

Conflict of Interest Policy

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Version	Date	Author	Changes made
0.1	February 2026	NT EPA Secretariat	Version 1

Acronyms	Full form
CEO	Chief Executive Officer
DLPE	Department of Lands, Planning and Environment
ICAC	Independent Commissioner Against Corruption
NTG	Northern Territory Government
NT EPA	Northern Territory Environment Protection Authority
NT EPA Act.	<i>Northern Territory Environment Protection Authority Act 2012 (NT)</i>
OCPE	Office of the Commissioner for Public Employment
PSEMA	Public Sector Employment Management Act 1993
TRM	Territory Records Management system

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1. Background

- 1.1. The Northern Territory Environment Protection Authority (NT EPA) is an independent authority established under the *Northern Territory Environment Protection Authority Act 2012* (the Act).
- 1.2. The NT EPA is a body corporate consisting of between four and seven members (Members) appointed under section 10 of the Act, together with the Chairperson of the Northern Territory Planning Commission. One member is appointed as the Chairperson of the NT EPA under section 11 of the Act.
- 1.3. Members are appointed based on their skills, knowledge and experience across a range of environmental and industry sectors. Members are appointed on a part time basis and, given their expertise, it is recognised that Members may also hold other professional roles, be members of other organisations, or provide advisory or consultancy services to industry or government.
- 1.4. The objectives of the NT EPA are to:
 - promote ecologically sustainable development;
 - protect the environment, having regard to the need to enable ecologically sustainable development;
 - promote effective waste management and waste minimisation strategies; and
 - enhance community and business confidence in the environmental protection regime of the Northern Territory.
- 1.5. The NT EPA's core obligation is to independently and impartially perform the regulatory functions conferred on it under the Northern Territory's environmental regulatory framework, including (but not limited to):
 - the *Environment Protection Act 2019*
 - the *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*
 - the *Waste Management and Pollution Control Act 1998*.
- 1.6. The Environment Division of the Northern Territory Government Department of Lands, Planning and Environment provides staff and facilities to support the NT EPA in the exercise of its powers and functions.

2. Purpose

- 2.1. The purpose of this policy is to assist Members to understand and comply with their obligations under the Act in relation to personal interests, and to ensure that such interests are identified, assessed, disclosed and managed in a transparent, consistent and legally compliant manner.
- 2.2. Members of the NT EPA are statutory officers who owe fiduciary duties to the Territory. This includes a duty not to allow a conflict to arise between their personal interests and their duties to the NT EPA.
- 2.3. This policy also aims to guide the NT EPA's assessment and management of disclosed interests, where the need to maintain public confidence in the independence, integrity and impartiality of the NT EPA is a primary consideration.
- 2.4. This policy explains:
 - how the NT EPA determines whether an interest constitutes a personal interest for the purposes of section 22 of the Act

- the automatic consequences that apply under section 23 of the Act if section 22 is engaged
- how other interests that do not engage section 22 may be managed by the NT EPA
- the ongoing monitoring and reassessment of interests over time.

2.5. Conflicts cannot always be avoided and having a conflict of interest does not, of itself, imply misconduct. However, failure to appropriately disclose and manage interests may undermine public confidence in the NT EPA's independence, serve as ground for termination of a Member's appointment and, in some circumstances, may constitute corrupt conduct under the *Independent Commissioner Against Corruption Act 2017*.

3. Scope

- 3.1. This policy applies to Members of the NT EPA appointed under sections 10 (member), 11 (Chairperson) and 13A (acting member) of the Act.
- 3.2. Conflicts of interest relating to staff provided under section 37 of the Act are managed in accordance with the Code of Conduct for the NT Public Sector, *Public Sector Employment and Management Act 1993* and the Meeting Procedures.
- 3.3. This policy operates alongside, and does not limit or replace, the statutory requirements of the Act, or the Meeting Procedures. Where a conflict of interest is regulated by statute, the Act prevails.

4. Guiding principles

- 4.1. In managing interests and conflicts of interest, the NT EPA is guided by the following:
- decisions must be made impartially, independently and in the public interest;
 - transparency in disclosure and decision-making is essential to maintaining confidence in the NT EPA;
 - statutory requirements under sections 22 and 23 of the Act must be strictly applied;
 - where doubt exists, disclosure and formal consideration is preferred; and
 - the assessment of interests is not static and may change as circumstances change.

