

Directive 1/15*Supersedes:2/10***Declarations of Interests – Chief Executives of Government Departments****Commission Chief Executive Directive**

This text box does not form part of the directive

Under the *Human Rights Act 2019* decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

1. Purpose

This directive provides for the matters which must be disclosed by Chief Executives of government departments including public service offices, how those matters must be disclosed, and specifies requirements for the storage of, and access to declarations.

2. Effective date

1 June 2015

3. Legislative provisions

Sections 101-102 of the of the *Public Service Act 2008* (PSA)

4. Application

This directive applies to Chief Executives of government departments, including public service offices in accordance with Chapter 1, Part 2, Division 3 of the PSA.

5. Previous references

Directives 01/96, 01/07 and 20/09

6. Related information

- Queensland Government – Directors-General: Declaration of Interests Form
- Queensland Government – Heads of Public Service Offices: Declaration of Interests Form
- *Information Privacy Act 2009*
- *Right to Information Act 2009*

7. Principles

- 7.1 Chief Executives 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.



- 7.2 Chief Executives are also responsible for disclosing the interests of their partner and/or dependants. Those 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, need be disclosed.
- 7.3 Responsibility for the recognition of a real or perceived conflict of interest rests solely with the Chief Executive concerned.

8. Obligations

- 8.1 Within one (1) month of their appointment to a department, a Chief Executive is required to:
- make a Declaration of Interests in a form prescribed by the Public Service Commission Chief Executive (CCE); and
 - submit a copy of the prescribed form to their portfolio Minister/s, the Queensland Integrity Commissioner and the CCE.
- 8.2 If relevant interests of a Chief Executive change, they should notify the portfolio Minister/s, the Queensland Integrity Commissioner and the CCE of the change in a form prescribed by the CCE, within one (1) month after the change comes to the knowledge of the Chief Executive.
- 8.3 Change in interests may include:
- any significant change in the interests about which information is required including:
 - acquisition, divestment or an altered relationship in the interest; or
 - a significant change in the official responsibilities of the public service employee.
- 8.4 Chief Executives will review their Declaration of Interests at the end of each financial year and submit to their portfolio Minister/s, the Queensland Integrity Commissioner and the CCE by 31 July, on a form prescribed by the CCE, either a statement of changes or a statement declaring that the interests have not changed.

9. Information to be declared

- 9.1 Information about interests which a Chief Executive shall declare includes information in relation to all significant *pecuniary* interests and relevant *non-pecuniary* interests of:
- the Chief Executive
 - their partner, and
 - any dependants.
- 9.2 Within the principles outlined in section 7 of this directive, the interests referred to in 9.1 above are those which may have, or may be perceived to have, the potential for a conflict of interest and may include –
- shareholdings in public and private companies
 - family and business trusts and nominee companies
 - bonds, debentures and like investments
 - 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.

10. Storage of and access to records

- 10.1 Completed Declaration of Interests records will be filed securely within the office of the portfolio Minister/s, the Queensland Integrity Commissioner and the CCE.
- 10.2 Upon the separation of employment of a Chief Executive, the portfolio Minister/s will forward the Declaration of Interest documentation for that Chief Executive to the CCE to be securely filed, along with the copy held by the CCE Executive, on the Chief Executive's personal record.
- 10.3 Unless required by law, or otherwise by agreement, Declaration of Interests records are only accessible by the Chief Executive, the portfolio Minister/s, the Premier, the Queensland Integrity Commissioner (including authorised officers of the Integrity Commissioner), and the CCE (including authorised senior officers of the Public Service Commission).
- 10.4 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.
- 10.5 In the event of receipt of an application for access to a Declaration of Interests, the agency is required to consult the Chief Executive who made the declaration about their views on the application prior to any decision being made to release the document.