



# Standard

# Conflicts of Interest

MD-13-322

QUEENSLAND RAIL OFFICIAL

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Policy: People Policy



# Document History

## Document Information

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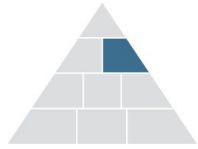
\*Contact for further information

## Document Amendment History

Version	Date	Section(s) Amended	Summary of Amendment
4.0	22/01/2024	Whole document	Major re-work of the document including enhancement of clarity and readability, inclusion of additional examples, and further guidance around management and monitoring obligations. The amendment also included a new online declaration process for conflicts of interest.
3.1	18/11/2022	Whole document	Revised with non-material changes.
3.0	19/11/2020	Whole document	Minor formatting changes including re-ordering of section 2.2 for improved flow, amendments to contact details, reference information and disclosure arrangements for sections 2.2.2 and 2.2.3
		2.2.8	Inclusion of new section on secondary employment to reflect Crime and Corruption Commission recommendations regarding potential conflicts

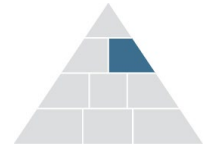
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# 1 Purpose

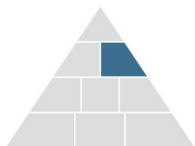
A 'Conflict of Interest' is a conflict between a person's official duties to Queensland Rail and Private Interests that may influence, or may appear to influence, the performance of those official duties.

Queensland Rail is committed to ensuring accountability, maintaining public trust, and preventing unethical behaviour. To achieve this, our People must always transparently declare and manage Conflicts of Interest.

This Standard sets out the responsibilities and procedures for how we identify, declare, manage and monitor Conflicts of Interest at Queensland Rail.

## 1.1 Scope

This Standard applies to Our People. This means members of the Board, employees, trainees, contractors, consultants, and everyone who does work (paid or unpaid) for Queensland Rail, while they are doing work for Queensland Rail.



## 2 Requirements of this Standard

Queensland Rail expects Our People to transparently and appropriately identify, declare, manage and monitor their Conflicts of Interest in accordance with the best interest of Queensland Rail, and the requirements of this Standard.

This Standard supports Our People to meet this expectation by:

- Explaining how to identify Conflicts of Interest (section 2.1);
- Setting out the obligations and process to disclose, manage and monitor Conflicts of Interest (section 2.2);
- Outlining the consequences for breaching this Standard (section 3).

### 2.1 Identifying Conflicts of Interest

At Queensland Rail, the responsibility for identifying and disclosing a Conflicts of Interest rests solely with the individual who has the conflict.

We must remember that Conflicts of Interest are not inherently corrupt, wrong or unusual. We all have private interests that could come into conflict with our professional duties at Queensland Rail from time to time. The important thing is that our conflicts of interest must be appropriately disclosed and managed and must not impact the integrity of Queensland Rail.

If conflicts are not disclosed and managed, it is a breach of this Standard and can lead to corruption or misconduct (see section 3 Consequences of this Standard).

#### 2.1.1 What is a Conflict of Interest?

A Conflict of Interest is a conflict between a person's official duties to Queensland Rail and their private interests that may influence, or appear to influence, the performance of those official duties.

All conflicts are different. However, Conflicts of Interest have certain features or types that can assist us to identify, assess and appropriately manage the conflict. These have been set out below.

##### 2.1.1.1 Impact to Queensland Rail

For the purposes of this Standard, a private interest does not create a Conflict of Interest if it has no impact or could not reasonably be perceived to have an impact on Queensland Rail. If there is any uncertainty, it should be treated as a Conflict of Interest.



### 2.1.1.2 Professional Duties

You can have a Conflict of Interest at Queensland Rail even where you are not formally involved in a decision or process as part of your professional duties. You can have a Conflict of Interest if your professional duties at Queensland Rail gives you the opportunity to influence a process, decision or outcome.

### 2.1.1.3 Actual, Perceived or Potential

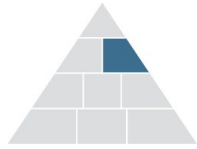
Conflicts of Interest can be Actual, Perceived or Potential. It is important to remember that conflicts of interest can be damaging to public confidence in Queensland Rail, even where no actual conflict exists, or the conflict has been resolved.

Type	Definition	Example
<b>Actual</b>	Involves an actual conflict between your official duties and responsibilities and your private interests. These conflicts are high risk.	Your partner (with whom you have shared finances) owns an earthworks company. In your role at Queensland Rail, you engage this earthworks company on behalf of Queensland Rail. You receive through your partner a financial benefit from the engagement.
<b>Perceived</b>	Where it could appear to others that your Private Interests could improperly influence the performance of your official duties and responsibilities, whether or not this is actually the case.	You are on a Queensland Rail recruitment panel. You used to work with one of the applicants at your previous employer, but never in the same team. You do not feel biased for or against the applicant, but a third party may see you have shared employment history and perceive the history will impact your decision making.
<b>Potential</b>	You have the potential to be influenced by your Private Interests in future, but there is no conflict of interest at present with your roles and duties for Queensland Rail.	You are involved as a subject matter expert in a large procurement for Queensland Rail. A tenderer offers you a job mid-procurement. You have not yet accepted.

