



The Public Trustee

Declaration of Interests Policy

December 2016

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Document Information

Approved

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Revision History

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0.3	2 August 2012	Toni Farrell	Final draft; EMG comments included
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1. Purpose

The purpose of this policy is to outline matters which must be disclosed by employees when directed by the Public Trustee of Queensland, how those matters must be disclosed, the purpose of the disclosure, and specific requirements for the storage of, and access to declarations.

2. Application

This Policy should be read in conjunction with Public Service Commission Directive No. 3/10 – *Declarations of Interests – Public Service Employees (other than departmental Chief Executives)*. Section 72C of the *Integrity Act 2009* is also relevant for those statutory office holders listed in Schedule 1 of that Act. The information required to be provided under Directive No. 3/10 is the same information required under a Directive issued to comply with section 101(3) of the *Public Service Act 2008*.

This policy applies to the following employees, referred to as 'relevant employees':

- employees appointed to the position set out in Schedule A (appendix 1), or otherwise identified in that Schedule; and
- employees relieving at such levels or in such positions as detailed in Schedule A if that relieving continues for a period of greater than two weeks.

3. Policy statement

The Public Trust Office is committed to creating and maintaining a work environment that encourages and facilitates the disclosure of any private interest by:

- eliminating unlawful, negligent or improper conduct in the workplace;
- promoting public confidence through maintaining an internal ethical culture;
- ensuring openness and transparency in all our decision making; and
- ensuring accountability, integrity and professionalism in our service provision.

4. Provisions

- 4.1 It is Government policy for executives to provide, on an annual basis, a Declaration of Interests to the relevant Chief Executive or in the case of a statutory head, to the appropriate Minister and/or Parliamentary Committee and the Integrity Commissioner.
- 4.2 When directed by the Public Trustee of Queensland, relevant employees are required to provide the Public Trustee of Queensland with a Declaration of Interests using the attached Declaration of Interests form.
- 4.3 In the event that the interests of a relevant employee change, the relevant employee should notify the Public Trustee of Queensland of the change.

5. Information to be declared

Information to be declared includes information in relation to all significant pecuniary interests and relevant non-pecuniary interests. The attached Declaration of Interests form outlines the types of information to be declared.

6. Access to Declarations of Interests

- 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 Public Trustee of Queensland or delegate.

- Declaration of Interests records may be the subject of applications for access under the *Right to Information Act 2009* (RTI Act) and/or the *Information Privacy Act 2009* (IP Act). Both acts have a pro-disclosure bias. In general, there are two types of applications:
 - a) an individual seeking access to their own information contained in the Declaration of Interests may make application under the IP Act; and
 - b) a third party seeking access to the information contained in a Declaration of Interests may make application under the RTI Act.
- Each application for access would be considered on a case by case basis before a decision is made as to whether it is in the public interest to release the document.
- In the event of receipt of an application under the RTI Act, the Office will consult the employee who made the declaration about their views on the application prior to any decision being made to release the documents.
- Where an individual seeks access to their Declaration of Interests form the Public Trustee will consider releasing the form containing their personal information administratively without the need for a formal application.

7. Storage of records

- Completed Declaration of Interests will be stored in a confidential file, secured in a locked cabinet and held with the Public Trustee of Queensland in Governance & Risk.
- The records will also be stored electronically in the Public Trust Office Electronic Documents and Records Management System (eDRMS) – Records Mate.
- Access to both the physical file and electronic record is restricted to the Public Trustee of Queensland and delegate.
- Upon the employee ceasing employment their Declaration of Interests documentation is to be securely filed on the employee’s personnel file.

8. Public service employee to be fully informed

- 8.1 Employees are responsible for acquiring and being familiar with the information released from time to time by the Integrity Commissioner, the Public Service Commission and the Crime and Corruption Commission concerning conflict of interest issues.
- 8.2 Public service employees who are senior officers or senior executives should 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.

9. Policy review

This policy will be reviewed by the Senior Director Governance and Risk on a regular basis and at least annually.

