



Conflict of Interest Policy and Procedure

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PART 1 - POLICY

1. Purpose

This policy (Part 1) and the related procedures and guidelines (Part 2) sets out the QBCC's requirements in relation to the identification and disclosure of individual's interests, and the management and monitoring of all actual, potential, or perceived conflicts of interest which affect QBCC officers.

2. Scope

This policy and procedures apply to:

- the Commissioner/Chief Executive Officer (Commissioner), Statutory Office Holders, Senior Executive Service (SES) or equivalent officer and employees of the Queensland Building and Construction Employing Office (QBCEO) who undertake work for the Queensland Building and Construction Commission (QBCC)
- individuals who are engaged as contractors, consultants, or service providers that provide services to QBCC
- members of the Queensland Building and Construction (QBC) Board (Board), and the Board Committees including the Industry Advisory Committee (IAC)
- members of the Service Trades Council (STC) and its panel, the Service Trades Licensing Advisory Panel (STLAP).

All of the above individuals are collectively referred to as 'QBCC officers' in this policy.

Certain QBCC officers have additional declaration obligations as detailed in relevant legislation and this policy.

3. Authority

This policy is a direction to QBCC officers from the Commissioner made in accordance with s88 of the Public Sector Act 2022 (Qld) (PS Act). However, QBCC officers also have an obligation to act in the public interest at all times and to identify, disclose and appropriately manage conflicts of interest under the Code of Conduct for the Queensland Public Service (Code of Conduct).

In addition, particular officers have specific legislative obligations, including those set out in:

- Section 89 of the PS Act and Public Service Commission (PSC) Directive 01/15, which set out QBCC employees' obligations to declare conflicts of interests
- the SES and Office Holder Declaration of Interests Policy which requires the Commissioner and SES equivalent employees to declare certain interests in a public register
- Section 20M of the Queensland Building and Construction Commission Act 1991 (Qld) (QBCC Act) QBCC Act which requires the Commissioner to declare certain interests to the Board
- Section 20C of the QBCC Act which sets out particular disclosure and conflict of interest management obligations for QBC Board members
- Section 132 of the Plumbing and Drainage Act 2018 (Qld), which sets out disclosure and conflict of interest management obligations on members of the STC and STLAP.

This policy has been prepared to reflect the above legislative and Queensland government policy obligations.

This policy and its related procedures are compatible with the human rights protected by the Human Rights Act 2019 (Qld) and any limitation on a QBCC officer's human rights is reasonable and justifiable because of the broader public interest in ensuring that conflicts of interest are appropriately managed by public sector officers.

4. Policy statement and principles

4.1 Policy statement

The QBCC and its officers are entrusted by the Queensland Government and the community to undertake important work on their behalf. With this trust comes a high level of responsibility, which should be matched by the highest standards of ethical and professional behaviour from all QBCC officers.

The public is entitled to have confidence in the integrity of their public officers and trust that their functions are carried out in the public interest. This expectation is reflected in legislation, including the QBCC Act, PSE Act, and the Code of Conduct.

Conflicts of interest will inevitably arise and cannot always be avoided. However, they can always be managed if they are appropriately identified and declared. QBCC officers are expected to take reasonable steps to identify and manage any conflict of interest, real or apparent, in connection with their employment or involvement with the QBCC in favour of the public interest.

Accordingly, all QBCC officers are required to:

- disclose any private interest that does, or could in the future, influence or be perceived to influence the performance of their functions and duties
- actively participate with the QBCC in developing and implementing strategies to resolve or manage any conflict of interest in the public interest.

A failure by a QBCC officer to disclose and/or resolve or manage a conflict of interest in the public interest could result in:

- referral to external agencies such as the Queensland Police Service or the Crime and Corruption Commission, and/or
- disciplinary action, including possible termination of employment, engagement, or appointment, and/or
- criminal prosecutions for an offence.

4.2 Principles

This policy supports the Code of Conduct and specific legislative obligations imposed upon particular QBCC officers in addressing the ethics principles of integrity and impartiality; commitment to the system of government; and accountability and transparency.

This policy also aligns with the QBCC's vision for, a thriving and resilient building and construction industry inspiring confidence, and supporting sustainable social, environmental, and economic outcomes for Queenslanders'; and purpose of, 'delivering excellence in regulatory services to reduce risk and offer protection from harm'.

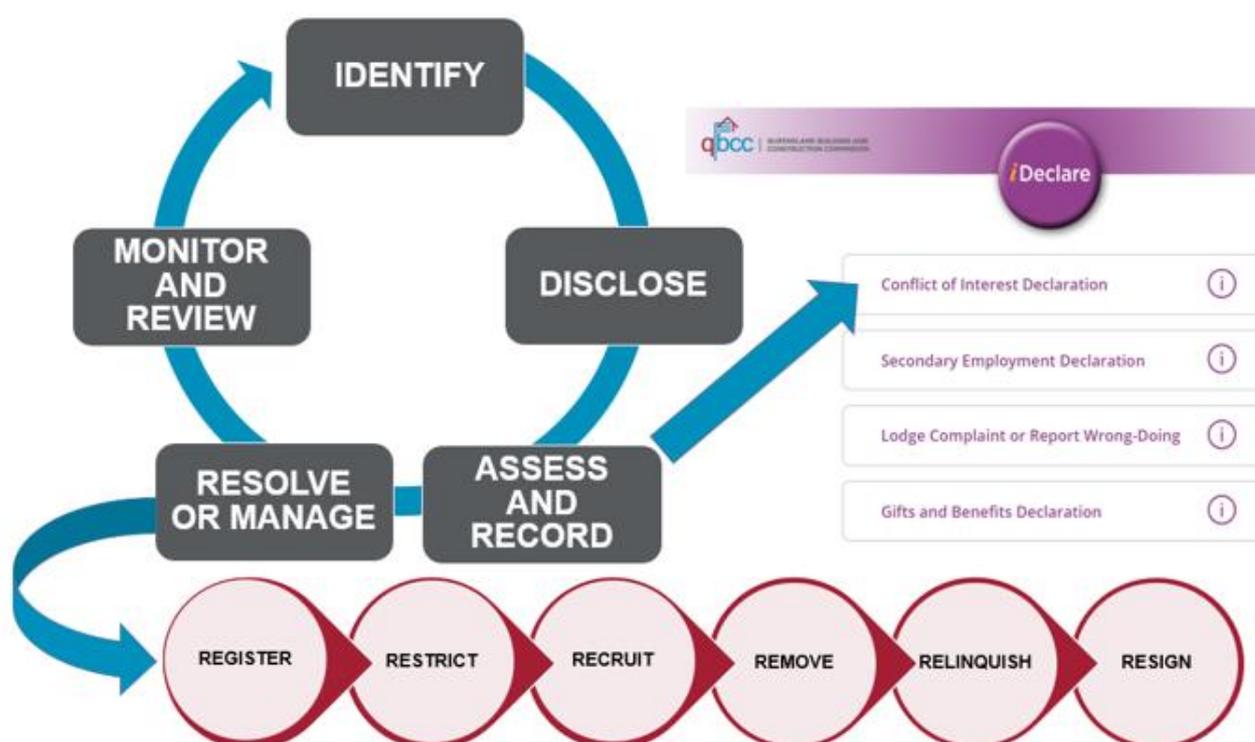
PART 2 - PROCEDURE

5. Overview

The QBCC's interest disclosure and conflict management process consists of five steps:

- Identify
- Disclose
- Assess and record
- Resolve or manage
- Monitor and review.

