

## 1. Title: Declaration of Interests – Chief Executives

### 2. Purpose: To prescribe:

- a) the recognition of a conflict of interest (real or perceived) that may exist concerning a chief executive
- b) the proper management of a conflict of interest or perception of a conflict of interest by chief executives
- c) the information that is required to be declared
- d) advice about changes of declared information occurring from time to time, and
- e) requirements for the storage and access to declarations of interest records.

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

### 4. Effective date: 9 March 2007

### 5. Directive:

#### 5.1 Principles

- a) Adherence of this Directive by chief executives shall not be limited by literal reading or by interpretation which might prevent disclosure of interests or perceived interests.
- b) The chief executive shall have the onus of responsibility to declare those interests which may have a bearing on their ability to properly discharge their duties and as required by this Directive.
- 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) A real or perceived conflict of interest will be determined in the realm of decision-making by the chief executive.
- e) The responsibility for the recognition and managing of a real or perceived conflict of interest rests solely on the chief executive concerned.
- f) 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 the prescribed form to their portfolio Minister to note the information declared by the chief executive, and
- c) following the Minister's noting, forward the prescribed form to the Commission Chief Executive.

- 5.2.2 In the event that the interests of a chief executive change, the chief executive should notify the portfolio Minister within one month by the submission of a new form. Following the Minister's noting, the chief executive is to forward the prescribed form to the Commission Chief Executive.
- 5.2.3 Chief executives will review their Declarations of Interest at the time of entering into a new contract of employment or the renewal of the existing contract of employment, and submit to the Commission Chief Executive –
- a) a revised form noted by the portfolio Minister, or
  - b) if there are no changes, written notification of that fact to 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 dependant or spouse (including *de facto* spouse) 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, including where applicable, the income earned from, and the value of, those interests, 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 dependant or spouse (including *de facto* spouse) 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 the interests of a chief executive shall declare are as follows:
- a) a significant change in the amount or value of an interest which has been included
  - b) any significant change in the interests about which information is required including by way of acquisition or divestment, or
  - c) 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) ownership of any **shares** (where the total value exceeds \$5,000)
  - b) **bonds** (where the total value exceeds \$5,000)
  - c) **debentures** (where the total value exceeds \$5,000), and **similar forms of investment** (where the total value exceeds \$5,000)
  - d) any directorship in a public or private company
  - e) any **employment by a public or private company, or by organisation; partnerships; real estate** (other than the Chief Executive's principal place of residence)
  - f) any **other assets, including indirect and contingent interests** (where an asset is other than a motor vehicle, and is individually valued above \$10,000), and
  - g) **liabilities** (where the liability is other than a mortgage over the Chief Executive's principal place of residence, and exceeds \$5000).
- 5.3.4 Within the principles outlined in section 5.1 of this directive, the significant non-pecuniary interests referred to in paragraph 5.3.1 (b) above may include -

- a) **membership of any organisation** (other than an industrial organisation, professional association or political party), and
- b) any **position as an office-bearer in any organisation** whose purposes are relevant to the official responsibilities of the chief executive. Office bearer positions held because of the chief executives' appointment to the office of a chief executive, are excluded.

#### **5.4 Storage of records and access**

- 5.4.1 Completed Declaration of Interests will be filed securely with the Commission Chief Executive.
- 5.4.2 Access to these documents will be limited to the Premier, the chief executive's current portfolio Minister, the chief executive and the Commission Chief Executive.
- 5.4.3 Upon the separation of employment of a chief executive, the Declaration of Interest documentation for that chief executive will be forwarded to the State Archivist.

#### **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 Queensland Crime and Misconduct Commissioner 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