10. Roles and responsibilities

Role	Responsibility
The Public Trustee of Queensland	Pursuant to section 185 of the <i>Public Service Act 2008</i> , may direct persons employed in the Public Trustee to provide a statement about the employee's interests.
Senior Director Governance and Risk	Administering the Declaration of Interests policy and has: <ul style="list-style-type: none"> • direct access to the Public Trustee of Queensland for Declaration of Interests matters; • access to resources to properly manage Declarations of Interests made; • ensuring that appropriate internal reporting for Conflict of Interest are in place and there is a communication strategy for the awareness about

	<p>the Office's procedure for making Conflict of Interest disclosures;</p> <ul style="list-style-type: none"> • ensuring effective systems and procedures are in place for issues arising for Conflicts of Interests to inform improvements to service delivery, business processes and internal controls; and • providing a mechanism for regular evaluation and monitoring of the effectiveness of the Declaration of Interests policies and procedures. • implementing of all the above measures related to Declaration of Interests Policy; • reporting on the Declarations of Interests to The Public Trustee of Queensland; • maintaining a Conflict of Interest register, which will contain and index the Declarations of Interests and revised Declarations of Interests as provided by the 'relevant employees'; • ensuring appropriate steps are taken in relation to identified Conflict of Interest disclosures.
Relevant Employees	<p>All identified 'relevant employees' in accordance to this policy, who are either relieving or newly appointed to a position or level provided for in Schedule A, are responsible for:</p> <ul style="list-style-type: none"> • providing 'Declaration of Interests' within two weeks of the commencement of the relieving period or appointment to the relevant position or level and then on each second anniversary of that relieving period or appointment to the position; • fully disclosing their interests that may have a bearing, or to be perceived to have a bearing, on their ability to properly and impartially discharge their duties; • when appointed to another role in the same organisation, reviewing their existing Declaration of Interests and either certifying that no change is required or submitting a revised declaration within one (1) month of taking up duty in the new role; • disclosing the interests of their partner and/or dependents only if those interests have a bearing, or may be perceived to have a bearing, on their ability to properly and impartially discharge their duties; • notifying the Public Trustee of Queensland in the event when the interest changes (pursuant to section 186 of <i>Public Service Act 2008</i>), to the extent that the potential for a conflict of interest is altered by submitting a revised Declaration of Interests within one (1) month after the relevant facts of the change come to the knowledge of the person; • notifying the Public Trustee of Queensland immediately if they identify a conflict of interest, or if there is a potential for a conflict of interest in the cause of performing their duties by: <ul style="list-style-type: none"> ○ disclosing the circumstances to the authorised delegate; and ○ not taking any action in the matter unless otherwise approved by the authorised delegate. • complying with this policy and with the provisions of the <i>Public Sector Act 2008</i> – sections 185, Public Service Commission Directive 3/10 and the Code of Conduct for the Queensland Public Service.

11. Definitions

Term	Definition
Executives	<ul style="list-style-type: none">• An executive appointed as a SES executive 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>.
Delegate	Position to which a power is delegated by the Public Trustee of Queensland.
Interests	Include a direct or indirect personal interest, whether pecuniary or non-pecuniary as defined by section 65(4) of the <i>Public Service Act 2008</i> .
Relevant employees	Refers to: <ul style="list-style-type: none">• employees appointed to the position set out in Schedule A (Appendix 1), or otherwise identified in that Schedule;• employees relieving at such levels or in such positions as detailed in Schedule A if that relieving continues for a period of greater than two weeks; and• any employee directed by The Public Trustee of Queensland under section 185 of the <i>Public Service Act 2008</i> to provide a statement about the employee's interests
The Public Trust Office	Refers to the organisation.
The Public Trustee of Queensland	Refers to the appointed statutory individual. Used when referring to the person, their role or statutory functions.

12. References

Queensland Legislation

Public Service Act 2008

Public Sector Ethics Act 1994

Integrity Act 2009

Right to Information Act 2009

Information Privacy Act 2009

Queensland Government documents

Directive No. 03/10 – Declaration of Interests – Public Service Employees (other than departmental Chief Executives).

Code of Conduct for the Queensland Public Service.

