HUMAN RESOURCE MANAGEMENT POLICY

Office of the Information Commissioner
Queensland

EMployees Engaging in Other Employment Policy

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Employees Engaging in Other Employment

1.1 Introduction

Employees of the Office of the Information Commissioner (the Office) are employed under the Public Service Act 2008 (PSA) or by Governor in Council for Senior Executive appointments. Office human resource (HR) policies are developed directly from the PSA and policies, procedures and directives issued by the responsible Minister and the Public Service Commissioner. All Office HR policies are approved by the Information Commissioner and are representative of the size and function of the Office.

1.2 Purpose

The purpose of this policy is to specify the action to be taken by employees of the Office prior to engaging in other employment, whether within the public service or elsewhere.

1.3 Effective Date

Approved by the Acting Information Commissioner on 9 April 2013.

1.4 References

- Public Service Act 2008 (sections 24,25,34, 51,67,68,73,77, 78 and 83)
- Public Sector Ethics Act 1994
- Office of the Public Service Commissioner (PSC) Directive 3/07 Public service employee engaging in other employment
- Right to Information Act 2009 (sections 141 and 156)
- Information Privacy Act 2009 (section 150)
- Office of the Information Commissioner Code of Conduct
1.5 Application

This policy applies to all OIC employees.

The Information Commissioner has the only authority to approve other employment by employees of the Office.

“OIC Employee” means a staff member of the OIC who is employed under the Public Service Act 2008.

The Information Commissioner, the Right to Information Commissioner and the Privacy Commissioner are not subject to the Public Service Act 2008. These statutory office holders require the prior approval of the Minister to hold any other office of profit or to engage in any remunerative employment or undertaking outside the duties of their respective statutory office.

“Other employment” - means additional paid employment (either on full time, part-time or casual basis) performed by an OIC employee, including absences on approved leave in the:

a) Queensland Public Service, public sector or other government jurisdictions;

b) in the private sector as an employee whether for a private company or business or ownership of, or directorship of a company, trading trust or partnership;

c) working as an independent contractor; or

d) self-employment.

Other employment does not include the ownership and investment in shares in a publicly listed company or investments in rental properties or other similar activities.

‘PSC Directive 3/07 Public service employee engaging in other employment applies to OIC employees.’ Under this Directive public service employees (including OIC employees) are required to notify the Information Commissioner within 14 calendar days, of other employment should the other employment:

a) be or have the potential to be, a real or apparent conflict of interest in relation to the employee’s employment within the OIC, or

b) have the potential to impact adversely on the employee’s ability, health or well-being to safely and effectively carry out official duties in their OIC employment, or

c) have the potential to compromise the integrity of the OIC or to reflect seriously and adversely on the OIC, or

d) result in or have the potential to result in the misuse of information, intellectual property, physical or other public resources.

This OIC policy operates in addition to this Directive and requires all OIC employees prior to accepting any other employment, to meet with their Supervisor or Unit Commissioner to discuss the details of the proposed other employment. This meeting is to inform a view as to whether the OIC employee is required to notify the Information Commissioner of the proposed other employment..

The meeting will also review any operational impact the proposed outside employment may have. If this meeting determines that there is no conflict, the employee may submit an application to the Information Commissioner seeking approval to engage in other employment. The application must include a recommendation from the Unit Commissioner.
1.6 Approval to commence other employment

Prior to accepting any offer for other employment, all employees must apply for approval to commence external employment and must arrange for a meeting with their Unit Commissioner to discuss their application prior to submitting the application to the Information Commissioner for a decision.

An **application to commence other employment needs to be in letter form** addressed to the Information Commissioner.

An application to commence other employment must include the following information:

- The duties to be undertaken and when the duties will be undertaken
- The title or role of the position
- The name and address of the employer
- A copy of a letter or correspondence confirming the duties of the position
- The duration of the appointment *Note; approvals cannot be given on an ongoing basis, periods of approval will not exceed more than one continuous year.*
- If the other employer is another public sector entity subject to the Right to Information Act 2009 or the Information Privacy Act 2009, both Chief Executive Officers are to be notified as per Directive 3/07 Public Service employees engaging in other employment. A copy of the correspondence to the other Chief Executive is to be attached to ensure compliance with the Directive requirements.
- Completed conflict of interest assessment (Appendix 1)
- A recommendation from the staff member’s Unit Commissioner (Appendix 2)

Following receipt of an application for other employment, the Information Commissioner will make a decision and advise the outcome of the application.
Appendix 1

Conflict of Interest Assessment

Employees making an application for other employment must complete the following conflict of interest assessment.

In assessing whether an application for other employment may have an actual, perceived or potential conflict of interest, it may be useful to ask yourself these questions. The test in assessing these situations is “could this conflict with my public duty to serve the public interest”.

NOTE: These checklists are not designed to be a definitive tool in determining what is or is not a relevant interest and/or conflict of interest. What is intended is to guide individuals through some basic questions in this regard.

It is possible you may answer “no” to all the questions in the checklists and still have a relevant and/or conflict of interest. Open discussion and declaration of interests will assist all individuals in avoiding all circumstance where their integrity may be questioned through undertaking other employment from the Office of the Information Commissioner.

