



**Queensland
Government**

Ministerial Code of Conduct

MESSAGE FROM THE PREMIER OF QUEENSLAND

Integrity is the cornerstone of effective leadership, which both defines our personal values and strengthens our government. It also builds trust, fosters transparency and ensures we hold ourselves accountable to the highest standards.

Serving the people of Queensland is a great privilege. We must focus on delivering on the promises we made - providing stability and governing with integrity.

Ministerial accountability is fundamental to the Westminster system.

This Code of Conduct sets high standards of conduct for ethical behaviour and for transparency and integrity in government.

I expect Ministers to commit to and embody the highest standards of integrity and impartiality and respect the trust and faith placed in us by the people of Queensland.

Ministers must establish a positive workplace culture, where staff treat each other, the public sector and the Queensland community with respect.

I will hold Ministers to account, not only for their performance in delivering the Government's agenda, but against the standards of behaviour set in this Code.

Our government will uphold integrity and govern for all Queenslanders on the priorities that matter to them.

David Crisafulli MP
PREMIER AND MINISTER FOR VETERANS

Ministerial Code of Conduct

This Ministerial Code of Conduct applies the highest standard of ethics to Ministers (including Assistant Ministers). These obligations apply in addition to the ethical standards that apply to them as Members of Parliament (MPs).

As MPs, Ministers have obligations that flow from the following fundamental principles, set out in the *Code of Ethical Standards of the Legislative Assembly of Queensland* (Code of Ethical Standards)¹:

- Integrity of the Parliament
- Primacy of the public interest
- Independence of action
- Appropriate use of information
- Respect for persons
- Appropriate use of entitlements.

Ministers and Assistant Ministers should also observe the ethics principles² set out in the *Public Sector Ethics Act 1994* that apply to the Queensland public sector as a whole, where they are relevant:

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency.

This Ministerial Code of Conduct details some of the particular obligations that Ministers have that flow from these ethical standards and principles.

¹ Attachment 1 sets out the statement of fundamental principles that apply to all Members of Parliament.

² The *Public Sector Ethics Act 1994* prescribes ethics values in recognition of the ethics principles. The ethics values are set out in Attachment 1.

Accountability

The *Constitution of Queensland* states in s. 42(2) "The Cabinet is collectively responsible to the Parliament". Ministers must act in conformity with the principles of responsible government and Cabinet conventions set out in the Cabinet Handbook. The collective Decisions of Cabinet are binding on all Ministers. If a Minister is unable to officially support a Cabinet decision, the proper course is to resign.

Cabinet proceedings are confidential and details of a Minister's submission should not be announced before consideration by Cabinet, unless with the consent of the Premier.

Ministers are also responsible individually to Parliament. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of themselves and their departments and agencies. Ministers must give accurate and truthful information to Parliament and correct any inadvertent error at the earliest opportunity. Ministers must not knowingly mislead Parliament.

Ministers will also accept that the talents and abilities of public servants should be maximally available to the people of Queensland. Ministers should employ the talents of public servants to their fullest, whatever the political preferences of those public servants may be, provided only that those public servants behave in accordance with the Westminster convention of public service neutrality and legislative requirements.

Ministers must engage appropriately with the community, promote open and transparent government and ensure a fair and representative consideration of issues and decisions that promote the public good.

Fairness

Ministers must observe fairness in making official decisions – that is, to act honestly and reasonably, with consultation appropriate to the matter at issue, taking proper account of the merits of the matter, and give due consideration to the rights and interests of the persons involved, and to the public interest. They should observe procedural fairness and natural justice, to the greatest extent possible.

Integrity

Ministers must make decisions, and be seen to make decisions, with the objective of advancing the public interest, and must act at all times in accordance with the principles of responsible government and Cabinet conventions set out in the Cabinet Handbook.

Ministers must ensure that there is a clear delineation between the activities of the Executive Government under their portfolio and that of their political party. For example, they should not allow party officials to become involved in, or to review or oversight, the operations of Executive Government.

