



POLICY

Title: Conflict of Interest

1. Policy Statement:

- 1.1. The Department of Child Safety, Seniors and Disability Services (the department) is committed to ensuring that conflicts of interest, including other employment, are identified, managed, resolved and monitored in a rigorous and transparent way to promote public confidence in the integrity, legitimacy, impartiality and fairness of actions taken by individuals in the performance of their duties.
- 1.2. This policy is to ensure effective processes and governance arrangements are established and adhered to for the departmental management of conflicts of interest.

2. Scope:

This policy applies to:

- permanent, temporary and casual employees ('employees')
- agency staff, contractors, consultants, students and volunteers ('other persons').

3. Principles:

Employees and other persons covered by this policy must:

- 3.1. Disclose and be accountable for the declaration of any actual, perceived or potential conflict of interest (including other employment), whether pecuniary or non-pecuniary, to their line manager.
- 3.2. Disclose a personal interest which could, now or in the future, be seen as influencing the performance of their official duties.
- 3.3. Disclose the interests of their partner and/or dependents which could, now or in the future, be perceived as having an influence on their ability to perform their official duties.
- 3.4. Perform their duties in a fair and unbiased way, ensuring that decisions made in the course of performing their duties are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.
- 3.5. Actively participate in developing and implementing any resolution strategies.
- 3.6. Ensure any conflict of interest is resolved in the public interest. That is, the public interest must prevail over the personal interests of an employee.

- 3.7. All 'delegates' are listed as per the department's *HR Delegations*. A delegated officer may undertake actions in accordance with the conditions of the delegation and process stated in relevant legislation, policies and procedures, as they deem necessary or expedient to the proper exercise or discharge of the power. An employee may be directed by an appropriate delegate to complete a conflict of interest declaration.

Human Rights and decision making:

- The department is committed to respecting, protecting and promoting human rights.
- Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. This includes decisions about clients, and about employees (for example when human resources decisions are being made).
- There are three key points to remember when it comes to making human rights compatible decisions:
 1. Identify the human rights of clients and/or staff members when making decisions about them, plus the rights of other persons involved.
 2. Identify the impact of decisions — will a human right of an individual be limited?
 3. If a human right will be limited, then the decision maker must show that any limitation is justified and reasonable by demonstrating that the decision is: lawful, has a proper purpose, rational, necessary, and fair and balanced.

More information regarding Human Rights and the Human Rights Act, including a guide to decision making, is available on the Queensland Government Website: [Apply human rights to your work | For government | Queensland Government](#) and [Human rights resources | For government | Queensland Government](#)

The Queensland Human Rights Commission Website also has a range of information: [QHRC : Human rights](#)

4. Conflicts of interest:

- 4.1. A conflict of interest occurs when one's private interests interfere, or appear to interfere, with the performance of their official duties. For the purposes of defining a conflict of interest, private interests could include those of family, friends and associates. Personal interests are wide ranging and include pecuniary and non-pecuniary interests.
- 4.2. Having a conflict of interest is not considered misconduct or a breach of the Code of Conduct for the Queensland Public Service. What is important is:
- ensuring that the conflict of interest is appropriately declared
 - ensuring that the conflict of interest is properly managed
 - ensuring that the conflict of interest is resolved in the public interest.
- 4.3. There are three types of conflicts of interest:
- **Actual conflict of interest:** involves a direct conflict between a public official's current duties and responsibilities and their existing private interests. In situations where the private interest actually motivates or influences the exercise of a public duty, the conflict of interest can lead to corruption.

- **Perceived (or apparent) conflict of interest:** arises when it could be perceived by others that a public official's private interests motivates or influences the exercise of a public duty – whether or not this is in fact the case. In situations where the private interest is perceived to motivate or influence the exercise of a public duty, the perception can adversely affect public confidence in administration.
- **Potential conflict of interest:** arises when a public official has private interests that could motivate or influence the exercise of a public duty in the future. If a potential conflict of interest is not appropriately declared and managed, this could lead to an actual conflict of interest in the future.

5. Conflicts of interests can be pecuniary or non-pecuniary:

- **Pecuniary:** involves an actual, potential or perceived financial gain or loss. Money does not need to change hands for an interest to be pecuniary. People can have many different pecuniary interests, for example, if they (or a relative, or a close associate) own property, hold shares, have a position in a company bidding for government work, or receive benefits such as concessions, discounts, gifts or hospitality from a particular source.
- **Non-pecuniary:** do not have a financial component. They may arise from personal or family relationships or involvement in sporting, social or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.