Schedule A

Below are the identified positions and levels required to provide Declaration of Interests and revised versions of Statements, but is not limited to:

- Deputy Public Trustee and Official Solicitor Legal Services;
- All officers at Senior Officer (SO) or Senior Executive Service (SES) level;
- All Directors;
- All Senior Directors;
- All Deputy Directors;
- Special Counsel (Office of the Official Solicitor);
- Chief Information Officer; and
- All Officers in the Investment Sub Program who assume positions at the classification level of an A05 and above.

Oaths Act 1867

Statutory Declaration

QUEENSLAND)
TO WITNESS)

I _____ of _____ in the State of
Queensland, do solemnly and sincerely declare that,

Particulars of my private interests and those of my immediate family of which I am aware are set out in the attached form.

I confirm that I shall advise you should a situation arise where an interest of mine or an interest of a member of my immediate family of which I am aware, whether that interest is pecuniary or otherwise, conflicts or may reasonably be thought to conflict, with my public duty.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Taken and Declared before me, at _____)
This _____ day of _____ 20 _____)

A Justice of the Peace
for the State of Queensland

Declaration of Interests (Private and In Confidence)

You need to disclose *only* those interests held by you, your partner and /or dependents about which you have knowledge and that you consider may have a bearing, or be perceived to have a bearing, on your ability to properly and impartially discharge the duties of your office.

Real Estate

Real Estate in which a beneficial interest is held:

Location	Owner	Purpose for Which Held

Shareholdings

(Other than nominal shareholdings by way of qualification for membership of a credit union, building society or other co-operative society):

Owner of Shares	Name of Company
<i>(including holding companies and subsidiary companies if applicable)</i>	

Trusts/Nominee Companies

(a) Where any **beneficial interest** is held in a family or business trust or a nominee company.

Trust or Nominee	Nature of Interest	Nature of Operations	Name of Person Holding the Interest

(b) Where a **trustee** of a family or business trust:

Trust	Nature of Interest	Beneficiaries	Nature of Operations

Directorships in Companies

In regard to any directorships, whether remunerated or not:

Name of Director	Name of Company	Activities of Company Whether Public or Private

Partnerships Etc

Person Holding Interest	Nature of Operations	Nature of Business Interest

Investments

Investments in bonds, debentures, savings or investment accounts with banks or other financial institutions. Where the cumulative value of such investments is less than \$5,100 no registration is required.

Person Holding	Type of Investment	Body In Which Investment is Held

Other Assets

List each asset valued at over \$5,000 including collections. Household or personal effects and motor vehicles for personal use are to be excluded:

Owner of Asset	Nature of Asset

Other Substantial Sources of Income

Exclude salary from public sector employment:

Person Receiving Income	Nature of Income

Any Gifts, Substantial Sponsored Travel or Hospitality

Person Receiving Gift, etc.	Nature of Gift, etc.

Liabilities

Liabilities other than ordinary short term credit arrangements:

Person Concerned	Nature of Liability	Creditor

Other Interests

Employee Certification

I certify that:

- a) the information provided in this statement, properly reflects, to my knowledge, my interests and/or the interests of my partner and/or dependents that may have a bearing, or be perceived to have a bearing, on my ability to properly and impartially discharge my duties; and
- b) the information provided is in accordance with the relevant Government Policy: *Directive No. 03/10 – Declaration of Interest – Public Service Employees (other than departmental Chief Executives)*; and
- c) a copy of this declaration has been provided to the Public Trustee of Queensland or delegate; and
- d) I understand that under the relevant Government Policy, if there is a change to the interests after giving this declaration, I shall provide a revised version of the statement within one month to the Public Trustee of Queensland or delegate.

Information about your pecuniary and non-pecuniary interests is being collected in accordance with the Government Policy: *(Directive No. 03/10 – Declaration of Interest – Public Service Employees (other than departmental Chief Executives))* to aid in the recognition of a conflict of interest situation (real or perceived). The information will be accessible only by you, the Public Trustee of Queensland or delegate. Your information will not be given to any other person or agency unless you give permission or it is required by law.

Signed: _____

Name: _____

(Print)

Date: / /