

Conflict of Interests Policy

Version 3.0

Approval



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Electoral Commissioner

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Version history

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1.0A	Draft	Team Leader (HR), Corporate Services	February 2019
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Review

This policy will be reviewed **every two (2) years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary.

Purpose

The purpose of this policy is to make all employees (and relevant persons) of the Electoral Commission of Queensland aware of the principles, procedures, and obligations to declare any interest that conflicts or may conflict with the performance of official duties.

This policy is separate to the [Mandatory Declaration form for conflicts of interest in recruitment and selection processes](#).

Rationale

A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest and our own personal interests.

Chief executives, senior executives (and equivalents), and public service employees are responsible for disclosing any of 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.

This requirement is outlined under:

- [Declaration of interests - Chief Executives of departments \(Directive 05/24\)](#)
- [Declaration of interests - Public Sector Employees Excluding Chief Executives \(Directive 03/24\)](#)
- [Public Sector Ethics Act 1994](#)
- Section 1.2 of the [Code of Conduct for the Queensland Public Service](#), public servants must manage conflicts of interests appropriately, transparently, consistently and in favor of the public's interest.

The consideration, assessment and management (including management plans) of any possible conflict of interest must also be conducted in accordance with the [Human Rights Act 2019](#), which requires the Electoral Commission of Queensland (ECQ) to consider whether a decision or action would be compatible with human rights under section 13 of that Act.

All records relevant to all types of conflict of interests and their management are to be stored and maintained in line with the departmental records management policy.

Guiding Principles

A conflict of interest arises when a public sector employee's duty to serve the public interest is compromised, or appears to be compromised, by personal interests. Having a conflict of interest is not unusual and is not wrongdoing. However, failing to disclose and appropriately manage the conflict is likely to be wrongdoing.

Conflicts of interest can fall within three categories to be actual, perceived, or potential:

- **Actual** conflict of interest – a direct conflict exists between a public sector employee's current duty and their existing private interests.
- **Perceived** conflict of interest – a situation that could reasonably be seen to compromise the employee's impartiality, even if no actual conflict exists.
- **Potential** conflict of interest – the employee has private interests that may conflict with their official duties in the future.

Conflicts of interest can be pecuniary or non-pecuniary:

- **Pecuniary** conflict of interest – involves actual or potential financial gain. Money does not need to change hands for a pecuniary conflict to exist.
- **Non-pecuniary** conflict of interest – involves personal or family relationships or other non-financial interests that could influence professional duties

Please refer to the below definitions table and examples below with potential conflicts to disclose, as outlined under 9.1 of [Declaration of interests – public sector employees excluding chief executives \(Directive 03/24\)](#).

1. Policy

This policy discusses situations in which ECQ employees (and relevant persons) may have an actual, perceived, or potential conflict of interest between their public role and their personal interests.

A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, our employment outside the public service, our membership of special interest groups, or our ownership of shares, companies, or property.

Examples of conflict of interests, however not limited:

- Being involved in assessment of a tender, when holding shares in a company tendering to supply services or goods to the department
- Having interests outside of work that affect your ability to perform your work role properly or to appear to perform it impartially
- Being a director in a company over which in your role as a public sector employee you exercise discretionary power
- Employing, or being involved in the selection of an employee who is a close relative or friend, even on a casual basis or Temporary Election Staff (TES).

Secondary employment may also be a conflict of interest:

- If it impacts on your work performance, or health and wellbeing.
- Alternatively, or secondary employment could provide the opportunity for personal loss or gain, such as by using confidential information obtained from the public sector workplace or conducting personal business during work time:
 - For example – An ECQ employee working at AEC is a conflict and secondary employment. Please speak to your Manager/Director and or HR.

For more examples, please refer to - [Declare an interest | For government | Queensland Government](#)

The ECQ is dedicated to conducting business and delivering services in a fair, accountable, and impartial manner. Therefore, **all employees** must perform their duties in a fair and unbiased way, ensuring that decisions made are not impacted by self-interest, private affiliations, or the likelihood of gain or loss for them or others that they may wish to benefit or disadvantage.

While it is best to avoid conflicts of interest, this is not always possible. Having a conflict of interest alone is not considered misconduct or a breach of the Code of Conduct.