The Col management cycle



6. Identifying conflicts of interest

A conflict of interest exists where a conflict between the public duties and personal interests of a QBCC officer improperly influences, or appears to improperly influence, the officer in the performance of his or her duties.

Personal interests may include:

- financial private interests (e.g., direct shareholdings, other investments, business ownership, company directorships or partnerships) (also known as pecuniary interests)
- non- financial private interests (e.g., personal or family relationships)
- private, professional, or business interests of other individuals or groups with whom the person has a close association.

There are three types of conflict of interest - actual, potential, and perceived:

- an actual conflict of interest occurs when there is a real conflict between the public duty and personal interests of an officer that improperly influences the performance of the officer's duties
- a potential conflict of interest arises where an officer has personal interests that could conflict with their official duties in the future, or where an officer has competing interests because they hold more than one official role or public duty (known as conflict of duty)
- a perceived conflict of interest occurs when it could reasonably appear that an officer's personal interests might influence the performance of their duties.

The appearance of, or potential for, a conflict of interest is as important to manage as an actual conflict of interest. Either of these situations has the potential to harm the credibility of the QBCC or a person, project, process, or decision.

The personal interests of an officer's Close Family Member may also present a real or perceived conflict of interest for an officer, where those persons may gain an advantage through QBCC policies, activities, or decisions which the officer has knowledge of or has direct and substantive influence over. For example:

- an officer who is assessing tenders from a service provider in which their partner, family member or close friend has a financial interest (which could include ownership or shareholding in the company or employment or contracting to the service provider)
- an officer who is responsible for undertaking or determining regulatory activities which apply to a business or organisation in which their partner, family member or friend has an interest
- an officer is part of a recruitment selection panel and their partner, family member or friend applies for the position
- where officers have a close personal relationship or friendship, one officer could have an advantage over the other by influencing decisions or exercising delegations for:
 - workplace opportunities, or
 - accessing conditions, benefits, or other entitlements.

Some situations and QBCC activities have a heightened risk of conflicts of interest arising (e.g., working relationships where family members are engaged by the QBCC, recruitment, procurement, etc). Further details of QBCC expectations in relation to these areas, including any specific declaration and management processes are detailed at Appendix A.

7. Identifying material personal interests

QBCC officers must proactively identify any material personal interest which could potentially impact their work or the work of the QBCC.

A material personal interest is one that can give rise to a real or apparent conflict of interest that could affect the ability of an officer to discharge their duties. If a reasonable person would draw a connection between the interest and the officer's duties, it will be considered a 'material' interest.

In considering if a personal interest is material, QBCC officers need to consider their personal circumstances as well as:

- the QBCC's functions and responsibilities and its particular probity concerns
- the officer's specific role and responsibilities.

Because of the regulatory work undertaken by QBCC, QBCC considers that the following will be material personal interests for all QBCC officers, regardless of their duties:

- any close family relationship with an owner or director of a Licensee
- any engagement of a Licensee to undertake building work for which a licence is required under the QBCC Act on property owned, or partly owned, by the QBCC officer.

Some QBCC officers in particular roles are also required by law to declare certain personal interests. These obligations are detailed further below at section 0 of this policy.

Other situations which could give rise to a material personal interest include:

- small business ownership
- company directorships or partnerships
- shareholdings (which are more than 5% of shares in a publicly traded company)
- trusts or nominee companies
- real estate investments
- gifts and benefits received from QBCC suppliers or Licensees
- appointment to and participation on boards or management committees
- associations or relationships with lobbyists (see Managing Contact with Lobbyist Policy)
- memberships or affiliations with associations, political or advocacy organisations, community groups (sporting, social etc) and other organisations (either past or present)
- paid, unpaid or voluntary work outside an officer's employment or engagement with QBCC
- personal and family relationships or associations (either past or present)
- hostile relationships with other persons or organisations
- moving from the QBCC to outside employment in a similar field.

Material personal interests including relationships and associations with third parties or organisations may be identifiable through social networking accounts.

QBCC officers should regularly assess their personal circumstances to identify whether any matter may give rise to a material personal interest.

If uncertain whether a personal interest is a material personal interest, officers should discuss the issue with their manager/supervisor. Officers may also seek advice from the Ethics, Standards and Complaints (ESC) Branch via integrity@qbcc.qld.gov.au.

8. Declaration of material personal interests

8.1 Declaration of material personal interests

QBCC officers are required to declare any material personal interests of themselves. This is a requirement even if the personal interests do not create a conflict of interest at the time of declaration. Declaration is required so that any future conflicts of interest can be identified and managed by QBCC.

Where an actual, potential, or perceived conflict of interest is identified, the QBCC officer should discuss it with their manager/supervisor in the first instance (initial discussion). Where a QBCC officer is unsure whether there is a material personal interest, they must discuss the factual circumstances with their manager/supervisor. The manager/supervisor must keep a written record of the discussion if a decision is made that the interest is not material.

The overriding principle for a declaration of a material personal interest should be: if in doubt, disclose the interest.

8.2 Declaration of material personal interests of Close Family Members

QBCC officers must also disclose any material personal interests, relationships or associations of their Close Family Members that are known to them, where these interests influence, or could be seen to influence, the decisions the officer makes or the advice they are giving.

The obligation on officers to declare other individuals' private personal interests, relationships or associations is limited by the extent to which the officer could be reasonably expected to be aware of those interests.

The officer must obtain the consent of the Close Family Members to the collection by the QBCC of personal information, and a declaration that the Close Family Member is aware of the purpose for which the personal information has been collected and the third parties to whom the personal information may be disclosed.

If consent is not given or is unable to be sought, the QBCC officer should discuss this with their manager, but is still required to declare and manage any conflict.

8.3 Variation in interests

Variations of interests may occur (but are not limited to) when:

- the officer's personal position changes so that new interests emerge
- there is a change to the personal interest
- a Declarant's duties and/or responsibilities as a QBCC officer change so that an existing personal interest becomes a material personal interest.

