# Other Employment Policy

### **Purpose and Scope**

Under the [*Public Sector Act 2022*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2022-034)and the *Code of Conduct for the Queensland Public Service*, public sector employees have the onus of responsibility to declare any interest that conflicts or may conflict with the discharge of the employee’s duties, this includes engaging in other employment. Other employment means additional paid employment (either on a full time, part‑time or casual basis) performed by a public sector employee, [including during absences on approved leave] in, for example:

1. the Queensland Public Sector, public sector or other government jurisdictions;
2. the private sector as an employee whether for a private company or business, or as an owner of or director of a business, company, or trading trust or in a partnership;
3. work as an independent contractor; or
4. self-employment.

Other employment does not include the ownership and investment in shares in publicly-listed companies or investments in rental properties or similar activities. (Such interests may need to be considered separately under the department’s Conflict of Interests policy.)

The department acknowledges that many public service employees undertake paid employment for other employers, in the public, private and community sectors. Regardless of any commitments to other employers, it is expected that a public sector employee will be able to perform their job in the public sector efficiently and effectively.

The department requires employees to **declare proposed other employment** to enable the department to assess and authorise (or decline to authorise) the other employment **prior to the employee commencing the other employment**. The purpose of this declaration and assessment process includes avoiding: conflicts of interests; impairment of the employee’s ability, health or well‑being and ability to safely and effectively carry out their public sector duties; bringing the department (or the public sector) into disrepute; or misusing public resources. Authorised other employment protects an employee from perceptions of wrongdoing.

Prior to accepting other employment, a departmental employee must complete the attached Other Employment Declaration form and submit it to their Manager. This will then serve as a basis for a discussion of the implications (if any) of acceptance of the other employment and avoids the risk that other employment is commenced, declared and then not approved and has to cease.

A clear decision with conditions (if any) on the acceptability of the other employment will be given to the employee.

**Assessment Principles**

The department will consider Other Employment Declarations and will make an informed decision, applying the following assessment principles, as to whether the other employment:

* may be an actual, perceived or potential conflict of interests in relation to the employee’s employment in the public sector, for example, as a supplier of goods and services to the department and a decision-maker in relation to such purchases;
* has the potential to impact adversely on the employee’s ability, health or well-being to safely and effectively carry out official duties in their public sector employment, for example, working nights as a cab driver and being too tired to effectively perform public service duties during normal operating hours;
* has the potential to compromise the integrity of the employing department or to reflect seriously and adversely on the public sector, for example private employment as a consultant in a field related to his/her public duty where the business competes with the department; or
* results in or has the potential to result in the misuse of information, intellectual property, physical or other public resources, for example running an internet-based business from a public sector office.

Other employment is not permitted where the work arises from, or is associated with, the employee’s official duties unless it is in the interests of the department and specifically authorised.

Employees who, in the course of their official duties, have access to information not available to the public are not permitted to engage in any other employment to which this information might be relevant.

Employees with other employment must not use public resources in connection with their other employment, including time (their own or others), information, intellectual property, or physical resources including ICT systems or devices. The department is to have first call on the services of the staff member.

Other employment should be performed wholly in the private time of the employee concerned. Employees are to notify their Executive Director, or equivalent officer with the appropriate delegation, of any material change in the nature of any approved other employment in which they are engaged within 14 calendar days if that material change is covered by the assessment principles above.

Should the department determine that the other employment breaches one of the assessment principles, the employee is required to resolve the concerns in favour of their existing department to the satisfaction of the Executive Director within 14 calendar days.

**Application for approval**

The purpose of the declaration and assessment process is to give the employee certainty that the planned other employment is acceptable to, and authorised by, the department, possibly on a conditional basis, or that it is indeed not acceptable and will not be authorised.

An application to engage in other employment should be submitted by way of a completed Other Employment Declaration form to the employee’s Manager indicating:

* the nature of the work/employment;
* the name of the employer;
* the actual hours and days of the week to be worked;
* a declaration that the proposed employment will not impact the employee’s ability to perform their duties; and
* sufficient other information to enable an appropriate assessment of the application.

The Manager will provide their perspective on the other employment to the **Executive Director** and a decision will be reached and the employee advised. Decision makers (see [HRM Delegations](https://intranet.justice.govnet.qld.gov.au/divisions-and-branches/corporate-services/human-resources/hr-delegations)) please note: **The Director, Ethical Standards Unit is to be consulted on the proposed decision before it is made**.

The decision maker must consider and act in accordance with human rights. The request for approval to engage in other employment will be declined if it is determined that it would breach one of the principles.

If approved, Managers must monitor the situation regularly to ensure that the employee is performing to expectations and that the other employment does not impinge on the employee’s performance or contravene any of the assessment principles.

