

Post-separation employment

Introduction

Over time, public sector officers acquire valuable skills, knowledge and contacts which make them highly employable, and many officers make the move into the private sector to enhance their careers. The period leading up to separation from the public sector, and after it, can create corruption risks for an agency.

This advisory seeks to assist public sector agencies to manage the risks associated with employees moving on.

Corruption risks

Corruption risks can arise from the potential conflict of interest created by an officer's new employment and are greatest when the new employer is a non-government organisation that:

- operates in a related field, is a public/private partner or competes commercially with the government agency
- receives contracts, funding, loans or similar from or through the agency
- comes under the licensing, regulatory or auditing authority of the agency, or
- engages in lobbying ministers, members of parliament or government agencies.

The major risks can be broadly categorised as **misuse of information**, **misuse of resources** and **undue influence**.

The misuse of information or resources can be a risk at any time for an agency, but the period just prior to and immediately after the employee leaves the public sector can be a period of heightened risk.

Undue influence is likely to become a corruption risk after the employee has left the public sector.

Misuse of information

Information is an intangible asset owned by the organisation and, like physical assets, must be safeguarded. It differs from physical assets in that it is harder to put a price on and, once taken, can be difficult to recover from those who have benefited from it.

The loss or misuse of confidential official or commercial information as a result of poor information security can damage an organisation's reputation, business activities and profitability. The loss of commercial-in-confidence information or intellectual property due to negligence or theft may open the organisation to legal proceedings for damages. If the public loses confidence in the integrity of an agency's processes and decisions, people may be less willing to participate in its legitimate attempts to gather information.

Types of information open to misuse include:

- information protected by law, convention, or the [Queensland Government information security classification framework](#) (e.g. Cabinet-in-Confidence documents)
- commercial information (e.g. trade secrets, research, technical processes, information about competitors' business activities, client information to generate business leads)
- sensitive information about proposed changes and policies (e.g. political, industrial, legislative, regulatory or zoning)
- information provided to the agency in confidence (e.g. tenders, development proposals)
- personal information protected under the [Information Privacy Act 2009](#) (e.g. personal particulars and identity data, health information, criminal records)
- copyright materials and other intellectual property (e.g. technical inventions, manuals, artworks, journal articles, scientific results, teaching materials, statistics, survey results).

Departing employees put information and intellectual property at risk when they:

- provide a new or prospective employer with documents, research findings or materials in order to impress them or win favour
- manipulate, conceal or destroy their current or former employer's information to benefit their future employer
- collect information and materials they think may be useful in their new role and take these to the new workplace
- take documents and materials that they had a substantial role in creating, because they consider them to be their personal property, and use them in their new role. (see the [Queensland Public Sector intellectual property principles factsheet](#)).

Misuse of resources

Public sector employees are required to use and manage public resources effectively, efficiently and economically. Using official resources appropriately¹ is fundamental to a public sector employee's legal and ethical obligation to act in the public interest, as required by the [Public Sector Ethics Act 1994](#). Appropriate use of official resources is also a requirement in the [Code of Conduct for the Queensland Public Service](#) and other public sector codes of conduct.

The misuse of official resources is a breach of public trust. Misuse can include:

- using resources such as phones, email, stationery, vehicles, equipment and work time for non-agency purposes
- directing or persuading other staff to use resources for non-agency purposes to benefit or impress their prospective employer.

1 [Public Sector Ethics Act 1994](#) - Promoting the public good – public service agencies, public sector entities and public officials accept and value their duty to manage public resources effectively, efficiently and economically.



Undue influence

Once an officer leaves a position in the public sector, they have no more entitlement to public sector advice, access or information than any other member of the public. Nor should they be in any special position to influence an agency's decision-making because of their prior employment and relationships with former colleagues.

Employees who work in the public sector need to ensure that they do not give any preferential treatment to former colleagues when it comes to making decisions about awarding contracts, providing confidential information or engaging contractors for project work.

Employees need to remember that prior relationships with former staff members can create actual or perceived conflicts of interest that will need to be declared and managed.

Statutory prohibitions on further employment

Under the [Integrity Act 2009](#):

- Former senior government² or opposition representatives³ are prohibited from carrying out lobbying activity for a third party client if the activity relates to official dealings in which the representative engaged in their official capacity during their last two years in office.
- Government⁴ and opposition representatives⁵ must not knowingly:
 - permit a person who has been a former senior government representative or former opposition representative to carry out a lobbying activity related to their official dealings in the previous two years, or
 - permit unregistered lobbyists to carry out a lobbying activity with the representative.
- Third-party lobbyists are required to be registered before undertaking lobbying activities, and must adhere to the [Queensland Registered Lobbyists Code of Conduct](#).
- "Dual hatting" is also prohibited. This means that a lobbyist cannot wear two hats – of lobbyist and political campaigner – at the same time. A registered lobbyist must not perform a substantial role⁶ in the election campaign of a political party. Additionally, a former lobbyist who has played a substantial role in a successful election campaign is disqualified from being a registered lobbyist throughout the term of government.

2 'Former senior government representatives' are individuals who once held, but no longer hold, any of the following offices: premier; minister; assistant minister; councillor; ministerial staff member; assistant minister staff member; an office of a public sector officer that is an office of chief executive, senior executive or senior executive equivalent.