### 2.1.1.4 Direct or Indirect

Conflicts can also be Direct or Indirect. This means a conflict of interest can arise from avoiding loss or gaining advantage for you, or someone connected to you.

Type	Definition	Example
<b>Direct</b>	The Conflict of Interest is related to you and your interests in a clear and direct way. Note a conflict will be direct if it impacts someone that you share finances with, such as your partner.	Your husband owns a company that will submit a tender in a Queensland Rail procurement activity. You and your husband have shared finances.
<b>Indirect</b>	The Conflict of Interest is related to the interests of someone connected to you, such as a friend, former employer, or family member. The conflict exists in an indirect and more subtle way.	Your sister owns a company that will submit a tender in a Queensland Rail procurement activity. You do not have any shared finances, but you have a close sibling relationship.



### 2.1.1.5 Financial or Non-Financial

Conflicts of Interest do not have to be financial. However, if you or someone closely connected to you stands to gain a personal financial loss or benefit from your professional duties at Queensland Rail, you have a financial conflict that is likely to be high risk for you and Queensland Rail unless it is appropriately disclosed and managed.

Type	Definition	Example
<b>Non-financial</b>	The Conflict of Interest involves competing interest or loyalties that do not involve the potential for personal financial loss or benefit.	You are the hiring leader for a recruitment process in which a close friend has applied. The friendship gives rise to a conflict as it may, or be perceived to, impact your objectivity in the decision-making process.
<b>Financial</b>	The Conflict of Interest involves a financial interest or the potential for financial loss or gain for you or someone connected to you.	You are involved in conducting a safety investigation at Queensland Rail. You own substantial shares in the supplier that is being investigated.

### 2.1.1.6 Special Conflicts

Special Conflicts of Interest refer to situations where the competing Private Interests are particularly significant or sensitive to Queensland Rail. Special Conflicts may require additional actions at Queensland Rail, including in terms of avoidance, management actions and monitoring requirements. The categories of Special Conflicts, and the additional obligations associated, are summarised below.

Type	Additional Obligations
<b>Lobbyists</b>  <i>In Queensland, the interaction between lobbyists and government must comply with the Integrity Act 2009 (Qld).</i>	<p>If you have previously worked as a Lobbyist in the past two (2) years you must declare this within one month of commencement with Queensland Rail. Should it be determined that there is a Potential conflict, the employee is required to resolve the concerns in favour of the interest owed to Queensland Rail and must be resolved to the satisfaction of Queensland Rail management within 14 calendar days as failure to do so may result in a breach of this Standard and/or the Code of Conduct.</p> <p>If you are approached by a lobbyist in the course of your duties at Queensland Rail, you must declare this to the Ethics &amp; Investigations team at the earliest time possible.</p>
<b>Working with Family Members</b>  <i>Queensland Rail cannot ensure objectivity when family members are managing or engaging other family members, including in matters such as job duties, performance, overtime, leave request, recruitment, and pay decisions.</i>	<p>Queensland Rail will generally not allow employees to directly supervise a family member. This type of conflict must be declared and appropriately managed in accordance with section 2.2.</p> <p>If a family member holds or accepts a position with a Queensland Rail supplier, contractor and/or other stakeholder, this must be declared and appropriately managed in accordance with section 2.2.</p>



Type	Additional Obligations
<p><b>Secondary Employment</b></p> <p><i>Queensland Rail employees are required to work impartially and in the public interest. When employees engage in secondary employment, they risk actual and perceived Conflicts of Interest. They may also be at risk of misuse of information/resources, absenteeism and reduced work performance.</i></p>	<p>Employees engaged in secondary employment must notify their Leaders prior to commencing such work, or upon employment at Queensland Rail to the Recruitment Adviser. The conflict must then be managed and monitored in accordance with section 2.2.</p> <p>Information to be disclosed should include the duties undertaken, name and location of the other employer, hours worked, and any current links the other employer has with Queensland Rail or other government organisations, together with any other relevant details.</p>

### 2.1.1.7 Higher Risk Activities

Our People may be required to be involved in activities that pose a higher risk to Queensland Rail if a Conflict of Interest goes undeclared and/or unmanaged. Proactively and effectively managing conflicts of interest in these activities protects not only Queensland Rail, but also Our People. Conflicts of Interest in procurement, purchasing, contract management and/or recruitment can constitute misconduct or corruption and can have serious consequences for Queensland Rail and the individuals involved. An undeclared Conflict of Interest may lead to the procurement or recruitment process being disrupted and subsequently, have a negative impact on Queensland Rail operations.

Our People will be considered “involved” in an activity if they provide any input or influence into the process or decision associated with the activity, regardless of the overall cost.