Any approval provided will be for the specific employment being undertaken by the employee. If there is any material change (for example, to the nature of other employment or public sector role undertaken) a new application must be submitted.

A copy of the completed processed application (approved or non-approved) should be forwarded to the Queensland Shared Services Agency for placement on the employee’s personal file.

Any approved other employment is to be reviewed by the employee’s Manager and Executive Director should the employee receive a promotion, transfer, temporary assignment or secondment to other duties within the department.

**References**

* [*Public Sector Act 2022*](https://www.legislation.qld.gov.au/view/html/asmade/act-2022-034)
* [Code of Conduct for Queensland Public Service](https://www.forgov.qld.gov.au/__data/assets/pdf_file/0024/182292/code-of-conduct.pdf)
* [Workplace Policy for the Department of Justice and Attorney-General](https://www.publications.qld.gov.au/dataset/djag-ethical-standards-unit-policies/resource/ba568589-cf46-4bb9-87d1-8b51ec40495d)
* [Conflict of Interests Policy - Department of Justice and Attorney-General](https://intranet.justice.govnet.qld.gov.au/__data/assets/pdf_file/0004/75388/policy-conflict-of-interests-declaration.pdf)

For advice, assistance or more information please contact:

**Ethical Standards Unit**

Phone: (07) 3738 9822

Email: ethical.standards@justice.qld.gov.au

**Responsibilities for this policy**

The Director, Ethical Standards Unit, is responsible for the preparation, review and maintenance of the policy.

This policy will be reviewed three years from date of approval.

**Version History**

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| --- | --- | --- | --- |
| **Version** | **Notes** | **Change Officer(s)** | **Date of Change** |
| 1.0 | Approved | Director-General | 01 January 2011 |
| 2.0 | Approved | Director-General | 30 March 2012 |
| 3.0 | Approved | Director-General | 21 March 2013 |
| 4.0 | Approved | Director-General | 13 August 2013 |
| 5.0 | Approved | Director-General | 08 December 2014 |
| 5.1 | Minor Change | Executive Director, ESU | 08 December 2014 |
| 5.2 | Minor Change | Executive Director, ESU | 02 November 2015 |
| 5.3 | Minor Change | Executive Director, ESU | 10 February 2016 |
| 5.4 | Minor Change | Executive Director, ESU | 31 August 2016 |
| 5.5 | Minor Changes | Executive Director, ESU | 04 September 2020 |
| 6.0 | Public Sector Act 2022 Changes | Executive Director, ESU | 07 March 2023 |
| 6.1 | Minor Changes | Executive Director, ESU | 13 December 2023 |
| 6.2 | Minor Changes | Director, ESU | 20 February 2024 |

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The Department of Justice and Attorney-General is collecting personal information on this form for the purpose of managing any potential conflicts under the *Public Sector Act 2022* when public sector employees engage in other employment. Only authorised departmental officers have access to this information. Your personal information will not be disclosed to any other party without your consent, unless authorised or required by law.

**OTHER EMPLOYMENT DECLARATION**

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| **Section 1 - Employee** |

1. **DETAILS OF THE PERSON MAKING THE DECLARATION**

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| --- | --- |
| **Full Name:** |  |
| **Position Title:** |  |
| **Description of Duties:** |  |
| **Unit / Division:** |  |
| **Employment Status (Full Time / Part‑Time / Casual):** |  |
| **Contact Telephone Number:** |  | **Employee number:** |  |

1. **DECLARATION OF OTHER EMPLOYMENT**

*Eg. Wilson Partners, Surveyors, 8.00am - 12.30pm Saturdays, producing survey maps and reports.*

|  |  |
| --- | --- |
| **Employer’s name:** |  |
| **Hours per week:** |  |
| **Description of duties to be performed:** |  |
| Does the proposed other employment share common duties with your departmental role? |  [ ]  Yes [ ]  No |
| Will the proposed other employment impact on your ability to safely, effectively and efficiently perform your departmental duties? |  [ ]  Yes [ ]  No |
| Will the proposed other employment impact on your ability to perform overtime, be on call, or meet shift requirements? |  [ ]  Yes [ ]  No |
| Is the proposed other employment relevant to any departmental confidential information or intellectual property that you may have access to? |  [ ]  Yes [ ]  No |
| Do you have any regulatory or other decision-making responsibilities that in any way relate to your other employment? |  [ ]  Yes [ ]  No |
| Does the other organisation have any contractual or regulatory relationship with the department? |  [ ]  Yes [ ]  No |
| Does the other organisation provide any services / assistance to the department or its clients? |  [ ]  Yes [ ]  No |
| Does the other organisation receive any form of assistance from the department – financial or otherwise? |  [ ]  Yes [ ]  No |

If you answered YES to any of the above questions please provide details and suggest how any issues might be avoided, managed or minimised, e.g. ‘No business calls will be made to or from you in the course of your duty with the department. You will not allow any connection to be made through your other employment to your role for the department. You will not work more than 10 hours per week on average in the other employment while working full time for the department so as to get sufficient rest. You will not offer any services to clients which are provided to clients by the department i.e. you will only work in markets in which the department has no role or interest.’