3 'Former opposition representatives' are individuals who held, but no longer hold, any of the following offices: leader of the opposition; deputy leader of the opposition; staff member in the office of the leader of the opposition.

4 "Government representatives" include the Premier, ministers, assistant ministers, councillors, ministerial staff members, assistant ministerial staff members, and public sector officers including CEOs and employees of any government entity including departments, government owned corporations, local governments, courts and tribunals, and any other entity that is assisted by public funds.

5 "Opposition representatives" is any of the following: the Leader and Deputy Leader of the Opposition; an opposition spokesperson or an opposition assistant spokesperson (commonly called 'Shadow Ministers' and 'Shadow Assistant Ministers'); and a staff member in the office of the Leader of the Opposition.

6 A 'substantial role', in the election campaign of a political party, means a role at a senior level, whether paid or unpaid, that involves employment or engagement by the party, and incorporates significant involvement in the party's election strategy or policy development; and does not include any of the following: general membership of the party; volunteering for, or advising, a particular candidate; door knocking, placing documents in letter boxes or other campaign communications; media liaison; and handing out how to vote material.



Strategies to prevent corruption

Managers have an ongoing responsibility to implement efficient and effective controls to minimise the harm that could arise when an employee leaves their organisation. The principal strategy should be to foster a culture of ethical conduct throughout the organisation such that employees understand their obligations when they leave.

The following steps will help managers to anticipate, minimise and manage risks before, during and after separation.

Assess the risk

Agencies should conduct a detailed assessment of risks relating to separation. The risks will vary depending on the departing employee's role and classification and the nature of the job to which the employee is going. The positions creating the most risk will be chief executive officers, senior executive service officers, and other key positions such as research and development, and technical expertise.

The risk assessment should be reviewed regularly.

Implement policies and procedures

Based on the risk assessments, appropriate strategies, policies and procedures should be developed to manage the identified risks.

In particular, the Queensland Government [Employment Separation Procedures \(Directive 15/14\)](#) requires agencies to develop and implement mandatory procedures for the separation of employees from, or movement within, the agency.

Consider developing policies and procedures and training programs that cover the following:

Recruitment policies and procedures

- Ensure that security vetting, declarations of interests and criminal history checks are carried out before people are appointed to positions with access to sensitive information, or positions where there is a serious risk or sensitivity.
- For Queensland Government employees, ensure prospective employees declare any post-separation disciplinary action from current or previous employers, or any disciplinary declarations they may be subject to before they are appointed to a position.
- Other public sector agencies, such as local government, statutory authorities or government-owned corporations, should request that prospective employees disclose if they have been the subject of serious disciplinary action as part of previous employment.



Ongoing employment policies and procedures

- Consider introducing contractual provisions preventing senior officials, or other officers in positions where there is a serious risk or sensitivity, from taking employment in specific fields for specified periods after leaving your agency.
- Consider limiting job offers from external agencies to your agency's employees by including contract clauses restricting successful tenderers from employing agency employees who managed, or were materially involved in, the tender process (for a specified period during and after the process).
- Require certain employees to declare job offers.
- Maintain registers of interests.
- Improve information security.
- Promote awareness of confidentiality requirements.
- Detail a process for preventing, managing and recording any contacts by former senior government representatives who, under the [Integrity Act 2009](#), are restricted from lobbying activity which relates to official dealings in which they were engaged in an official capacity for a period of two years after leaving government service.

Pre-separation policies and procedures

- Introduce a separation declaration that reminds departing staff of their obligations regarding conflicts of interest, post-separation restrictions and lobbying.
- When an officer gives notice, make it their manager's responsibility in each case to ensure that any actual or perceived conflicts of interest are declared and managed.
- Remind employees that giving notice does not end their obligation to declare any possible conflict of interest and to cooperate in managing it.
- The departing employee's manager should carry out a risk assessment on the vulnerabilities of those assets available to, or under the control of, the employee and implement additional controls when there are heightened risks associated with the impending departure.
- Develop a separation checklist to ensure that identification cards, agency equipment and official documents are returned and computer network rights are revoked.
- Ensure that staff are aware of the legal restrictions on post-separation dealings with the agency.

Align with the code of conduct

Ensure that the agency's code of conduct and other policies include clear statements of employees' obligations regarding:

- putting the public interest above all private interests
- declaring and transparently managing conflicts of interest
- information security
- contacts and dealings with lobbyists
- gifts and benefits
- separation processes, including management of potential conflicts of interest
- post-separation employment.



Provide training and awareness programs

Ensure that key issues are covered at induction and, importantly, also provide periodic reminders and refresher training. For example, when a departing staff member goes to a client organisation, business or competitive industry, remind remaining staff that the departing employee is to be given no better or different treatment or service than any of your agency's other clients.

It is important to educate your staff on the policies and procedures that may affect them directly when they leave your employment, especially their obligations in regard to conflicts of interest, lobbying and information security.

Further information and resources

- [*Integrity Act 2009*](#)
- [*Public Records Act 2023*](#)
- [*Public Sector Ethics Act 1994*](#)
- [*Public Sector Act 2022*](#)
- [*Right to Information Act 2009*](#)
- [*Queensland Government information security classification framework*](#)
- [*Queensland Government Information Standard 18 Information security*](#)
- [*Crime and Corruption Commission: Corruption Prevention Advisories*](#)

All Queensland legislation is available at: www.legislation.qld.gov.au





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