5. Definitions

5.1. For the purpose of this policy:

TERM	DEFINITION
Interest	means any financial, professional, personal or other interest that could reasonably be perceived as influencing, or having the potential to influence, a Member's impartiality in performing their functions as a Member of the NT EPA.
Personal interest	has the meaning given in section 22(6) of the Act, and includes: • a direct or indirect financial interest in a matter, or • a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the Member from exercising independent judgment about the matter.

TERM	DEFINITION
Conflict of interest	refers to a situation where a Member has a personal interest, or other interest, that conflicts with, or may reasonably be perceived to conflict with, the proper performance of their official duties and responsibilities.
Actual conflict of interest	refers to a situation where a Member has a real and current interest that conflicts with the proper performance of their functions, in relation to a matter being considered, or about to be considered, by the NT EPA.
Perceived conflict of interest	refers to a situation where a fair-minded lay observer, properly informed of the relevant facts, might reasonably apprehend that a Member may not bring an impartial mind to the performance of their functions, in relation to a matter being considered, or about to be considered, by the NT EPA.
Potential conflict of interest	refers to a situation where a Member has an interests or relationship that does not currently conflict with the proper performance of their functions, but may reasonably be expected to do so in the future if the interest becomes relevant to a matter being considered, or about to be considered, by the NT EPA.
Register	the NT EPA Personal Interest Register

5.2. This policy distinguishes between:

- interests that constitute a “personal interest” under section 22 of the Act, and
- other interests that do not meet the statutory threshold in section 22 (i.e. related to a matter before the NT EPA) but may still require management to address potential conflict or reputational risk.

6. Roles and responsibilities

Members

6.1. Members are responsible for identifying and disclosing any interest that may be relevant to a matter being considered, or about to be considered, by the NT EPA, in accordance with section 22 of the Act and this policy.

6.2. Members must ensure that disclosures are accurate, complete and kept up to date, and must make a new disclosure where relevant facts change or new facts arise.

6.3. Newly appointed Members must disclose all relevant interests at the commencement of their appointment. Ongoing Members must review and confirm the accuracy of their disclosed interests, if there are any, as recorded in the Personal Interest Register, at least annually, or within 12 months of making a new disclosure or amending a previously disclosed interest.

6.4. Members are responsible for:

- being aware of their obligations under the Act and in accordance with this policy
- continually assessing their interests and public duties to identify any conflict
- ensuring they are aware of the conflicts inherent in their NT EPA work and functions, and monitor the risks to which they are exposed to
- declaring interests as they arise based on changing circumstances.

NT EPA

6.5. The NT EPA is responsible for ensuring that interests disclosed by Members are considered, assessed and managed in accordance with sections 22 and 23 of the Act, the Meeting Procedures, and this policy.

6.6. For each disclosed interest, the NT EPA must determine whether the interest constitutes a personal interest for the purposes of section 22 of the Act and record that determination in the minutes.

Personal Interest Register

6.7. The NT EPA must maintain a Personal Interest Register recording:

- all interests disclosed by Members
- any changes to previously disclosed interests
- determinations made by the NT EPA regarding whether section 22 of the Act is engaged.

6.8. The Register must be reviewed:

- when a Member is appointed
- prior to each NT EPA meeting, against the proposed agenda
- whenever a Member discloses a new or changed interest.

7. Requirement to disclose interests

7.1. A Member who has an interest in a matter being considered, or about to be considered, by the NT EPA must disclose the interest in accordance with section 22 of the Act.

7.2. The disclosure must be made as soon as practicable after the Member becomes aware of the interest, and include sufficient detail to allow the NT EPA to understand the nature, scope and relevance of the interest to the matter under consideration.

7.3. The disclosure may be made prior to a meeting, in writing to the Chairperson and Executive Officer, or at a meeting, verbally, with the disclosure noted for discussion in the conflict of interests standing agenda item and recorded in the minutes.

7.4. If a Member becomes aware of a relevant interest when the NT EPA is not meeting, the Member must disclose the interest by written notice to each other Member and table a copy of the notice at the next meeting.