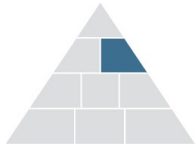
Whilst not exclusive, the following activities are considered “higher risk” and may require additional oversight and advice from relevant advisers, as well as additional disclosure and management obligations:

- Procurement
- Purchasing
- Contract Management
- Recruitment & Selection

The below table provides a reference guide for additional obligations that may apply for higher risk activities:

Activity/Process	Obligations
<b>Procurement/Purchasing/Contract Management</b>	
<b>Business Unit Sourcing Process (BUSP)</b>	Refer to the <u>Business Unit Procurement procedure</u> MD-18-191*.
<b>Procurement led</b>	Refer to the <u>Probity Procedure</u> MD-19-134*.





Activity/Process	Obligations
<b>Use of Panel Arrangements</b>	Refer to relevant Panel User Guide and <u>Procurement Standard MD-10-926*</u> .
<b>Procurement Exemptions</b>	Refer to the <u>Procurement Standard MD-10-926*</u> .
<b>Purchasing</b>	Consider and comply with obligations set out within this Standard.
<b>Contract Management</b>	Consider and comply with obligations set out within this Standard.
<b>Recruitment &amp; Selection (R&amp;S)</b>	
<b>All R&amp;S</b>	Consider and comply with obligations set out within this Standard.
<b>R&amp;S for Enterprise Agreement roles</b>	Refer to <u>Recruitment and Selection Specification MD-10-448*</u> .
<b>R&amp;S activities supported by Recruitment team</b>	Follow guidance provided by relevant Recruitment Adviser *.

\* Whilst complying with the obligations set out within this Standard.

Further details on Probity and Conflict of Interests within Procurement can be found in the Probity Procedure MD-19-134 and Probity Standard MD-19-143.

## 2.1.2 Duration

Conflicts of Interest must be declared, managed and monitored for the duration of the conflict. A conflict does not end until the potential for gain or loss has been completely extinguished. This means that the opportunity (or risk) must be completely closed.

Even when a particular process or decision has been completed, a Conflict of Interest may impact different processes, duties, or decisions you have at Queensland Rail moving forwards. For example, if you were excluded from a Queensland Rail procurement evaluation panel because of a conflict of interest with a supplier, at the end of the procurement:

- If the supplier is awarded a contract and you are the contract manager for Queensland Rail, you will likely have a conflict of interest for the contract duration or until you no longer have responsibilities for that contract.
- If the supplier is unsuccessful, your conflict of interest is likely at an end.
- If you are involved in a different procurement activity where that supplier may submit a tender, you have a new conflict of interest, which will require a new declaration.



### 2.1.3 Duty to Avoid

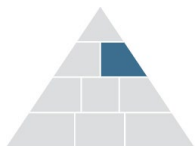
Unethical behaviour can lead to Conflicts of Interest that constitute misconduct, corrupt conduct, or a criminal offence.

Our People must avoid Conflicts of Interest that prevent us from meeting our ethical and legal obligations to Queensland Rail and the communities we serve. For example, you must avoid accepting a gift or benefit that constitutes a bribe as this would create an unethical and illegal conflict of interest that cannot be managed. This type of conflict of interest is unacceptable and will not be tolerated at Queensland Rail.

At Queensland Rail, we have obligations to engage in ethical and impartial behaviour. Complying with these obligations will enable us to avoid unethical or illegal Conflicts of Interest. These obligations include, but are not limited to, our obligations to:

- behave consistently with the Code of Conduct Standard MD-10-62;
- not accept or request gifts, benefits or entertainment, unless it is accepted in accordance with our policy requirements (see Gifts, Benefits and Entertainment Specification MD-10-234);
- comply with the general prohibition against Insider Trading (see Trading in Securities Standard MD-13-323); and
- perform official duties in the best interest of Queensland Rail.

If these obligations are not complied with, this increases Queensland Rail's risk of negative consequences (as set out in section 3). Breaches of this Standard will be addressed in accordance with section 3.1.



## 2.2 Conflict of Interest Management Process

On identifying an actual, perceived, or potential Conflict of Interest, the following steps within each Stage must be completed as soon as practicable by the person with the potential conflict (the Discloser) and their Leader. For those areas of the business who own processes such as Procurement, Recruitment and Purchasing, prompts and processes to prompt disclosure must be built into the process.

Once you have identified that you have a Conflict of Interest, the process for managing Conflicts of Interest at Queensland Rail consists of three stages:

- **Stage 1:** Disclosure
- **Stage 2:** Management
- **Stage 3:** Monitoring

### 2.2.1 Disclosure by Our People

Our People have an obligation to make ongoing disclosures of Private Interests that conflict with their professional duties.

Disclosures from Our People will be captured in the organisation’s Conflict of Interest Register (within ServiceNow) or the register of declared interests by Queensland Rail Directors. The organisation’s Conflict of Interest Register is managed by the Ethics and Investigations Team and the register of declared interests by Queensland Rail Directors is managed by the Board Office.

