

**DIRECTIVE No. 2/10***Supersedes: 20/09***1. Title: Declaration of Interests – Chief Executives of Government Departments****2. Purpose:**

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

**3. Legislative Provision:** *Public Service Act 2008* – sections 101-102**4. Effective date:** 9 July 2010**5. Directive:****5.1 Principles**

- 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 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.
- 5.1.3 Chief Executives are also responsible for disclosing the interests of their partner and/or dependents. 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.
- 5.1.4 Responsibility for the recognition of a real or perceived conflict of interest rests solely with the Chief Executive concerned.

**5.2 Provisions**

- 5.2.1 Within one month of their appointment to a department, a Chief Executive is required to:
  - a) make a Declaration of Interests in a form prescribed by the Public Service Commission Chief Executive; and
  - b) submit a copy of the prescribed form to their portfolio Minister/s, the Queensland Integrity Commissioner and the Public Service 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/s, the Queensland Integrity Commissioner and the Public Service Commission Chief Executive of the change in a form prescribed by the Commission Chief Executive.
- 5.2.3 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 Public Service Commission Chief Executive by 31 July each year, either:
  - a) if there are changes to interests (see 5.3 below), on a form prescribed by the Public Service Commission Chief Executive; or
  - b) if there are no changes, by verification on a form prescribed by the Public Service Commission Chief Executive.

### 5.3 Information to be declared

5.3.1 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 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 Chief Executive who identifies that he or she has a conflict of interest must disclose the circumstances to the departmental Minister/s. They must not take action in the matter unless authorised by the Minister/s – see section 102 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 Chief Executive 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 within the office of the portfolio Minister/s, the Queensland Integrity Commissioner and the Public Service Commission Chief Executive;

5.6.2 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 Public Service Commission Chief Executive to be securely filed, along with the copy held by the Commission Chief Executive, on the Chief Executive's personal record.

## 5.7 Access to records

- 5.7.1 Declarations are to be maintained in the strictest confidence. Unless required by law, 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 Public Service Commission Chief Executive (including authorised senior officers of the Public Service Commission).
- 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 Chief Executive who made the declaration about their views on the application prior to any decision being made to release the document.

## 5.8 Chief Executives to be fully informed

- 5.8.1 A Chief Executive 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 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.