However, what is important is that:

- you promptly disclose the conflict of interest.
- the conflict of interest is managed; and
- any conflict of interest is resolved in the public interest

Public Sector Ethics Act 1994

ECQ is committed to operating under the [Public Sector Ethics Act 1994](#), in recognition that public office involves a public trust, and that public officials seek to promote public confidence in the integrity of the public sector and should:

- (a) be committed to the highest ethical standards.
- (b) accept and value their duty to provide advice, which is objective, independent, apolitical and impartial.
- (c) show respect towards all persons, including employees, clients and the general public.
- (d) acknowledge the primacy of the public interest and undertake that any conflict-of-interest issue will be resolved or appropriately managed in favour of the public interest; and
- (e) be committed to honest, fair and respectful engagement with the community.

Code of Conduct for the Queensland Public Service

All ECQ employees, whether permanent, temporary, full time, part-time or casual, are subject to the standards of conduct contained in the [Code of Conduct for the Queensland Public Service](#).

The fundamental principles of ethical behavior that underpin the *Code of Conduct* are:

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

In particular the **Integrity and Impartiality** principle applies to the management of conflict of interests:

- Always disclose a personal interest that could, now or in the future, be seen as influencing the performance of our duties
- Actively participate with the ECQ to develop and implement resolution strategies for any conflict of interest; and
- Ensure that any conflict of interest is resolved in the public interest.

ECQ requires all employees to declare any potential conflicts of interest that may influence decisions undertaking their role, as detailed in this policy and in line with legislation.

2. Declaring a conflict of interest

Under Public Sector Commission [Declaration of interests - Chief Executives of departments \(Directive 05/24\)](#) Chief Executives are required to fully disclose any conflict of interest that may, or may be perceived to, affect their ability to impartially perform their official duties. This declaration must be submitted on commencement with the department and reviewed annually.

Specifically, the Commissioner and Assistant-Commissioner must submit their completed declaration to both the Attorney-General and Minister for Justice and the Chief Executive of the Public Sector Commission.

Senior Executive Service (SES) officers are also required to provide a Declaration of Interests to the Commissioner upon commencement and required to update annually or if their conflict changes. This includes disclosing relevant interests held by themselves and their partners.

Under Public Sector [Declaration of interests – public sector employees excluding chief executives \(Directive 03/24\)](#), all other public sector employees are similarly required to disclose any actual, perceived, or potential conflict of interest that could impact their impartiality. This requirement also extends to interests held by an employee's partner and/or dependents.

Election staff as part of the expression of interest (EOI) process must also declare if they have a conflict of interest (COI) by completing the [HR and Staffing – Conflict of Interest form](#) via the portal.

In accordance with the [Integrity Act 2009](#), the Commissioner and other designated persons—such as SES officers and equivalent roles—may seek written advice from the Queensland Integrity Commissioner regarding conflicts of interest. Further guidance is available on the Queensland Integrity Commissioner website.

Failure to declare and appropriately manage a conflict of interest may constitute misconduct or corrupt conduct and can result in disciplinary action. All actual, perceived, or potential conflicts must be formally declared and managed in the public interest.

All employees have an obligation to report any suspected misconduct relating to conflicts of interest as detailed in this policy.

How to declare a conflict of interest

If you have an actual, perceived, or potential conflict of interest - whether pecuniary (financial) or non-pecuniary (personal or relational) to declare, please follow these steps:

1. Complete the [Declarations and Conflict of Interest Form](#) - please refer to Appendix 4 - conflict of interest declaration process map.
 - Use the guidance provided in the [Code of Conduct for the Queensland Public Service](#) for the Queensland Public Service along with the attached Conflict of Interests Declaration Form and submit it to your manager.
2. Seek Manager Review and Endorsement
Your manager will then:
 - Discuss the matter with you,
 - Assess the issues raised (as well as any additional considerations), and
 - Forward the declaration to the relevant decision-maker - typically the Executive Director and then Human Resources team.
3. Decision and Consultation
The decision-maker will:
 - Review the declaration and seek any clarity,
 - Consider any necessary management or monitoring strategies, and
 - Make a decision regarding the conflict, in consultation with the Director, Ethical Standards Unit. Decisions must be made in line with human rights obligations.
4. Outcome and Recordkeeping
You and your manager will receive a copy of the final decision. A formal record of the process will be maintained on your personnel file and sent to Human Resources team.