#### 2.2.1.1 Stage 1: Disclose

**Our People (The Discloser) must:**

- Upon becoming aware of a Conflict of Interest, at the earliest possible time, disclose the conflict to their Leader, and make a record of this disclosure via [Declaration of Conflicts of Interest Form](#) on the HUB - Self Service. If there is any uncertainty about whether a conflict of interest exists, then the matter must be disclosed.
- Include all information that is necessary to evaluate the Conflict of Interest disclosure. Without limitation, this includes the nature and extent of the activity, a description of all parties involved, the potential financial interests and details of any Gifts and Benefits involved.
- Obtain written authority from their Leader before any commitment or decision is made that might involve or be affected by the existence of a conflict of interest.
- Until a plan to manage the conflict is in place – cease or at least minimise any involvement in the matter.



## Executives and Managers (DL4 and above)

In addition to the obligations set out above, Executives (including the CEO) and Managers (DL4 and above) must:

- provide a written disclosure declaration of relevant Private Interests prior to commencing in the position. Relevant Private Interests are those that may have a bearing, or be perceived to have a bearing, on their ability to properly and impartially discharge the duties of their role.
- make an annual declaration via the [Declaration of Conflicts of Interest form](#) on the HUB - Self Service, including if no conflicts are present.

## Chief Executive Officer (CEO)

In addition to the obligations set out above, the CEO must:

- disclose any Conflicts of Interest to the Board.

The decision of the Board, including any associated action items must be documented in the minutes of the Board meeting.

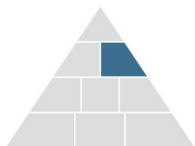
Where the Board determines that a conflict situation exists involving the CEO, the CEO will be excluded from all consideration of the matter including any segment of the Board papers or other documents containing reference to the matter. In the event the CEO has a conflict, a member of the Executive team would be delegated with the approval of the Chair.

The Company Secretary and/or Board Office will add CEO disclosures to the register of declared interests by Queensland Rail Directors, which will be made available as required by legislative or genuine business purpose.

## Directors

Under the *Queensland Rail Transit Authority Act 2013 (Qld)* and *Corporations Act 2001 (Cth)*, Directors of Queensland Rail are specifically required to disclose any Actual, Potential or Perceived Conflicts of Interest.

Directors must sign a disclosure declaration upon appointment, declaring all relevant Private Interests. It is the duty of each Director to make ongoing disclosures of material interests as soon as the Director becomes aware of his or her interest. An annual declaration via the Related Party Disclosure Questionnaire will also be required as part of the end of financial year audit process.



A standing notice of declared Director Interests is tabled at all Board and Committee meetings and any amendments recorded in the minutes of that meeting. Directors are required to disclose any changes to the standing notice of disclosure of interest as soon as practicable to the Chair and Company Secretary.

Unless the Directors decide otherwise, if an Actual, Potential or Perceived conflict situation exists, the conflicted Director will be excluded from all consideration of the matter by the Board including any segment of the Board papers or other documents containing reference to the matter. The minutes of the meeting must record the decision taken by the Board.

Where a disclosure of an interest is made by the Chair and it is decided the Chair is excluded from all consideration of the matter, the remaining Directors must appoint a temporary Chair while considering this matter.

The Board will keep responsible Ministers apprised in a timely manner of Conflicts of Interest of a material nature that may arise where the Board considers that the nature of the conflict is sensitive or significant.

The Company Secretary and Board Office will maintain a register of declared interests by Queensland Rail Directors, which will be made available as required by legislative or genuine business purpose.

### **Suppliers and other Stakeholders**

When dealing with suppliers, applicants for employment, or other potential stakeholders, you should prior to entering into a business or employment relationship with them, seek that they formally declare any conflicts of interest which may impact their association with Queensland Rail.

Relevant business areas are to develop processes to request this information and capture it. If the information relates to a Material Interest or Major Contracts or Dealings, it is required to be reported to the Probity team. Probity Standard MD-19-143 and Probity Procedure MD-19-134 provide further detail on conflicts of interest in procurement.

Probity Advisers (internal and external) acting for Queensland Rail will maintain appropriate procedures to detect and manage Conflicts of Interest as part of the procurement process.

For further information contact:

[Probity@qr.com.au](mailto:Probity@qr.com.au)



## 2.2.2 Management by Our People

Disclosers and their Leaders both have obligations to manage any declared Conflict of Interest in the best interest of Queensland Rail. The best interests of Queensland Rail will not be achieved if the management of the conflict of interest allows for actual or perceived misconduct or corrupt conduct, including if a personal advantage is obtained by Queensland Rail personnel or their close friends or family or other associates.

### 2.2.2.1 Stage 2: Manage

#### Leaders must:

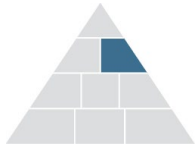
- Ask for clarification and/or any further information from the Discloser that is necessary to evaluate the Conflict of Interest.
- Assess the disclosure and the relevant circumstances and determine whether a Conflict of Interest exist.
- If the Leader assesses that a Conflict of Interest does not exist, record this assessment in writing and inform the Discloser.
- If the Leader assesses that a Conflict of Interest exists, develop and implement an appropriate strategy to manage the conflict of interest (**Management Strategy**). Management Strategy options are set out at **Appendix 2**.
- Communicate the Management Strategy to the Discloser and ensure the Discloser understands, acknowledges and will comply with the Management Strategy requirements.
- Ensure the assessment of the Conflict of Interest and the Management Strategy (if required) are documented in writing and provided to the Ethics and Investigation Team for recording in the relevant system.
- If the Leader is unsure about whether a Conflict of Interest exists or the appropriate Management Strategy, seek advice (see section 2.2.2.2 below, Conflict of Interest Management Advice).

