



# Conflict of interest procedure

Version: 2.0 | Version effective: 06/09/2021

## Audience

Department wide

## Purpose

This procedure outlines the principles and process for the identification, declaration, management, and monitoring of conflicts of interest (COI) which may arise for employees of the Department of Education (the department).

## Overview

All employees must promote the public confidence in the integrity of the department by ensuring that any actual, perceived, or potential COI is appropriately managed or resolved. This procedure sets out how departmental employees will identify and declare, manage and monitor COI. This procedure should be read in conjunction with the [Conflict of interest policy](#).

Having a COI is, in itself, not unusual or wrong but failing to declare and manage the conflict appropriately may result in disciplinary action and expose the employee and the department to risk. A COI occurs when a public sector employee's interests potentially conflict, or do conflict, with the performance of their official duties and responsibilities. There are many situations and circumstances where a COI may arise for employees. Some of the more common situations that may give rise to a COI include, but are not limited to:

- other (secondary/concurrent) employment or previous employment (including volunteering)
- accepting gifts and benefits
- personal relationships
- recruitment and selection
- contract management
- purchasing and procurement
- employment and supervision arrangements
- investigations and discipline
- asset ownership (e.g. property holdings, investments)
- memberships (e.g. political, professional, sporting, social or cultural organisations)

- interest held by a family member or close associate.

Failure to declare and manage a COI may also be a criminal offence and result in criminal sanctions (under the [Criminal Code Act 1899 \(Qld\)](#) such as contravention of s89 (public officers interested in contracts), s92A (misconduct in relation to public office) or s92 (abuse of office)) depending on the circumstances.

## Responsibilities

### Employees

The responsibility for the recognition and disclosure of an actual, perceived or potential COI rests solely with the employee. Employees must:

- identify and disclose any actual, perceived or potential COI as soon as practicable after becoming aware of a COI.
- complete a record of the declaration of the COI in the department's Conflict of Interest Declaration form
- following disclosure of a COI, refrain from taking any or further action relating to the issue giving rise to the possible COI unless authorised (s186 of the [Public Service Act 2008 \(Qld\)](#))
- actively participate with the department in the development and implementation of agreed strategies to resolve or appropriately manage any COI in the public interest, including the development of a Conflict of Interest Management Plan
- advise of any changes in circumstances that may affect the COI (to the extent that the potential for a COI is altered)
- actively participate in any COI review and risk management strategy review.
- comply with any policies and procedures of the department to which the COI situation relates, including but not limited to [Receipt of gifts and benefits by employees of the department procedure](#), [Recruitment and selection policy](#), [Purchasing and procurement procedure](#), [Notification of other employment procedure](#) and [Appropriate and ethical use of public resources policy](#).
- report allegations of misconduct or corrupt conduct associated with COIs to the department's [Integrity and Employee Relations \(IER\)](#).

### Additional requirements for managers

- ensure employees are aware of their obligations to notify the department regarding COI
- ensure COIs are declared and documented as required in the Conflict of Interest Declaration form and Conflict of Interest Management Plan
- following employee disclosure of a COI, ensure the disclosing employee is aware they must not take any or further action relating to the issue giving rise to the possible COI unless authorised (s186 of the [Public Service Act 2008 \(Qld\)](#))
- assess the available information and ask for clarification from the employee (if required) to determine the appropriate action required upon receipt of a disclosure of a COI
- regularly review the COI to assess the relevance of mitigation strategies and update the [Conflict of interest declaration form](#) and [Conflict of interest management plan](#) as necessary

- immediately inform IER if any suspected fraud is identified in accordance with the department's [Standard of Practice](#), the [Code of Conduct for the Queensland Public Service](#).

### Chief Executives

- must fully disclose their interests, including their partners and/or dependents 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
- act to resolve and/or manage the COI.

### Integrity and Employee Relations

- provide support and advice to all employees regarding the COI process
- receive allegations of misconduct and corrupt conduct relating to COI circumstances
- investigate any allegations of employees failing to comply with the legislative and policy requirements to identify, disclose and actively participate in the resolution or appropriate management of COI
- report as required at law to the Crime and Corruption Commission (CCC) COI matters that raise reasonable suspicion of corrupt conduct.

## Process

The process for managing conflicts of interest consists of three stages:

- **Stage 1:** Identify and declare
- **Stage 2:** Manage
- **Stage 3:** Monitor

### STAGE 1: Identify and declare

---

When a potential COI is identified the following steps must be completed as soon as practicable:

#### Employees must:

- declare the conflict to their manager and complete the [Conflict of interest declaration form](#). Failure to do this may be in breach of the department's [Standard of Practice](#) and [Code of Conduct for the Queensland Public Service](#), and the employee may be liable to disciplinary action
- provide as much information as possible to allow the issue to be adequately assessed to determine whether a conflict that exists is manageable or not
- make a record of this declaration.