Manage the conflict of interest

When a conflict of interest has been identified by an employee (see section 3.1 below), this may be escalated for a decision to be made by the Delegate of the Commissioner, in consultation with the Director of Corporate Services, about how the conflict of interest will be managed or resolved.

Importantly, an assessment must be made of whether the way the conflict of interest is being managed is compatible with human rights in accordance with section 13 of the [Human Rights Act 2009](#). Decisions made under this Policy may limit the right to taking part in public life (section 23), property rights (section 24), and the right to privacy and reputation (section 25). Therefore, such decisions must take human rights into account and must be compatible with human rights, as required by section 58 of the [Human Rights Act 2009](#).

Employees and their supervisor/manager are responsible for managing a declared conflict of interest appropriately. It is recommended that all strategies implemented to manage the conflict of interests are documented and continually reviewed as to their effectiveness. If any circumstances change to an employee's conflict this needs to be disclosed, the manager should consider whether this brings about any new conflicts of interest, or changes to an existing conflict of interest.

It is vital to hold regular meetings with your supervisor/manager to discuss the situation to ensure that the management and monitoring strategies implemented are working effectively. It is important to report any issues or concerns about management and monitoring strategies to your manager.

The existence of a Conflict of Interests Declaration is a management strategy and how the conflict of interests is dealt with will vary depending on its nature and may include:

- scheduled reviews of any unplanned leave;
- reallocation of certain work due to a conflict of interest;
- monitoring trends at intervals for the duration that a conflict of interest exists;
- stepping down from a selection panel where a relative/friend is an applicant;
- stepping down from a role that affects your ability to properly and impartially perform your work role;

- if the conflict of interest is made and deemed by the employer to present no ongoing conflict to the performance of the employee's official work duties, the management strategy may be limited to noting the declaration only.

3. Employee Obligations

3.1 Identify and declare any conflict of interest

To allow ECQ to effectively assess and manage each possible conflict of interest, employees and election staff are responsible for identifying and disclosing any actual, perceived, or potential conflict of interest. To identify a conflict, consideration is to be given as to whether in performing their role, an employee could be influenced or appear to be influenced by personal interests.

Employees need to consider:

- if they, or someone associated with them, would benefit, or be disadvantaged directly or indirectly, now or in the future, from a decision they may be involved in making in their public employment capacity
- whether they, or someone associated with them, has received a gift or benefit from another person or business who stands to benefit from a decision the employee makes or can influence
- whether a member of the public would view the employee's decision as being or potentially being influenced by their personal interests or associations with other persons/entities.

Employees are also responsible for:

- disclosing the interests of your partner and/or dependents if those interests have a bearing, or may be perceived to have a bearing, on your ability to properly and
- impartially discharge the duties of your office; and report on any suspicion of misconduct relating to conflicts of interest to your supervisor.

For more information, please refer to the [Code of Conduct for the Queensland Public Service](#) for the Queensland Public Service and the regulatory framework outlined in Appendix 3.

3.2 Manage the conflict of interest

Managing a conflict of interest is an ongoing responsibility of both the declaring employee and their supervisor/manager. A management plan must be fair, transparent, accountable, and free from bias or discrimination. Please refer to Section 2 of this policy.

3.3 Update as required

Should circumstances change, all employees must consider whether this brings about any new conflict of interest, or changes to an existing conflict of interest.

When interests change to the extent that the potential for a conflict of interest is altered, a public service employee 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.

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.

3.4 Records Management

Once the delegate has considered and made a decision on the declared conflict of interest, employees are responsible for storing and maintaining all appropriate documents in line with ECQ's current records management practice, these are held with the Human Resources team.

Declarations are to be maintained in the strictest confidence. Unless required by law, access to Declarations of Interests is limited to the employee and the Chief Executive or delegate.