#### Disclosers must:

- Actively participate with Queensland Rail in the development and implementation of agreed strategies to resolve or appropriately manage any Conflict of Interest in the public interest, including the development of a Management Strategy.

### 2.2.2.2 Conflict of Interest Management Advice

The Leader or Discloser may receive or request advice from either the Ethics & Investigations team, Probity team or Recruitment team on whether a particular situation constitutes a Conflict of Interest, and what Management Strategy should be implemented for a Conflict of Interest.



The Discloser remains responsible for ensuring the Conflict of Interest has been fully declared, and the Discloser and Leader both remain responsible for monitoring the Conflict of Interest.

Who	What	Contact
<b>Probity</b>	Can provide advice on management of conflicts of interest in procurement, purchasing or contract management.	<a href="mailto:Probity@qr.com.au">Probity@qr.com.au</a> or submit the <u>Declaration of Conflicts of Interest Form</u> on the HUB - Self Service.
<b>Ethics</b>	Can provide advice on management of all other conflicts of interest	<a href="mailto:EthicsInvestigations@qr.com.au">EthicsInvestigations@qr.com.au</a> or submit the <u>Declaration of Conflicts of Interest Form</u> on the HUB - Self Service.

## 2.2.3 Monitoring by Our People

Ongoing monitoring and regular reviews of identified Conflicts of Interest (at mutually agreed timeframes or when the Discloser's interests change to the extent that the potential for a conflict of interest is altered) are essential to allow changes to be made to the chosen management strategy, where required.

### 2.2.3.1 Stage 3: Monitor

#### Disclosers must:

- Take all reasonable actions to comply with the Management Strategy.
- Take all reasonable steps to ensure that the Conflict of Interest does not have an actual or perceived improper influence on the performance of the Discloser's duties, including any advice they give, decisions they make or actions they take.
- If there is a change to the Conflict of Interest (including a change to the private interest or to the relevant professional duties), the Discloser must provide a revised declaration to their Leader (via the Declaration of Conflicts of Interest Form on the HUB - Self Service) as soon as reasonably practicable after the relevant facts of the change come to the knowledge of the Discloser.
- Obtain written authority from the Leader before any commitment or decision is made that might involve or be affected by the existence of the Conflict of Interest, which is not already addressed by the Management Strategy.
- Inform any new Leader of the matter.

#### Leaders must:

- Regularly review (at mutually agreed timeframes and/or when new interests change to the extent that the potential for a conflict of interest is altered) and consider:
  - the situation that gave rise to the conflict
  - the Management strategy put in place to manage the conflict
  - the actions taken to implement the management strategy



- perceptions held by others that the conflict of interest is having an improper influence on the performance of the employees' duties including any advice they give, decisions they make or actions they take
- any reassessments and management decisions made about the continued management of the Conflict of Interest
- any changes made to the Conflict of Interest management strategy and its implementation
- any changes to the declared interests of the employee.
- Maintain all records of any changes made as a result of the review and provide details in writing to the Ethics and Investigation Team for recording in the relevant system.
- If the Leader is unsure about whether the Conflict of Interest risk has changed or there is a need to change the Management Strategy, seek advice (seek Conflict of Interest Management Advice, as per section 2.2.2.2).

## 3 Consequences

Failing to appropriately disclose, manage and monitor Conflicts of Interest can lead to many negative consequences. These can include (but not limited to):

- eroding the public trust and confidence in Queensland Rail
- undermining the credibility and damaging the reputation of Queensland Rail
- compromised integrity, leading to sub optimal outcomes or unethical practices
- increased exposure to legal and regulatory risks.

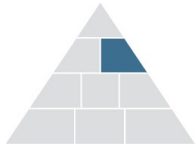
### 3.1 Breaches of this Standard

Compliance with this Standard is a condition of employment or engagement with Queensland Rail. Breaches of this Standard will be treated as a breach of the Code of Conduct and may lead to disciplinary action up to and including termination. Failure to comply with this specification may result in a referral to police and/or the Crime & Corruption Commission.

All suspected and actual Corrupt Conduct must be reported to the Ethics and Investigations Team who can be contacted on [EthicsInvestigations@qr.com.au](mailto:EthicsInvestigations@qr.com.au). For further information contact:

- [EthicsInvestigations@qr.com.au](mailto:EthicsInvestigations@qr.com.au)
- [Boardoffice@qr.com.au](mailto:Boardoffice@qr.com.au)
- [Probity@qr.com.au](mailto:Probity@qr.com.au).