6. Declaring a conflict of interest:

- 6.1. If you do have a conflict of interest (whether actual, perceived or potential), you are required to submit a formal Conflict of Interest Declaration, including identifying strategies for resolving the conflict of interest, via the SharePoint site: [SharePoint Conflict of Interest Declaration](#)
- 6.2. This form will be work-flowed to your nominated Manager, via the electronic workflow process, for endorsement. Once endorsed by your nominated Manager, it will progress to the HR delegate, as per the department's HR Delegations, for final endorsement. You will receive automatic email notifications as your form progresses through each stage of the workflow.
- 6.3. Unless required by law, access to the contents is limited to the employee, your nominated Manager, the endorsing HR delegate, Professional Standards and the department's Director-General (or delegate).
- 6.4. This process ensures the conflict and the action taken to resolve or mitigate it is documented, which protects not only the department, but also yourself.
- 6.5. If you think you may have a conflict of interest but you are not sure, discuss concerns with your immediate supervisor or manager and document those discussions.
- 6.6. It is the responsibility of the employee declaring the conflict of interest to ensure that any actions that are agreed upon to manage the conflict of interest are completed.

7. Changes in interests:

- 7.1. When a conflict of interest changes an employee must submit a revised Declaration of Interests within one month after the relevant facts become knowledge to the employee. Changes may include; an altered relationship, acquisition, divestment or significant changes in the employees responsibilities as a public servant.
- 7.2. An employee is responsible for resubmitting a revised Declaration of Interest for forms they submitted over 12-months ago.

8. Resolving conflicts:

- 8.1. Conflicts of interest must be proactively addressed through the implementation of resolution strategies.
- 8.2. Where a conflict of interest has been identified, the employee is required to actively participate with the department in developing and implementing resolution strategies.
- 8.3. Conflicts of interest are to be resolved in an open and transparent manner being mindful of maintaining appropriate confidentiality of an employee's personal affairs.

9. Monitoring conflicts:

- 9.1. Declarations of conflicts made by employees must be recorded and include documentation of the resolution strategies that have been, or are intended to be taken.
- 9.2. The implementation of resolution strategies is to be monitored to ensure they are appropriately affected.
- 9.3. Resolution strategies should be continuously reviewed and changed as the need arises.

10. Definitions:

Conflict of Interest	<p>The Crime and Corruption Commission defines a conflict of interest as:</p> <p><i>'A conflict of interest occurs when the private interests of a public service employee interfere, or appear to interfere with their official duties'.</i></p> <p>Section 1.2 of the <i>Code of Conduct for the Queensland Public Service</i> defines conflict of interest stating:</p> <p><i>"A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest, and our personal interests".</i></p> <p>The Code further explains a conflict of interest may stem from a range of factors/circumstances including personal relationships, employment outside the public service, membership to special interest groups, ownership of shares in companies or properties, etc. It must be noted that the</p> <p>'interest', with respect to a conflict of interest, or any perceived conflict of interest, can include direct interest or an indirect interest. This can translate to a benefit or perceived benefit, both pecuniary and non-pecuniary.</p>
Other employment	<p>Additional paid or unpaid employment performed by a departmental employee or other person covered by this policy, including during absences on approved leave:</p> <ul style="list-style-type: none"> • in the Queensland public service, public sector, other government • jurisdictions

	<ul style="list-style-type: none"> • in the private sector as an employee whether for a private company • or business or ownership of, or directorship of a company, trading trust • or partnership • working as an independent contractor • undertaking work as a volunteer • in self-employment. <p>Other employment does not include the ownership and investment in shares in a publicly listed company or investments in rental properties or other similar activities.</p>
Private interest	<p>Interests of the employee or other person, their family, friends and associates that can bring benefits or disadvantages to public officials as individuals, or to others whom public officials may wish to benefit or disadvantage. Private interests are not limited to pecuniary interests or to interests that can bring direct personal gain or help avoid personal loss. Private interests can include, but are not limited to:</p> <ul style="list-style-type: none"> • shareholdings in public and private companies • family and business trusts and nominee companies • bonds, debentures and like investments • partnerships • liabilities • organisational memberships (except membership of an industrial organisation and/or political party).

11. Delegations:

Refer to HR Delegations

12. Authority:

Public Sector Act 2022

Integrity Act 2009

Criminal Code Act 1899

Code of Conduct for the Queensland Public Service

Declaration of Interests - Senior Executives and Equivalent Employees

Declaration of Interests - Public Service Employees (Other than chief executives) (Directive 03/10)

Declaration of Interests - Chief Executives (Directive 01/15)

Public Sector Employees Contesting Elections Circular 03/14

Disclosure of Previous Employment as a Lobbyist Policy

Gifts and Benefits Directive 22/09

Recruitment and Selection Directive 07/23

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Office: People and Culture

Help Contact: Professional Standards

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