

DECLARATIONS OF CONFLICTS OF INTEREST POLICY AND PROCEDURE



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Purpose

The purpose of this policy and procedure is to detail the minimum requirements for the identification, declaration, management and monitoring of conflicts of interest that may arise for employees of the Office of the Land Access Ombudsman (LAO).

Background

A conflict of interest occurs when an employee's private interests interfere, or appear to interfere, with their duty to put the public first. A conflict can manifest itself in many ways related to professional duties and obligations. The types of conflicts of interest that most commonly occur:

- Family and close associates.
- Secondary employment.
- Previous employment.
- Asset ownership.
- Memberships.

The public has a right to expect that all public officials will perform their duties in a fair and unbiased way, that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

Conflicts of interest are a major risk in all areas of the public service. All conflicts of interest are to be managed and resolved in the public interest.

Policy Statement

The LAO is committed to ensuring that conflicts of interest are identified, disclosed, and managed in a transparent manner. A system that is observed by all employees will also demonstrate to the public that the LAO's role is performed in a way that is fair and unaffected by improper considerations.

Conflicts of interest fall within three types:

- **Actual conflicts of interests:** where a reasonable person, in possession of the relevant facts would conclude that there is a direct conflict between an employee's current duties and responsibilities and existing personal interests.
- **Perceived conflicts of interests:** where it could be perceived that an employee's personal interests could improperly influence the performance of their duties.
- **Potential conflicts of interests:** where an employee has personal interests that could conflict with their official duties in the future.

Conflicts of interest can be either;

- **Pecuniary:** where an actual, perceived or potential financial gain or loss exists, which is significant.
- **Non-pecuniary:** where an interest does not have a financial component. i.e., personal relationships or social activities.

Conflicts of interest are not wrong in themselves, but they must be identified, disclosed, assessed and managed in a transparent manner to resolve them in the public interest.

A conflict of interest which is not declared or handled appropriately would be a breach of the Code of Conduct. The LAO takes breaches of the Code seriously and may take disciplinary action under the *Public Service Act 2008*, or other legislation. If the conflict of interest raises a suspicion of corruption, the matter may also be referred to the Crime and Corruption Commission or the Queensland Police Service for investigation.

Examples of conflicts of interest

Human resources	• Appointing relatives or friends to vacancies • Not appointing someone that plays against your social sporting team.
Purchasing	• Awarding a contract to a company in which you have a personal interest • Purchasing products from a company aligned to family members
Regulatory	• Failing to penalise a friend who has breached a law. • Unfairly penalising a person you don't like.
Gifts	• Accepting gifts from private companies for work activities. • Accepting tickets from a supplier to use a corporate box at an event.
Outside interests	• Having an interest in a private company that is involved in activities aligned to your work. • Having a role in an outside organisation that benefits from your knowledge gained as an employee.
Employees	• Allocating jobs to family members • Being employed part time by a mining related business while employed by the LAO.

Procedure

Proper record keeping promotes fairness, transparency, and accountability. All public authorities are required to keep full and accurate details of their activities in accordance with the *Public Records Act 2002*.

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

Stage 1 – Identify

As soon as it is recognised that a potential or perceived conflict of interest may exist, it must be declared to a supervisor using the Public Service Commission's [Declare an interest | For government | Queensland Government](#) within 14 days.

The situation and circumstances will be assessed to determine if a conflict of interest exists.

To maintain openness and transparency in disclosing conflicts of interest, employees should observe the following;

- Complete the appropriate Declaration of Interests Form.
- Declare the conflict to their supervisor and provide them with a copy of the completed form.
- Keep a record that the disclosure was made to the supervisor.
- Keep a record of any assessment of the disclosure and any subsequent decisions made and actions taken.

Employees must declare as much information as is necessary to allow the matter to be adequately assessed and/or investigated to determine whether a conflict exists.

If an employee fails to disclose a conflict of interest, they may be in breach of the Code of Conduct for the Queensland Public Service and be liable to disciplinary action. However, there may be times when a written declaration of a conflict of interest is not practicable. For example, an employee may attend a meeting where a matter is introduced in which they recognise that they may have a conflict of interest. In these circumstances, employees may observe the following steps;

- Verbally disclose the interest and ensure that this disclosure is recorded in the meeting minutes. The employee should also note this disclosure and then remove themselves from the meeting while this item is being discussed, or have the meeting stopped or postponed.
- Complete the appropriate Declarations of Interests form, provide the completed form, and declare the interest to their supervisor as soon as possible.

In all cases, the supervisor must review the Declaration of Interests form within seven days of receiving it from the employee. The employee should be provided with the opportunity to respond to any queries the supervisor may have regarding any information contained on the form. Once all necessary information is received the supervisor will refer the matter to the Land Access Ombudsman.

The Ombudsman will, within seven days of the conflict of interest being referred:

- Identify whether a conflict of interest exists
- Assess the situation and any surrounding circumstances which may affect the related decision or actions
- Determine the type and category of the matter
- Determine how it will be managed

The Ombudsman will then provide written notice to the employee within seven days of the determination regarding the outcome. If there is no conflict of interest, the matter will be finalised. If there is a conflict of interest, the employee will be provided with the reason for the decision and next steps to be taken.