Declarants must disclose any changes in their personal or Close Family Members' interests within one month after becoming aware of them (or sooner if an actual conflict of interest emerges) and follow this policy in relation to assessment and management of any conflict of interest which emerges because of the varied interest.

If a previously declared material personal interest is no longer current (i.e., the officer no longer holds a particular external position), then the iDeclare entry should be updated with the date the material personal interest ended, and the entry archived in accordance with QBCC's record keeping obligations.

8.4 Use of iDeclare

Material personal interests or those of Close Family Members should be recorded via the QBCC's iDeclare platform, which is accessible on the QBCC Intranet, Trevor.

9. Assessment and management of actual, potential, or perceived conflicts of interest

9.1 Step 1 – Initial self-assessment by officer

Once a material personal interest is declared by a QBCC officer, the Declarant must then consider:

- whether a conflict of interest exists
- if so, what steps they will take to manage the conflict of interest (see section 0 below).

The QBCC officer must then provide details of their self-assessment to their manager/supervisor within seven business days of the declaration (or sooner if the conflict of interest is real and immediate).

9.2 Step 2 – Review and determination by officer's manager/supervisor

The manager/supervisor is then required to decide if a conflict of interest exists, and if so whether it is actual, potential, or perceived.

The officer may be asked to provide additional information to their manager/supervisor so they can determine if a conflict of interest actually exists.

In making their determination, the manager/supervisor must objectively determine whether a conflict of interest exists. Managers/supervisors must consider all relevant information provided by the Declarant, consult, and obtain further information from the Declarant and/or seek advice from ESC if further guidance is required.

The manager/supervisor must make this determination within seven business days of the Declarant providing the information (or sooner if the conflict of interest is real and immediate).

If the manager/supervisor determines a conflict of interest exists, written notice of this determination must be provided to the Declarant within seven days of the determination (i.e., within fourteen days of the initial discussion) stating:

- the type of conflict of interest which exists (i.e., actual, potential, or perceived)
- the rationale for the determination.

If the manager/supervisor determines that no current conflict of interest exists, this determination must also be provided in writing to the Declarant.

The assessment decision must also be recorded in accordance with section 0 below.

9.3 Step 3 – Approval of management plan for confirmed conflicts of interest

Once a conflict interest is identified, the Declarant must develop a management plan to resolve or manage the conflict of interest in the public interest. The Management Plan should be developed by the Declarant in consultation with their supervisor/manager.

The management plan is required to state:

- the actions that will be taken to manage the conflict of interest
- the review period (up to 12 months) which will be put in place to monitor the effectiveness of the management strategy
- the review dates.

The proposed management plan must then be submitted by the Declarant through iDeclare to the relevant Delegate for approval.

9.4 Step 4 – Recording of assessment and management plan

The Delegate's assessment determination of whether a conflict of interest exists must be recorded in iDeclare alongside the original declaration.

The approved management plan must also be recorded in iDeclare.

Any alteration to the management plan must be made and retained as an attachment to the original plan and be signed and dated by the approving Delegate and Declarant. Formal records must be made and retained of all reassessments, decisions and subsequent action taken in relation to the conflict of interest.

9.5 Addressing undisclosed material personal interests or unmanaged conflicts of interest

Where an officer believes that a colleague has an undisclosed conflict of interest, they should contact the officer's manager/supervisor to convey their concerns. Alternatively, they may contact ESC, noting that ESC may subsequently request the officer's supervisor to manage further.

Where a manager/supervisor believes an officer has not disclosed a conflict of interest, they must manage the matter in consultation with ESC. In doing so, they must:

- adhere to the principles of natural justice
- discuss their concerns with the officer preferably in person and as soon as possible, advising them of their obligation under this policy to identify and declare material personal interests and conflicts of interest
- assist the officer to determine whether a conflict of interest exists, and where a conflict of interest is identified, direct the officer to disclose it
- notify ESC of the matter and the steps they have taken to address it.

If the QBCC officer refuses to make the disclosure, they may be in breach of the Code of Conduct and this policy. Section 0 of this policy sets out the potential consequences of this.

10. Managing conflicts of interest

10.1 Options for managing conflicts

The QBCC uses the following conflict of interest management options, either individually or in combination, to resolve or appropriately manage conflicts of interest:

- Record
 - Use this option where the conflict of interest is very low risk and/or only a potential conflict, and/or where the act of transparency through recording the conflict of interest is sufficient.
- Restrict
 - Put a restriction or restrictions on the QBCC officer's involvement in a particular matter.
 - Use this option where the conflict of interest is unlikely to arise frequently, and the QBCC officer can be effectively separated from parts of the activity or process.
- Recruit
 - Use the services of a disinterested third party to oversee part or all of the processes associated with the matter that gave rise to the conflict.
 - Use this option where it is not feasible or desirable for the QBCC officer to be removed from the decision-making process; and/or in small or isolated communities where the QBCC officer's particular expertise is necessary.

- Remove
 - Remove the QBCC officer from their involvement in the matter.
 - Use this option where the conflict of interest is ongoing and serious, and recruitment of others or restriction are not appropriate.
- Relinquish
 - The QBCC officer decides to (and is able to) relinquish the private interests that gave rise to the conflict.
 - Use this option where the QBCC officer's commitment to their public duty obligation outweighs their attachment to their private interest.
- Resign
 - the QBCC officer resigns from their position with the QBCC.
 - use this option where no other options are workable and/or where the QBCC officer cannot or will not relinquish their private interest, or where the officer prefers this option as a matter of personal principle.

The detail of how a particular conflict of interest will be managed must be set out in the management plan developed and approved in accordance with section 0 of this policy.

For further guidance in managing a conflict of interest, QBCC officers should refer to the QBCC's Managing a conflict of interest checklist on our internal intranet resources page.

Management where multiple parties are conflicted out of dealing with a matter

Where actual, potential, or perceived conflicts of interest preclude the allocation of QBCC officers to investigatory, support or decision-making roles, the Manager, ESC and the Director, Governance, Risk and Ethics, have the discretion to seek external advice and/or appoint external parties to those roles to ensure transparency, natural justice and appropriateness of advice provided to all involved parties.

In the event of disagreement between the Manager ESC and Director, Governance, Risk and Ethics about the appropriateness of seeking external advice or appointing external parties, the matter will be referred to the Chief Integrity and Risk Officer for determination.

Where the matter relates to a Public Interest Disclosure (PID), the initial decision is to be made by the QBCC's PID Coordinator and the Director, Governance, Risk and Ethics.

10.2 Implementation of management plans

Once the management plan has been approved by the relevant Delegate, the Declarant must implement the management plan as soon as possible.

10.3 Monitoring and review of management plans

All QBCC officers need to be aware that although a conflict of interest may not exist at one point in time, changes in private interests and/or QBCC roles/responsibilities or processes may give rise to a conflict of interest.

