

# Guide to declaring interests – chief executives of departments

**NOTE - The purpose of this document is to provide guidance to chief executives of Queensland Government departments when declaring interests in accordance with legislative requirements of the *Public Sector Act 2022*, the relevant directive, and their contracts of employment. Note that chief executives of other public sector entities must continue to comply with the Declaration of Interests policy - Senior Executive Service and Equivalent Employees including Statutory Office Holders when making a declaration of interests.**

**Chief executives of other public service entities should consider how this guide may assist them in declaring their personal interests to minimise risks associated with failing to disclose interests which may present an apparent, perceived, or potential conflict of interest.**

## Background

The *Public Sector Act 2022* (the Act) and the Public Sector Commissioner declaration of interests - chief executives of departments (Directive 05/24) requires chief executives (including acting chief executives) of departments to make a written declaration of interests (declaration) for any interests that may have a bearing, or may reasonably be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their office, within one month after commencement of appointment or being declared as a chief executive of a department.

If, after making an initial declaration, the relevant interests of a chief executive change to create an additional conflict of interest or change an existing conflict of interest as set out in Directive 05/24, a chief executive is required to submit a revised version of the declaration as soon as possible after the change comes to the knowledge of the chief executive.

Changes to interests may include:

- a. any significant change in the interests about which information is required; including acquisition, divestment or an altered relationship in an interest that may have a bearing, or may reasonably be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their office
- b. a significant change in the official responsibilities of the chief executive.

## Application

This guide applies to directors-general of Queensland Government departments.

## Lodgement

A chief executive is required to provide the original and any revised declarations to the Public Sector Commissioner (Commissioner) and their departmental minister.

The chief executive is also required to advise the Commissioner in writing that declaration has been given to their departmental minister.



## Instructions

Chief executives are required to list their pecuniary and non-pecuniary interests and those of their partner and dependants that may have a bearing, or may reasonably be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their office.

Where a declarable interest is jointly held by both a chief executive and their partner and/or dependants, it only needs to be listed under the chief executive's interests.

The types of interests and relationships that may need to be disclosed because they may, or reasonably be perceived to, have a bearing on the ability to discharge the duties of office include:

- shareholdings in public and private companies
- family and business trusts and nominee companies
- bonds, debentures and like investments
- savings and investment accounts
- business partnerships
- real estate
- directorships in or employment by a public or private company or other business entity (eg sole trader)
- other assets
- other substantial sources of income
- liabilities
- organisational memberships
- other interests

For the level of detail required to be declared and further information about the types of matters to be declared, refer to Annexure A.

An explanation of other interests is provided in Clause 9.6 and 9.7 of Directive 05/24.

## Publication

In accordance with their contracts of employment, the interests of chief executives of departments are to be published online.

Access to unpublished information including information about the interests of partners and dependants is restricted to the chief executive (including officers authorised by the chief executive to access the chief executive's records) the Premier of Queensland, the chief executive's departmental minister (including Ministerial staff authorised by the departmental Minister to access the chief executive's records), and the Commissioner (including authorised officers of the Public Sector Commission).

## Annexure A

### Non-declarable interests

There is no requirement that chief executives, or their partners, and dependants specify:

- the number and monetary value of shares
- the monetary value of investments or beneficial interests
- the full street address of real estate
- the financial amount of liabilities, donations or other income
- the account number and financial amounts held in savings and investment accounts
- the monetary value of assets
- memberships of industrial organisations
- household and personal effects
- motor vehicles used only or mainly for personal use
- industry, public offer and employer superannuation entitlements or
- trustee responsibilities performed by you, your partner or dependant as executor or trustee, but not a beneficiary, of a deceased estate, shareholdings, real estate and beneficial interests.

### Declarable interests: detail required

Companies in which you, or your partner or dependants, are a shareholder or have a controlling interest in:

- the name of the company
- where the shareholding or interest constitutes a controlling interest in the company - the shareholdings of the company in any other company
- where the shareholding or interest is held in a private company, the investments, or beneficial interests of the company, and
- where the shareholding or interest is held in a private company that is the holding company of another company:
  - the investments or beneficial interests of the holding company
  - the name of any company that is a subsidiary of the holding company
  - the name of any company that is a subsidiary of any company that is the holding company's subsidiary, and
  - the investments or beneficial interests of those subsidiary companies.

Companies or other business entities (e.g. a sole trader) in which you, or your partner or dependants, are an officer:

- the name of the company or business entity
- the nature of the office held, and
- the nature of the activities of the company or business entity.

Family or business trusts or nominee companies in which you, or your partner or dependants, hold a beneficial interest:

- the name or a description of the trust, or the name of the company, as the case requires
- the nature of the activities of the trust or company
- the nature of the interest, and
- the investments or beneficial interests of the trust.

Family or business trusts in which you, or your partner or dependants, are a trustee:

- the name or a description of the trust, and
- the nature of the activities of the trust.

Private superannuation funds in which you, or your partner or dependants, are a trustee or director:

- the name or a description of the fund
- the nature of the activities of the fund, and
- the investments or beneficial interests of the fund (of which you are aware).

Business partnerships in which you, or your partner or dependants, have an interest:

- the name or a description of the partnership
- the nature of the activities of the partnership, and
- the nature of the interest.

Real estate in which you, or your partner or dependants, have an interest:

- the location of the relevant property, by reference to suburb or locality
- the approximate size of the property
- the purpose for which the property is, and/or is intended to be used, and
- the nature of the interest.

Liability (excluding department store and credit card accounts) for which:

- you or your partner or dependants are a beneficiary, or
- a trust of which you or your partner or dependants are a beneficiary, or
- a private company for which you or your partner or dependants are a shareholder:
  - The nature of the liability.
  - The name of the creditor concerned; unless:
    - a) the liability arises from the supply of goods or services supplied in the ordinary course of your occupation or business of the trust or private company in which you or your partner or dependants have an interest which is not related to your duties as chief executive, or
    - b) the liability is for an amount of \$10,000 or less.

Any debenture, managed fund, or similar investments held by you or your partner or dependants. Savings or investment account of you or your partner or dependant held with a bank, building society, credit union or other institution:

- the nature of the account, and
- the name of the institution concerned.

Other substantial sources of income received by:

- you or your partner or dependants,
- a private company, or a trust, in which you or your partner or dependants hold an interest.

Any income you receive as an employee of the Crown if the income is not received in relation to the chief executive position for which this declaration is being made.

Any other relevant asset of yours or your partners or dependants.

The name of any other organisation of which you or your partner or dependants are a member or an officeholder or a significant financial contributor.

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