Ministers must not use information obtained in the course of their official duties, including in the course of Cabinet discussions, or make any decisions, to gain for themselves or any person a direct or indirect financial advantage that may accrue either during or after their term of office. They also will not solicit nor accept any benefit in respect of the exercise of their discretion for the benefit either of themselves or any other person.

Interests

Ministers must perform their duties in a fair and unbiased way, ensuring that decisions made in the course of their duties are made in the public interest, promoting the public good, and are not affected by self-interest, private affiliations or the likelihood of personal gain or loss.

Ministers must declare their personal interests so that the public can have confidence that decisions of Parliament and executive government are being made in the public interest.

Personal interests include pecuniary interests and intangible interests such as relationships, associations, roles and responsibilities. A Minister's personal interests include the interests of the Minister's partner, dependents or organisations with which they are affiliated.

Declaring personal interests to the Clerk of the Parliament

As a Member of the Legislative Assembly, Ministers must comply with the requirements of the Register of Members' Interests, and the Register of Members' Related Persons Interests, held by the Clerk of the Parliament (the Clerk).

Each Member of the Legislative Assembly (including Ministers) is required to declare their pecuniary or other interests within one month of making and subscribing an oath or affirmation as a Member. The interests of related persons are also to be declared by Members, including Ministers, to the Clerk.

In addition, every Member (including Ministers) must notify the Clerk in writing of any change to their last statement of interests within one month of becoming aware of the change.

These statements form the Register of Members' Interests, and the Register of Members' Related Persons Interests (the Registers) maintained by the Clerk. In accordance with the *Standing Rules and Orders of the Legislative Assembly* the Clerk publishes the Register of

Members' Interests and may provide access to the Register of Members' Related Persons Interests to specified persons.³

These obligations are prescribed in chapter 4, part 2A of the *Parliament of Queensland Act 2001*, specifically section 69B, and section 3.1 of the Code of Ethical Standards. Section 3.1.4 of the Code of Ethical Standards and schedule 2 of the *Standing Rules and Orders of the Legislative Assembly* provide guidance on the interests required to be declared.

Failure to give to the Clerk statements of interest in accordance with the requirements of s69B of the *Parliament of Queensland Act 2001*, with the intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, is an offence.⁴

[Actions relating to boards and shareholdings](#)

Ministers must resign or decline memberships of boards of public companies and declare memberships of, and the nature of, any private companies in which they are involved, including not-for-profit entities.

Ministers must divest themselves of any shareholding in any company of which a conflict of interest exists or could reasonably be perceived to exist. Such shareholdings cannot be divested to the Minister's related persons, or to close associates.

[Declaring personal interests to the Premier](#)

Ministers must write to the Premier, within one month of taking office:

- providing a copy of the statements of interests (members and related persons) and confirming that the statements have been submitted to the Clerk
- confirming whether there are any other pecuniary or non-pecuniary interests of the Minister or Minister's related persons that might affect, or might be perceived to affect, the Minister's responsibilities
- declaring the Minister has divested all shareholdings where there is or could be a conflict of interest
- confirming that the Minister has resigned from directorships of public companies and that all directorships in private companies have been declared
- providing any management plans put in place to respond to any conflicts of interest (which must be developed in accordance with the process outlined below).

³ See *Standing Rules and Orders of the Legislative Assembly*, Schedule 2, clause 13.

⁴ See section 69D of the *Parliament of Queensland Act 2001*.

If there is a change to the Minister's statements of interests (members and related persons), Ministers must provide written advice to the Premier of the change at the same time as notifying the Clerk.

Conflicts of interest

Ministers are personally responsible for managing and resolving conflicts of interest in accordance with this Code.

When a Minister's personal interest has the potential to improperly influence, or be perceived to improperly influence, the performance of their Ministerial responsibilities or a decision on a matter before Cabinet or a committee of Cabinet, the Minister must ensure that the conflict is declared and managed in accordance with the process outlined in this Code, the requirements of the *Integrity Act 2009*, and any guidelines⁵ developed by the Integrity Commissioner.