The Declarant and their manager/supervisor are required to monitor declared interests and conflicts of interest on an ongoing basis; and review annually (or more frequently if the management plan requires):

- the material personal interest which gave rise to the conflict of interest
- the original assessment and any further assessments made of the conflict of interest
- the implementation and effectiveness of the agreed management strategy.

For further guidance, QBCC officers should refer to the QBCC's Reviewing and assessing conflicts of interest management plans checklist on our internal intranet resources page. Where a review identifies that the conflict of interest is impacting adversely on the QBCC or a QBCC work unit, the Declarant's manager/supervisor must provide a written brief to the relevant Delegate outlining the issues of concern and consult with the Declarant where a change to the management plan is being considered.

11. Additional declaration and management obligations for certain officers

This section of this policy sets out specific legislative obligations imposed on certain position holders.

It applies in addition to the general obligations on all QBCC officers in this policy, but to the extent of any inconsistency between this section and the rest of the policy, the more specific obligation will apply to the individual QBCC officer.

11.1 QBC Board members

This section of this policy sets out QBC Board members' obligations in respect of interest disclosure and management of any conflicts of interest as set out in the QBCC Act and should be read in conjunction with the QBC Board Conflict of Interest Protocol and the QBC Board Charter.

Further guidance for Board members can be found in the Queensland Department of the Premier and Cabinet publication *Welcome Aboard: A Guide for Members of Queensland Government Boards, Committees and Statutory Authorities*.

Disclosure of Personal Interests

QBC Board members are required to disclose any material personal interests which will, may, or may be perceived to conflict with the proper performance of their duties as a Board member.

Disclosures made by QBC Board members (including at QBC Board meetings) will be recorded on the QBCC's internal and public facing Registers of QBC Board members' interests in accordance with the QBC Board Conflict of Interest Protocol.

In accordance with the QBC Board Conflict of Interest Protocol, Board members must review their declaration when there is a change in their personal interests, or at least annually.

Management plans

If a material personal interest of a Board Member may create a conflict of interest, a management plan to address the conflict is to be prepared by the QBC Board member Declarant in consultation with the Chief Integrity and Risk Officer, for Board Chair approval. Any management plan for the Board Chair will be approved by the Commissioner.

The Chair must review and approve or amend the management plan within one week of receipt and forward details of the conflict of interest and the management plan to the Secretariat for immediate submission to the Complaints Officer, ESC.

Upon receipt, the Complaints Officer, ESC must lodge the management plan on iDeclare.

The QBC Board member Declarant is responsible for implementing the management plan.

The Chair and Declarant are required to review the effectiveness of the plan annually and update the original declaration in iDeclare to either confirm the Chair's continued approval of the plan or to record any required amendments.

Items considering material personal interests of Board Members arising at Board meetings

As required by s20C of the QBCC Act, if the Board is to discuss a matter in which a QBC Board Member has a material personal interest and in which a conflict of interest arises, the QBC Board member must declare that interest prior to it being discussed. The declaration must be recorded in the minutes of the meeting of the Board.

Unless the Board otherwise directs, the Declarant must not be present when the Board considers the issue and must not take part in a decision of the Board about the issue. The Declarant must not be present when the Board considers whether to give this direction. The minutes of the meeting of the Board should record that a member was absent as required during a vote on a matter of conflict of interest.

Records of Board discussion about the conflict of interest and associated action items must be redacted from the Declarant's copy of relevant minutes until the conflict of interest is resolved.

If the material personal interest was not already declared and lodged in iDeclare, the disclosure should be reported to the Minister as soon as possible after the meeting, and then within two weeks of the meeting, a management plan to address the conflict must be prepared.

Board member interactions with QBCC employees and contractors

Board member interactions with QBCC employees and contractors in the course of their official QBCC duties must generally be made via the QBCC Commissioner. Appendix A of this Policy provides further guidance to both Board members and QBCC employees and contractors regarding this.

11.2 STC and STLAP members

Members of the STC and STLAP have specific conflict of interest obligations under s132 of the Plumbing and Drainage Act 2018 (Qld). In particular, STC or STLAP must declare any personal interest they have in an issue being considered or about to be considered by it, which will, may, or may be perceived to conflict with the proper performance of their duties.

Members of the STC or STLAP should develop a management plan to address the conflict in consultation with the Chief Integrity and Risk Officer, for approval by the Commissioner.

Declarations of material personal interests should usually be made in accordance with the general sections of this policy. Upon receipt, the Complaints Officer, ESC must lodge the management plan on iDeclare.

In situations where disclosing via iDeclare is not immediately practicable, the STC or STLAP must verbally disclose the conflict of interest to those present, make a record of their verbal disclosure and retain a copy. As soon as possible after the verbal disclosure, the disclosure should be recorded in iDeclare with the approved management plan.

Unless the STC or STLAP otherwise directs, the member must not be present when the STC, STLAP or OSTP considers the issue, and must not take part in a decision about the issue. The member must also not be present when the STC or STLAP considers whether to give the direction above.

Any declarations, and the steps taken by STC and STLAP to manage any conflict of interest should be recorded in the minutes of the meeting of the STC and STLAP.

11.3 IAC members

The IAC members are required to comply with the Code of Conduct, which requires them to:

- “always disclose a personal interest that could, now or in the future, be seen as influencing the performance of our duties. This will be done in accordance with our agency policies and procedures.”
- “ensure that any conflict of interest is resolved in the public interest.”

Any declarations, and the steps taken by IAC to manage any conflict of interest should be recorded in the minutes of the meeting of the IAC.

11.4 Commissioner/Chief Executive Officer

Pursuant to s20M of the QBCC Act and the SES and Office Holder Declaration of Interests Policy, the Commissioner/Chief Executive Officer must declare any material personal interests to the QBC Board, and refrain from taking action or further action concerning a matter impacted by a conflict of interest, unless authorised by the QBC Board.

Commissioner/Chief Executive Officer's Declaration of Interests must:

- be made within one month of commencing duty
- be varied within one month of their personal interests changing to the extent that the potential for a conflict of interest is altered
- be reviewed at least every 12 months.

The Commissioner/Chief Executive Officer should develop a management plan to address any conflict of interest resulting from his or her material personal interests in consultation with the Chief Integrity and Risk Officer (if appropriate), for approval by the Board Chair. Declarations of material personal interests, conflicts of interest and management plans should be recorded in iDeclare.

11.5 SES or equivalent employees

Pursuant to Directive No. 3/10 – Declarations of Interest – Public Service Employees (other than Chief Executives) and the SES and Office Holder Declaration of Interests Policy, SES equivalent employees must submit a Declaration of Interests to the Commissioner. The SES equivalent employee's Declaration of Interests must:

- be made within one month of commencing duty
- be reviewed within one month of being appointed to another role within the QBCC
- be varied within one month of their personal interests changing to the extent that the potential for a conflict of interest is altered
- be reviewed at least every 12 months.