4. Supervisor/Manager Obligations

4.1 Assessment of conflict of interest

Once an employee declares a possible conflict of interest, you must discuss it with the employee and add your assessment of the issues and any other issues that might emerge.

ECQ understands that every employee's circumstances are unique. Therefore, all declarations must be considered on a case-by-case basis using an approach that considers fairness, public service regulatory framework, and legislative and operational requirements.

4.2 Manage the conflict of interest

In addition to Section 2 of this policy, assessment, and management of conflict of interest is an ongoing responsibility of both the declaring employee and their supervisor/manager. A management plan must be fair, transparent, accountable, and free from bias.

Where conflict of interest declarations presents difficult or complex questions, consideration should be given to consulting with the Assistant Commissioner about the matter and whether General Counsel or the Commissioner should review the proposed management plan.

4.3 Records management

Once the delegate has considered and decided on the declared conflict of interest, you are responsible for appropriately storing and maintaining all appropriate documents in line with the department's records management policy.

Additional obligations applicable to Chief Executives

Within one month of their appointment with a government department or agency, the Chief Executive is required to make a declaration of interest. If relevant interests of a Chief Executive change, they should notify the portfolio Minister/s.

Chief Executives are required to review their Declaration of Interests at the end of each financial year.

Under the [Integrity Act 2009](#), the Electoral Commissioner may seek advice about conflict of interest issues from the Integrity Commissioner. Further information can be found on the [Queensland Integrity Commissioner](#) website.

Process

To declare and manage any actual, perceived or potential conflicts of interest (whether pecuniary or non-pecuniary), please refer to Appendix 4 - conflict of interest declaration process map.

Delegations

Refer to the ECQ [Human Resources Management Delegations](#) for the appropriate delegate.



Appendix 1 — Definitions

Term	Definition	Reference
Employee	ECQ Public Service Employees as well as; Returning Officers, Assistant Returning Officers, Temporary Election Staff (TES), Contact Officers and contractors.	
Executives	An executive appointed as a SES officer under section 188 of the <i>Public Service Act 2022</i> ; or an executive appointed on a fixed term contract of employment with remuneration at the equivalent SES level or above under section 122 of the <i>Public Service Act 2022</i> ; or person remunerated at the equivalent SES level or above employed in a government entity under any Act as defined by section 24 of the <i>Public Service Act 2022</i> .	Public Sector Act 2022 Directive 11/23
Conflict of Interest	A conflict of interest occurs when private interests interfere or appear to interfere with the performance of official duties. Private interests include personal, professional, or business interests, as well as the interests of individuals that you associate with, such as family, dependents, and friends.	Public Sector Act 2022
Relevant Persons	Includes, but not limited to, consultants, contractors, agency staff, work experience and volunteers	
Misconduct	Misconduct is inappropriate or improper conduct in an official capacity; or inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.	
Corrupt Conduct	Conduct by any person, regardless of whether they are a public sector employee, which meets all four elements: <ol style="list-style-type: none"> 1. Adversely affects, or could adversely affect, the performance of functions or the exercise of powers of- <ul style="list-style-type: none"> • A unit of public administration; or • A person holding an appointment; AND 2. Results, or could result in conduct which – <ul style="list-style-type: none"> • Is not honest or is not impartial; or • Involves a breach of trust; or • Involves a misuse of information or material acquired; AND 3. Is for the purpose of providing a benefit to the person or another person or causing detriment to another person; AND 4. If proved, would be – <ul style="list-style-type: none"> • A criminal offence; or • A disciplinary breach providing reasonable grounds for terminating the person’s services. <p><i>Please note: Each case needs to be assessed on its own merits as to whether it constitutes Corrupt Conduct. The Electoral Commission Queensland has an obligation to notify the Crime and Corruption Commission if Corrupt Conduct is reasonably suspected.</i></p>	
Secondary Employment	Other employment means additional paid employment (either on a full time, part-time or casual basis) performed by a public sector employee, [including during absences on approved leave] in, for example: <ul style="list-style-type: none"> • the Queensland Public Sector, public sector or other government jurisdictions; • the private sector as an employee whether for a private company or business, or as an owner of or director of a business, company, or trading trust or in a partnership; • work as an independent contractor; or • self-employment. 	<i>Criminal Code Act 1899</i> (Part 3, Chapter 13)