A conflict of interest may be potential, perceived and/or actual – and will be either pecuniary or non-pecuniary (non-tangible) in nature. When determining what action(s) are required to manage a conflict, regard must be given to the significance and nature of the conflict.

Whether a personal interest of a Minister gives rise to a conflict that must be managed, involves an objective test of whether, in the circumstances, a fair and reasonable member of the community might perceive that the Minister would be unable to bring an impartial mind to a decision because of their personal interest and which might conflict with the proper performance of the Minister's duties.

It is not always easy to determine whether a personal interest gives rise to a conflict of interest that would require management action. Ministers are encouraged to seek the advice of the Integrity Commissioner and consider the examples at Attachment 2 and any guide developed by the Integrity Commissioner. If there is ambiguity or uncertainty as to whether a personal interest gives rise to a conflict of interest, Ministers must seek the advice of the Integrity Commissioner.

[Managing conflicts of interest \(personal interest and ministerial duties\)](#)

A Minister must notify the Premier about any conflict of interest with their ministerial responsibilities and the actions that will be implemented to manage the conflict.

⁵ Go to: <https://www.integrity.qld.gov.au/publications/education-resources.aspx> and [Conflicts of interest in the public sector \(integrity.qld.gov.au\)](#)

A Conflict of Interest Management Plan (Attachment 3) must be prepared detailing the Minister's personal interest, why a conflict of interest may exist, and the proposed actions to manage the conflict, having regard to this Code and any guide developed by the Integrity Commissioner.

The Minister must obtain the Integrity Commissioner's advice on the actions proposed by the Minister to manage the conflict. Where required, the Minister may need to settle the actions required to respond to the conflict in consultation with the Integrity Commissioner.

The Conflict of Interest Management Plan must be provided to the Premier:

- within one month of being sworn into office
- any time there is a change in the Minister's (or a related person's) personal interests giving rise to a potential conflict or when a new conflict of interest issue arises.

The Premier will provide the Conflict of Interest Management Plan to the Director-General of the Department of the Premier and Cabinet to be recorded by the Director-General on a departmental register. It is recommended that Ministers also advise their Directors-General and Chiefs of Staff about their conflicts of interests to assist with the management of their portfolio responsibilities.

The Minister must comply with the Conflict of Interest Management Plan.

[Managing conflicts of interest \(personal interest and a matter before Cabinet/Cabinet Committee\)](#)

A Minister also may become aware of a potential conflict between their personal interests and a matter proposed for consideration of Cabinet or a Cabinet committee.

If the potential conflict is identified prior to the meeting the Minister must, if time permits, seek the Integrity Commissioner's advice and submit a Conflict of Interest Management Plan to the Premier in relation to the matter.

If the Integrity Commissioner's advice has not been sought and/or a Conflict of Interest Management Plan cannot be submitted to the Premier prior to the Cabinet or Cabinet committee meeting, the Minister must at least advise the Premier verbally of the potential conflict prior to the meeting.

At the Cabinet or Cabinet committee meeting:

- the Minister must verbally advise Cabinet or the Cabinet committee of the potential conflict of interest
- the Minister may table any Integrity Commissioner advice about dealing with the conflict
- if a Minister has received Integrity Commissioner advice and/or has a Conflict of Interest Management Plan - the Minister must follow the management actions set out in the advice or the Plan
- in the absence of Integrity Commissioner advice or a Conflict of Interest Management Plan - as a general rule, Ministers should err on the side of caution by declaring the conflict and withdrawing from the meeting for consideration of the matter
- a record will be made of their declaration of the conflict and how the conflict was managed (or that no management action was required).

It should be noted that where a matter under consideration concerns a general public policy or the Minister has no greater interest than that of other classes of people in the community or within the Cabinet generally, the Minister may in most circumstances participate in deliberations and vote on the decision.

