

Recognised Engineering Body

CONFLICT OF INTEREST DECLARATION AND GUIDANCE

Design and Building Practitioners Act 2020
Design and Building Practitioners Regulation 2021

November 2022

Conflict of Interest Declaration and Guidance – Application for Recognition as a recognised engineering body

Guidance

Applicants for Recognition as a recognised engineering body under the *Design and Building Practitioners Act 2020* (Act) and the *Design and Building Practitioners Regulation 2021* (Regulation) are required to address conflicts of interest in three ways.

A recognition or registration scheme must provide processes-

- (a) for identifying and managing conflicts of interest between the recognition function of the body, and the functions of the body for any other purpose: clause 54(1)(h);
- (b) for managing actual or perceived conflicts of interest within the recognised engineering body's conflict of interest policy, in carrying out an assessment of an application: clause 54(1)(a)(ii); and
- (c) for ensuring that audits under the body's continuing professional development (CPD) audit program are carried out by persons with appropriate training and experience who do not have a conflict of interest in relation to the audit, and who must make a written declaration stating that they do not have a conflict of interest in carrying out the audit: clause 55(1)(c)(ii) and (1)(d).

How to lodge this form

Email to: dbpprofessionalbodyapplications@customerservice.nsw.gov.au

Documents supporting the application can be emailed if they are less than 5MB in total.

If your documents exceed 5MB, please submit via Kiteworks. You will need to setup an external client email account in [Kiteworks](#), using "create account" option, then email the large file attachments via [Kiteworks](#) only.

It may take up to 60 business days from the date of application for a decision to be made by the Secretary.

If you have any questions, contact NSW Fair Trading at: dbpprofessionalbodyapplications@customerservice.nsw.gov.au

Conflict with body's other functions

If a body is also a professional association for members, it may carry out a variety of functions and activities. These may include industry representation and lobbying, networking events and conferences, as well as formal complaints handling and disciplinary processes. It is possible that some of these functions may conflict with the recognition function of the body. For example, if an office holder of the body were to apply for recognition as a professional engineer, the office holder's status ought not to influence the determination of the application in any manner. Accordingly, a body must have processes in place to identify and manage any such conflicts, and to ensure the integrity and independence of the recognition function.

Bodies are required to provide details of these processes to the Secretary in their application for recognition.

CPD auditors

Auditors who carry out the body's CPD audit program must be appropriately trained and experienced, and must not have a conflict of interest in relation to the audit. Accordingly, the auditor should not have a personal or professional relationship with the body, its officers, or close associates, and should not be a member of the body. Each audit report must include a written declaration that the auditor does not have a conflict of interest in carrying out the audit.

Appendices

1. Declaration by CPD Auditor of no conflicts of interest in audit.

Appendix 1

Declaration by CPD auditor of no conflicts of interest in audit

Name of Body

Name of Auditor

Name of CPD Audit

Pursuant to clause 55(1)(d) of the *Design and Building Practitioners Regulation 2021* (Regulation), the Auditor declares that –

The auditor does not have a conflict of interest in carrying out the audit of the body's CPD Program.

Privacy Collection Notice

The Department of Customer Service (the Department) on behalf of the Commissioner for Fair Trading (NSW Fair Trading) gives priority to protecting the privacy of your personal information. We do this by handling personal information in a responsible manner and in accordance with *Privacy and Personal Information Protection Act 1998* (PPIP Act).

The personal information contained in the application is collected and held by NSW Fair Trading.

Why we collect your personal information and how we use it

The personal information you provide in connection with this application for recognition of a professional engineering body will be collected by Fair Trading NSW for the following purposes:

1. Determining whether the professional engineering body meets the requirements of recognition as an engineering body with a professional engineer recognition or registration scheme under Part 5 Division 3 of the *Design and Building Practitioner Act 2020* (the Act) and Part 5 of the *Design and Building Practitioner Regulation 2021* (the Regulation).
2. Internal administrative purposes, including liaising with you in relation to the application.

The personal information captured in the application is provided voluntarily. However, the consequence of not providing your personal information is that the application may not be able to be determined.

Personal information we collect

We may collect the following personal information:

- your full name (including any former names), position title, signature, contact details (address, email, phone number, mailing address and residential address), driver licence number, place and date of birth.
- proof of identity information, which may include your passport, driver licence, Medicare card details or other proof of identity.
- supporting documentation, including references as required by the Act and Regulation.
- additional personal information if it is required to satisfy the eligibility requirements for recognition.

How we may disclose this information

The personal information provided in this application may be disclosed to the following individuals:

- The designated contact person for the scheme.
- Persons involved in the operation, governance, management, and day-to-day affairs of the recognition or registration scheme.
- Officer holders within the scheme.
- Nominated CPD auditors.
- Referees of directors or officers of scheme.

If required, we may also make enquiries and exchange information with other NSW government agencies (including the NSW Police Force), or other States, Territories and/or the Commonwealth for the purpose of assessing your application and for compliance purposes.

Unless stated otherwise, we will not disclose your personal information to anybody unless you have given consent, or we are authorised or permitted to do so by law.

Further information

Please see the Department's Privacy Management Plan and the NSW Fair Trading Privacy Statement for more information about how we handle your personal information, how you can request access to or correct the personal information we hold about you (if the information is inaccurate, incomplete, not relevant or out of date) and who to contact if you have a privacy enquiry or complaint. Alternatively, you can email us at brdprivacy@customerservice.nsw.gov.au.

Please view our [privacy collection notice](#) for more information about how the personal information you provide in this form will be handled.

Declaration

I, the undersigned, am authorised to declare on behalf of the Applicant:

- that to the best of its knowledge and having made reasonable enquiries, the information supplied is complete and accurate in material respects.

Should the Secretary wish to verify the information provided in this declaration, the body will assist providing additional information as requested.

Given name(s)

Family/Surname

Position held

Signature

Date

WARNING

It is an offence to provide false or misleading information to the Department of Customer Service. Part 5A of the *Crimes Act 1900* contains offences relating to the making of false or misleading applications or providing false or misleading information or documents. Those offences have a maximum penalty of imprisonment for 2 years or a fine of \$22,000 (or both).