Potential conflicts

7.5. While section 22 of the Act contemplates actual and perceived conflicts of interest, this policy requires that all members must also consider potential conflicts of interest, including interest arising from external employment, consultancy or advisory engagements.

7.6. A previous determination that an interest is not a personal interest because it was not a relevant matter at a specific point in time is not permanent. Members are expected to undertake reasonable and proportionate enquiries to identify whether their interests – ongoing or ad hoc – may intersect with matters before the NT EPA.

7.7. An interest that previously did not trigger section 22 of the Act may subsequently become a section 22 interest due to:

- new information coming to light regarding the matter before the NT EPA
- a change in the nature of the member's relationship or interest
- a change in the scope of the matter being considered by the NT EPA.

7.8. If the status of an interest changes, the Member must make a fresh disclosure immediately in accordance with this policy.

8. Assessment, determination and management of disclosed interests

8.1. Following disclosure of an interest, the NT EPA must determine whether the interest constitutes a personal interest for the purposes of section 22 of the Act. This determination is made by the NT EPA as a body, excluding the Member to whom the interest relates.

8.2. In determining whether section 22 is engaged, the NT EPA must:

- consider the facts disclosed by the Member, including the nature of the interest and its connection to the matter
- make any reasonable inquiries necessary to understand the interest and its relevance
- apply the statutory definition of "personal interest" in section 22(6) of the Act
- consider whether a fair-minded lay observer, properly informed of the facts, might reasonably apprehend that the Member may not bring an impartial and independent mind to the matter.

8.3. Where an interest is determined to be a personal interest under section 22, the consequences set out in section 23 of the Act apply automatically. The NT EPA must record the outcome of the determination in the minutes and update the Register.

8.4. Where the NT EPA determines that an interest does not constitute a personal interest under section 22 (e.g. the interest is shared with the public generally, or is too remote to influence judgment), the Act does not require automatic exclusion of a Member from participation. However, the NT EPA may determine that the interest nonetheless requires management to:

- address potential conflict
- manage reputational risk
- maintain confidence in the independence and integrity of NT EPA decision-making.

8.5. Where section 22 is not engaged, the NT EPA retains discretion to determine whether, and how, the interest should be managed in accordance with this policy.

Effect of personal interest

8.6. Where the NT EPA determines that a Member has a personal interest in a matter that is required to be disclosed under section 22 of the Act, section 23 of the Act applies automatically.

8.7. Once section 22 is engaged:

- the Member must not take part in any deliberation or decision of the NT EPA about the matter
- the Member must not be present (physically or electronically) during deliberation or decision on the matter; and

- the Member must be disregarded for the purposes of quorum for that matter, and the quorum becomes a majority of Members entitled to participate.

8.8. These consequences apply by operation of law and do not depend on any further decision of the NT EPA. The NT EPA has no discretion to permit participation by a Member once section 22 is engaged.

Management of interests that is not personal interest

8.9. Where the NT EPA determines that an interest does not constitute a personal interest under section 22, the NT EPA may adopt one or more of the following management strategies:

STRATEGY	EFFECT
Record only	The interest and the NT EPA's determination are recorded in the Register and minutes, and the Member participates fully.
Conditional participation	The Member may participate subject to one or more conditions, including: • restriction on access to certain papers or information • exclusion from part of the discussion • participation in discussion but not voting on the matter.
Voluntary absence	The Member voluntarily absents themselves from deliberation and decision on the matter to protect confidence in the NT EPA's processes.
Removal or mitigation of the interest	The Member takes steps to remove or mitigate the interest, such as divestment or severing a relevant relationship.
Resignation	In serious or ongoing cases where the interest cannot be effectively managed, resignation from the NT EPA may be considered.

8.10. The chosen management strategy will be guided by clause 4 (Guiding principles), must be proportionate to the nature of the interest, and must be recorded in the minutes.

8.11. The NT EPA may determine that a management strategy adopted for a particular matter has been completed and that no further management action is required in relation to that matter.

8.12. An interest may only be recorded as no longer existing where the underlying interest or relationship has genuinely ceased.

8.13. Any management strategy adopted under this section applies only to the matter under consideration at the time. Closing a management strategy does not prevent the NT EPA from reassessing the interest in relation to a different matter, or if relevant facts or circumstances change.