Formal records should be kept of all assessments, decisions and actions taken in relation to all conflicts of interest. The completed Declaration of Interests form is to be stored in the employee's personnel file.

Stage 2 – Manage

The management of each conflict of interest will depend on an assessment of the individual circumstances of each case. There are six options for managing conflicts of interest:

- **Register** – recording the disclosure of conflicts of interest is appropriate when dealing with very low-risk matters.
- **Restrict** – restrictions are placed on the employee's involvement in the matter.
- **Remove** – an employee is removed from their involvement in the matter creating the conflict.
- **Recruit** – a third party is used to oversee part or all of the process that deals with the matter.
- **Relinquish** – the employee relinquishes the private interest that is creating the conflict.
- **Resign** – the employee resigns from their position.

Further information regarding each of these management options can be found in the Crime and Corruption Commission's [Managing conflicts of interest in the public sector - guidelines and toolkit](#)

In all cases, the final decision maker in relation to conflict-of-interest matters is the Land Access Ombudsman.

Stage 3 – Monitor

It is important to regularly review and assess recorded conflicts of interest to identify whether an adjustment to the management strategy needs to be made. Supervisors should review:

- Original situation that leads to the declaration of the conflict of interest.
- Initial determination and decisions.
- Strategy to manage the conflict of interest.
- Actions taken in the management strategy.
- Perceptions held by others on the matter.
- Reassessments and management decisions made about the continued management.
- Changes made to the strategy.

Formal records should be kept of all reassessments and stored on the employee's personnel file.

Roles and responsibilities

This policy and procedure applies to all employees of the LAO who are employed on a permanent, temporary or casual basis.

The LAO is responsible for:

- Providing a clear and realistic description of what circumstances and relationships are likely to lead to conflicts of interest.
- Ensuring employees and managers know what is required of them in relation to identifying and declaring conflicts of interest
- Developing formal procedures to allow employees and managers to disclose their interests in a transparent way
- Provide employees and managers with effective strategies to manage conflicts of interest
- Develop appropriate procedures for managing conflicts of interest

The LAO is responsible for:

- Fully disclosing their interests that may have a bearing, or be perceived to have a bearing on their ability to discharge the duties of their office properly and impartially
- Disclosing the interests of their partner and/or dependents
- The recognition of a real or perceived conflict of interest

Supervisors are responsible for:

- Implementing the LAO's policies on a daily basis, demonstrating how they work by setting an example when their own conflicts arise;
- Complying with the procedure with respect to their own conflicts, and considering whether any positions under supervision are vulnerable to potential conflicts and discussing the matter with them;
- Ensuring that any discussions regarding declaration of interests by employees are held in the strictest confidence;
- Determining whether a conflict of interest exists by assessing the available information, obtaining further information, and seeking advice to determine the appropriate action.

All employees have a responsibility to follow policy and procedural requirements for managing conflicts of interest. Further, all employees should:

- Be aware of potential conflicts of interest that might affect them.

- Avoid any obvious conflicts of interest that they encounter
- Identify and disclose any conflict of interest that might affect the proper performance of their work.

Relevant forms

- Public Service Commission's [Declare an interest | For government | Queensland Government](#)

Glossary

The following definitions shall apply:

TERM	DEFINITION
Conflict of interest	Involves a conflict between a public official's duty to serve the public interest and the public official's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise. A conflict occurs when the private interests of a public sector officer interfere, or appear to interfere, with the performance of their official duties. A conflict of interest can occur when an employee has, or is seen to have, a private interest either pecuniary or non-pecuniary, which conflicts or may conflict with the discharge of the employee's duties.
Interest	Anything that can have an impact on an individual or group. Anything that can bring benefit or disadvantage to individuals, or to others.
Private or personal interests	Those private professional or business interests that can benefit or disadvantage individuals. Private interests include a wide range of external activities including financial and economic interests, family or private businesses and interest groups and involvement in other employment.
Public interest	The collective interest of the entire community.

Related documents

To be read in conjunction with:

- Employees Engaging in Other Employment.

References

- [Code of Conduct for the Queensland Public Service](#)
- [Public Service Act 2008 - Queensland Legislation - Queensland Government](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Right to Information Act 2009](#)

- [Information Privacy Act 2009](#)
- [Public Sector Ethics Act 1994](#)
- [Directive Declarations of Interests – Public Service Employees \(other than departmental Chief Executives\)](#)

Further information

For further information regarding this policy and procedure, refer to:

- Your manager or human resources representatives
- LAO

Review

This policy and procedure will be reviewed within two years of the approval date.

Approval



12/5/2025

Jane Pires
Land Access Ombudsman

Version history

VERSION	DATE	ACTION	DESCRIPTION / COMMENTS
1.0	28/02/2019		First release
1.0	28/02/2020		Internal review
1.1	23/3/2021	Amended OLAO to LAO	Internal Review
1.2	26/5/2023	Rewrite of Procedure	Internal Review
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