

# CONFLICT OF INTEREST STANDARDS AND REQUIREMENTS FOR MINISTERS

As a Minister of the Queensland Government there are a range of legislative and policy obligations that apply to declaring personal interests and managing conflicts of interest.

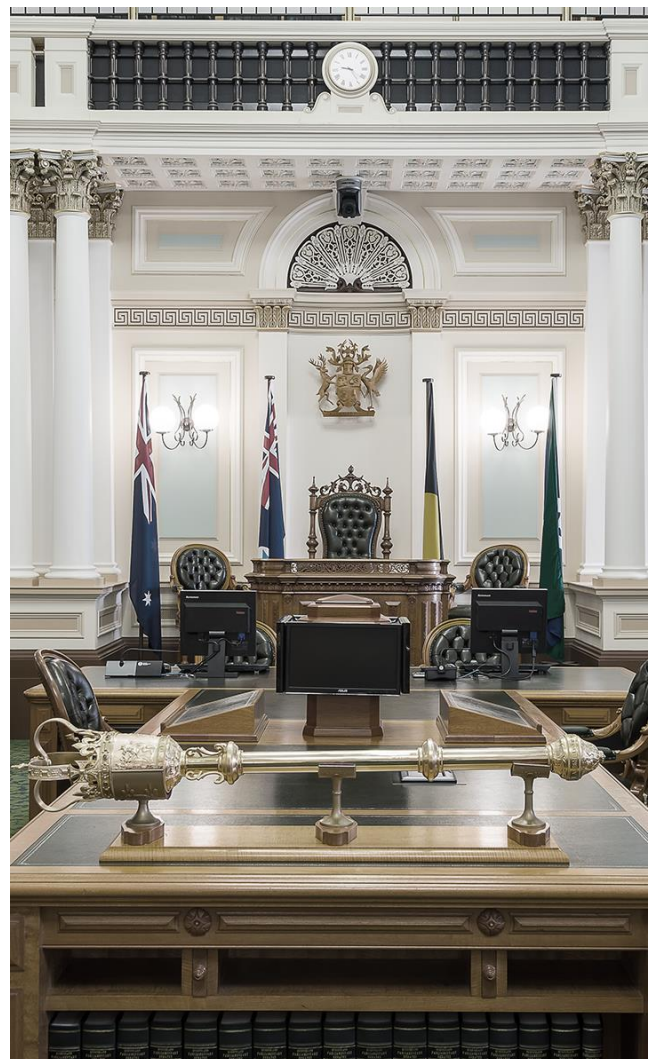
## *Parliament of Queensland Act 2001 (POQA) and Standing Rules and Orders of the Queensland Legislative Assembly (Standing Rules and Orders)*

As a member of the Queensland Legislative Assembly, you must:

- declare your personal interests<sup>1</sup> and the interests of your spouse and any dependents<sup>2</sup> to the Clerk of Parliament (**statement of interests**) and provide notice of any change within one month;<sup>3</sup>
- not vote in any division in any matter (not being a matter of public policy) in which you have a direct pecuniary interest;<sup>4</sup>
- declare a pecuniary interest in a debate or other proceedings;<sup>5</sup>
- disclose a conflict of interest, in any committee that you are a member of, in relation to a matter before the committee;<sup>6</sup> and
- disclose any pecuniary interest that you or your spouse or dependant has, relevant to any representation or communication you have with other members or Ministers or servants of the Crown.<sup>7</sup>

## *Integrity Act 2009*

Section 40A of the *Integrity Act 2009* (Qld) provides that if you have an interest that conflicts or may conflict with the discharge of your responsibilities, you must not, with intent to dishonestly obtain a benefit or to dishonestly cause a detriment, fail to disclose the nature of the interest and conflict to Cabinet or the Premier.<sup>8</sup>



<sup>1</sup> Personal interests are pecuniary interests and intangible interests such as relationships, associations, roles and responsibilities.

<sup>2</sup> See definition of 'related person' in section 69A of the POQA.

<sup>3</sup> Section 69B POQA.

<sup>4</sup> [Standing Order 259](#)

<sup>5</sup> Standing Order 260

<sup>6</sup> Standing Order 261

<sup>7</sup> Standing Order 262

<sup>8</sup> For a conflict relating to a matter being considered by a committee of Cabinet, you may decide to declare the conflict to the committee: section 40A(2)(b) of the Integrity Act.

## Code of Ethical Standards Together with The Guide to the Code of Ethical Standards and Rules Relating to the Conduct of Members (the Code)<sup>9</sup>

The Code focuses on fundamental principles of ethical behaviour applying to Members of Parliament. It ‘...serves to remind Members of their obligations and guide Members’ decision making in relation to ethical issues’.<sup>10</sup>

The Code reminds Members that failure to comply with the obligation to submit a complete and correct statement of interests and keep it updated constitutes a contempt of Parliament.<sup>11</sup>

The Code also details Members’ obligations under the Standing Rules and Orders regarding management of conflicts of interest, and particularly those involving pecuniary interests.