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

Failure to disclose an interest that conflicts or may conflict with the discharge of the Minister's responsibilities, with the intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, is an offence.⁶

Transparency

Ministers are not to accept any gift or hospitality offered in connection with the discharge of their office except as permitted within The Queensland Ministerial Handbook (refer to sections 3.7 and 4.7).

To avoid falling under an obligation to those in the hospitality or travel industry, a Minister will not knowingly accept travel or hospitality sponsored wholly or partly by any person, organisation, business or interest group which carries on the business of travel or hospitality, where such acceptance would create an obligation and is not related to the business of the Minister's portfolio; unless the travel or hospitality is approved by the Premier, or unless it is provided at rates which are openly available to groups of people

⁶ Section 40A of the *Integrity Act 2009*

other than Ministers of the Crown, or by reason of its triviality could not reasonably be construed as creating an obligation.

Use of public resources

Ministers shall make economical use of the public resources that are made available to them as office holders and will make every endeavour to prevent misuse by other persons. Those resources must only be used in connection with official duties and not for personal benefit.

Safe and respectful workplace

Ministers must ensure a safe and respectful workplace and maintain appropriate relationships with Ministerial staff and public service employees.

Ministers must be aware of public expectations regarding the conduct of Ministerial staff members and should encourage respectful workplace interactions, including observation of the Protocols for communication between ministerial staff members and department employees.

Ministers must provide a positive role model of appropriate workplace conduct and address bullying, discrimination and any form of harassment, including sexual harassment, observed in the workplace.

Caretaker conventions⁷

Ministers and their departmental public servants are bound by the caretaker conventions, in particular, that during the period after the dissolution of the Legislative Assembly, Ministers should not, except in cases of urgency, make any new significant appointments, enter into new contracts or undertakings that would bind an incoming Government, or embark on any new policy initiatives that would bind an incoming Government. Ministers should be aware that a breach of this convention justifies an incoming government reviewing such appointments, contracts or initiatives.

Engagement with registered lobbyists

Ministers must comply with the requirements of the Integrity Act 2009 and agreed protocols for interaction between ministerial offices and registered lobbyists to ensure that government policy and commercial decisions are transparent and made with integrity and impartiality.

⁷ Refer to Chapter 10.0 Caretaker arrangements, Cabinet Handbook and Guidelines on the Caretaker Conventions

Post Ministerial Employment

In accepting their appointment, Ministers undertake not to take personal advantage, in any future employment, of information obtained as a Minister which is not publicly available, including confidential information on pending contracts or dealings. This does not apply to statutory appointments, nor does it apply to information that a Minister may have of another Minister's department which is not confidential.

Ministers should note that unlawful disclosure of confidential information, including Cabinet-in-Confidence information, may constitute an offence under the Criminal Code.

Ministers undertake that, for a period of two years after leaving office (Assistant Ministers for a period of 18 months), they will exercise care in considering offers of employment or providing services, and will not have business meetings with Government representatives, in relation to their official dealings as a Minister during their last two years in office.

Further, Ministers undertake that, for a period of two years after leaving office, they will not undertake lobbying activities (as set out in the *Integrity Act 2009*) in relation to their official dealings as a Minister in their last two years in office.

Ministers should note that these guidelines do not apply to Government appointments (such as board memberships), advocacy or dealings on behalf of not-for-profit entities (such as engagements with charity organisations, churches or the like), or personal, social or other contact generally available to members of the public.

The Premier may seek the advice of the Integrity Commissioner on an ethics or integrity issue arising involving a Minister or a former Minister⁸.

A former Minister can seek the advice of the Integrity Commissioner, for a period of two years after they leave office, on an ethics or integrity issue that involves themselves and arises from a post-separation obligation⁹.

Annual and other meetings with the Integrity Commissioner

The Integrity Commissioner will meet at least annually with Ministers to discuss requirements and obligations relating to conflicts of interest and broader ethics and integrity

⁸ See section 16 of the *Integrity Act 2009*

⁹ See section 20A of the *Integrity Act 2009*

issues, and to follow-up on any advice provided in the preceding 12 months. The Integrity Commissioner will advise the Premier when all annual meetings have been completed.