Declarations of material personal interests, conflicts of interest and management plans as approved by the Commissioner should be recorded in iDeclare.

12. Complaints resolution

If a QBCC officer has a reasonable belief that decisions concerning a declared material personal interest, conflicts of interest or a management plan have adversely affected them or have not been made in accordance with this policy, they should escalate their concerns in accordance with the PSC's Directive 02/17 Managing Employee Complaints and the QBCC's Employee Complaints Policy and Procedure.

13. Record keeping, privacy and access

All relevant documentation relating to material personal interest, conflict of interest declarations and management plans are confidential so far as possible, and only disclosed within QBCC on a 'need to know' basis. These records will be securely stored in iDeclare. Security and access controls are in place within Enterprise Content Manager (ECM) to ensure the maintenance of appropriate confidentiality and privacy protocols.

Material personal interest and conflict of interest declarations may be subject to applications for access under the Right to Information Act 2009 and/or the Information Privacy Act 2009. Applications are considered on a case-by-case basis. Before a decision is made about whether it be in the public interest to release the relevant records, QBCC will consult the Declarant about their views on the application prior to any decision being made to release the document.

Public versions of declarations by QBCC Board members may be published on the QBCC website in accordance with the QBCC Board Conflict of Interest Protocol.

14. Consequences of failures to declare material personal interests and/or appropriately manage conflicts of interest

Breaches of this Policy are treated seriously by the QBCC and, where proven, may lead to disciplinary action including reprimand, demotion, termination of employment or engagement or post-employment disciplinary declarations, or potential criminal proceedings.

Allegations of a failure to declare or appropriately manage a perceived, potential, or actual conflict of interest should be made directly to an employee's Manager or Supervisor where reasonable in the circumstances, and then referred on to ESC for assessment. Concerns may also be raised directly with the Commissioner or SLT member. Concerns may also be made anonymously to ESC, although anonymous complainants should be aware that this may make it more difficult to investigate the concern.

ESC will assess the matter in accordance with relevant QBCC policies, including consideration of whether referral to the CCC is required. ESC may determine a formal investigation is appropriate and proportionate in the circumstances or undertake a more informal information gathering process. Depending on the outcome of any fact-finding process or investigation, then the appropriate QBCC delegate may determine that disciplinary action is appropriate, up to and including potential termination of employment or engagement.

In the most serious and exceptional circumstances, failures to declare and resolve or manage conflicts of interest in the public interest may be a criminal offence under the Queensland Criminal Code, with potential penalties including fines or imprisonment if found guilty.

15. Responsibilities

QBCC officers (as defined in this policy)	<p>Perform their duties in a fair and impartial manner, ensuring that the public interest is prioritised at all times.</p> <p>Declare own material personal interests and appropriately manage any conflicts in accordance with this policy, s89 of the PS Act and PSC Directive 03/10.</p>
QBCC employees	<p>Comply with the responsibilities of QBCC officers.</p> <p>Complete the mandatory conflict of interest training annually.</p>
QBCC contractors	<p>Comply with the responsibilities of QBCC officers.</p> <p>Complete the mandatory conflict of interest training annually.</p>
Managers/supervisors	<p>Comply with the responsibilities of QBCC officers.</p> <p>Complete the mandatory conflict of interest training annually</p> <p>Facilitate the compliance of officers under their management/supervision with this policy and any other requirements relating to conflict of interest by raising awareness of the QBCC's requirements, including ensuring officers' knowledge of the requirement that they disclose any conflict of interest and its management plan via iDeclare.</p> <p>Understand and be able to explain the key issues associated with conflict of interest, and provide clear guidance to employees about the basis on which decisions about conflict of interest will be made.</p> <p>Discuss this policy and procedure with newly appointed officers as part of their work unit induction.</p> <p>Consider whether any positions under their management/supervision are vulnerable to potential conflict of interest and proactively discuss the matter with the relevant officer/s if so.</p> <p>Reviewing conflict of interest disclosures from officers, suggesting how the conflict should be managed and, where necessary, assisting with the development of management strategies.</p> <p>Report actual or suspected undisclosed conflict of interest relating to any officer to the Director, ESC.</p>
SES members	<p>Comply with the responsibilities of QBCC officers.</p> <p>Complete the mandatory conflict of interest training annually.</p> <p>Complete and annually review their declarations of interests in accordance with the SES and Office Holder Declaration of Interests Policy.</p> <p>Review and approve, or return unapproved, all conflict-of-interest management plans for officers for whom they hold the relevant delegation.</p> <p>Facilitate the compliance of divisional officers with this policy and any other requirements relating to conflict of interest by raising awareness of the QBCC's requirements, including ensuring officers' knowledge of the requirement that they disclose any conflict of interest and its management plan via iDeclare.</p> <p>Provide timely and appropriate advice to officers in relation to conflict of interest:</p> <ul style="list-style-type: none"> advising how the conflict of interest should be managed. directing where appropriate, that officers manage or resolve the conflict of interest. <p>Report actual or suspected undisclosed conflict of interest relating to any officer, to the Director, ESC.</p> <p>Seek advice from the Integrity Commissioner if required pursuant to s15(1) of the Integrity Act 2009 (Qld).</p>

<p>Commissioner/Chief Executive Officer</p>	<p>Comply with the responsibilities of QBCC officers. Complete the mandatory conflict of interest training annually. Complete and annually review their declarations of interests in accordance with the SES and Office Holder Declaration of Interests Policy. Review and approve, or return unapproved, all conflict-of-interest management plans for their direct reports. Act as the ultimate decision-maker for conflict-of-interest matters associated with QBCC employees and contractors. Report actual or suspected undisclosed conflict of interest relating to any officer, to the Director, ESC. Seek advice from the Integrity Commissioner if required pursuant to s15(1) of the Integrity Act 2009 (Qld).</p>
<p>QBC Board members and committee members</p>	<p>Declare own material personal interests and appropriately manage any conflicts in accordance with this policy, the Board Charter and QBC Board Conflict of Interest Protocol. Receive declarations of interest from the Commissioner. Review and approve, or return unapproved, all conflict-of-interest management plans for the Commissioner. Comply with the Queensland Building and Construction Board Public-facing Conflict of Interest Protocol relating to the publication of a declaration of interest.</p>
<p>Members of the IAC</p>	<p>Declare own material personal interests at each Committee meeting and appropriately manage any conflicts.</p>
<p>Members of the STC and STLAP</p>	<p>Declare own material personal interests and appropriately manage any conflicts in accordance with this policy and s132 of the Plumbing and Drainage Act 2018 (Qld).</p>
<p>Ethics Standards and Complaints Branch (ESC)</p>	<p>Provide orientation and annual training about conflict of interest and associated expectations and obligations, for the QBC Board, STC, STLAP and the QBCC's SLT. Provide appropriate and timely advice, guidance, and assistance to QBCC officers on conflict of interest and associated matters, including but not limited to: whether particular circumstances give rise to a conflict of interest risks associated with a disclosed or identified conflict of interest appropriate conflict of interest management strategies Receive, assess, and report on alleged failures to disclose conflict of interest internally and to external agencies (e.g., Crime and Corruption Commission or the Queensland Police Service) where applicable. Maintain QBCC's central conflict of interest Declarations Register. Ensure all conflict-of-interest documentation in its possession is recorded in ECM with appropriate security and access controls in place. Review and update annually the mandatory conflict of interest training undertaken by all QBCC employees and contractors. Conduct regular audits on the mandatory conflict of interest training to be undertaken annually by all QBCC employees and contractors.</p>

