



# Procedure

## Notification of other employment procedure

**Version:** 4.1 | **Version effective:** 17/12/2021

### Audience

Department-wide

### Purpose

This procedure outlines the obligations and process for employees of the Department of Education (the department) engaged in or planning to engage in other employment.

For the purpose of this procedure 'other employment' also includes unpaid work or volunteering.

This procedure does not apply to employees engaged by the Queensland Curriculum and Assessment Authority (QCAA) to undertake assessor roles in the delivery of Queensland Certificate of Curriculum Education system. These employees are not required to provide a Notification of other employment (NOE) form.

### Overview

The department is committed to fostering an ethical and transparent workplace culture in which any actual, perceived or potential conflict of interest (COI) are resolved or appropriately managed.

Private activities that involve some form of payment, unpaid work and/or are voluntary can be considered other employment and may give rise to COI or a potential COI. The employee must declare other employment to their manager and take steps to resolve or manage any actual, perceived or potential COI in favour of the public interest.

Failure to declare other employment and/or volunteering that involve a significant commitment may be in breach of the department's [Standard of Practice](#), the [Code of Conduct for the Queensland Public Service](#) and the employee may be liable to disciplinary action.

This procedure should be read in conjunction with the Conflict of interest [policy](#) and [procedure](#).

### Responsibilities

#### Employees must:

- declare other employment and complete a record of the declaration in the department's [NOE form](#)

- ensure any COI that may arise as a result of the other employment are declared and documented as required in the [Conflict of interest declaration form](#)
- develop and participate in strategies to resolve and/or manage any COI in accordance with the COI [policy](#) and [procedure](#)
- save all records of all assessments and decisions made in relation to declared NOE COI in the local register.

#### **Additional requirements for managers:**

- ensure employees are aware of their obligations to notify the department of any other employment
- assess notifications of other employment to determine whether there is a COI which could impact on an employee's official duties
- ensure any COI that may arise as a result of the other employment declared are documented as required in the Conflict of interest declaration form
- develop strategies to manage any COI in accordance with the COI policy and procedure and complete a [Conflict of interest management plan](#)
- complete the validation section of the NOE form
- regularly review the COI to assess the relevance of mitigation strategies and update Conflict of interest declaration form and Conflict of interest management plan as necessary
- immediately inform Integrity and Employee Relations (IER) if any suspected fraud, misconduct or corrupt conduct is identified in accordance department's [Standard of Practice](#), the [Code of Conduct](#) for the Queensland Public Service.

#### **Integrity and Employee Relations:**

- provide COI advice to employees relating to other employment
- receive allegations of misconduct and corrupt conduct relating to COI circumstances
- investigate any allegations of employees failing to comply with the legislative and policy requirements to identify, disclose and actively participate in the resolution or appropriate management of COI
- report as required at law to the Crime and Corruption Commission (CCC) COI matters that raise reasonable suspicion of corrupt conduct.

## Process

Follow this process to notify the department of the other employment:

- **Stage 1:** Notify
- **Stage 2:** Manage
- **Stage 3:** Monitor

## Stage 1: Notify

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### Employees:

- notify the manager of other employment and complete the [NOE form](#)
- self-evaluate the extent to which your other employment might influence your official duty, including:
  - consider how a reasonably informed third party would perceive your situation
  - identify and declare any COI using the [Conflict of interest declaration form](#)
  - develop strategies to manage or resolve any COI (in accordance with the COI [policy](#) and [procedure](#)), and
  - if necessary, seek advice from IER.
- keep a personal record of the notification.

## Stage 2: Manage

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### Manager

As soon as a manager becomes aware of an employee engaged in other employment:

- ensure the employee has completed a NOE form
- discuss the other employment with the employee concerned to:
  - obtain as much information as possible regarding the situation and circumstances;
  - ensure any COI that may arise as a result of the other employment declared are documented and managed in accordance with the COI policy and procedure; and
  - remind the employee about their obligations to comply with any policies and procedures of the department to which the COI situation relates, including but not limited to [Gifts and benefits procedure](#), [Recruitment and selection policy](#), [Purchasing and procurement procedure](#) and [Appropriate and ethical use of public resources policy](#).
- assess notifications of other employment to determine whether there is a COI which could impact on an employee's official duties
- ensure that any action taken/decision made in relation to managing the COI is in accordance with the [Human Rights Act 2019 \(Qld\)](#)
- if necessary declare the COI to IER and seek advice to determine the most appropriate course of action
- save any record of all assessments and decisions made in relation to all notifications of other employment in a local register. Records associated with the NOE process must be managed in accordance with departmental record keeping requirements under the [Information Privacy Act 2009 \(Qld\)](#) and the [Public Records Act 2002 \(Qld\)](#).

### Employees:

- must not take any action or further action relating to the other employment matter that may be affected by the COI unless authorised by the department

- engage and respond to any actions necessary to implement the chosen [Conflict of interest management plan](#).

### Stage 3: Monitor

Identified COI relating to other employment must be monitored and regularly reviewed (at mutually agreed timeframes, or when the employee's interests change to the extent that the potential for a COI is altered) to allow any required changes to be made to the chosen management strategy.