Additional meetings may also occur where there is a change in Ministerial duties and responsibilities or personal circumstances.

A member who has become a Minister for the first time, will meet with the Integrity Commissioner within one month of being sworn in. The purpose of the meeting is to identify and discuss potential conflict issues, as well as requirements and obligations applying to Ministers in relation to ethics and integrity issues including conflicts of interest.

The Integrity Commissioner will present at least annually to Cabinet – the focus of the presentation will be on integrity and ethics issues as well as requirements and obligations under the *Integrity Act 2009* in relation to conflicts of interest, advice and lobbying regulation.

Breaches of the Code

Any allegation that a Minister has breached this Code is to be referred to the Premier.

It is up to the Premier to determine the appropriate sanction for a breach of the Code, having regard to the nature and seriousness of the breach.

If a Minister is the subject of an official investigation into a matter of serious impropriety or alleged illegal behaviour of a serious nature (an offence involving serious impropriety), the Minister must accept that whether the Minister should stand down is a matter of discretion for the Premier. The exercise of the Premier's discretion will be informed by the nature of the investigation in question.

Ministers must stand down if they are charged with an offence involving serious impropriety and may be required under the *Parliament of Queensland Act 2001* to resign from office if convicted.

Attachment 1

EXTRACT FROM THE CODE OF ETHICAL STANDARDS OF THE LEGISLATIVE ASSEMBLY OF QUEENSLAND

2. STATEMENT OF FUNDAMENTAL PRINCIPLES

The following six fundamental principles draw together the various concepts underpinning the duties of, and obligations on, a Member. The fundamental principles aim to assist Members to better understand their representative role and responsibilities.

- ***Integrity of the Parliament***

The public's confidence in the institution of Parliament is essential. Members are to strive at all times to conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and avoid any action which may diminish its standing, authority or dignity.

- ***Primacy of the public interest***

Members are elected to act in the public interest and make decisions solely in terms of the public interest. Members also have a continuing duty to declare any private interests relating to their public duties as they arise, and to take steps to avoid, resolve or disclose any conflicts arising in a way that protects the public interest.

It is vital to parliamentary democracy that the public has confidence in the integrity of the decision-making process of Parliament. To ensure transparency, public scrutiny and public confidence, it is necessary that each Member disclose their pecuniary interests on a continuing and ad hoc basis when the need arises.

- ***Independence of action***

Parliamentary democracy requires that members make decisions, and are seen to make decisions, in accordance with the public interest and not because they are under any financial obligation or influence. Members are not, therefore, to place themselves under any financial obligation to outside individuals or organisations, including the executive government, that might influence them in the discharge of their duties and responsibilities, and must act at all times in accordance with rules set down by the Parliament for outside appointments.

- ***Appropriate use of information***

In the course of their duties, Members often receive information which is either confidential or prized (that is, not available to the general public). Members are not to misuse any confidential or prized information, particularly for personal gain.

- ***Respect for persons***

Members should treat members of the public, officers and employees of the Parliamentary Service and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations, cultural differences, safety, health and welfare.

Members should not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public.

- ***Appropriate use of entitlements***

Members are provided certain entitlements to assist them to discharge their duties and responsibilities. These entitlements are determined by the Queensland Independent Remuneration Tribunal or the Committee of the Legislative Assembly. The Clerk of the Parliament (as the Accountable Officer for the Legislative Assembly and the Parliamentary Service) administers the entitlements.

The Members' Remuneration Handbook outlines the salary, allowances and entitlements of Members and provide for the manner in which allowances and entitlements may be claimed. The Clerk may from time-to-time issue guidelines and to clarify or assist Members in interpreting their allowances and entitlements.

Members are encouraged to seek advice from the Clerk of the Parliament in relation to the appropriate use of entitlements.