# 4 Responsibilities

The following establishes the unique accountabilities and responsibilities of the key internal stakeholders specific to this Standard.

## 4.1 Who does what?

Who	What
<b>Company Secretary</b>	Responsible for maintenance of the Register of Interests for Queensland Rail Directors.
<b>Manager Ethics and Investigations</b>	Responsible for providing advice on the management of conflicts of interest when they are raised in a recruitment or general context (where required).
<b>Procurement representative (or most senior manager in procurement activity)</b>	Responsible for ensuring a Conflict of Interest declaration is completed by team members involved in a procurement activity.
<b>Probity Advisers</b>	Responsible for providing advice on the management of conflicts of interest when they are raised in a procurement context.
<b>Senior Manager, Remuneration &amp; OD</b>	Responsible for ensuring completion of initial disclosures by the CEO, Executives and Senior Managers upon appointment to Queensland Rail.
<b>Directors, Executives, Senior Managers and Employees</b>	Promptly report actual, possible and perceived conflicts of interest to the appropriate area(s) as outlined in this Standard.
<b>Leaders</b>	Identify, monitor and manage any conflict of interest risks occurring in their business.
<b>Recruitment Advisers</b>	Responsible for providing guidance to those involved in recruitment activities around the timing of conflict of interest declaration requirements.

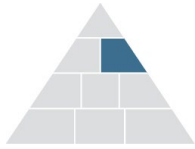


## 5 Terms and definitions

The following key terms and definitions are unique to this Standard. Please refer to the [Business Glossary](#) for other terms not included in this section.

Term	Definition	Source <sup>1</sup>
<b>Appointment</b>	The act of appointing or assigning a person to a position.	
<b>Conflict of Interest</b>	A conflict of interest involves a conflict between an employee’s duties and responsibilities and the employee’s private interests. Conflicts can be actual, perceived or potential depending on the circumstances. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.	Code of Conduct Standard MD-10-62
<b>Conflict of Interest Examples</b>	<p>There are many situations and circumstances where a Conflict of Interest may arise for Our People. Some of the more common situations that may give rise to a Conflict of Interest include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• other (secondary/concurrent) employment or previous employment (including volunteering)</li> <li>• accepting gifts and benefits</li> <li>• personal relationships</li> <li>• recruitment and selection</li> <li>• contract management</li> <li>• purchasing and procurement</li> <li>• employment and supervision arrangements</li> <li>• investigations and discipline</li> <li>• directorships in public or private companies</li> <li>• asset ownership (e.g. property holdings, investments, partnerships, and trusts)</li> <li>• memberships (e.g. political, professional, sporting, social or cultural organisations)</li> <li>• interest held by a family member or close associate.</li> </ul>	
<b>Contract Management</b>	Processes that enable contracted parties to fulfil contractual obligations, enabling the overall delivery of the desired contracted outcomes.	
<b>Corrupt Conduct</b>	Has the meaning given to it for the purposes of the Crime and Corruption Act 2001 (Qld)	Crime and Corruption Act 2001 (Qld)
<b>Delegation Level (DL)</b>	Delegation level is aligned to the level of decision-making authority and accountability of the role and does not necessarily reflect the organisational hierarchy. Delegation Level is detailed in each Position Description.	Delegated Authorities Specification MD-12-904

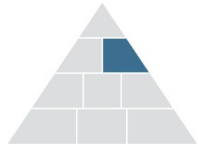
<sup>1</sup> Where left blank, Source is not applicable.



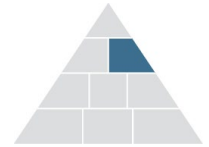
Term	Definition	Source <sup>1</sup>
<b>Family Member</b>	A “family member” includes any person you are in a relationship with (including but is not limited to) a spouse, partner, child, brother, sister, parent, stepchild, stepparent, as well as mother-, father-, son-, daughter-, brother-, or sister-in-law, and any other person living with you (except tenants).	
<b>Gifts or benefits</b>	Includes but not limited to: conference/seminar costs, gratuity, remuneration, allowance, discount, fee, subsidy, hospitality, travel, entertainment, alcohol, raffle tickets, scratch card, lotto/casket tickets, books, equipment, goods or other services received.	Code of Conduct Standard MD-10-62
<b>Interests</b>	Refers to the realistic expectation that the employee or an associate directly or indirectly stand to gain a benefit or suffer a loss, depending on the outcome of an issue. Interests may be financial or non-financial.	
<b>Lobbyist</b>	“Lobbyist” is defined in Chapter 4, Part 1, section 41 of the <i>Integrity Act 2009 (Qld)</i> .	Integrity Act 2009 (Qld)
<b>Lobbying activity</b>	Is contact with government representatives which attempts to influence State or local government decision-making such as the making or amendment of legislation, development of government policy, awarding of a government contract or allocation of funding (see section 42 of the Act for full definition).	Integrity Act 2009 (Qld)
<b>Major contracts or dealings</b>	Includes but not limited to where: <ul style="list-style-type: none"> <li>Value or accumulated spend is \$10 million or more, or \$100,000 or more where an exemption from tendering requirements was granted under the Procurement Standard MD-10-926, or</li> <li>Sensitive e.g. the matter is likely to generate media interest, or be the subject of formal complaint to government, or</li> <li>Length of dealing has been five or more years since Queensland Rail went to market.</li> </ul>	Trading in Securities Standard MD-13-323
<b>Material Interest</b>	If the Private Interest is substantially affected by the outcome of a decision by Queensland Rail, the private interest is likely to be “material”.	
<b>Material Procurement Activity</b>	Comprises a request for quote process involving purchases over \$10,000 for which Group Procurement is involved. Other sensitive/controversial procurement activities may also be assessed to fall within this category.	
<b>Panel Arrangement</b>	An established panel of suppliers that has been assessed and confirmed as suitable to undertake a particular type of service or supply a particular category of goods to Queensland Rail. A Panel Arrangement is usually established through a tender process and is periodically reviewed to ensure the suppliers are still appropriately qualified and meeting performance expectations.	Procurement Standard MD-10-926