#### Employee

If there is a change in interests after the initial NOE declaration (to the extent that the potential for a COI is altered) employees must:

- provide a revised declaration of interest ([Conflict of interest declaration form](#)) to their manager within one month after the relevant facts of the change come to the knowledge of the employee
- engage and respond to any actions necessary to implement the chosen Conflict of Interest Management Plan.

#### Manager must:

- regularly review (at mutually agreed timeframes and/or when new interests change to the extent that the potential for a COI is altered) and consider:
  - the situation that gave rise to the COI;
  - the initial determination and management decision;
  - the strategy put in place to manage the COI;
  - the actions taken to implement the management strategy;
  - perceptions held by others that the COI 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 COI;
  - whether any changes need to be made to the COI management strategy and its implementation; and
  - any changes to the declared interests of the employee.
- maintain all records of any changes made as a result of the review in the employee's personal employment file.

## Definitions

Term	Definition
<b>Change in interest</b>	In accordance with clause 5.5 of the <a href="#">PSC Directive 3/10 Declaration of Interest – Public Service Employees (other than departmental Chief Executives)</a> :  Change in interest means where the employee's interests change to the extent that the potential for a conflict of interest is altered.

Term	Definition
	<p>Change in interests may include:</p> <ul style="list-style-type: none"> <li>• any significant change in the interests about which information is required including acquisition, divestment or an altered relationship in the interest; or</li> <li>• a significant change in the official responsibilities of the public service employee.</li> </ul>
<b>Conflict of interest</b>	<p>In accordance with s186 of the <a href="#">Public Service Act 2008 (Qld)</a>:</p> <p>Involves an interest that conflicts or may conflict with the discharge of the employee's duties.</p> <p>In accordance with the department's Standard of Practice:</p> <p>A COI can occur when an employee has, or is seen to have, a private interest, either financial (pecuniary) or non-financial (non-pecuniary), which conflicts or may conflict with the discharge of the employee's official duties.</p> <p>Types of COI:</p> <ul style="list-style-type: none"> <li>• An <b>actual</b> COI involves a direct conflict between a public service employee current duties and responsibilities and existing private interests</li> <li>• A <b>perceived</b> or <b>apparent</b> COI can exist where it could be perceived, or it appears, that a public official's private interests could improperly influence the performance of their duties – whether or not this is in fact the case</li> <li>• A <b>potential</b> COI arises when a public service employee has a private interest that could conflict with their official duties in the future.</li> </ul>
<b>Corrupt conduct</b>	<p>Section 15 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a> defines corrupt conduct.</p> <p>The department's Standard of Practice states that corrupt conduct is conduct by a person that adversely affects, or could adversely affect a unit of public administration or a person holding an appointment within that unit in a way that is:</p> <ul style="list-style-type: none"> <li>• not honest or not impartial or</li> <li>• involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly or</li> <li>• involves the misuse of official information or material.</li> </ul> <p>To meet the definition of "corrupt conduct", the conduct in question, if proven, must also amount to either a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services.</p>
<b>Employees</b>	<p>In accordance with s9 of the <a href="#">Public Service Act 2008 (Qld)</a>:</p> <ul style="list-style-type: none"> <li>• A person is a public service employee if the person is employed under this Act as— <ul style="list-style-type: none"> <li>○ a public service officer; or</li> </ul> </li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>○ a general employee; or</li> <li>○ a fixed term temporary employee; or</li> <li>○ a casual employee.</li> <li>● Public service employees are employees for the <a href="#">Industrial Relations Act 2016 (Qld)</a> (subject to <a href="#">section 217 of the PS Act</a>, which excludes particular matters from the concept of industrial matter).</li> </ul>
<b>Interest</b>	<p>In accordance with <a href="#">PSC Directive 3/10 Declaration of Interest – Public Service Employees (other than departmental Chief Executives)</a>:</p> <p>Anything that can bring a benefit or disadvantage to an individual, or to others whom we may wish to benefit or disadvantage. Interests may be financial or non-financial.</p> <p><b>Financial interests</b> (pecuniary)</p> <p>Involve an actual or potential financial gain or loss. Money does not have to change hands for an interest to be financial.</p> <p><b>Non-financial interests</b> (non-pecuniary)</p> <p>May arise from personal or family relationships or involvement in sporting, social, community or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could create bias in the making of a judgement or decision. They also include the personal, professional or business interests of individuals or groups we associate with.</p>
<b>Manager</b>	<p>In accordance with the department's <a href="#">Human Resource Delegation Manual</a> (DoE employees only) a Manager is defined as a person holding a delegation to make a determination on matters to which this procedure relates.</p>
<b>Misconduct</b>	<p>In accordance with s187(4) of the <a href="#">Public Service Act 2008 (Qld)</a>:</p> <ul style="list-style-type: none"> <li>● inappropriate or improper conduct in an official capacity; or</li> <li>● inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.</li> </ul>
<b>Other employment (including volunteering)</b>	<p>For the purpose of this procedure, other employment is:</p> <ul style="list-style-type: none"> <li>● paid employment as an employee or contractor, self-employment, involvement in a private business or partnership, the provision of paid consultancy service as a company director</li> <li>● unpaid work (for example work experience) and/or</li> <li>● volunteering.</li> </ul> <p>Either on a full-time, part-time or casual basis, performed by an employee including during absences on approved leave, in:</p> <ul style="list-style-type: none"> <li>● the Queensland public sector or other government jurisdictions</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• the private sector, whether for a private company or business or owner of, or directorship of a company, trading trust or partnership</li> <li>• working as an independent contractor</li> <li>• self-employment.</li> </ul> <p>Other employment does not include the ownership and investment in shares in a publicly listed company or investments in rental properties or similar activities.</p> <p>Examples of voluntary activities could include, but not limited to:</p> <ul style="list-style-type: none"> <li>• voluntary work that may need to be undertaken during ordinary work hours from time to time, or for which the employee may be expected to respond to phone calls or email during working hours</li> <li>• voluntary activities (such as a Board membership) with an organisation that has commercial or other interest with the department</li> <li>• voluntary activities with organisations that promote practices or ideas which are inconsistent with the departmental policy or values or with the obligations under the <a href="#">Code of Conduct for the Queensland Public Service</a> and/or the <a href="#">Standard of Practice</a>.</li> </ul>
<b>Public interest</b>	<p>Section 26(1)(h) of the <a href="#">Public Service Act 2008 (Qld)</a> states an employee's work performance and personal conduct must be directed towards acting honestly fairly and in the public interest.</p> <p>The department's <a href="#">Standard of Practice</a> defines public interest as:</p> <p>Acting lawfully and/or in accordance with government policy under the direction of the Minister.</p> <p>In the absence of legal or policy frameworks, it means acting for the common good of the entire community — not the sum of individual interests nor the interest of a particular group.</p>
<b>Queensland Curriculum and Assessment Authority</b>	<p>QCAA sets the framework for the partnership between QCAA and schools to meet the legislative requirements of the <a href="#">Education (Queensland Curriculum and Assessment Authority) Act 2014</a> and <a href="#">Regulation 2014</a>.</p> <p>The partnership with schools includes the provision of the casual workforce to deliver the core components of the system. There are key assessor roles undertaken both within the internal and external assessment components.</p> <p>Through the QCAA on-line portal, principals and teachers provide formal notification of other employment and declare considerations relating to relevant employer COI requirements.</p>

