitment, rather than to your people leader. If you are unsure who to provide your declaration to, please contact HR or the General Counsel.

This requirement applies to all recruitment and appointment decisions, including:

- serving on recruitment panels
- hiring from talent pools
- authorising secondments or transfers into IPART.

Once a conflict has been declared, you will need to coordinate a management response with the hiring manager, other panel members or HR as appropriate. You will also need to complete the Confidentiality and Conflict of Interest form which is completed as part of the recruitment process.

4.5 Definitions

Key terms used in this policy are defined below.

Table 1 Definitions

Term	Definition
Conflict of interest	See section 4.1.
Personal interest	See section 4.1.1.
Public duty	See section 4.1.2.
Personal relationships	Any relationship with a person, who is more than an acquaintance, could be a personal interest. This typically includes <ul style="list-style-type: none"> • immediate or close family members • friends • foes

Term	Definition
	<ul style="list-style-type: none"> • business partners • romantic partners • close colleagues • mentors and • social connections. <p>It can also include people with whom you formerly had a close relationship; for example, a previous spouse, ex-colleague or an old friend. Feelings of enmity or hatred towards a person can also constitute a personal interest.</p>
Connections to people who have provided or may provide income	<p>Other sources of income are financial interests. However, your connection to the people and entities associated with that income are also likely to be personal interests. Examples can include:</p> <ul style="list-style-type: none"> • Any current provider of secondary or other employment • Current or former business partners • Customers, significant suppliers or contractors of a private business or other employer • Providers of future employment or business opportunities • Relationships with former employers and colleagues, especially if there is ongoing social contact.
Organisations and clubs, and people connected to them	A personal interest may arise from a connection with organisations or clubs that may be professional, sporting, recreational, community, arts, social and so forth. Hobbies about which you are passionate could also be classed as a personal interest.
Connections to people and entities who have given benefits or favours	Officials may have a personal interest if they could feel indebted or obligated to anyone who has provided gifts, benefits, hospitality or favours. It is not necessarily the gift or benefit itself that causes the conflict of interest, but the potential relationship and sense of obligation or expectation that could arise.
Regulated Entity	<p>An entity that IPART regulates, or that is an industry stakeholder that has an interest in an IPART review.</p> <p>IPART maintains a list of Regulated Entities.</p>

5 Roles and Responsibilities

A summary of the roles and responsibilities of IPART staff, officers and vendors and suppliers is provided at Table 1.

Table 2 Roles and responsibilities

Role	Key responsibilities
All staff	<ul style="list-style-type: none"> • As a general rule, place the interests of IPART, NSW Government and the public interest ahead of personal interests • Behave honestly and with integrity in connection with IPART employment • Take reasonable steps to avoid any conflict of interest (actual or perceived) in connection with your IPART employment • Complete a COI declaration (and, where relevant, disclosing personal interests) in accordance with the COI policy. This may occur on an annual basis or when a significant change occurs such as new function, new role and responsibility. • Adhere to the agreed, documented approach to managing conflicts of interest • Report reasonably suspected breaches of the COI policy in accordance with IPART's Code of Ethics and Conduct

Role	Key responsibilities
Full Executive, People Leaders and those leading key projects and activities	<ul style="list-style-type: none"> • Ensure that their staff, including consultants, contractors and outsourced providers, comply with the COI policy • Provide leadership in dealing with conflicts of interest • Exercise sound judgment when considering how the conflicts of interest of their staff should be managed • Report reasonably suspected breaches of the COI policy in accordance with IPART's Code of Ethics and Conduct • Ensure that relationships with suppliers and other contractors remain on a professional footing, free of conflicts of interest <p>As a hiring manager:</p> <ul style="list-style-type: none"> • Receive declarations from recruitment decision-makers relating to conflicts arising during recruitment decisions • Seek advice from HR and delegate on conflicts • Consider appropriate management responses for conflicted recruitment decision-makers <p>As Panel Chair or lead on procurement activities:</p> <ul style="list-style-type: none"> • Receive declarations from procurement decision-makers relating to conflicts arising during procurement decisions • Seek advice from Business Operations/Procurement and delegate on conflicts • Consider appropriate management responses for conflicted procurement decision-makers • Any COI management should extend for the duration of the successful proponents contracted period.
Tribunal Chair	<ul style="list-style-type: none"> • Report reasonably suspected corrupt conduct to the NSW Independent Commission Against Corruption • The general conduct and management of IPART in accordance with the ethical framework for the government sector
Chief Executive Officer	<ul style="list-style-type: none"> • The general conduct and management of IPART in accordance with the ethical framework for the government sector • Maintain an overall framework of internal control.
General Counsel / Chief Audit Executive	<ul style="list-style-type: none"> • Maintain the register of conflicts of interest • Provide written and verbal guidance on the COI policy, where required • Develop and deliver any required training on conflicts of interest • Review the COI policy and this guidance, at a minimum, every 3 years • Receive and record declarations of interests from Tribunal and Committee members at meetings and by email • Organise periodic independent audits of compliance with the COI policy • Receive and investigate reports of breaches of the COI policy • Review management strategies put in place to manage conflicts of interest.