16. Definitions

Board member	A member of the QBC Board appointed in accordance with s12 of the QBCC Act.
Close Family Member	A QBCC officer's partner or ex-partner, children, stepchildren or children-in-law, parents, stepparents, or parents-in-law, siblings and any other relatives who live with the QBCC officer or with whom the officer has a dependent relationship.
Commissioner/Chief Executive Officer	The person appointed as Commissioner, Queensland Building and Construction Commission under s20D of the QBCC Act and as the Executive Officer, Queensland Building Commission Employing Office under s29D of the QBCC Act.
Conflict of duty	A situation that may arise where a QBCC officer holds one or more additional roles in connection with their principal role with the QBCC. These additional roles could be public sector or community based. An example could be where a QBCC Official sits on a broader Government taskforce considering building safety. The risk of the duties of these positions conflicting is most likely were: the officer acquires confidential information in the course of one role which may be useful to their work in the other one role has a regulatory or review role in relation to the other.
Conflict of interest	A conflict of interest is an actual, potential, or perceived conflict between a public officer's private interests (or the interests of their Close Family Members) and their obligation to always act in the public interest. There are three categories of conflict of interest: actual—there is a direct conflict between an officer's current duties and their existing private interests potential—an officer's current duties and private interests could conflict in the future perceived—it could appear that an officer's private interests may improperly influence the performance of their current duties.
Declarant	A person who discloses a conflict of interest in line with this Policy.
Delegate	A QBCC employee or the Commissioner with authority to make a particular decision as set out in the QBCC Delegation Manual.
ECM	Enterprise Content Manager
Employee, QBCC employee	Employees of the Queensland Building Commission Employing Office who undertake work for the QBCC.
ESC	The Ethics Standard and Complaints branch of QBCC.
Licensee	A contractor who has been issued a licence under the QBCC Act.
Industry Advisory Committee (IAC)	A group of no more than 14 industry members appointed to the IAC in accordance with s20B (3) of the QBCC Act

	at the request of the Minister, resulting from the recommendations of the Independent Governance Review Report.
Natural justice, procedural fairness	A principle which requires a decision maker to: be unbiased give all parties to a matter a fair hearing ensure all parties to a matter are informed and allowed to comment on any matter that adversely affects them.
Otherwise engaged person	Volunteers, students, contractors, consultants, labour hire workers or anyone who works in any capacity for the QBCC other than an employee.
Private interest	Private interests include personal, professional, or business interests, as well as the interests of individuals that you associate with, such as family, dependents, and friends. Private interests could be pecuniary (where there is a reasonable likelihood of financial loss or gain) or non-pecuniary (where there is no financial component to the interest, but it could result in biased decision making).
Public interest	The public interest is not the sum of individual interests, nor the interest of a particular group or entity; but the collective interest of the entire community.
QBC Board	The Queensland Building and Construction Board which is established under s10 of the QBCC Act and is the governing body for the QBCC.
QBCC officer, officer	For the purposes of this policy, 'QBCC officer' is defined as outlined in Section 2 of this policy.
Secondary employment	Additional paid employment performed by a QBCC employee, including during absences on approved leave: employment as an employee or engagement as a contractor, whether on a full-time, part-time, or casual basis self-employment (including online trading or sales). involvement in a private business or partnership provision of paid consultancy services either as an individual or through a trust, partnership, or company. Secondary Employment includes employment on a temporary basis with another Queensland public sector agency during an approved absence on leave from the QBCC.
Senior Executive Service (SES) or equivalent officer	An SES or equivalent officer includes: person engaged as an SES executive; any person paid remuneration that is equal to or greater than the remuneration payable to a Senior Executive; and statutory office holders employed under any Act in a government entity. The Adjudication Registrar and Insurance Manager (as statutory office holders) are included within the definition of SES or equivalent officer.
SES and Office Holder Declaration of Interests Policy	The Queensland Government Declaration of Interests policy - Senior Executive Service and Equivalent Employees including Statutory Office Holders as published by the PSC.

Services Trades Council (STC)	A part of the QBCC under s6(c) of the QBCC Act as continued by s105 of the Plumbing and Drainage Act 2018 (Qld).
Service Trades Licensing Advisory Panel (STLAP)	A panel of the STC established pursuant to s106(d) of the Plumbing and Drainage Act 2018 (Qld).

17. References and other resources

17.1 Legislation and policy

Any references in this policy legislation, directives, policies, or guidelines include a reference to that legislation or policy as amended or replaced from time to time.

Legislation

Integrity Act 2009

Plumbing and Drainage Act 2018

Public Records Act 2002

Public Sector Ethics Act 1994

Public Sector Act 2022

Queensland Building and Construction Act 1991

Right to Information Act 2019

Codes, Directives and Policy Instruments

Code of Conduct for the Queensland Public Service

Directive 3/10 – Declaration of interests Public Service Employees (Other than chief executives)

Declaration of interests – Senior Executive and Equivalent Employees Policy

Directive 02/17 – Managing employee complaints

Directive 12/10 - Recruitment and selection

17.2 Relevant QBCC policies and procedures

QBCC Delegations Manual

Managing employee complaints procedure

Secondary employment and external appointments policy and procedure Gifts and benefits policy and procedure

Procurement policy

Public interest disclosure policy

QBCC Managing contact with lobbyists policy and procedure

17.3 Further information and resources

Queensland Government resources

(For Board members): Department of the Premier and Cabinet, Queensland: Welcome Aboard, A Guide for Members of Queensland Government Boards, Committees and Statutory Authorities.

