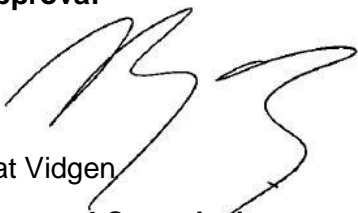

Conflict of Interest Policy

Version 1.0

Approval



Pat Vidgen

Electoral Commissioner

28 / 02 / 2019

Version history

Version	Notes	Author	Date of Change
1.0A	Draft	Team Leader (HR)	February 2019
1.0	Issued for use	Electoral Commissioner	February 2019

Review

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

Purpose

This policy is aimed at providing guidance to employees and relevant persons about identifying potential conflicts of interest, the nature of their obligations with regard to declaring potential conflicts of interest, and by doing so, assist with maintaining the integrity of the Electoral Commission of Queensland's decision-making.

Rationale

As per 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 favour of the public's interest.

The Electoral Commission of Queensland (ECQ) is committed to conducting business and delivering services in a fair, accountable and impartial manner. This Conflict of Interest Policy deals with situations in which our employees may have an actual, perceived or potential conflict of interest between their public role and their personal interests.

Guiding Principles

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

A conflict of interest may be actual, perceived or potential.

- **Actual:** when there is a conflict between a person's official duties and responsibilities in serving the public interest, and their personal interests.
- **Perceived:** when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case.
- **Potential:** where a person has a personal interest that could conflict with their official duties in the future.

Conflicts of interest may be pecuniary or non-pecuniary.

- **Pecuniary:** refers to an actual or potential financial gain or loss for the person, their family, friends or close associates.
- **Non-pecuniary:** refers to an interest that is not financial or monetary but arises from such things as personal relationships, beliefs or involvement in social, cultural, religious or sporting activities.

Examples of conflict of interests

- ❖ Employing a close relative or friend, even on a casual basis.
- ❖ Being involved in the assessment of a tender, when holding shares in the company.
- ❖ Having interests in a company over which you exercise discretionary power in your role as public service employee.

Having a conflict of interest is not unusual and is not wrongdoing in itself. However, failing to disclose and appropriately manage the conflict is likely to be wrongdoing.

Policy

A conflict of interest may affect a person's judgement as to what is in the public interest, or may lead to a bias in their decision-making. It is not always possible to avoid a conflict of interest. A conflict of interest is not necessarily unethical or wrong.

It is important that any actual, perceived or potential conflicts of interest are identified, disclosed and effectively managed (including avoided if possible). Management of conflicts of interest must be fair, transparent, accountable and free from bias.

Specific guidance is provided for roles or areas where there is a high risk that a conflict of interest may arise. These roles or areas have been identified as human resources functions, procurement, regulatory functions, permits and grants.

In recognition that public office involves a public trust, public officials seek to promote public confidence in the integrity of the public sector and:

1. be committed to the highest ethical standards;
2. accept and value their duty to provide advice which is objective, independent, apolitical and impartial;
3. show respect towards all persons, including employees, clients and the general public;
4. 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
5. be committed to honest, fair and respectful engagement with the community.

How the Code of Conduct for the Queensland Public Service affects you

As an employee of the ECQ, the Code of Conduct for the Queensland Public Service provides the ethical principle that underpins a conflict of interest. This should give you a good understanding of whether your circumstances might give rise to an actual or perceived conflict of interest. A belief that you have strong moral and ethical values and would not be influenced by particular circumstances is irrelevant. Instead, you must consider how an independent observer, properly informed of the facts, could view the situation.

Often a potential conflict of interest arises not because of some action on your part but rather a change in circumstances. For example, you might find yourself participating in a selection process only to discover that a personal friend or family member is an applicant. Alternatively, you may want to hire an office which is owned by a relative or close friend. If it is possible for someone to challenge your objectivity in decision-making because of your current/past/future relationship, you have at least a perceived conflict of interest which must be declared. Your supervisor will work with you to resolve the conflict in the public interest.