EXTRACT FROM PART 3 OF *PUBLIC SECTOR ETHICS ACT* 1994

Part 3, Division 2 Ethics Values

6 Integrity and impartiality

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and—

- a. are committed to the highest ethical standards; and
- b. accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- c. show respect towards all persons, including employees, clients and the general public; and
- d. acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- e. are committed to honest, fair and respectful engagement with the community.

7 Promoting the public good

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials—

- a. accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- b. accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and
- c. accept and value their duty to manage public resources effectively, efficiently and economically; and
- d. value and seek to achieve excellence in service delivery; and
- e. value and seek to achieve enhanced integration of services to better service clients.

8 Commitment to the system of government

1. In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials—
 - a. accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
 - b. are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
 - c. accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.
2. Subsection (1) does not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

9 Accountability and transparency

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials—

- a. are committed to exercising proper diligence, care and attention; and
- b. are committed to using public resources in an effective and accountable way; and
- c. are committed to managing information as openly as practicable within the legal framework; and
- d. value and seek to achieve high standards of public administration; and
- e. value and seek to innovate and continuously improve performance; and
- f. value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

Attachment 2

POTENTIAL CONFLICTS OF INTEREST

Example 1: Direct pecuniary interests

Ministers may have pecuniary interests which may be affected, positively or negatively, by decisions they make as a Minister or as a Member of Cabinet. Examples could include:

- an interest in a company that trades directly with the State of Queensland;
- directorship or management of a company which is affected by a Cabinet or other government decision; or
- membership of a superannuation scheme or an interest in a managed fund where a Minister has control over investment decisions.

Direct interests such as these may raise actual conflicts of interest or give rise to a perception of a conflict of interest, and must be managed appropriately.

Example 2: Indirect pecuniary interests

An indirect pecuniary interest may arise in different ways:

- A Minister holds an interest in Company A which is not itself affected by a Cabinet decision, however Company A holds shares in Company B and Company B will be affected by the Cabinet decision. This scenario could involve a more remote interest, for example, Company A holds shares in Company B, that holds shares in Company C and Company C is affected by a Cabinet decision.
- A Minister's partner holds an interest in Company A and there is a decision before Cabinet which will impact Company B.

Whether an indirect pecuniary interest gives rise to a conflict will depend on all the circumstances, including the size and value of the interest concerned, its degree of connection to the Minister, the nature of the decision being made and who the decision maker is (by a Minister or by a multi-member decision making body such as Cabinet). Where the interest of the Minister is remote and insignificant, it is not likely to pose a reasonable perception of a conflict of interest.

For example, a Minister holds a high number of shares in a parent company which has a small number of subsidiaries. The shares in the parent company have been appropriately declared in the Register of Interests. A decision is coming before Cabinet on whether to

award a major Government contract to one of the subsidiary companies. This creates an indirect pecuniary conflict of interest for the Minister. In this scenario, the Minister would declare the conflict in accordance with the process outlined in this Code and should have no involvement in the matter (i.e. not receive Cabinet papers and not be present for that agenda item in the Cabinet meeting). Furthermore, Ministers are required to divest shareholdings where there is, or could be, a conflict of interest, so the Minister would now be required to divest themselves of the shares.

Example 3: Remote interests and interests in superannuation funds

A Minister's interest in a superannuation fund is a personal financial interest. The question of whether a Minister's interest gives rise to a conflict of interest will depend on:

- the extent to which the Minister can influence investment decisions of the fund;
- the extent to which the Minister is involved in the management of the fund;
- the extent to which a Minister reasonably may be expected to have a detailed knowledge of the investments of the fund; and
- the extent to which the fund's investments are sufficiently diversified that the value of a Minister's interest would be unlikely to be significantly affected by decisions of Cabinet.

In many cases, the pecuniary interests of the Minister are sufficiently remote from their influence and control so they do not pose a realistic risk of conflict, for example:

- the Minister is a member of a large superannuation scheme with numerous members and widely diversified investments; or
- the Minister has an interest in a managed fund but has no control over investment decisions and the investment profile of the fund is broadly spread.