When a written declaration is not immediately practicable, for example, in a meeting where, without prior warning, a matter is introduced in which an employee identifies a possible COI, the employee must:

- verbally declare the interest to relevant parties present
- ensure that the declaration is recorded in the minutes of the meeting
- record the declaration in their own meeting notes

- leave the meeting or situation where the issue giving rise to the COI is being discussed, or even have the meeting stopped or postponed, and
- as soon as practicable, declare the conflict to their manager and complete the [Conflict of interest declaration form](#).

## Manager

A Manager can be made aware of a COI by:

- an employee self-declaration
- disclosure of a possible conflict through other means such as employee reports
- observation
- the receipt of complaint/s.

As soon as a Manager becomes aware of a potential COI, the following steps must be undertaken:

- ensure the employee has completed a Conflict of interest declaration form
- discuss the potential COI with the employee concerned to obtain as much information as possible from them regarding the situation and circumstances
- assess the situation and determine whether a COI exists (ask for clarification and/or further information if required).

If a COI does exist:

- ensure the disclosing employee is aware they must not take further action relating to the issue giving rise to the possible COI unless authorised (s186 of the [Public Service Act 2008 \(Qld\)](#));
- record COI assessment in the Conflict of interest declaration form;
- keep a completed copy on the employee's personal file;
- provide a copy to the employee for their personal records;
- develop a [Conflict of interest management plan](#) and manage the conflict in accordance with this procedure and identified management strategy;
- if a COI does not exist, record the assessment and inform the employee; and
- if necessary, declare the COI to IER to seek advice and determine the most appropriate course of action.

If a Manager determines there is no COI or the COI exists but is manageable, they are to record their assessment in the Conflict of interest declaration form and Conflict of interest management plan and inform the employee of their decision. Similarly, if the conflict declared is deemed unmanageable, then the decision for resolving the matter in the public interest must be documented in the Conflict of interest management plan.

## Senior Executive Service Officers (and equivalents)

- In addition to steps to be taken by employees, Senior Executive Service Officers (and equivalents) must provide a written declaration of interest as required:
- within one month of commencing in the position or commencing a new position, and

- annually thereafter.

### Chief Executive Officer

In addition to steps to be taken by employees, the Chief Executive Officer must provide a written declaration of interest:

- within 1 month of commencing in the position
- within 1 month of any significant changes in the interest
- within 1 month of a significant change in official responsibilities
- by 31 July every year.

## Stage 2: Manage

---

### Manager must:

- document the assessment or re-assessment of the situation and the surrounding circumstances that could affect any decisions or actions in the matter, including the type of COI;
- use the COI [Management strategy options](#) to determine which management strategy is most appropriate, including:
  - **Register** – the disclosure of a COI is recorded and a copy of the completed [Conflict of interest declaration form](#) is kept on the employee's personal file and a copy provided to the employee for their personal records
  - **Restrict** – restrictions are placed on the employee's involvement in the matter/process
  - **Recruit** – an objective/unbiased third party is tasked with overseeing part or all of the process that deals with the matter
  - **Remove** – the employee with the COI is removed from their involvement in the matter or process creating the conflict
  - **Relinquish** – the employee relinquishes the interest that is creating the conflict, or
  - **Resign** – the employee resigns from their position with the department.
- ensure that any action taken/decision made in relation to managing the COI is in accordance with the [Human Rights Act 2019 \(Qld\)](#)
- if required, seek advice from IER as to how the above strategies are best implemented
- save any record of all assessments and decisions made in relation to all declared COI. Records associated with the COI process must be managed in accordance with departmental record keeping requirements and the [Public Records Act 2002 \(Qld\)](#).

## Stage 3: Monitor

---

Ongoing monitoring and regular reviews of identified COI (at mutually agreed timeframes or when the employee's interests change to the extent that the potential for a COI is altered) are essential to allow changes to be made to the chosen management strategy, where required.

## Employee

If there is a 'change in interests' after the initial declaration (to the extent that the potential for a COI is altered) employees must provide a revised declaration of interest (Conflict of Interest Declaration form) to their Manager within one (1) month after the relevant facts of the change come to the knowledge of the employee.