Term	Definition	Source <sup>1</sup>
<b>Perceived conflict of interest</b>	A perceived or apparent Conflict of Interest can exist where it could appear to others, that your Private Interests could improperly influence the performance of your official duties and responsibilities, whether or not this is actually the case.	
<b>Potential conflict of interest</b>	A potential Conflict of Interest arises where you have Private Interests that could in the future conflict with your official duties and responsibilities at Queensland Rail.	
<b>Private Interests</b>	A Private Interest are those personal, professional or business interests that can benefit or disadvantage us as individuals, or others we may wish to benefit or disadvantage. They also include the personal, professional or business interests of individuals or groups we associate with (e.g. relatives, friends, non-profit associations).	
<b>Procurement</b>	Procurement means purchase, hire, lease, rental or exchange or any other commercial transaction involving the outlay of funds in return for the provision of goods, equipment and related services, construction contracts and service contracts.	
<b>Procurement-led</b>	A Procurement process that is led by a member of the Procurement & Contracts team.	
<b>Purchasing</b>	The primarily transactional aspects of procurement which includes: <ul style="list-style-type: none"> <li>the issuing of Purchase Orders to engage suppliers through existing contracts, or</li> <li>where no current contracts are in place, and the type of goods and services suit the terms and conditions that apply by default to Queensland Rail's Purchase Orders, the process of requesting quotes, selecting a supplier, and accepting the supplier's proposal by issuing the Purchase Order or making payment by Corporate Card.</li> </ul>	Business Unit Procurement Procedure MD-18-191
<b>Recruitment</b>	Refers to the process of attracting a suitable number of qualified persons for a vacant position.	Recruitment & Selection Specification MD-10-448
<b>Selection</b>	Refers to the process of assessing applicants' suitability for a position and determining the most meritorious applicant.	Recruitment & Selection Specification MD-10-448



Term	Definition	Source <sup>1</sup>
<b>Secondary Employment</b>	<p>Is additional paid or unpaid employment (either on a full-time, part-time or casual basis) performed by an employee, including during absences on approved leave,</p> <ul style="list-style-type: none"><li>• in the public or private sector; or</li><li>• business or ownership of, or directorship of a company, trading trust or partnership;</li><li>• working as in independent contractor; or self-employed.</li></ul> <p>Volunteering work is generally not regarded as secondary employment however, conflict of interest issues may still arise and must be addressed where they do arise.</p>	



## 6 Appendices

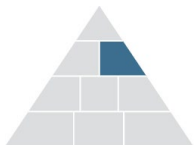
### Appendix 1 - Related documents

#### Legal, regulatory and other obligation sources

Jurisdiction	Title
<b>Commonwealth</b>	Corporations Act 2001 (Cth)
<b>State</b>	Criminal Code Act 1899 (Qld) Crime and Corruption Act 2001 (Qld) Integrity Act 2009 (Qld) Queensland Rail Transit Authority Act 2013 (Qld) Public Interest Disclosure Act 2010 (Qld) Right to Information Act 2009 (Qld)
<b>Other (Voluntarily adopted by Queensland Rail)</b>	Various Australian Standards, Codes of Practice, Memoranda of Understanding / Agreement and Government Policies are also applicable.

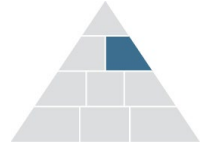
#### Queensland Rail documents

Document type	Document title
<b>Policy</b>	MD-10-67 <a href="#">People</a>
<b>Principle / Standard</b>	MD-12-555 <a href="#">Values Principle</a> MD-10-62 <a href="#">Code of Conduct Standard</a> MD-13-323 <a href="#">Trading in Securities Standard</a> MD-19-143 <a href="#">Probity Standard</a> MD-10-926 <a href="#">Procurement Standard</a>
<b>Strategy / Plan</b>	MD-10-917 <a href="#">Fraud and Corruption Control Plan</a>
<b>Specification / Framework</b>	MD-11-6837 <a href="#">Public Interest Disclosures</a>
<b>Procedures</b>	MD-19-134 <a href="#">Probity Procedure</a>
<b>Form</b>	MD-23-68 <a href="#">Disclosure of Interests Declaration - New Leaders</a>
<b>HUB - Self- service</b>	<a href="#">Declaration of Conflicts of Interest form</a>