The above two scenarios represent a remote interest. The Minister should declare this interest (i.e. membership or investment in the relevant superannuation fund, managed fund or other entity). Details of the investments of that entity are not required. Once a remote interest has been declared no further declaration or disclosure is required unless a Minister becomes aware of circumstances that might give rise to an actual or perceived conflict of interest.

Categorisation and declaration of an interest as a remote interest is the responsibility of the Minister concerned. The remote interest classification and reporting requirements apply to the interests of the partner of a Minister as well.

Alternatively, a Minister may hold a self-managed superannuation fund (SMSF), in this circumstance the interest is no longer remote, even when a third party is managing the SMSF and making recommendations on investments. This is because the Minister has control over investments decisions – if the Minister is involved in decisions which relate to businesses or industries the SMSF is investing or has invested in, this creates a conflict which requires disclosure. The most appropriate management action will be to either remove or eliminate the conflict (move to a managed fund) or quarantine relevant matters (i.e. that relate to businesses or industries the SMSF has invested or will invest in) from the Minister.

Example 4: Non-pecuniary interests

In the case of intangible, non-pecuniary personal interests such as associations or relationships, a proper assessment requires a 'weighing up' of the facts of the relationship or association, such as the proximity of the relationship, its duration, nature, and its significance or intensity. The more significant and personal the association or relationship, the more likely it is that a fair-minded member of the community might have an apprehension of bias.

For example, a Minister receives a brief prepared by their Department. The brief recommends that the Minister signs an attached Cabinet Submission which recommends appointees to a Government Board. On reviewing the departmental brief the Minister identifies that one of the appointees is known to them. The Minister has known this person for 30 years and went to university with the person. The Minister attends University alumni events usually 2-3 times per year and socialises with the person there. The Minister did not put this person forward to the Department as a possible appointee.

This example would give rise to a perceived, rather than actual conflict of interest. The Minister was unaware that the person was being considered or was going to be recommended by the Department. However, a reasonable person might perceive that the Minister could not bring an impartial mind to a decision to sign the Cabinet Submission recommending the appointment of their associate to the Government Board. In this case the Minister may consider whether it would be appropriate for another Minister to progress the appointment. The Minister could attend the Cabinet meeting and participate in Cabinet's deliberation and decision because it is a perceived conflict and the decision is being made by a multi-member decision-making body where the Minister's perceived conflict is substantially mitigated.

Generally, in each case it is necessary to consider the facts from the perspective of a fair-minded observer and whether they might perceive that a decision-maker might be unable to bring an impartial mind to a decision, and instead make a decision that is contrary to the

public interest. In the case of a spouse (or long-term partner), parent or sibling, these relationships are perceived to be so strong that a 'reasonable apprehension' of bias will naturally be said to always exist. In the above example, if it was family member instead of an associate who had been nominated, the Minister would have an actual conflict of interest. They should not sign the brief and they should have no involvement in the matter (i.e. not receive Cabinet papers, correspondence about the matter and they should not be present for that agenda item in the Cabinet meeting).

Example 5: Broadly shared interests

Ministers may have a perceived conflict of interest due to their own interests or those of a partner, family member or close associate. However, a conflict does not arise when the matter to be determined by Cabinet concerns general public policy or where the Minister has no greater interest than that of other classes of people in the community or within the Cabinet generally.

For example, a Minister may bring a submission to Cabinet which proposes changes to the way in which boat licence fees are set, where that Minister also owns a boat. Given that the Minister has no greater interest than that of other boat owners in the community, it is appropriate for the Minister to declare the interest and for a record to be made that the Minister declared a perceived conflict of interest. The Minister may continue to participate fully in the determination of the Government's policy on the matter.

Attachment 3 – CONFLICT OF INTEREST MANAGEMENT PLAN

[Conflict of Interest Management Plan](#) (DOC, 28KB)