

1. Title: Declaration of Interests – Chief Executives

2. Purpose:

- a) to prescribe the information that is required to be declared;
- b) to aid in the recognition of a conflict of interest situation (real or perceived);
- c) to advise on the management of changes to declared information that may occur from time to time; and
- d) to specify the requirements for the confidential storage of, and access to, declaration of interests records.

3. Legislative Provision: *Public Service Act 2008* – section 101

4. Effective date: 4 December 2009

5. Directive:

5.1 Principles

- a) Chief executives are responsible for fully disclosing those interests that may have a bearing on their ability to properly and impartially discharge the duties of their position.
- b) Compliance with this directive shall not be limited to a literal reading of the provisions or by interpretation which might prevent the full disclosure of relevant interests or perceived interests.
- c) The holding of an interest must be avoided if, in the mind of a reasonable and well-informed member of the public, a conflict of interest or a perceived conflict of interest would exist.
- d) Responsibility for the recognition and management of a real or perceived conflict of interest rests solely with the chief executive concerned.
- e) The public interest must prevail over the personal interest of the chief executive.

5.2 Provisions

5.2.1 Chief executives are required to, within one month of their appointment to a department:

- a) make a declaration of interests in a form prescribed by the Commission Chief Executive; and
- b) submit a copy of the prescribed form to their portfolio Minister, the Queensland Integrity Commissioner and the Commission Chief Executive of the Public Service Commission.

5.2.2 In the event that the interests of a chief executive change, the chief executive should notify the portfolio Minister, the Queensland Integrity Commissioner and the Commission Chief Executive of the Public Service Commission of the change in a form prescribed by the Commission Chief Executive.

- 5.2.3 Chief executives will review their declaration of interests at the end of each financial year and submit to their portfolio Minister, the Queensland Integrity Commissioner and the Commission Chief Executive of the Public Service Commission by 31 July each year, either:
- a) a revised form prescribed by the Commission Chief Executive; or
 - b) if there are no changes, written notification of that fact in a form prescribed by the Commission Chief Executive.

5.3 Information to be declared

- 5.3.1 The information about the interests of a chief executive which the chief executive shall declare is as follows:
- a) identifying information in relation to all significant pecuniary interests of the chief executive and, where known to the chief executive, any significant pecuniary interests of a partner or dependant of the chief executive, and an interest held by any other person or entity which is subject to the chief executive's direction or control; and
 - b) identifying information in relation to all relevant non-pecuniary interests of the chief executive and, where known to the chief executive, any relevant non-pecuniary interests of a partner or dependant of the chief executive and an interest held by any other person or entity which is subject to the chief executive's direction or control.
- 5.3.2 The types of change in interests of a chief executive and, where known to the chief executive, any significant pecuniary interests of a partner or dependant of the chief executive, and an interest held by any other person or entity which is subject to the chief executive's direction or control; shall declare are as follows:
- a) any significant change in the interests about which information is required including acquisition, divestment or an altered relationship in the interest; or
 - b) a significant change in the responsibilities of the chief executive.
- 5.3.3 Within the principles outlined in section 5.1 of this directive, the significant pecuniary interests referred to under section 5.3.1(a) above are those which may or are reasonably likely to have the potential of a conflict of interest and may include –
- a) shareholdings in public and private companies;
 - b) family and business trusts and nominee companies;
 - c) bonds, debentures and like investments;
 - d) savings and investment accounts;
 - e) partnerships;
 - f) real estate;
 - g) directorships in or employment by a public or private company;
 - h) other assets;
 - i) other substantial sources of income;
 - j) other interests;
 - k) liabilities;
 - l) membership of any organisation.

5.4 Storage of records and access

- 5.4.1 Completed declarations will be filed securely within the office of the portfolio Minister, Queensland Integrity Commissioner and the Commission Chief Executive;
- 5.4.2 Access to these documents will be limited to the chief executive, the portfolio Minister, the Premier, the Queensland Integrity Commissioner (including authorised officers of the Integrity Commissioner), and the Commission Chief Executive (including authorised senior officers of the Public Service Commission).
- 5.4.3 Upon the separation of employment of a chief executive, the portfolio Minister will forward the declaration of interest documentation for that chief executive to the Commission Chief Executive to be securely filed, along with the copy held by the Commission Chief Executive, on the chief executive's personal record.

5.5 Chief Executive to be fully informed

- 5.5.1 A chief executive is responsible to acquire and be familiar with the information released from time to time by the Integrity Commissioner, the Public Service Commission and the Crime and Misconduct Commission concerning conflict of interest issues.
- 5.5.2 A chief executive should be aware of the role of the Queensland Integrity Commissioner and seek counsel on any issue that may arise as a conflict of interest or potential conflict of interest.

Superseded