



1. Policy statement

The Office of the Queensland Ombudsman is committed to ensuring that employees who may have a conflict of interest (actual or perceived) from time to time disclose it so that it can be managed.

2. Principles

- 2.1 The office recognises that the public expects employees to perform their duties in a fair, transparent and unbiased way and that the decisions they make are not affected by self-interest in any way.
- 2.2 Employees 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 their official duties.
- 2.3 Employees are also responsible for disclosing the interests of their partner and/or dependents of if those interests have a bearing, or may be perceived to have a bearing, on their ability to properly and impartially discharge their official duties.
- 2.4 Public interest must prevail over an employee's personal interests.
- 2.5 Effective management of conflicts of interest depends on the joint participation of employees and managers.
- 2.6 Conflicts of interest are to be resolved in an open and transparent manner, ensuring that the public interest is served while maintaining appropriate confidentiality of an employee's personal affairs.

3. Application/scope

This policy applies to all permanent and temporary employees of the Office of the Queensland Ombudsman as well as contractors, employment agency staff, sub-contractors, clients, work experience students and volunteers while working in our workplace.

4. Procedures

4.1 Information to be declared

Information about interests which employees shall declare includes information in relation to all significant pecuniary interests and relevant non-pecuniary interests of:

- (i) the employee

- (ii) their partner; and
- (iii) any dependents

Examples of pecuniary and non-pecuniary interests which may have or may be perceived to have the potential for a conflict of interest include:

- (i) shareholdings in public and private companies
- (ii) family and business trusts and nominee companies
- (iii) bonds, debentures and like investments
- (iv) savings and investment accounts
- (v) partnerships
- (vi) real estate
- (vii) directorships in or employment by a public or private company
- (viii) other assets
- (ix) other substantial sources of income
- (x) other interests
- (xi) liabilities
- (xii) organisational memberships
- (xiii) gifts, benefits and hospitality
- (xiv) previous or secondary employment
- (xv) lobbying activities
- (xvi) family and friends as colleagues/co-workers
- (xvii) staff, family and friends as complainants or other stakeholders
- (xviii) political and trade union activities.

If an employee is unclear whether a conflict of interest exists, they should seek advice from their manager or Manager, Corporate Services Unit.

4.2 Declaring a conflict of interest

- 4.2.1 An employee must declare a conflict of interest (actual, perceived or potential) by completing and signing a Conflict of Interest Declaration Advice Form, available on the intranet under HR Matters/HR forms and submitting it to their manager.
- 4.2.2 The Conflict of Interest Declaration Cease Form must also be completed when the employee's circumstances change (e.g. change of role) or the conflict ceases to exist.



4.2.3 If a manager, Deputy Ombudsman or Ombudsman hold a reasonable belief that an employee has a conflict of interest, they may direct the employee to complete a Conflict of Interest Declaration Advice Form.

4.2.4 An employee must not take any action in respect to a matter where they have identified a conflict of interest until appropriate resolution or management strategies have been determined.

NB: If the Ombudsman has an interest that conflicts or may conflict with the discharge of his responsibilities, he must disclose it to the Speaker of Parliament and the parliamentary committee (see ss.63A and 63B of the Ombudsman Act 2001).

4.3 Resolving the conflict of interest

4.3.1 The manager may either note the declaration and sign the form, or negotiate any appropriate conflict of interest resolution strategies with the employee and document them in writing. The manager may request additional information from the employee to make an appropriate determination.

4.3.2 Conflict of interest resolution strategies could include, but are not limited to:

- (i) restricting the employee's involvement in a matter
- (ii) assigning another person to oversee part or all of the process that deals with the matter
- (iii) removing the matter either temporarily or permanently from the employee.

4.3.3 The employee may also elect to:

- (i) relinquish the private interest that conflicts with their official duty
- (ii) seek alternative employment arrangements (e.g. secondment or transfer)
- (iii) restrict their own involvement in the matter.

4.3.4 Where appropriate conflict of interest resolution strategies are unable to be identified by the manager, Ombudsman or Deputy Ombudsman, or where an employee fails to adhere to the nominated conflict of interest resolution strategies, they may issue the employee with a direction to resolve the conflict of interest. Failure to follow such a direction may result in disciplinary action.

4.4 Record Keeping

4.4.1 Signed conflict of interest declaration advice and conflict of interest cease forms should be forwarded to the Executive Coordinator.



- 4.4.2 Declarations of interests are maintained in the strictest confidence by the Deputy Ombudsman. The Deputy Ombudsman is responsible for receipt of declarations with the assistance of the Executive Coordinator who is responsible for logging and storing the declarations.
- 4.4.3 A secure electronic register is maintained by the Executive Coordinator and completed forms are stored in a secure file in the Ombudsman's office.
- 4.4.4 Upon an employee ceasing employment with the Office of the Queensland Ombudsman, their declaration of interest documentation will be securely filed on the employee's personnel file.

5. Roles & Responsibilities

5.1 Ombudsman/Deputy Ombudsman

- 5.1.1 Oversight and management of this policy.
- 5.1.2 Take action regarding conflict of interest resolution strategies.
- 5.1.3 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.

5.2 Managers

- 5.2.1 Direct an employee to complete a Conflict of Interest Declaration Form
- 5.2.2 Receive and sign declaration forms and forward to Executive Coordinator
- 5.2.3 Direct an employee to resolve or take action in relation to conflict of interests or potential conflict of interests.
- 5.2.4 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.

5.3 All staff

- 5.3.1 Be aware of their obligation to avoid, where possible, conflicts of interest and manage those conflicts of interest that cannot be avoided
- 5.3.2 Identify and disclose any actual or potential conflicts of interest that might affect (or might be perceived to affect) the proper performance of their work.
- 5.3.3 Declare actual, potential or perceived conflicts of interest, following the procedure outlined in this policy.



- 5.3.4 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.

5.4 Executive Coordinator

- 5.4.1 Maintain Conflicts of Interest Register
- 5.4.2 Securely store completed declaration forms

6. Definitions

Conflict of interest	<p>involves a conflict between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities.</p> <p>Actual – where a direct conflict exists between an employee's current duties and responsibilities and existing private interests</p> <p>Perceived – where it could be perceived or appears that an employee's private interests could improperly influence the performance of their duties – whether or not this is in fact the case.</p> <p>Potential – where an employee has private interests that could conflict with their official duties in the future.</p>
Non pecuniary interests	<p>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.</p>
Pecuniary interests	<p>involve an actual or potential financial gain or loss. Money does not need to change hands for an interest to be pecuniary. People have a pecuniary interest if they (or a relative or other 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.</p>

Public interest the collective interest of the community. To act in the public interest is to act in accordance with the law and policy objectives of the elected government.

Public trust the expectation of ordinary people that government employees will exercise the powers of their office in the public interest.

7. Authority

This policy must be read in conjunction with the below relevant documents or any documents that supersede those listed.

Public Service Act 2008, s.185,186

Directive No. 3/10 Declaration of Interests – Public Service Employees (other than departmental Chief Executives)

8. Related documents

Managing Conflicts of Interest in the Public Sector Guidelines – CMC and ICAC

Code of Conduct, Queensland Ombudsman, June 2011

Conflict of Interest Declaration Advice Form

Conflict of Interest Declaration Cease Form

Gifts, Benefits and Hospitality Policy

9. Approval

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10. Document history

Version	Effective Date	Amendment History
1	16/1/2012	Updated to reflect Directive 3/10