### Manager must:

- regularly review (at mutually agreed timeframes and/or when new interests change to the extent that the potential for a COI is altered) and consider:
  - the situation that gave rise to the COI
  - the initial determination and management decision
  - the strategy put in place to manage the COI
  - the actions taken to implement the management strategy
  - perceptions held by others that the COI is having an improper influence on the performance of the employees' duties including any advice they give, decisions they make or actions they take
  - any reassessments and management decisions made about the continued management of the COI
  - any changes made to the COI management strategy and its implementation
  - any changes to the declared interests of the employee
- maintain all records of any changes made as a result of the review in the employee's personal employment file.

## Definitions

Term	Definition
<b>Change in interest</b>	<p>In accordance with clause 5.5 of the <a href="#">PSC Directive 3/10 Declaration of Interest – Public Service Employees (other than departmental Chief Executives)</a>:</p> <p>Change in interest means where the employee's interests change to the extent that the potential for a conflict of interest is altered.</p> <p>Change in interests may include:</p> <ul style="list-style-type: none"> <li>• any significant change in the interests about which information is required including acquisition, divestment or an altered relationship in the interest; or</li> <li>• a significant change in the official responsibilities of the public service employee.</li> </ul>
<b>Conflict of interest</b>	<p>In accordance with s186 of the <a href="#">Public Service Act 2008 (Qld)</a>:</p> <p>Involves an interest that conflicts or may conflict with the discharge of the employee's duties.</p> <p>In accordance with the department's Standard of Practice:</p>

Term	Definition
	<p>A COI can occur when an employee has, or is seen to have, a private interest, either financial (pecuniary) or non-financial (non-pecuniary), which conflicts or may conflict with the discharge of the employee's official duties.</p> <p>Types of COI:</p> <ul style="list-style-type: none"> <li>• An <b>actual</b> COI involves a direct conflict between a public service employee current duties and responsibilities and existing private interests</li> <li>• A <b>perceived or apparent</b> COI can exist where it could be perceived, or it appears, that a public official's private interests could improperly influence the performance of their duties – whether or not this is in fact the case</li> <li>• A <b>potential</b> COI arises when a public service employee has a private interest that could conflict with their official duties in the future.</li> </ul>
<b>Corrupt conduct</b>	<p>Section 15 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a> defines corrupt conduct.</p> <p>The department's Standard of Practice states that corrupt conduct is conduct by a person that adversely affects, or could adversely affect a unit of public administration or a person holding an appointment within that unit in a way that is:</p> <ul style="list-style-type: none"> <li>• not honest or not impartial or</li> <li>• involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>• involves the misuse of official information or material.</li> </ul> <p>To meet the definition of "corrupt conduct", the conduct in question, if proven, must also amount to either a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services.</p>
<b>Employees</b>	<p>In accordance with <a href="#">s9 of the Public Service Act 2008 (Qld)</a>:</p> <ul style="list-style-type: none"> <li>• A person is a public service employee if the person is employed under this Act as: <ul style="list-style-type: none"> <li>○ a public service officer; or</li> <li>○ a general employee; or</li> <li>○ a fixed term temporary employee; or</li> <li>○ a casual employee.</li> <li>○ Public service employees are employees for the <a href="#">Industrial Relations Act 2016 (Qld)</a> (subject to <a href="#">section 217 of the PS Act</a>, which excludes particular matters from the concept of industrial matter).</li> </ul> </li> </ul>
<b>Interest</b>	<p>In accordance with <a href="#">PSC Directive 3/10 Declaration of Interest – Public Service Employees (other than departmental Chief Executives)</a>:</p>

Term	Definition
	<p>Anything that can bring a benefit or disadvantage to an individual, or to others whom we may wish to benefit or disadvantage. Interests may be financial or non-financial.</p> <p><b>Financial interests</b> (pecuniary)</p> <p>Involve an actual or potential financial gain or loss. Money does not have to change hands for an interest to be financial.</p> <p><b>Non-financial interests</b> (non-pecuniary)</p> <p>May arise from personal or family relationships or involvement in sporting, social, community or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could create bias in the making of a judgement or decision. They also include the personal, professional or business interests of individuals or groups we associate with.</p>
<b>Manager</b>	<p>In accordance with the department's Human Resource Delegation Manual, a Manager is defined as a person holding a delegation to make a determination on matters to which this procedure relates.</p>
<b>Misconduct</b>	<p>In accordance with s187(4) of the <a href="#">Public Service Act 2008 (Qld)</a></p> <ul style="list-style-type: none"> <li>• inappropriate or improper conduct in an official capacity; or</li> <li>• inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.</li> </ul>
<b>Other employment (including volunteering)</b>	<p>In accordance with the department's <a href="#">Notification of other employment procedure</a>:</p> <ul style="list-style-type: none"> <li>• paid employment as an employee or contractor, self-employment, involvement in a private business or partnership, the provision of paid consultancy service as a company director</li> <li>• unpaid work (for example work experience) and/or</li> <li>• volunteering.</li> </ul> <p>Either on a full-time, part-time or casual basis, performed by an employee including during absences of approved leave, in:</p> <ul style="list-style-type: none"> <li>• the Queensland public sector or other government jurisdictions</li> <li>• the private sector, whether for a private company or business or owner of, or directorship of a company, trading trust or partnership</li> <li>• working as an independent contractor</li> <li>• self-employment.</li> </ul>