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| Details: |

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| **Declaration** |

**I understand and accept:**

* the information provided in this form is correct and properly reflects all my engagements in other employment;
* I have recorded all actual, perceived and potential conflicts of interest that may arise in my engaging in the other employment of which I am currently aware. I also understand and accept that I am required to advise my manager of any changes that may give rise to new areas of conflict.
* if approved, my proposed other employment is not to impact my ability to present myself for duty in a fit and healthy state and perform all the necessary duties in my position within the Department of Justice and Attorney-General in accordance with agreed standards;
* my other employment is not to be performed during official hours of business and I am not to use public resources, including time, information, intellectual property, or physical resources, when engaged in, or to benefit, my other employment;
* the department may withdraw approval of any other employment where it is in the interests of the department to do so after consulting with myself, and that such advice will be provided in writing; and
* the information provided is in accordance with the *Public Sector Act 2022*, the *Code of Conduct for the Queensland Public Service*, and department’s Other Employment Policy.

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| --- | --- | --- | --- | --- | --- |
| Employee: |  |  |  |  |  |
|  |  |  | (Signature) |  | (Date) |

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| **Section 2 - Manager** |

**Manager’s Comments:**

Outline your response to the questions below for the consideration of the decision maker and discuss them with the employee. Include whether the employee agrees with your assessment. If you consider the other employment to be unacceptable regardless of the suggestions, outline your reasons clearly for the benefit of the decision-maker.

Consider carefully the employee’s position. The suitability of the other employment has to be resolved in the public interest. The request for approval to engage in other employment should be declined if there is a likelihood of a conflict of interests, impairment to an employee’s ability, health or well-being to safely and effectively carry out their public duty, or of bringing the department (or sector) into disrepute or misusing public resources.

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| --- |
| **Response:** |

Are there additional issues not identified by the employee that need to be documented and considered?

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| --- |
| **Response:** |

Are the suggestions made to avoid, minimise or manage and monitor the impact of the proposed other employment reasonable, appropriate and in the public interest?

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| **Response:** |

Do you have other suggestions?

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| --- |
| **Response:** |

The information provided has been discussed with the employee and management issues have been identified for the decision-maker’s consideration.

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| Manager: |  |  |  |  |  |  |
|  |  | (Full Name) |  | (Signature) |  | (Date) |
|  |  |  |  |  |  |  |
|  |  | (Position Title) |  | (Contact number) |  |  |

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| **Section 3 – Decision Maker – Executive Director of Division (or equivalent)**(NOTE: The Director, Ethical Standards Unit is to be consulted on the proposed decision before it is made) |

**DECISION MAKER’S DECISION**

Consider carefully the employee’s position, the manager’s analysis and the assessment and recommendations of the Director, Ethical Standards Unit. The suitability of the other employment has to be resolved in the public interest. The request for approval to engage in other employment should be declined if there is a likelihood of a conflict of interests, impairment to an employee’s ability, health or well-being to safely and effectively carry out their public duty, or of bringing the department (or sector) into disrepute or misusing public resources.

Have all of the relevant issues/factors been identified and considered?

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| **Response:** |

Is approval of this other employment in the public interest? (if NO please outline)

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| --- |
| **Response:** |

Outline the agreed management strategy and monitoring arrangements.

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| **Response:** |

I certify that I have familiarised myself with the information contained within the attached disclosure of other employment and;

**Mark all that are applicable:**

[ ]  I have consulted the Director, Ethical Standards Unit and received written advice **which is attached**.

[ ]  I have no concerns in relation to the other employment - Approved

[ ]  My concerns in relation to the employee undertaking the other employment as outlined above have been resolved by the employee - Approved

[ ]  The other employment proposed is inconsistent with the assessment principles used to determine acceptability of other employment and these are unable to be resolved - Not approved

[ ]  The employee has been advised of and provided with a copy of this decision.

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| --- | --- | --- | --- | --- | --- | --- |
| Decision Maker: |  |  |  |  |  |  |
|  |  | (Name) |  | (Signature) |  | (Date) |
|  |  |  |  |  |  |  |
|  |  | (Position Title) |  | (Contact Number) |  |  |

Once all relevant factors have been considered and a decision reached a copy of this declaration is to be placed on the employee’s personal file for future reference. **When completed,** **please forward a copy of this form for filing to the relevant Queensland Shared Services payroll provider marked as follows:**

**Private & Confidential - Employee Filing**

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