QBCC resources:

Further resources available on QBCC Intranet

Recruitment and selection manual

18. Contact

Ethics Standards and Complaints Branch: integrity@qbcc.qld.gov.au

19. Superseded versions

VERSION	DATE	CHANGES
1.0	June 2017	Created
2.0	July 2017	Reviewed by FARC and Board
3.0	January 2018	Reviewed
4.0	May 2019	Reviewed
5.0	August 2019	Reviewed
5.1	February 2020	Updated minor details
6.0	August 2023	Major review following Governance Review recommendations and new Public Sector Act 2022

20. Version control

Approving Authority	Commissioner
Date	24 August 2023
Version	V6.0
Next Review Date	August 2025
Related Documents forms and procedures	Declaration of Interest form (iDeclare) Application for approval for secondary employment or external appointment (iDeclare) Declaration of interest records (QBC Board, STC and QBCC officers)

Appendix A - MANAGING HIGH RISK AREAS FOR CONFLICT OF INTEREST

Some QBCC activities have a heightened risk of conflicts of interest arising. The QBCC's expectations about how conflicts will be managed in these circumstances are detailed in this Appendix below.

A1. Engagement of QBCC licensees by QBCC officers (or their Close Family Members) in their private capacity

All QBCC officers engaging Licensees to carry out contractual work for which a licence is required under the QBCC Act on their own privately owned property are required to complete a personal interest declaration on iDeclare and prepare a management plan if the engagement creates a conflict of interest.

Examples of actual, potential, or perceived conflicts of interest that may occur when QBCC officers privately engage QBCC licensees include:

- coming into contact in their role as a QBCC officer with licensees they have engaged privately, for example:
 - in the provision of regulatory functions
 - in a procurement capacity
 - managing a dispute matter in which the licensee is involved.
- being perceived to be:
 - providing special or preferential treatment or favours to a licensee or applicant with whom they have had previous dealings
 - receiving preferential treatment from a licensee, such as discounted or low-cost building work, as a result of their position with the QBCC.

Further information including examples and exemptions can be found in the QBCC's Guidelines for managing conflicts of interest – Engagement of QBCC licensees by QBCC officers in their private capacity, which is available on the QBCC Intranet, Trevor.

A2. Personal relationships in the workplace

There are three areas in particular where QBCC officers' personal relationships with Close Family Members, other family members or close personal friends may lead to actual, potential, or perceived conflict of interest:

- recruitment and selection
- management and supervision
- complaint management and decision making.

QBCC Officers should consider poor personal relationships as well as positive ones when considering any potential conflict of interest.

Recruitment and selection

It is not unusual for members of selection panels to know one or more applicants for a position. To support the QBCC's commitment to transparency and best practice recruitment and selection, QBCC recruitment and selection panel members and delegates with a current or prior relationship with an applicant are required to:

- submit a conflict of interest declaration on iDeclare immediately upon identifying the applicant as one with whom they have or had a personal relationship
- take no further action in their role as panel member or delegate until they have received appropriate approval to proceed.

Further information is available from the QBCC's Recruitment and Selection Policy.

In relation to referee reports, it is the responsibility of both the applicant and referee to declare any past or present relationship or association that could be considered a conflict. Additionally, the selection panel should also confirm the relationships between an applicant and their referees when they have not been identified or if a panel member is aware of a past or present relationship or association that has not been declared.

If a selection panel member is a nominated referee for a candidate, the reference must be provided in advance of the panel's deliberation about the candidate.

Delegates from the HR Division can approve a declaration of interest in relation to recruitment. See the latest Delegation Manual.

Management and supervision

Where a QBCC officer has a personal relationship with an officer they manage and/or supervise, they should be particularly careful that no conflict of interest exists or is perceived in their interactions with the other party.

To ensure there is no suggestion of nepotism or favouritism in the working arrangement, officers should disclose the conflict of interest on iDeclare as soon as the management/supervisory relationship starts, and consider including in their conflict of interest management plan strategies such as:

- abstaining from decision-making regarding promotional matters associated with the other party
- abstaining from authorising expenditure and reimbursement requests made by the other party, ensuring that those requests are progressed to a more senior officer for approval
- confirming their commitment to appropriate use of information, including maintaining confidentiality of official or privileged information.

It is not acceptable for anyone to have managerial responsibility for a Close Family Member.

QBCC officers with personal relationships with others in their team should also be careful to ensure that there is no perception the other party is being given preference in terms of leave allocation, hours of work or other discretionary matters.

Complaint and case management and decision making

QBCC officers with a current or prior relationship or association with any complainant or respondent in a case or complaint are required to:

- submit a conflict of interest declaration on iDeclare immediately upon identifying the complainant or respondent as one with whom they have or had a personal relationship or association
- consider including in their conflict-of-interest management plan strategies which may include:
 - recusing themselves from any involvement in the case or complaint
 - if they cannot recuse themselves, arranging an independent third party to monitor the process
 - confirming their commitment to maintaining confidentiality of official or privileged information.

A3. Procurement and contract management

It is mandatory that officers involved in the procurement of goods or services for QBCC, or the management of contracts with suppliers or service providers to the QBCC, exclude themselves from those processes where any conflict of interest exists.

In particular, officers should be aware of the need to resolve or manage conflict of interest related to any level of current or past personal or business relationship with a potential supplier or service provider. This requirement continues where an unanticipated conflict of interest arises after tenders close.

All persons involved in the evaluation of a tender must disclose the existence of any real, potential, or perceived conflict of interest associated with the evaluation immediately upon becoming aware of it. This requirement includes but is not limited to the disclosure of any relationship or connections they have or have had with tenderers, or tenderers' employees or contractors.

Tender evaluation team members must immediately notify any unauthorised contact with any tenderer or their representatives during an open procurement process.

In the event a conflict of interest occurs, officers are required to comply with the Code of Conduct for the Queensland Public Service, the QBCC's Procurement Policy and its Procurement Manual by disclosing the conflict of interest on iDeclare.

A4. Secondary employment, external appointments, and volunteering

The QBCC acknowledges QBCC officers may wish to engage in secondary employment, accept an external position or volunteer with community organisations.

All QBCC employees must seek approval for any secondary employment including:

- employment as an employee or engagement as a contractor
- self-employment (including online trading or sales)
- involvement in a private business or partnership
- provision of paid consultancy services either as an individual or through a trust, partnership, or company.

QBCC employees must also seek approval for any appointments to external positions (whether paid or unpaid). External positions include, but are not limited to, appointment as:

- a director, company secretary or officer of a company or association (whether private, public, listed, or unlisted, including charities and not-for-profit companies or incorporated associations)
- officer of a family trust or self-managed super fund, or
- appointment to an advisory position with a government board or body.

Volunteering for a community organisation could also give rise to a conflict of interest in certain situations.