PART A – RELEVANT INTEREST

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is it likely the organisation, group or individual with whom you have an interest, may have dealings with you or the Office in a professional capacity?</td>
<td></td>
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<tr>
<td>Is the interest held with a client or supplier to the organisation?</td>
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<tr>
<td>Is the interest with an organisation, group or individual, one in which you, or your workgroup, may investigate or provide advice to in a professional capacity?</td>
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<tr>
<td>Does your private interest interfere with your capacity to fulfil your professional duties? (Example: do they require your attendance in work hours, are excessive hours required that impact on your concentration at work etc).</td>
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</tr>
<tr>
<td>Do the functions, decisions and goals of the organisation impact on your personal interests, or the organisations/companies that hold these interests for you?</td>
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<tr>
<td>Is it reasonably possible that you will, directly or indirectly, gain a financial or other benefit from a decision or advice you or your workgroup have been involved in?</td>
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<tr>
<td>Does your immediate family, close friends or professional contacts have any interests that might be affected by decisions and/or advice that you or your workgroup are involved in?</td>
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</tbody>
</table>

If you answered yes to one or more you need to declare your interest in your letter to applying for engagement in other employment.
### PART B – CONFLICTS OF INTEREST

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you accepted hospitality or other benefits from a person or organisation with whom you or your workgroup are dealing in your professional capacity?</td>
<td></td>
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<tr>
<td>Is there an expectation that you will, directly or indirectly, gain a benefit or loss from the outcome of a decision or advice you or you or the Office is/may be involved in?</td>
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<tr>
<td>Do you have a second job or private business that may be affected, directly or indirectly, by a decision or advice you or you or the Office are/was involved in?</td>
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<tr>
<td>Do you have a current or previous personal, professional or financial relationship with any interested parties to a decision or advice you or you or the Office are/were involved in?</td>
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<tr>
<td>Does your reputation, or that of a friend or associate, stand to be enhanced or damaged due to a proposed decision or action you or you or the Office are/were involved in?</td>
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<tr>
<td>Do you hold any personal views or biases that may lead others to reasonably conclude you are not the appropriate person to deal with, or be involved with, the matter?</td>
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<td></td>
</tr>
<tr>
<td>Have you or others in my team, made prior commitments or promises in relation to the matter?</td>
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<tr>
<td>Could this situation have influence on any future employment opportunities for you or a colleague outside your current duties?</td>
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</table>

If you answered yes to one or more you need to declare your interest in your letter to applying for engagement in other employment.

### PART C – PERCEPTIONS

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would a fair minded person make a negative assessment of the circumstances without necessarily knowing all the facts?</td>
<td></td>
<td></td>
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<tr>
<td>Could your involvement cast doubt on your integrity or the integrity of the organisation?</td>
<td></td>
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<tr>
<td>If you saw someone else doing this, would you suspect they had a conflict of interest, not knowing all the facts?</td>
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<tr>
<td>Would you be happy for your colleagues and/or the public to be aware of your involvement, association or connection?</td>
<td></td>
<td></td>
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<tr>
<td>Could the media reasonably portray your involvement, association or connection negatively?</td>
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<tr>
<td>Is the matter of particular public interest or controversy?</td>
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</table>

If you answered yes to one or more you need to declare your interest.

### PART D – PECUNIARY INTERESTS

Is my interest pecuniary?  □ YES  □ NO

**Note:** It is important to identify if an interest is pecuniary because there can be legal consequences should a conflict of interest of this nature exist.
APPENDIX 2
Declaration and Decision Form

Staff Member's Declaration
Name: __________________
Other Employment Details:
_______________________________________
I hereby declare that the attached conflict of interest assessment answers are correct to the best of my knowledge and I make this declaration and application for other employment in good faith. I hereby declare that engaging in employment in addition to my position at the Office will not impact on the performance of my duties at the Office. I accept that any approval may be withdrawn should my performance at the Office be impacted through my employment elsewhere.

Signed: __________________
Date: __________________

Unit Commissioner's Recommendation
I hereby declare that I have received and appropriately noted this application for other employment and conflict of interest declaration.
I SUPPORT / DO NOT SUPPORT this application for other employment

Comments: __________________________________________________
__________________________________________________
__________________________________________________

Signed: __________________
Name: __________________
Title: __________________
Date: __________________

Information Commissioner's Decision
I APPROVE / DO NOT APPROVE this application for other employment

Signed: __________________
Name: __________________
Date: __________________

Note: - This form, and the information contained within, will be managed in accordance with the privacy principles in the Information Privacy Act 2009
## Amendment Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Version No.</th>
<th>Name</th>
<th>Change</th>
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<tr>
<td>19 December 2011</td>
<td>2</td>
<td>Greg Argue</td>
<td>Updated to reflect OIC functions &amp; structure introduced under RTI &amp; IP Acts 2009</td>
</tr>
<tr>
<td>15 March 2013</td>
<td>3</td>
<td>Greg Argue/ Clare Smith</td>
<td>Remove Appendix 2 note reference to IS42 and replace with reference to privacy principles under IP Act 2009. Insert reference to Directive 3/07 requirement to notify CEO within 14 days</td>
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