

DIRECTIVE No. 3/10*Supersedes: 21/09*

1. Title: Declaration of Interests – Public Service Employees (other than departmental Chief Executives)

2. **Purpose:** This directive provides for the matters which must be disclosed by public service employees when directed by their Chief Executive, how those matters must be disclosed, the purpose of the disclosure, and specifies requirements for the storage of, and access to, declarations.
3. **Legislative Provision:** *Public Service Act 2008* – sections 185-186
4. **Effective date:** 9 July 2010
5. **Directive:**

5.1 Principles

When a public service employee is directed by a Chief Executive to provide a Declaration of Interests, the following principles apply:

- 5.1.1 This Directive should be interpreted broadly. Its application should not be limited to a literal reading of the provisions.
- 5.1.2 Employees subject to this policy are responsible for fully disclosing their interests that may have a bearing, or be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their office.
- 5.1.3 Employees are also responsible for disclosing the interests of their partner and/or dependents only if those interests have a bearing, or may be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their office.
- 5.1.4 Responsibility for the recognition of a real or perceived conflict of interest rests solely with the employee concerned.

5.2 Provisions

- 5.2.1 When directed by the Chief Executive of their department, public service employees are required to provide the Chief Executive with a Declaration of Interests in a form prescribed by the Commission Chief Executive.
- 5.2.2 In the event that the interests of a public service employee change, the public service employee should notify their Chief Executive of the change in a form prescribed by the Commission Chief Executive.

5.3 Information to be declared

- 5.3.1 Information about interests which public service employees shall declare includes information in relation to all significant *pecuniary* interests and relevant *non-pecuniary* interests of:
 - the public service employee,
 - their partner; and
 - any dependents.



5.3.2 Within the principles outlined in section 5.1 of this directive, the interests referred to in 5.3.1 above are those which may have, or may be perceived to have, the potential for 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) organisational memberships.

5.4 Identifying a conflict of interest

5.4.1 A public service employee who identifies that he or she has a conflict of interest, or potential for a conflict of interest, must disclose the circumstances to their Chief Executive. They must not take action in the matter unless authorised by the Chief Executive – see section 186 of the *Public Service Act 2008*.

5.5 Changes in interests

5.5.1 When interests change to the extent that the potential for a conflict of interest is altered, a public service employee must submit a revised Declaration of Interests within one (1) month after the relevant facts of the change come to the knowledge of the person.

5.5.2 Change in interests may include:

- 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 official responsibilities of the public service employee.

5.6 Storage of records

5.6.1 Completed Declaration of Interests records will be filed securely with the Chief Executive.

5.6.2 Upon the employee ceasing employment with the agency, their declaration of interest documentation will be securely filed on the employee's personal record.

5.7 Access to records

5.7.1 Declarations are to be maintained in the strictest confidence. Unless required by law, access to Declarations of Interests is limited to the employee and the Chief Executive or delegate.

5.7.2 Declaration of Interests records may be the subject of applications for access under the *Right to Information Act 2009* and/or the *Information Privacy Act 2009*. Each application for access would be considered on a case by case basis before a decision is made on whether it is in the public interest to release the document.

5.7.3 In the event of receipt of an application for access to a Declaration of Interests, the agency is required to consult the public service employee who made the declaration about their views on the application prior to any decision being made to release the document.

5.8 Public service employee to be fully informed

5.8.1 A public service employee is responsible for acquiring and being 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.

5.8.2 Public service employees who are senior officers or senior executives 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.