Ongoing monitoring and reassessment of interests

8.14. The NT EPA must continue to monitor interests over time and reassess determinations where:

- new information becomes available
- the nature or scope of an interest changes
- the relationship between the interest and NT EPA matters changes
- the context of NT EPA decision-making changes.

8.15. Where relevant facts change, a Member must make a new disclosure, and the NT EPA must reconsider whether section 22 is engaged.

8.16. As part of the monitoring process the NT EPA may determine that no further management action is required in relation to a specific matter, or that an interest no longer exists. Any such determination must be recorded in the minutes, and where relevant, reflected in the Register.

9. Making a disclosure

9.1. Member disclosure of interest must comply with section 22 of the Act. The disclosure must be added to the NT EPA Conflict of Interest meeting agenda item and circulated to all NT EPA Members.

9.2. In considering whether an interest should be disclosed, Members must have regard to the nature, proximity and relevance of the interest to matters before the NT EPA. The following non-exhaustive factors may give rise to a personal interest, depending on the circumstances:

- ownership of, or a financial interest in, a private business or entity
- secondary or outside employment, consultancy, advisory roles, appointments or directorships, whether remunerated or not
- affiliations with for-profit or not-for-profit organisations or associations
- affiliations with political, trade union or professional organisations where relevant to a matter
- significant obligations or loyalties to professional, community, family or other groups that may affect independent judgment
- significant personal, professional or commercial relationships with clients, contractors or other persons affected by NT EPA decisions
- shareholdings or other financial interest in a company or business, whether held directly, indirectly, or through a trust
- interest in land or property that may be affected by NT EPA decisions
- significant financial liabilities to organisations or individuals (excluding ordinary household liabilities)
- holding an elected office, including local government office.

9.3. In considering disclosure of relevant personal interests, the following table illustrates how the NT EPA may assess the likelihood of a relationship inhibiting or preventing independent judgment during its determination process. The scenarios are provided for guidance only. Members must continue to exercise their own judgment and remain aware of their responsibilities under the Act and this policy.

Likelihood to inhibit	Description	Example relationship	Example scenario
Low	The nature of the relationship is unlikely to inhibit or prevent independent judgment.	An acquaintance, distant relative with very limited interactions / infrequent contact.	The member occasionally interacts with the person at professional events but has no ongoing dealings or shared interests relevant to a matter.
Medium	The nature of the relationship is likely to, or may reasonably be regarded as likely to,	A former business associate, professional colleague, or occasional	The member previously worked closely with the person or organisation and maintains a

	influence independent judgment.	adviser with continuing contact.	professional relationship that may be indirectly affected by the NT EPA's decision.
High	The nature of the relationship is likely to directly inhibit or prevent independent judgment.	Spouse, partner, close family member, or current business partner.	The Member or a close family member would directly benefit from, or be adversely affected by, the outcome of a matter before the NT EPA.

10. Review

10.1. The NT EPA is committed to continuous improvement in the management of conflicts of interest.

10.2. The first scheduled review of this policy will consider contemporary best practice in identifying, declaring and managing conflicts of interest, including approaches that enhance transparency, independence and public confidence in NT EPA decision-making. The review will also assess whether any additional measures or improvements should be adopted to further strengthen the NT EPA's conflict-of-interest framework.

10.3. Outcomes of the first review, including any proposed amendments to incorporate strengthened best practice methods, will be documented and considered by the NT EPA in accordance with this policy's review cycle.

11. Privacy and confidentiality

11.1. Adequate records must be kept in accordance with the *Information Act 2002*. All information is to be marked as confidential and access restricted to those who have a need to know to perform their official functions.

11.2. Applications made under the *Information Act 2002* for access to disclosures will be managed in accordance with that Act, and the Information Privacy Principles. An employee is able to access their information in accordance with the Act.

11.3. All disclosures will be held in confidence by the Executive Officer in accordance with the *Information Act 2002* and Information Privacy Principles, and the department's *Privacy Policy*.

12. Legislation and associated documents

Legislation

- *Independent Commissioner Against Corruption Act 2017*
- *Northern Territory Environment Protection Authority Act 2012*
- *Information Act 2002*

NT EPA Resources

- NT EPA Meeting Procedures
- NT EPA Conflict of Interest Register