How you should declare a conflict of interest

Chief Executives

Under the Public Service Commission [Directive 1/15, Declaration of Interests – Chief Executives of Government Departments](#). Chief Executives of government departments, including public service offices and other government bodies/agencies, 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.

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 to be disclosed.

Within one month of their appointment to a government department or agency, the Chief Executive is required to make a Declaration of Interests. 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.

Other public service employees

Under the Public Service Commission [Directive 3/10 – Declaration of Interests – Public Service Employees \(other than departmental Chief Executives\)](#), you are required to fully disclose a conflict of interest that may have a bearing, or may be perceived to have a bearing, on your ability to properly and impartially discharge the duties of your office.

You 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.

Failure to make a Conflict of Interest Declaration and have the matter managed in the public interest may amount to misconduct or corrupt conduct and could result in disciplinary action. A Conflict of Interest Declaration must be submitted for all conflicts of interests and possible conflicts of interests.

You have an obligation to report any suspicion of misconduct relating to conflicts of interest to your supervisor.

To declare an actual, perceived or potential conflict of interest (whether pecuniary or non-pecuniary):

1. Use the guidance in the [Code of Conduct for the Queensland Public Service](#) and the Public Service Commission's [Declaration of Interests form](#) to make your declaration and then give it to your supervisor to consider.
2. Once your supervisor has considered it and discussed it with you, they will add their assessment of the issues you have raised and any other issues that might emerge, and provide it to the decision-maker who holds the relevant HR delegation.
3. The decision-maker will consider the issues raised, suggested management and monitoring strategies (if any are deemed necessary) and will make a decision about the conflict of interests after consulting with the Director, Corporate Services.
4. The decision-maker will provide a copy of the decision to you and your manager, and will ensure that a record of the process is maintained on your personnel file.

How you should manage a conflict of interest

You and your supervisor are responsible for appropriately managing a declared conflict of interest. All strategies implemented to manage the conflict must be documented and continually reviewed to ensure effectiveness.

It is vital to hold regular meetings to discuss the situation to ensure the management and monitoring strategies implemented are working effectively.

It is important to report any issues or concerns about the management and monitoring strategies to your supervisor.

The existence of a Declaration of Interest is in itself a management strategy, and how the conflict of interest is dealt with will vary depending on its nature but 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.

For a more detailed understanding of all the issues please consult the following:

[Electoral Act 1992](#)

[Public Service Act 2008](#)

[Public Sector Ethics Act 1994](#)

[Financial Accountability Act 2009](#)

[Integrity Act 2009](#)

[Directive 1/15 Declaration of Interests – Chief Executives](#)

[Directive 3/10 Declaration of Interests – Public Service Employees \(Other than chief executives\)](#)

[Code of Conduct for the Queensland Public Service](#)

[Declaration of Interests Policy](#)

Delegations

Refer to the ECQ Human Resource Management Delegations for the appropriate delegate.

Appendix 1 — Definitions

Definitions

Term	Definition	Reference
Chief Executives	An executive appointed as a SES officer under section 110 of the <i>Public Service Act 2008</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 2008</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 2008</i> .	<i>Public Sector Act 2008</i> Directive 1/15
Employee	ECQ Public Service Employees as well as; Returning Officers, Assistant Returning Officers, Contact Officers and election staff	
Conflict of Interest	A clash between a worker's private interests and work interests that gives, or may give or be perceived to give, advantage to the worker or to others who are associated with the worker.	<i>Public Service Act 2008</i>
Relevant Persons	Includes, but not limited to, consultants, contractors, agency staff, work experience and volunteers	

Appendix 2 — Regulatory Framework

Regulatory Framework

- [Public Service Act 2008](#)
- [Public Sector Ethics Act 1994](#)
- [Financial Accountability Act 2009](#)
- [Integrity Act 2009](#)
- [Directive 1/15 Declaration of Interests – Chief Executives of Government Departments](#)
- [Directive 3/10 Declaration of Interests – Public Service Employees \(other than chief executives\)](#)
- [Code of Conduct for the Queensland Public Service](#)