Role	Key responsibilities
Principal Risk Officer (PRO)	<ul style="list-style-type: none"> • Ensure that the frameworks and registers of IPART are designed to appropriately address the risk of conflicts of interest for IPART staff • Assist the policy owner, managers and staff to manage the risk posed by conflicts of interest • Report quarterly on COI declaration annual and general (non-procurement or HR activities) completion rates to ELT. • Collate and report COI incidents via the risk management report (quarterly to ELT and ARC, and a summary to Tribunal six-monthly) • Collate and report COI compliance breaches via the compliance management report (every 6 months, at a minimum) to ELT and ARC, and a summary to Tribunal six-monthly).
Manager Human Resources (or delegate)	<ul style="list-style-type: none"> • Ensure that IPART human resource frameworks, policies, registers and forms are designed to appropriately address the risk of COI for IPART staff, where appropriate • Advise the policy owner and those undertaking HR activities to appropriately address the risk posed by COI during those activities. For example, monitoring mandatory completion of COI Forms during recruitment processes, and the appropriate management of any COI raised. • Report COI incidents (inc. whether there exists a compliance breach) via the incident management system <p>For Recruitment and Selection see Hiring Managers Toolkit, Stage 3A Confidentiality and COI form (D24/25069).</p>
Manager, Business Operations (or delegate)	<ul style="list-style-type: none"> • Ensure that IPART controlled procurement frameworks, policies, registers and forms are designed to appropriately address the risk of COI for IPART staff, where appropriate • Advise the policy owner and those undertaking procurement to manage the risk posed by COI during procurement activities by way of provision of suitable forms, monitoring and reporting activities. For example, mandatory completion of COI Forms during quotes and tenders by panel members, reviewing proponent submissions for COI and management of any identified conflicts. • Report conflict of interest procurement related incidents (inc. whether there exists a compliance breach) via the incident management system, where appropriate.

If you have any questions about conflicts of interest, please contact:

- your manager;
- the Principal Risk Officer (Internal_Audit@ipart.nsw.gov.au); or
- Chief Audit Executive/General Counsel.

6 Related documents

The following policy documents are also relevant to the management of Conflicts of Interest at IPART:

- Conflicts of Interest Policy Guidance

- Conflicts of Interest Declaration Guide
- IPART Code of Ethics and Conduct
- Code of Ethics and Conduct for Tribunal members
- Code of Ethics and Conduct for Committee members
- Tribunal Protocol for the Declaration of Interests
- Procurement Manual

IPART employees must also comply with IPART's:

- Code of Ethics and Conduct
- Gifts and Benefits Policy
- Public Interest Disclosure Policy
- Fraud [and](#) Corruption Control Charter.

7 Document control

Title	Conflict of Interest Policy
Author	Principal Risk Officer
Owner	General Counsel
Version	2.0
Endorsed by ELT	June 2025
Approver	CEO
Effective Date	June 2025
Reference	D19/6324 Conflict of Interest Policy Working Copy (D20/2696) Conflict of Interest Policy Approved (D19/6324)
Supersedes	Conflict of Interest Policy 1.0:
Release	Approved Policy on MiPart Intranet and IPART website
Review Schedule	3 yearly; June 2028