The Code also refers to contempt of Parliament in relation to a range of improper conduct relating to conflict of interest situations, such as bribery, advocating in the House on matters the member has previously been involved in professionally and accepting professional services connected with the business of the House.<sup>12</sup>

Members are directed to the Clerk of Parliament to obtain advice on Parliamentary practice and procedures and the Register of Interests and to the Queensland Integrity Commissioner for advice regarding conflicts of interests.<sup>13</sup>

## Queensland Cabinet Handbook

The Queensland Cabinet Handbook (**Cabinet Handbook**):<sup>14</sup>

- references your obligations<sup>15</sup> to advise the Premier about any conflict of interest between your personal interests and your ministerial responsibilities and provide the Premier with your COI Management Plan; and
- notes there is a standing agenda item for all meetings of Cabinet or Cabinet Committees for Ministers attending the meeting to declare any conflict of interest between personal interests held by them, or members of their immediate families and the matters before the relevant meeting.

## Queensland Ministerial Handbook<sup>16</sup>

You are obliged to manage and resolve interest issues in accordance with the processes set out in the Ministerial Code of Conduct<sup>17</sup> and any guide developed by the Queensland Integrity Commissioner.<sup>18</sup>

### *Ministerial and Department staff*

The Queensland Ministerial Handbook requires Ministerial staff members to submit a declaration of interests form to their minister: within one month of commencing employment or a change of Minister; as soon as practicable and within one month of any change to their interests and in June each year, advising if any interests have changed.<sup>19</sup>

It is a matter of good practice to require your staff to resubmit their declarations anytime you have a change in Ministerial responsibilities.

It would be useful for you to be aware of any conflict of interest that exists for your Director-General or any Deputy or Assistant Director-Generals within the Department or the heads of any statutory bodies that fall within your new portfolio.

<sup>9</sup> [Code of Ethical Standards](#)

<sup>10</sup> Ibid. p.i

<sup>11</sup> Ibid. p.18

<sup>12</sup> Ibid. p.23

<sup>13</sup> Ibid. p23

<sup>14</sup> [1.3.1 Ministerial declaration of interests](#)

<sup>15</sup> Under the Queensland Ministerial Handbook and the Code of Conduct.

<sup>16</sup> [www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx](http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx)

<sup>17</sup> [www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook/appendices/appendix-1.aspx](http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook/appendices/appendix-1.aspx)

<sup>18</sup> [www.integrity.qld.gov.au/assets/document/catalogue/resources/coi-guide-for-ministers.pdf](http://www.integrity.qld.gov.au/assets/document/catalogue/resources/coi-guide-for-ministers.pdf)

<sup>19</sup> See also the [Code of Conduct Ministerial Staff Members](#) and section 24 of the *Ministerial and Other Office Holder Staff Act 2010*.

## Ministerial Code of Conduct

The Ministerial Code of Conduct provides several requirements for declaring and managing conflicts of interest, in addition to those in the POQA and the Standing Rules and Orders. It provides that you must ensure that decisions made in the course of your duties are not affected by self-interest, private affiliations or the likelihood of personal gain or loss.

Further, the Ministerial Code of Conduct provides that you must write to the Premier within one month of taking office and:

- provide a copy of your statement of interests and confirm that it has been submitted to the Clerk of the Parliament;
- confirm whether you or your spouse/dependents have any other pecuniary or other interests of that might affect the discharge of your responsibilities;
- confirm you have resigned from directorships of public companies and that all directorships in private companies have been declared; and
- provide a copy of your COI management plan (if any), which must be developed in accordance with the process outlined below.

If there is a change to your statement of interests, you must provide written advice to the Premier and the Clerk of the Parliament within one month of you becoming aware of the change.

In relation to management of conflict of interests, the Ministerial Code of Conduct states that:

“Ministers are personally responsible for managing and resolving real, perceived and potential conflicts of interest (all referred to as conflicts of interest) in accordance with this code”.<sup>20</sup>

If you have a conflict of interest you must:<sup>21</sup>

- notify the Premier about the conflict and the actions you will take to manage the conflict;
- prepare a COI management plan;
- obtain the Integrity Commissioner’s advice about the actions required to manage the conflict;
- provide the COI management plan to the Premier; and
- comply with the COI management plan.

The Ministerial Code of Conduct provides that you should advise your Director-General and Chief of Staff about your conflicts of interests to assist with management of your portfolio responsibilities.<sup>22</sup>

If you become aware of a potential conflict between your personal interest and a matter proposed for Cabinet or a Cabinet Committee, you must submit a COI management plan to the Premier or seek the Integrity Commissioner’s advice prior to consideration of Cabinet or Cabinet Committee.

If the COI management plan cannot be submitted to the Premier prior to Cabinet or Cabinet committee meeting, you must advise the Premier verbally of the potential conflict prior to the meeting. At the meeting you must verbally advise Cabinet or the Cabinet Committee of the potential conflict of interest, may table any Integrity Commissioner advice, and withdraw from the meeting while the matter is being considered (unless it is one which concerns a general public policy or you have no greater interest than that of other classes of people in the community or within Cabinet generally).

<sup>20</sup> Managing conflicts of interest – [Ministerial Code of Conduct](#)

<sup>21</sup> Ibid

<sup>22</sup> While this is not mandatory, it is best practice to take this action.