Term	Definition
	<p>Other employment does not include the ownership and investment in shares in a publicly listed company or investments in rental properties or similar activities.</p> <p>Examples of voluntary activities could include, but not limited to:</p> <ul style="list-style-type: none"> <li>• voluntary work that may need to be undertaken during ordinary work hours from time to time, or for which the employee may be expected to respond to phone calls or email during working hours</li> <li>• voluntary activities (such as a Board membership) with an organisation that has commercial or other interest with the department</li> </ul> <p>voluntary activities with organisations that promote practices or ideas which are inconsistent with the departmental policy or values or with the obligations under the <a href="#">Code of Conduct for the Queensland Public Service</a> and/or the <a href="#">Standard of Practice</a></p>
<b>Public interest</b>	<p>Section 26(1)(h) of the <a href="#">Public Service Act 2008 (Qld)</a> states an employee's work performance and personal conduct must be directed towards acting honestly fairly and in the public interest.</p> <p>The department's <a href="#">Standard of Practice</a> defines public interest as:</p> <p>Acting lawfully and/or in accordance with government policy under the direction of the Minister.</p> <p>In the absence of legal or policy frameworks, it means acting for the common good of the entire community — not the sum of individual interests nor the interest of a particular group.</p>

## Legislation

- [Code of Conduct for the Queensland Public Service](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Declaration of Interests – Chief Executives – Directive 01/15](#)
- [Declaration of Interests – Public Service Employees \(other than chief executives\) – Directive 3/10](#)
- [Declaration of Interests policy – Senior Executive Service and Equivalent Employees including Statutory Office Holders](#) (Public Service Commission)
- [Discipline – Directive 14/20](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Individual employee grievances – Directive 11/20](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Integrity Act 2009 \(Qld\)](#)
- [Public Interest Disclosure Act \(Qld\)](#)

- [Public Sector Ethics Act 1994 \(Qld\)](#)
- [Public Service Act 2008 \(Qld\)](#)
- [Queensland Whole-of-Government Air Travel Policy](#) (DoE employees only)
- [Standard of Practice](#)
- [Workplace Investigations – Directive 17/20](#)

## Delegations/Authorisations

- [HR Delegations Manual](#) (DoE employees only)

## Policies and procedures in this group

- [Conflict of interest policy](#)
- [Notification of other employment procedure](#)

## Supporting information for this procedure

- [Conflict of interest declaration form](#)
- [Conflict of interest management plan](#)

## Other resources

- [Conflict of interest toolkit](#) (DoE employees only)
- [Fraud and corruption control framework](#)
- [Guidelines for implementing “Allegations against employees in the area of student protection”](#)
- [Integrity framework](#)
- [Management Foundations program \(DoE employees only\)](#)
- [Management Strategy Options](#) (DoE employees only)
- [Mandatory All-Staff Training program](#) (DoE employees only)
- [Prevention in focus case studies](#) and [Corruption Prevention Advisories](#), Queensland Crime and Corruption Commission

## Policies and procedures

- [Allegations against employees in the area of student protection procedure](#)
- [Appropriate and ethical use of public resources policy](#)
- [Catering and hospitality procedure](#)
- [Conflict of interest procedure](#)
- [Equipment management for business units procedure](#)

- [Equipment management for schools procedure](#)
- [Individual employee grievances procedure](#)
- [Purchasing and procurement procedure](#)
- [Recruitment and selection policy](#)
- [Receipt of gifts and benefits by employees of the department procedure](#)
- [Reporting fraud and corruption procedure](#)
- [Student protection procedure](#)

## Contact

For further information, please contact:

Integrity and Employee Relations

For advice regarding integrity matters, email: [integrity@qed.qld.gov.au](mailto:integrity@qed.qld.gov.au)

To report alleged misconduct and corrupt conduct, email: [intake@qed.qld.gov.au](mailto:intake@qed.qld.gov.au)

## Review date

6/09/2024

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

1.0 Conflict of interest procedure

## Creative Commons licence

Attribution CC BY

Refer to the [Creative Commons Australia](#) site for further information