

# Declaration of Interests policy - Senior Executive Service and Equivalent Employees including Statutory Office Holders

## 1 Application

- 1.1 This policy has been approved by the Premier and applies to all Senior Executive Service (SES) executives, and persons paid remuneration equivalent to a senior executive service level or above, including statutory office holders employed under any Act in a government entity as defined in section 24 of the *Public Service Act 2008*.
- 1.2 This Policy should be read in conjunction with Directive No. 3/10 – *Declarations of Interest – Public Service Employees (other than Chief Executives)*. Section 72C of the *Integrity Act 2009* is also relevant for those statutory office holders listed in Schedule 1 of that Act. The information required to be provided under Directive No. 3/10 is the same information required under a Directive issued to comply with section 101(3) of the *Public Service Act 2008*.

## 2 Effective date: 1 November 2010

## 3 Policy

### 3.1 Principles

- 3.1.1 This policy should be interpreted broadly. Its application should not be limited to a literal reading of the provisions.
- 3.1.2 Executives 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.
- 3.1.3 Executives 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.
- 3.1.4 Responsibility for the recognition of a real or perceived conflict of interest rests solely with the executive concerned.

### 3.2 Provisions

- 3.2.1 It is Government policy for executives to provide, on an annual basis, a Declaration of Interests to the relevant Chief Executive or in the case of a statutory head, to the appropriate Minister and/or Parliamentary Committee and the Integrity Commissioner.
- 3.2.1 The Declaration of Interests must include information required under a directive of the Commission Chief Executive, including revisions to existing Declaration of Interests. This applies equally to those not employed under the *Public Service Act 2008*.
- 3.2.2 Executives are responsible for:
- when newly appointed, providing a Declaration of Interests within one month of taking up duty.
  - when appointed to another role in the same organisation, reviewing their existing Declaration of Interests and either certifying that no change is required or submitting a revised declaration within one (1) month of taking up duty in the new role.



- (c) when their interests change to the extent that the potential for a conflict of interest is altered, submitting a revised Declaration of Interests within one (1) month after the relevant facts of the change come to the knowledge of the person.
- (d) when an executive not usually subject to this policy temporarily performs duties in a role where remuneration is at, or equivalent to, a senior executive service level or above for a continuous period exceeding twelve (12) months, providing a Declaration of Interests in accordance with this policy.

### 3.3 Identifying a conflict of interest

- 3.3.1 If an executive identifies a conflict of interest, or a potential for a conflict of interest, they must:
- (a) disclose the circumstances to the authority in the agency to whom their declaration was given; and
  - (b) not take action in the matter unless authorised by that authority.

## 4 Access to Declarations of Interests

- 4.1 Declarations of interests are to be maintained in the strictest confidence. Unless required by law, they are available only to the person and the Chief Executive (or delegate) or in the case of a statutory office holder, to the relevant Minister and/or Parliamentary Committee and Integrity Commissioner.
- 4.2 Completed declarations are to be filed in a secure location to ensure confidentiality and become part of the person's personal record at the end of their public sector employment.
- 4.3 Declarations of Interests records may be subject to 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.
- 4.4 In the event of receipt of an application for access to a Declaration of Interests, the agency is required to consult the person who made the declaration about their views on the application prior to any decision being made to release the document.

## 5 Definitions

**Interests** include a direct or indirect personal interest, whether pecuniary or non-pecuniary as defined by section 65(4) of the *Public Service Act 2008*.

**Executives** mean:

- a) An executive appointed as a SES executive under section 110 of the *Public Service Act 2008*; or
- b) An executive appointed on a fixed term contract of employment with remuneration at the equivalent SES level or above under section 122 of the *Public Service Act 2008*; or
- c) Person remunerated at the equivalent SES level or above employed in a government entity under any Act, as defined by section 24 of the *Public Service Act 2008*.

**Temporarily perform duties** means secondment at a higher level or acting in a higher duties arrangement.