## Legislation

- [Code of Conduct for the Queensland Public Service](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Declaration of Interests – Chief Executives – Directive 01/15](#)
- [Declaration of Interests – Public Service Employees \(other than chief executives\) – Directive 3/10](#)
- [Declaration of Interests policy – Senior Executive Service and Equivalent Employees including Statutory Office Holders](#) (Public Service Commission)
- [Discipline – Directive 14/20](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Individual employee grievances – Directive 11/20](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Integrity Act 2009 \(Qld\)](#)
- [Public Interest Disclosure Act \(Qld\)](#)
- [Public Sector Ethics Act 1994 \(Qld\)](#)
- [Public Service Act 2008 \(Qld\)](#)
- [Queensland Whole-of-Government Air Travel Policy](#) (DoE employees only)
- [Standard of Practice](#)
- [Workplace Investigations – Directive 17/20](#)

## Delegations/Authorisations

- [HR Delegations Manual](#) (DoE employees only)

## Policies and procedures in this group

- [Conflict of interest policy](#)
- [Conflict of interest procedure](#)
- [Gifts and benefits procedure](#)

## Supporting information for this procedure

- [Notification of other employment form](#)

## Other resources

- [Conflict of interest declaration form](#)

- [Conflict of interest management plan](#)
- [Conflict of interest toolkit](#) (DoE employees only)
- [Fraud and corruption control framework](#)
- [Guidelines for implementing “Allegations against employees in the area of student protection”](#)
- [Integrity framework](#)
- [Management Foundations program](#) (DoE employees only)
- [Management Strategy Options](#) (DoE employees only)
- [Mandatory All-Staff Training program](#) (DoE employees only)
- [Prevention in focus case studies](#) and [Corruption Prevention Advisories](#), Queensland Crime and Corruption Commission

## Policies and procedures

- [Allegations against employees in the area of student protection procedure](#)
- [Appropriate and ethical use of public resources policy](#)
- [Catering and hospitality procedure](#)
- [Individual employee grievances procedure](#)
- [Purchasing and procurement procedure](#)
- [Recruitment and selection policy](#)
- [Reporting fraud and corruption procedure](#)
- [Student protection procedure](#)

## Contact

For further information, please contact:

Integrity and Employee Relations

For advice regarding integrity matters, email: [integrity@qed.qld.gov.au](mailto:integrity@qed.qld.gov.au)

To report alleged misconduct and corrupt conduct, email: [intake@qed.qld.gov.au](mailto:intake@qed.qld.gov.au)

## Review date

6/09/2024

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

4.0 Notification of other employment procedure



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