## Appendix 2 - Conflicts of Interest Management Strategies

Management Strategy	When most suitable	When least suitable	Examples
<p><b>Register</b></p> <p><i>Where details of the existence of an actual, Perceived or Potential Conflict of Interest are formally registered.</i></p>	<ul style="list-style-type: none"> <li>for very low-risk Conflicts of Interest and potential Conflicts of Interest where the act of transparency through recording the Conflict of Interest is sufficient</li> </ul>	<ul style="list-style-type: none"> <li>the Conflict of Interest is more significant or of higher risk</li> <li>the potential or perceived effects of a Conflict of Interest on the proper performance of the relevant person require more proactive management</li> </ul>	<p>You are on an evaluation panel for a procurement activity. You have engaged in “business as usual” interactions with an organisation who have submitted a tender. You have no social relationship with any of the nominated personnel or bias towards this company.</p>
<p><b>Restrict</b></p> <p><i>Where restrictions are placed on the relevant person’s involvement in the matter.</i></p>	<ul style="list-style-type: none"> <li>the relevant person can be effectively separated from parts of the activity or process</li> <li>the Conflict of Interest is not likely to arise frequently</li> </ul>	<ul style="list-style-type: none"> <li>the conflict is likely to arise more frequently</li> <li>the relevant person is constantly unable to perform a number of their regular duties because of Conflict of Interest issues</li> </ul>	<p>An actual conflict of interest exists, for example, You are involved in a procurement evaluation and your partner is employed by one of the suppliers in a role which would benefit from being awarded a contract with Queensland Rail.</p>
<p><b>Recruit</b></p> <p><i>Where a disinterested third party (e.g. probity adviser) is used to oversee part or all of the process.</i></p>	<ul style="list-style-type: none"> <li>it is not feasible or desirable for the relevant person to remove themselves from the decision-making process</li> <li>in small or isolated communities where the particular expertise of the relevant person is necessary and genuinely not easily replaced</li> </ul>	<ul style="list-style-type: none"> <li>the conflict is serious and ongoing rendering ad hoc recruitment of others unworkable</li> <li>recruitment of a third party is not appropriate for the proper handling of the matter</li> <li>a suitable third party is unable to be sourced</li> </ul>	<p>A perceived conflict of interest exists within a recruitment process between the hiring leader and a candidate. As there is no actual conflict, the risk to impacting the integrity of the decision-making process is low, however, to minimise the perception risks, an independent third-party panel member is included to protect the integrity of the process.</p>
<p><b>Remove</b></p> <p><i>Where a relevant person chooses to be removed from the matter.</i></p>	<ul style="list-style-type: none"> <li>for ongoing serious Conflicts of Interest where ad hoc restriction or recruitment of others is not appropriate</li> </ul>	<ul style="list-style-type: none"> <li>the Conflict of Interest and its perceived or potential effects are of low risk or low significance</li> <li>the relevant person is prepared to relinquish the relevant Private Interest rather than radically change their work responsibilities or environment</li> </ul>	<p>You a member of a recruitment panel. Your brother has applied for the position. Due to the significance of the conflict, you must be removed from the panel and are unable to be involved in the process going forward.</p>



Management Strategy	When most suitable	When least suitable	Examples
<p><b>Relinquish</b></p> <p><i>Where the relevant person relinquishes the Private Interest that is creating the conflict.</i></p>	<ul style="list-style-type: none"> <li>the relevant person's commitment to public duty outweighs their attachment to their Private Interest</li> </ul>	<ul style="list-style-type: none"> <li>the relevant person is unable or unwilling, for various reasons, to relinquish the relevant Private Interest</li> </ul>	<p>You have shares with a company in which you are looking to engage as a supplier to Queensland Rail. As this would create an actual conflict of interest due to your financial interests with this company, you are unable to engage the company whilst holding the shares. To resolve the conflict, you decide to sell your shares.</p>
<p><b>Resign</b></p> <p><i>Where the relevant person resigns from their position with the agency.</i></p>	<ul style="list-style-type: none"> <li>no other options are workable</li> <li>the relevant person cannot or will not relinquish their conflicting Private Interest and changes to their work responsibilities or environment are not feasible</li> <li>the relevant person prefers this course as a matter of personal principle.</li> </ul>	<ul style="list-style-type: none"> <li>the Conflict of Interest and its potential or perceived effects are of low risk or low significance</li> <li>other options exist that are workable for the relevant person and the agency.</li> <li></li> </ul>	<p>You commence a romantic relationship with a Queensland Rail supplier who you engage with on a regular basis through your Queensland Rail responsibilities. You are not interested in applying for any other positions at Queensland Rail, however, are unable to continue in your current position due to the significant conflict. To resolve the conflict, you resign.</p>