Secondary employment and external positions are high-risk areas for conflicts of interest because they have the potential to lead to:

- adverse effects on the public's perception of the QBCC's integrity and impartiality
- unauthorised use of public resources to support the secondary employment or external position
- unauthorised use of confidential information and intellectual property
- diminished work performance resulting from fatigue, distraction or time pressures experienced by the officer undertaking the employment
- absenteeism due to clashing commitments
- increased load on co-workers who must compensate for the reduced performance of the employee
- employees undertaking private contracting, employment or a business venture in an area regulated by the QBCC, giving rise to concerns about misuse of information or authority, and/or
- involvement of the secondary employer or company in a dispute with a Licensee regarding building work.

Because the QBCC is an apolitical public sector entity, it is generally not appropriate for QBCC officers to accept appointment to a management position within a political party. QBCC employees should also be cautious of engaging in social, environmental, or political advocacy that could give rise to concerns about partiality or misuse of authority.

QBCC officers must receive approval from the appropriate Delegate via iDeclare. for:

- any secondary employment
- any appointment to an external position
- volunteering which could be perceived to impact adversely on their own or any other QBCC employee's ability to act in the public interest

The approval must be obtained prior to the engagement, appointment or volunteering occurring.

As part of the approval process, any conflict of interest created by the proposed secondary employment, external appointments or volunteering will be considered, and if the conflict is unable to be managed to the QBCC's satisfaction, approval will not be granted.

QBCC employees who engage in secondary employment or accept an external appointment without approval, may be subject to disciplinary action, including termination of their employment.

For further information, please refer to the QBCC's Secondary Employment and External Appointments Policy and Procedure.

A5. Social Media

QBCC officers should avoid the creation of conflicts of interests through endorsements or criticisms of people or organisations on social media.

Officers should avoid making statements that advocate or criticise policies of government or political parties on social media in both their personal capacity or when using social media for QBCC purposes.

A6. Gifts and benefits offered or given in the course of duty

For the purposes of this Policy, a gift or benefit is anything of value that is offered to an officer in the course of their official duties, apart from their normal employment/engagement entitlements.

No matter how small, offering or accepting gifts or benefits may create a conflict of interest by:

- leading to the perception that the QBCC officer is being unduly influenced, or taking a bribe or secret commission
- provoking a sense of obligation in the officer or the donor
- consciously or unconsciously influencing decisions the officer makes on behalf of the QBCC
- benefiting some individuals or organisations through influenced or unjust decisions, while unfairly disadvantaging others
- adversely affecting the QBCC's independence, impartiality, or reputation.

QBCC officers should immediately disclose to the Commissioner, Chief Integrity and Risk Officer or ESC any attempt to give them a gift of cash, anything readily convertible to cash, or a gift or benefit offered with the expectation that the officer will give the donor favourable treatment in return as bribery is a serious criminal offence.

Other gifts and benefits over a certain value offered and/or accepted may also need to be declared on iDeclare.

For further information about how to appropriately deal with gifts and benefits offered or received in the course of official duties, please refer to the QBCC's Gifts and Benefits Policy and Procedure.

A7. Access to confidential and sensitive information

While all QBCC employees have access to multiple types of official information, certain areas of the QBCC's functions bring with them a heightened risk of conflict of interest associated with misuse of or inappropriate access to privileged, sensitive, or confidential information.

These areas include internal audit, human resources, procurement, finance, investigation, integrity, records management, and areas which have access to external party records such as Licensee and customer details.

In order to protect the integrity of the QBCC's information management processes, all QBCC officers must only access official records they have a genuine and authorised business reason for doing so.

QBCC officers are prohibited from accessing their own records, except those they need to meet QBCC requirements such as recording their working hours. They are also prohibited from accessing Licensee, customer, complainant, or other employees' records other than for a proper reason directly connected to their duties without authorisation.

Unauthorised access to, and/or disclosure of, official information may result in disciplinary action, up to and including termination of employment/engagement, and is a possible criminal offence. Database access will be monitored, and any improper or unauthorised access reported to ESC for assessment, investigation and possible referral to the Crime and Corruption Commission and/or the Queensland Police Service.

A8. Interactions between QBCC officers and QBC Board/Committee members

In the interests of integrity and transparency, the QBCC has adopted the Queensland Government's position that the CEO is usually the primary link between Government Boards and staff of the body they govern. This is reflected in the QBC Board Charter.

Interactions in the course of official duties

QBC Board members, STC members, or members of Board committees may only access QBCC employees and contractors in their official capacity with the prior approval of the Commissioner. Such requests may arise where there is a need for a detailed briefing, or assistance to understand a technical issue.

If QBCC officers wish to approach a Board, STC or Board committee member on a matter associated with their official duties, they are also to obtain Commissioner approval before doing so.

In the interests of transparency and to avoid any perception of a conflict of interest associated with their governance role, Board, STC and Committee members should refer any unauthorised approach to them by QBCC officers directly to the Commissioner and take no action on the matter until the officer has received Commissioner approval to discuss the matter with them.

Interactions in private capacity

Any interaction between QBCC employees and Board, STC or Committee members in their private capacity must be assessed carefully by both parties, to determine whether the interaction could give rise to an actual, potential, or perceived conflict of interest. If so, the interaction must be disclosed in line with this policy and the officer must not take any further action on the matter until or unless authorised to do so by the Commissioner.

Exceptions to the usual interaction requirements

The Commissioner, the Board Secretariat, Board Advisors and any other QBCC officer nominated by the Commissioner at their discretion from time to time are generally not required to record interactions with Board members which occur as part of their official duties. They are, however, required to record any interactions which could give rise to an actual, potential, or perceived conflict of interest.

In accordance with the QBCC's Complaints about the Public Official (s 48A, Crime and Corruption Act 2001) Policy, any person who wishes to make a complaint that involves, or may involve, corrupt conduct by the Commissioner/Executive Officer, may complain directly to the CCC, the QBC Board Chair or Deputy Chair, and does not need Commissioner authorisation to do so.

Should the QBC Board Chair or Deputy Chair wish to contact the person to discuss their complaint, they should contact the Chief Integrity and Risk Officer in the first instance for:

- consideration of whether any aspect of their involvement in the complaint may give rise to a real, potential, or perceived conflict of interest
- integrity and policy-related guidance, support and/or advice.

In accordance with the QBCC's Public Interest Disclosure Policy and Procedure (PID Policy), any person who wishes to make a Public Interest Disclosure may do so directly to any member of the QBC Board, along with a number of other proper authorities as set out in the PID policy.

A9. Employee separation

Employees separating from the QBCC to take up other employment are reminded that their legal obligations around privacy, confidentiality, and appropriate access to and use of QBCC information continue in force even after the end of the employment relationship. In particular, past employees should be aware of their continued and ongoing obligations under both contract and legislation not to use information obtained as a result of their employment to further their personal interests.