

Conflict of Interest standards and requirements for ministers

October 2024

As a minister of the Queensland Government there are a range of legislative and policy obligations applying to declaring personal interests and managing conflicts of interest you should be aware of. These requirements are set out below.

You can seek written advice from the Queensland Integrity Commissioner on an ethics or integrity issue, including a conflict of interest issue.

You may request a meeting with the Queensland Integrity Commissioner on "interest issues" which are relevant to the register of members' interests, or the register of related persons' interests, kept under the *Parliament of Queensland Act 2001* (POQA), [section 69C](#). Advice on "interest issues" may be provided orally or in writing.

Request advice from the Queensland Integrity Commissioner by emailing integrity.commissioner@integrity.qld.gov.au or calling 3003 2888.

Queensland Ministerial Handbook

You are obliged to manage and resolve interest issues in accordance with the processes set out in the [Ministerial Code of Conduct](#) and any [guide](#) developed by the Queensland Integrity Commissioner.

Ministerial and department staff

Your ministerial staff are required to submit a declaration of interests form to you:

- within one month of commencing employment or a change of minister;
- as soon as practicable (within one month) of any change to their interests;
- and in June each year, advising if any interests have changed.¹

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

It is recommended to be aware of any conflict of interest of your Director-General, any Deputy or Assistant Directors-General within the department, and heads of statutory bodies within your new portfolio.

Ministerial Code of Conduct

The Ministerial Code of Conduct provides several requirements for declaring and managing conflicts of interest. You must ensure decisions made in the course of your duties are not affected by self-interest, private affiliations or the likelihood of personal gain or loss.

Interests

The Ministerial Code of Conduct specifies you must write to the Premier within one month of taking office and:

- provide a copy of the statements of interests for you, your spouse and dependents with confirmation these have been submitted to the Clerk of the Parliament
- confirm whether you, your spouse or dependents have any other pecuniary or other interests that might affect or be perceived to affect the discharge of your responsibilities
- confirm you have resigned from directorships of public companies and all directorships in private companies have been declared
- provide a copy of your Conflict of Interest Management Plan (**COI management plan**) (if any), which must be developed in accordance with the process outlined below.

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

¹ [Queensland Ministerial Handbook](#) at 3.4.2, [Code of Conduct Ministerial Staff Members](#) and [section 24](#) of the *Ministerial and Other Office Holder Staff Act 2010*.

Conflicts of interest

In relation to management of conflict of interests, the Ministerial Code of Conduct states that "Ministers are personally responsible for managing and resolving conflicts of interest in accordance with this Code".

If you have a conflict of interest, you must:

1. notify the Premier about the conflict and the actions you will take to manage the conflict
2. prepare a COI management plan
3. obtain the Queensland Integrity Commissioner's advice about the actions proposed to manage the conflict
4. provide the COI management plan to the Premier
5. comply with the COI management plan.²

The Ministerial Code of Conduct recommends advising your Director-General and Chief of Staff about your conflicts of interests to assist with management of your portfolio responsibilities.

Conflicts in relation to Cabinet and Cabinet committee matters

If you become aware of a potential conflict between your personal interest and a matter proposed for Cabinet or a Cabinet committee, if time permits, you must seek the Queensland Integrity Commissioner's advice and submit a COI management plan to the Premier, prior to the meeting. If this is not possible, you must advise the Premier verbally of the potential conflict prior to the meeting.³

At the meeting you must verbally advise Cabinet or the Cabinet committee of the potential conflict of interest. You may table any relevant advice from the Queensland Integrity Commissioner. If you have received advice from the Queensland Integrity Commissioner and/or have a COI management plan, you must follow the management actions set out in the advice or the plan. If there is no advice or plan, you should err on the side of caution, declare the conflict and withdraw from the consideration of the matter, unless it concerns a general public policy or you have no greater interest than other classes of people in the community or within the Cabinet generally.

Queensland Cabinet Handbook

The [Queensland Cabinet Handbook](#):

- references your obligations to advise the Premier about any conflict of interest between your personal interests and your ministerial responsibilities and to provide the Premier with your COI management plan
- notes there is a standing agenda item for all meetings of Cabinet and Cabinet committees where ministers declare any conflict of interest between personal interests held by them or their immediate family members and the matters before the relevant meeting.

Integrity Act 2009

Section 40A of the *Integrity Act 2009* (Qld) sets out disclosure requirements which are reflected in the Ministerial Code of Conduct.

It states 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 cause a detriment, fail to disclose the nature of the interest in accordance with the following disclosure requirements:

- for a matter being considered by Cabinet: the Premier discloses to Cabinet, and other ministers disclose to Cabinet or the Premier
- for a matter being considered by a Cabinet committee: the Premier discloses to the Cabinet committee or Cabinet, and other ministers disclose to the Cabinet committee, Cabinet or the Premier
- otherwise: the Premier discloses to Cabinet, and other ministers disclose to Cabinet or the Premier.

Obligations which apply to all Members of Parliament

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

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

- declare your personal interests and the interests of your spouse and any dependents to the Clerk of Parliament within one month of being elected and provide notice of any change within one month⁴
- not vote in any decision on any matter (not being a matter of public policy) in which you have a direct pecuniary interest, not held in common with other citizens⁵
- declare a pecuniary interest in a debate or other proceedings⁶
- disclose a conflict of interest, in any committee you are a member of, in relation to a matter before the committee⁷
- disclose any pecuniary interest you, your spouse or any dependants have, relevant to any representation or communication you have with other members or ministers or servants of the Crown.⁸

² Ministerial Code of Conduct, p.7-8.

³ The Premier is required to disclose any conflict of interest to Cabinet or the Cabinet committee.

⁴ **Section 69B** of the POQA.

⁵ Standing Order 259.

⁶ Standing Order 260.

⁷ Standing Order 261.

⁸ Standing Order 261.

The Code of Ethical Standards together with the Guide to the Code of Ethical Standards and Rules Relating to the Conduct of Members (Code)

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".

Members are reminded 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.

The Code explains members' obligations under the Standing Orders, regarding management of conflicts of interest, and particularly those involving pecuniary interests.

The Code 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.

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.