Appendix 2

SAMPLE Conflict of Interest Form RO and TES

PART A DECLARATION

<p>Employee/Election Staff to complete and provide to Manager and or By-Election Manager.</p> <p><i>Where it is identified that an actual, perceived or potential conflict of interest may exist, employees must declare this to their manager, where possible prior to or within fourteen (14) days of engaging in the interest.</i></p> <p><i>However, employees must immediately inform the ECQ where employment and/or consultancy work is being considered with an organisation that has regulatory interaction with the ECQ.</i></p>	
Date of declaration	Example
New declaration or variation to existing?	<ul style="list-style-type: none"> • Conflict of interest (COI) declarations are required to be completed per election event and for each conflict of interest matter. • If this is the first time you are raising this COI for this event, then it will be a new declaration. If you have declared this COI at a previous election event this is still to be considered a new declaration for this event. • If you need to make changes to a COI you have already sent for this event it will be a variation not a new declaration.
Employee's Full Name	<i>This will be your name, as you are the person with the conflict.</i>
Position Title	<i>Returning Officer or Assistant Returning Officer</i>
Unit or Election (RO only)	<i>The name of the event you are employed for i.e. ** By-Election.</i>
Name of Secondary Party (if relevant)	<p><i>This is where you enter the name of the person you have a conflict with that may be a TES appointment.</i></p> <ul style="list-style-type: none"> • <i>i.e. if you plan on hiring your brother to work, you will put your brother's name here.</i> • <i>Please complete one form for each person you may have a conflict with.</i>
Conflict of Interest Area	<p>Select one or all applicable options</p> <p><i>Tick which option best suits your COI i.e. if you have a personal relationship with a TES tick Personal.</i></p> <p><input type="checkbox"/> Personal <input type="checkbox"/> Financial</p> <p><input type="checkbox"/> Other Employment <input type="checkbox"/> Organisational Membership</p>
<p>Matter to be considered.</p> <p>Where relevant, also include:</p> <ul style="list-style-type: none"> • Your expected role/duties to be performed relevant to this matter <p>Personal interests identified which have the potential to impact on your ability carry out, or to be seen to carry out your official duties impartially and in the public interest.</p>	<p><i>This is where you need to enter what the conflict and further details for the decision making to understand, for example</i></p> <ul style="list-style-type: none"> • <i>I intend to hire my brother to work at the election as a TES. He has worked many elections before and has good experience and knowledge to get the job done.</i>

Further considerations which could influence the decision	<i>This is where any other information regarding the COI needs to be included that may impact the delegates decision or the management plan?</i>
Nature of the potential for conflict of interest (as identified by employee or manager)	<p>Select one or all applicable options</p> <p><i>Tick which option best suits your COI.</i></p> <p>Type: <input type="checkbox"/> Actual <input type="checkbox"/> Perceived <input type="checkbox"/> Potential</p> <p>Category: <input type="checkbox"/> Financial interest (pecuniary) <input type="checkbox"/> Non-Financial interest</p>
<p>I hereby declare that the above details are correct to the best of my knowledge.</p> <p>Employee's signature _____ Date ____ / ____ / ____</p>	

Appendix 3 — Regulatory Framework

- [Public Sector Act 2022](#)
- [Public Sector Ethics Act 1994](#)
- [Financial Accountability Act 2009](#)
- [Declaration of interests – Chief Executives of departments \(Directive 05/24\)](#)
- [Declaration of interests – public sector employees excluding chief executives \(Directive 03/24\)](#)
- [Public Service Code of Conduct](#)
- [Gifts and Benefits \(Directive 22/09\) | For government | Queensland Government](#)
- [Integrity Act 2009](#)
- [Electoral Act 1992](#)
- [Human Rights Act 2009](#)
- [Information Privacy Act 2009](#)
- [Right to Information Act 2009](#)
- [Individual Employee Grievances \(Directive 11/20\)](#)

Appendix 4 — Conflict of Interest Declaration Process Map

To declare an actual, perceived or potential conflict of interest (whether pecuniary or non-pecuniary), please follow the steps outlined below:

