

ACKNOWLEDGMENTS

Dr Paul Collings was the primary author of this paper. David Honeyman and Conor McGarrity also made significant contributions to the document and the issues raised.

INSIDE

Introduction	1
Understanding separation risks	2
Anticipating and managing separation risks	6
Strategies for managing separation risks	7
Conclusion	14
References	15

Information on this series and other CMC publications can be obtained from:

Crime and Misconduct Commission  
 Level 2, North Tower Green Square  
 515 St Pauls Terrace  
 Fortitude Valley Qld 4006  
 GPO Box 3123, Brisbane Qld 4001

Telephone: (07) 3360 6060  
 Toll free: 1800 06 1611  
 Facsimile: (07) 3360 6333  
 Email: mailbox@cmc.qld.gov.au  
 Website: www.cmc.qld.gov.au

© Crime and Misconduct Commission 2009

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without permission. Inquiries should be made to the publisher, the Crime and Misconduct Commission.

# Separation risks

Undue influence, conflicts of interest and information security when employees move on

## INTENDED READERS

### SECTOR

- Public sector organisations
- Local government
- Indigenous councils

### TARGET READER

- Ministers and ministerial staff
- CEOs and senior managers
- Policy and Strategy units
- Governance and Quality Management units
- Human Resources units
- CMC Liaison Officers

## Introduction

This paper examines the risks government agencies may be exposed to when employees move to other employment in a related field of activity. It suggests how agencies can anticipate and manage such risks, and explores a broad range of risk-management strategies that are available for agencies to consider.

## The larger context

Government agencies put a lot of time and money into ensuring that their employees have the skills and knowledge to do their jobs effectively. But the workforce is no longer static, and those employees are increasingly likely to move on, often to use these skills and knowledge in a related or even a competing organisation. The increasing use of short- and medium-term executive contracts in the public sector, and the convergence of the skills and qualifications required of managers in the public and private sectors, are trends that encourage officers to consider alternative jobs. Mobility is also promoted by governments at all levels through outsourcing and early retirement programs.

This greater workforce mobility increases the likelihood that issues of undue influence, conflict of interest and information security may arise when employees leave a government agency to pursue related opportunities in the private sector. Such issues may result in significant risks for the government agency's business and reputation, even when the parties do not intend to misuse the knowledge and skills which are transferred in such employee movements.

*Workforce mobility increases the likelihood that issues of undue influence, conflict of interest and information security may arise.*

## Background to this paper

This paper arises out of an extensive investigation into the conduct of former Queensland Director-General Scott Flavell by the Crime and Misconduct Commission (CMC) in 2008. That investigation led to the publication of a report entitled *Public duty, private interests: issues in pre-separation conduct and post-separation employment for the Queensland public sector: a report arising from the investigation into the conduct of former Director-General Scott Flavell* (CMC 2008). The report made various recommendations to government including:

- a requirement for departments to review their employee exit processes
- the introduction of a register of lobbyists and a lobbying code of conduct
- the imposition of post-separation quarantine periods on former ministers, parliamentary secretaries, ministerial staff and senior public servants
- the introduction of a criminal offence of misconduct in public office.

The Queensland Government subsequently announced its support for the recommendations and implemented the first through a Queensland Public Service Commission (PSC) Directive, *Directive no. 2/09* (PSC 2009), and the next two through the introduction of a *Queensland contact with lobbyists code* (Queensland Government, Department of the Premier and Cabinet 2009b).<sup>1</sup> The introduction of a criminal offence has been supported by Cabinet and is to be implemented in due course.

While there are now formal provisions governing the post-separation employment of ministers and some senior public officials in Queensland, agencies need to scrutinise all areas and employment levels where their integrity and reputation may be exposed to separation risks, and to take suitable precautions to minimise the possibility of inappropriate behaviours.

## Purpose of this paper

The purpose of this paper is to:

- Examine the issues that may arise for the public sector when employees with specific knowledge and experience within an agency, often at a senior level,

<sup>1</sup> The *Queensland contact with lobbyists code* provides the basis for the Register of Lobbyists, which is administered by the Department of the Premier and Cabinet. Compliance with the code is enforced through the the *Queensland Ministers' code of ethics* (Queensland Government, Department of the Premier and Cabinet 2009a), the *Queensland Cabinet handbook* (Queensland Government Department of the Premier and Cabinet 2006), the various agency codes of conduct, and all new SES contracts. The code and the register were established early in 2009.

move to other agencies or private sector organisations in related fields of activity.

- Explore the risks to agencies where employees are, or seek to make themselves, attractive to other organisations as potential employees because of their access to confidential information, personal contacts or knowledge of agency processes resulting from their employment with the agency.
- Provide a broad range of strategies that government agencies can consider to help them identify and reduce the risks arising from the departure of their employees.

## Understanding separation risks

**This section identifies and explains three major risks arising from the movement of employees out of the public sector: undue influence, conflicts of interest and information security.**

Separation risks exist where employees move from an agency to another organisation which:

- operates in a related field of business or activity
- receives contracts, funding, loans, guarantees or capital assistance from or through the agency, or brokers any such funding to a wider market
- operates in commercial competition with the agency
- comes under the licensing, regulatory or auditing authority of the agency or has that authority over the agency
- deals with the agency in any way
- engages in lobbying ministers, Members of Parliament or agencies.

When such movements occur, agencies are exposed to a variety of risks, including:

- the departing employees and other agency staff being **improperly influenced** or acting with bias to the benefit of the other organisation (before and after separation)

## Abbreviations and acronyms

APS	Australian Public Service
APSC	Australian Public Service Commission
CEO	Chief Executive Officer
CMC	Crime and Misconduct Commission
ICAC	Independent Commission Against Corruption (New South Wales)
PSC	Queensland Public Service Commission (Queensland)
SES	Senior Executive Service

- actual, perceived or potential **conflicts of interest**, especially in respect to interests that relate to potential future benefits
- **unauthorised dissemination of agency information**, including commercial information, sensitive information about proposals before the agency, personal information, information provided to the agency in confidence, and information protected by law or internal classification
- **loss of materials, knowledge or intellectual property** (whether spoken, written, electronic, mechanical, physical or visual) which are acquired, collected, developed or created by the agency and may have been costly in terms of labour, time, resources or research (e.g. contracts, databases, contact or mailing lists, forms, processes and procedures, software, web resources, blueprints or working drawings, research products, teaching materials), and which are unique or sufficiently aggregated so that they are an attractive resource to another organisation which does not have the time or abilities to collect the information itself
- **unauthorised dissemination of internal communications** (including emails) and draft documents which have not been approved for publication, and which may result in a possible compromise of internal processes and deliberations
- **loss of corporate knowledge and skills** to other organisations.

These vulnerabilities or risk exposures can be grouped as three key risks: undue influence, conflicts of interest and information security.

## Undue influence

There is a risk, both before and after employees leave an agency, that decisions they make for either employer may be biased as a result of the new relationship. There is also a risk that they may transmit information to the benefit or unfair advantage of the new employer or to the detriment of the new employer's competitors. There may also be situations where there is little apparent benefit to any party, and the actions reflect the desire of employees to impress or curry favour with possible future employers.

While it is not always possible to assign a cash or market value to these transactions, every case carries a risk that the integrity and reputation of a process or a whole department can be tainted by a single incident that calls into question the fairness or impartiality of the process, the staff concerned and their decisions.

For example, the payment of a success fee or other commission to a lobbyist who was previously a public official may create a community perception that some

uncommon service has been rendered. As a result, the agency's reputation can be damaged by a perception that it is enmeshed in irregular spheres of influence, influence peddling and lobbying. Its reputation can also be damaged by a perception that a former employee is providing improper access to or influence over former colleagues, or supplying inside information or a 'hidden story', which gives the new employer an unfair edge over comparable organisations.

## Other considerations

Against this risk, it is important to balance the rights of employees, including the right to freedom of movement between employers. If post-separation employment is unduly constrained, skilled people may be reluctant to enter public employment, perceiving it as restricting their future prospects.

Equally importantly, the experience and expertise an official acquires in office can be regarded as a community asset which should not be wasted (Finn 1993, p. 132). From this perspective, to forbid ex-officials to use the skills they have acquired (at public cost) is not in either the individual's interest or the public interest. In many cases, the public interest is materially advanced by former public employees whose skills and knowledge serve to foster community understanding of the workings of government and improve the ability of the private sector to interact meaningfully and productively with government agencies:

'A person holds public office. In it, he or she may learn much about a ministry's or agency's practices, processes and personnel; may become privy to government secrets; may acquire a particular expertise; may develop a capacity to influence governmental affairs; etc. And then that person resigns or is removed from office. No longer a servant of the public, he now returns to the private sector to exploit such abilities and reputation as he possesses. But to what extent should his past be allowed to encumber what he can make of his future? The question can be simply put. An answer cannot so simply be given.' (Finn 1993, p. 117)

## Conflicts of interest

A conflict of interest<sup>2</sup> involves a conflict between a public official's duty to serve the public interest and the official's private interests. Conflicts cannot always be avoided or prohibited. The fact that a conflict of interest exists is not in itself improper; however, unavoidable conflicts need to be identified, disclosed and effectively managed.

<sup>2</sup> For a detailed general treatment, see *Managing conflicts of interest in the public sector: guidelines* (ICAC & CMC 2004a). See also *Managing conflicts of interest in the public sector: toolkit* (ICAC & CMC 2004b). Both are available from the CMC website.

A conflict of interest arises when a 'public official's private-capacity interests could improperly influence the performance of official duties and responsibilities' (Organisation for Economic Cooperation and Development 2003, p. 58). From the moment that an agency employee begins to contemplate employment with another organisation which operates in the same field as the agency, a potential for a conflict of interest exists. However, under section 9.2(b) of the *Public Sector Ethics Act 1994*, a public official 'should ensure that any conflict that may arise between the official's personal interests and official duties is resolved in favour of the public interest'.

According to the New South Wales Independent Commission Against Corruption (ICAC), complaints and perceptions of separation-related misconduct most commonly arise when:

The former public official's new job is ... related to their former position. The possibility exists that access to government information or to individual public servants could be used for personal gain, to exercise unfair influence, or to obtain favourable decisions for the former official or third party such as an employer or client.

Of particular concern are situations where public officials have used their positions to further their own employment interests or have obtained employment because of their inside knowledge of government information, programs or plans. (ICAC 1997, p. 5)

Such circumstances most commonly apply to higher-ranking officers who have discretion to make decisions or the status and contacts to influence policies which may affect the business of other organisations, but can also apply to individuals performing procurement, regulatory, recruitment, inspectorial or similar functions. Quite low-ranking employees (e.g. counter staff) have been known to manipulate or falsify forms and databases to qualify associates for benefits or contracts to which they were not entitled. Risk assessment (discussed in the section 'Anticipating and managing separation risks') should therefore explore the risks of conflict of interest at all levels.

Conflicts of interest arising from prospective employment can result in:

- misusing resources such as phones, email, stationery, vehicles, equipment and work time for non-agency purposes
- directing or persuading other staff to misuse resources for non-agency purposes to benefit or impress the prospective employer
- making or influencing decisions to benefit or impress the prospective employer e.g. disregarding rules or 'going soft' on responsibilities, which can be very difficult to identify or prove

- forming irregular and possibly improper networks of cronies and friends which circumvent normal communication and information channels.

(This risk is often complicated by the community sentiment that helping a 'mate' is acceptable, especially where there is no direct monetary reward or easily identified harm. It is often further justified by claiming a positive outcome, such as locating a debtor or a child-support defaulter.)

Note that in certain circumstances (such as during the course of contract negotiations or other official dealings), an offer or solicitation of employment may go beyond a conflict of interest and constitute attempted bribery or attempted extortion.

The burden of responsibility for identifying and declaring a conflict of interest in relation to prospective employment is always upon the individual officer. Failure to report (or purposely reporting in an incomplete or misleading way) may be a breach of the *Public Service Act 2008* (s. 186), sector-specific statutes (such as the *Local Government Act 1993*, s. 246A) and codes of conduct. Accordingly, failure to report a conflict of interest may constitute official misconduct, and it may also be prosecuted as part of a range of offences (fraud, abuse of office, official corruption).

---

***The burden of responsibility for identifying and declaring a conflict of interest in relation to prospective employment is always upon the individual officer.***

---

## Information security

Information is property. It has value, can be used dishonestly for benefit, and must always be regarded as a corporate asset. It differs from physical assets in that it is harder to put a price on and, once stolen, is harder to recover from those who benefited from it.

The security of confidential information is paramount. Poor information security resulting in the loss or misuse of confidential official or commercial information can damage an agency's reputation, business activities and profitability, and compromise the integrity of its processes and decisions. It can also, especially in the case of personal information, cause harm and distress to third parties whose private or business secrets are betrayed. The consequence of this harm may be played out in court under claims of negligence. Further, information leakage can damage public confidence in government, which can make future information gathering more difficult.

Even when the information possessed by employees would not normally be considered confidential, it can become a source of concern where it could be seen as conferring an unfair advantage on new employers, and even as enhancing their capacity to obtain favourable decisions.

Against this we need to balance the desirability of improving other organisations' understanding of agency activities and their ability to respond effectively to agency needs, along with recognising that employees are entitled to employment mobility. The risk relates primarily to the integrity of agency processes and decisions, and to public perceptions of agency fairness and impartiality. It also relates to a shared understanding between the employee and the agency of the employee's rights, obligations and constraints during and following public service employment.

### Types of information

The types of information departing employees are likely to possess or have access to which are open to misuse if transported to the new place of employment are:

- information protected by law, convention or the *Queensland Government information security classification framework* (Queensland Government Chief Information Office 2008), such as Cabinet-In-Confidence documents
- commercial information (trade secrets, business affairs, research, information about competitors' business activities, use of agency client information to generate business leads)
- sensitive information (political, industrial, legislative, regulatory, zoning) about proposed changes and policies
- information provided to the agency in confidence (tenders, development proposals)
- personal information (personal particulars, health information, criminal records) of the kinds protected under the *Privacy Act 1988* (Cwlth), ss. 6F, 13, 14
- copyright materials and other intellectual property (technical inventions, manuals, artworks, journal articles, scientific results, teaching materials, statistics, survey results).<sup>3</sup>

3 These are usually classified as 'intangible assets' and are accountable under the various financial management and asset management standards which apply to the agency. The *Queensland public sector: intellectual property guidelines* specifies that CEOs and other accountable officers 'are responsible for the management and use of Queensland Government IP [intellectual property] in the custody of their agency' (Queensland Government Department of State Development, 2007, p. 8).

---

***Information leakage can damage public confidence in government, which can make future information gathering more difficult.***

---

### Types of exposure

Information and intellectual property are at risk in a variety of ways:

- Employees provide information and advice to prospective employers to curry favour or demonstrate their expertise.
- Departing employees are specifically asked to bring particular agency documents, research findings or materials with them.
- Departing employees collect a range of information and materials which they think may be useful to them in their new role and take them to the new workplace.
- Departing employees mistakenly believe that documents and materials which they had a substantial role in creating are in some sense their personal property (see the box *Who owns it?*, p. 6). They then take these materials with them when they leave the agency and make use of them in their new role.
- Former employees contact former colleagues on a personal level requesting documents or information. The former colleagues may feel obliged, either because of friendship or because of previous power relationships, to provide more than they usually would in the course of normal business.
- Departing employees manipulate, conceal or destroy agency information for the benefit of their future employer.
- Departing employees may unconsciously use confidential information despite sincerely endeavouring not to (Finn 1993, p. 123). Knowledge cannot be deliberately unlearned, and the departing employee may possess confidential information (such as a rival firm's business plans obtained through an agency tender process) which is relevant to a business decision they must make for the new employer. The employee is then in an ethical dilemma between maintaining confidentiality with the previous employer and making the best decision for the new employer. Even if the information is not actually divulged, it would almost certainly have had some influence on the decision or the deliberations leading to the decision.

The most common avenues for unauthorised loss of confidential information are:

- taking or faxing hard copy documents
- emailing electronic files

- downloading electronic materials to memory devices (such as CDs, flash drives, memory sticks and laptops)
- retaining remote access to the computer network after separation.

Even job applications and supporting materials sometimes make questionable use of official information relating to tasks and achievements in present and past roles. In rare cases, departing employees may facilitate hacking access for an external party.

On the other hand, agencies are also at risk of becoming the unauthorised recipients of information belonging to other organisations — brought by *their* new employees — which might compromise the public perception of the integrity and fairness of official processes and decisions.

### Who owns it?

Artworks, teaching materials, films, research papers and similar materials do not belong to the creator if they were created in the course of paid employment. The copyright and intellectual property rights belong to the employer, and the creator has only a 'moral right' that authorship be fairly attributed and that the work will not be materially altered without their consent. Only the owner of the rights has the power to use, sell or otherwise assign the works.

For more information see *Queensland public sector: intellectual property principles* (Queensland Government Department of Employment, Economic Development and Innovation, n.d.).

## Anticipating and managing separation risks

This section presents the steps agencies can take to anticipate and manage the separation risks to which they may be exposed. Agencies should first conduct a risk assessment. Once the risks have been identified, the agencies should develop and implement risk-management policies and procedures and other strategies to deal with separation risks.

### Conduct a risk assessment

Conduct a risk assessment which considers employee separation in regard to the likelihood of:

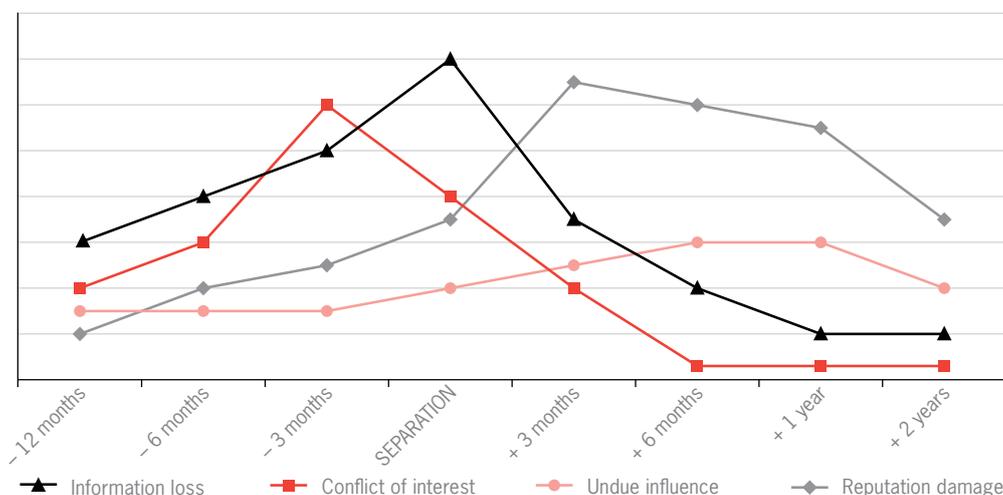
- conflicts of interest
- damage to the agency and its assets, including information assets
- damage to the agency's reputation
- unfair benefit to the new employer or its clients
- disadvantage to third parties (such as the new employer's business rivals) in their dealings with government.

Agencies will need to balance the risks against:

- fairness (and impact on future recruiting) of limitations on employees' post-separation employment
- cost effectiveness of preventative or precautionary measures, so that the cost in time and money is 'balanced against, and appropriate to, the value of the information at risk and the harm likely to result from its compromise' (Australian Government, 2000, Section C16).

The identified risks and their incidence over time (before, at and after separation) are likely to follow the pattern shown in the figure below.

Fluctuations of risk relating to separation (illustrative only)



The risks of conflict of interest and loss of information are usually greatest shortly before and at separation (largely because there is seldom a long timelag between accepting a job offer and commencing work).

By contrast, the risk of undue influence and the subsequent possible damage to the agency's reputation becomes greater in the period following separation. This is partly because public knowledge of the relocation of employees usually follows the event, except in very high-profile instances. However, as the figure illustrates, the likelihood of damage to the agency does progressively diminish after separation as the knowledge of the agency's information and processes held by the departed employee becomes stale with time, although revelation of misdeeds done prior to separation can damage an agency's reputation at any time.

While departure of employees is the main focus of concern in this process, risk assessment should also look at the behaviour of continuing employees, especially in regard to their ongoing dealings with former colleagues.

---

*Risk assessment should look at the behaviour of continuing employees, especially in regard to ongoing dealings with former colleagues.*

---

## Develop and implement policies and procedures

Once the risks have been identified, agencies can begin to develop and implement policies and procedures to manage those risks. A broad range of risk-management strategies is presented in the next section, 'Strategies for managing separation risks'.

In developing policy, agencies should also recognise that the group most likely to be at risk of behaving unethically — chief executive officers (CEOs) and senior officers — are also the group most likely to regard themselves (often under the rationalisation of being 'too busy') as exempt from routine checking, security procedures and training sessions. But since in most ethical behaviour matters the organisational culture is modelled from the top down, it is important to develop processes which demonstrate that the same rules apply to every employee, at every level.

After the initial risk assessment, agencies should routinely incorporate the risks associated with separation in every risk review, and revise and manage them continually as with all other risks.

---

*Routinely incorporate the risks associated with separation in every risk review.*

---

## Strategies for managing separation risks

**This section presents a broad range of strategies to consider when managing the risks of separation.**

Risk management strategies fall into three main groups:

- Strategies for managing both departing and continuing employees in the period **before separation**. This includes ongoing strategies for managing all staff to ensure that their obligations to the agency are understood and fulfilled.
- Strategies for managing the **separation** process to minimise the risks associated with the departure of the employees.
- Strategies to minimise the **post-separation** risks to the agency from the former officer's new employment and subsequent dealings with the agency.

The most effective opportunities for minimising the likelihood of post-separation harm occur before separation, when the agency still has some effective control over employees and can endeavour to foster ethical conduct. These specific strategies can be applied generally to all employees, given that a certain number of them can be expected to leave the agency for private sector employment.

---

*The most effective opportunities for minimising post-separation harm occur before separation.*

---

## Pre-separation strategies Reducing temptation of other employment

The public sector can seldom compete with the private sector in salaries and benefits. Tenure and job security have traditionally been the offset. Consider what other inducements in status, benefits and job satisfaction can be offered without compromising the good name and integrity of the agency. Note, however, that some agencies may be constrained in this by legislation (e.g. Public Service Act, Local Government Act) or by longstanding industrial agreements (e.g. Public Service Award, TAFE Teachers Award).

Some government positions attract applicants principally because of the lucrative private employment offers which stem from them. Consider what retention strategies are appropriate for these positions. Would longer contracts or fast-track career advancement paths attract the right people?

Recognising that headhunting is a legitimate business activity, consider possible tactics to build the prestige of an agency or a particular position, so that skilled people are attracted to work there, even for less money.

## Restricting post-separation employment

Some jurisdictions impose restrictions on ministers and senior public officials which prevent them from taking employment in specific fields during a fixed period of time, ranging from six months to two years. The requirement may be extended to other positions where there is a serious risk or sensitivity (see the box *Tips from other jurisdictions*, below).

### Tips from other jurisdictions

In the **United States** the Ethics in Government Act of 1978 places a two-year prohibition on a former official's dealings with the agency on matters which were their responsibility within a year of termination, and the Procurement Integrity Act of 1988 forbids 'switching sides' by officials engaged in procurement.

In **Canada** conflicting employment or making representations is forbidden for two years for ministers and for one year for other public office holders after they leave office. Current officials must report all contacts from former officials to the Ethics Counsellor, and agencies are required to include quarantine periods and conflict of interest provisions in all public office employment contracts. The aim is to ensure that 'public office holders shall not act, after they leave public office, in such a manner as to take improper advantage of their previous public office' (Canadian Government 1994, s. 27, p. 16).

The **New South Wales** *Local Government Act 1993*, s. 354(1) stipulates that 'A person who has held civic office in relation to a council must not be appointed to any paid position on the staff of the council within 6 months after ceasing to hold the office'.

In **New Zealand** all chief executive employment contracts contain restrictions on the paid activities staff can engage in after they leave office. A chief executive cannot engage in any employment or activity for up to 12 months, where he or she is likely, or perceived as being likely, to 'unfairly or improperly benefit from knowledge that has come into the chief executive's possession in the course of the performance of the duties' unless prior approval is obtained (ICAC 1997, p. 23).

There is some doubt whether Australian law allows post-employment restrictions to be imposed on employees across the board<sup>4</sup> but there is no legal obstacle to making such covenants by agreement with individual employees, either as a condition of employment upon commencement or by subsequent negotiation. (These restrictions are most effective if they are agreed on as a condition of employment and included in contracts or terms of employment.) Such covenants are not unusual in private sector employment contracts.

Consider which categories of employee are subject to restrictions, and at what level. For example, in New South Wales, under the *Liquor Act 2007*, the *Registered Clubs Act 1976* and the *Casino Control Act 1992*, the employment of certain 'key officials' in specified related fields is prohibited by law for extended periods. A casino inspector, for example, cannot work for a casino contractor for four years after leaving government, and senior police officers may not hold directorships or work in registered clubs for three years after leaving the service.

## Restricting post-separation dealings

In Queensland, a requirement for a two-year quarantine period for departing ministers, and 18 months for persons who have held office as Queensland Government Parliament Secretaries, or who have been employed as a 'chief executive, senior executive, Ministerial Staff Member or persons employed at CEO and SES [Senior Executive Service] equivalent levels within a public sector entity', was put in place by the Queensland Government early in 2009 through the *Queensland contact with lobbyists code* (Queensland Government Department of the Premier and Cabinet 2009b). The requirements of the code are enforced on all public officers through their various codes of conduct. The Local Government Act was amended in June 2009 to apply the code to councillors and local government employees.

Also, the Australian Public Service Commission (APSC) requires that:

Senior Executive Service employees and equivalents who leave the Australian Public Service after 1 July 2008 shall not, for a 12 month period, engage in lobbying Government representatives on any matters on which they have had official dealings as public servants over their last 12 months of employment. (APSC 2008b, p. 2)

Consider adapting these practices, and placing limitations on the right of departed officers to have dealings with the agency for a fixed period after departure, and enforcing this

<sup>4</sup> See *APS values and code of conduct in practice* (APSC 2008a, ch. 14, p. 5).

quarantine period by restricting the contact of current employees with specified former employees. Such restrictions usually extend to all offices held by the officer in a fixed period before departure, not just the final office held.

Like post-employment restrictions, restrictions on post-separation dealings are most effective if they are agreed on at appointment and included in contracts or terms of employment. Care needs to be taken, however, to ensure that useful employee movements (such as some inter-agency transfers and secondments) are not inadvertently caught up in the restrictions, and that transfers of information which are in the public interest are not impeded.

Any policies restricting contact with former employees should provide for reporting, monitoring and managing such contacts, and should link with policies relating to dealings with lobbyists and with your code of conduct. Provide for regular reminders as well, so that staff are constantly aware of the requirements.

Where the departing employees are subject to constraints of confidentiality, consider seeking undertakings from the prospective employer not to trespass in these particular areas and to quarantine the ex-official from certain dealings.

## Limiting job offers

An agency may include 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).

Similarly, an agency may include clauses in Request for Tender frameworks that preclude tenderers from employing any agency employees for a specified period during and after the tender process, or soliciting or enticing any agency employees.

Implementing adequate feedback mechanisms at the conclusion of tender processes can also reduce the risk of bidders attempting to gain commercial advantage by 'poaching' agency employees.

## Declaring job offers

Employees may be required to advise agencies if they receive job offers. *PSC Directive no. 3/07* states: 'Chief executives are to have a departmental policy and process in place to articulate clearly when employees should notify their engagement or pending engagement in other employment' (*PSC 2007b*, section 6.2) and makes notification compulsory where the other employment may lead to a conflict of

interest or other damage to the department. The Australian Public Service (APS) has a similar requirement.<sup>5</sup>

Agencies may adopt a modification of the above strategy, and have a policy that officers above a certain level must report any job offer to which they have given any serious consideration.

However, with any requirement to report job offers, the onus falls upon the officer to decide whether a conflict exists and whether an offer should be reported. The process is open to being disregarded or manipulated by officers who delay reporting or fail to see that a conflict may exist.

Education is a vital strategy to ensure that employees recognise their obligations as well as their rights when they consider other employment. It is also a good way to address the natural reluctance of employees to offend their current managers and colleagues by declaring job offers (and also their reluctance to risk damaging their future prospects if the new job does not eventuate).

Note that policies requiring the declaration of job offers have limitations. In particular:

- The possibility of a conflict of interest arises as soon as employees consider employment in a related field, so reporting actual job offers does not capture every pre-separation conflict of interest. In particular, it cannot capture 'understandings' and informal agreements, or the official who signals his or her availability, or sets out to curry favour in the hope of obtaining a future job.
- It is virtually impossible to establish at what point in the discussion the conflict comes into existence, or at what point the report must be made. In the case of disenchanted employees who initiates a job hunt, the conflict may exist in essence before any future employer is involved at all.
- In developing strategies for dealing with job offers it is important to remember that any compulsion to report may impinge to some extent on the privacy and rights of the employee.

Note that a special case exists where an agency is looking to outsource certain functions or positions. It is not unreasonable for employees whose positions are being outsourced to seek to work with a successful tenderer, but great care is needed to protect commercially sensitive information and ensure the probity and integrity of the tender process. Agencies must manage the process with extreme care. In particular, any employment negotiations or discussions must be notified, and steps must be taken to address any possible conflict of interest or information leakage.

<sup>5</sup> See *Directive no. 3/07 — Public service employees engaging in other employment (PSC 2007b)* and *APS values and code of conduct in practice (APSC 2008a, ch.14, p. 3)*.

## Giving notice

An employee giving notice amounts to declaring a possible conflict of interest, in that it signals that another organisation is to have access to the employee's knowledge and skills. At present there is no compulsion on departing employees to give details of their future intentions.

When an officer gives notice, managers should ascertain in each particular case whether any actual or perceived conflict exists.

---

### *Giving notice amounts to declaring a possible conflict of interest.*

---

Employees should be reminded that giving notice does not end their obligation to declare any possible conflict of interest and to cooperate in managing the conflict, most particularly where the notice is of a move to a competing or related organisation.

Where an actual or perceived conflict of interest exists, it may be necessary to distance or remove departing employees from some decision-making processes and duties. In extreme circumstances, it may be necessary to stand them aside from their position altogether, or require them to take leave through to the expiry of their notice period. In the private sector, immediate and sometimes forcible ejection of employees after they give notice is not unusual.

## Maintaining registers of interests

There are binding legal requirements for ministers and other senior officials to declare their pecuniary and non-pecuniary interests.<sup>6</sup> However, it is unlikely that extending this to any but highly specialised employees could be justified. If it were to be done, it should be established as a condition of employment or a contractual provision. Registers must be meticulously monitored and regularly updated. However, it must be recognised that they cannot cover potential interests such as future jobs, job offers or property dealings.

## Tightening information security

Human nature being what it is, there will always be minor and inevitable breaches of information security, despite the desire to achieve a leak-proof system. A cost-benefit approach should be adopted to implement a system which is *reasonable* in terms of cost and inconvenience in relation to the value of the information and the degree of harm which breaches could cause.

---

6 See *Standing rules and orders of the Legislative Assembly* (Legislative Assembly of Queensland 2008, ch. 38, s. 263), Schedule 2 of *PSC Directive no. 1/07 – Declaration of interests, Chief Executives* (PSC 2007a) and *Public Service Act*, s. 101.

Implement a classification system in accordance with the *Queensland Government information security classification framework* (Queensland Government Chief Information Office 2008),<sup>7</sup> and ensure that employees understand the implications of each classification. For materials which are not relevant to national security, see the available classifications in the box *Security classifications*, below.

Note that in classifying information, the overriding concern is the public interest, which is not necessarily the same as the interests or convenience of the government or the agency. The principles of open and accountable government need to be balanced against possible detriment to agencies, individuals or businesses.

The Australian National Audit Office (1999, p.39) has reported that the most common error is over-classification, which 'has the effect of increasing the costs of protection and restricting the flow of information within the organisation'. Excessive zeal in classification can also be counterproductive — if employees see commonplace information classified as secret, they will lose respect for the system and be more inclined to disregard it.

### Security classifications

**Public:** Information which is authorised by the owner for public access and is specifically intended to be made available to the public.

**Unclassified:** Information which needs no special security controls, but which is not normally available to the public. It requires reclassification as 'public' before it can be released.

**X-in-Confidence:** Information which, if compromised, could cause limited damage to the state, the government, commercial entities or members of the public. Access and use are limited to a particular group. In practice, this will become 'Human Resources-in-Confidence', 'Board-in-Confidence', or any other desired grouping. 'In-Confidence' can be used on its own.

**Protected/Cabinet-in-Confidence:** Information, which if compromised, could cause damage to the state, the government, commercial entities or members of the public.

**Highly Protected:** Information which, if compromised, would cause serious damage to the state, the government, commercial entities or members of the public. This classification should be used sparingly.

Ensure that all information is appropriately branded so that employees can easily identify the confidentiality requirements applying to it. Domain security classifications

---

7 Available through the Queensland Government Chief Information Office.

(e.g. all employee records are to be treated as 'in-confidence') may be used to simplify and streamline the process. Particular care is needed with databases (where it is not practicable to tag every item of information) to ensure that reminders of confidentiality and privacy requirements are prominently displayed on login screens. Ensure that proper copyright notices are attached to documents which are distributed externally (such as position descriptions, teaching materials, information brochures, reports) to establish the agency's ownership.

Consider using default logos and watermarks on electronic templates for documents such as memos and reports to ensure proper identification and protect drafts and working documents.

---

***Ensure employees know that confidentiality obligations relating to their work do not end when they leave public office.***

---

Ensure that the physical security of both hard copy and electronic information is adequate, with access limitations updated regularly as employee changes occur. Particular attention should be given to preventing unauthorised copying.

Ensure that all employees know that the confidentiality obligations relating to their work do not end when they leave public office.

## **Changing recruiting procedures**

Consider whether security vetting, declarations of interests and criminal history checks may be desirable in certain cases before people are appointed to positions with access to sensitive information. This precaution will assist in minimising the likelihood that the appointment of a particular person might subsequently result in a conflict of interest. In addition to senior executive appointments, high-risk positions could include those with roles in purchasing, procurement, inspection, licensing and investigation.

Where a position entails access to sensitive or high-risk information, consider requiring appointees to sign confidentiality agreements on commencement, which should be periodically renewed. Confidentiality agreements may also form part of employment contracts.

## **Aligning with the code of conduct**

Ensure that the agency code of conduct includes clear statements of employees' obligations regarding:

- placing the public interest above all private interests
- declaring conflicts of interest
- post-separation employment

- separation processes, including managing potential conflicts of interest
- information security
- contacts and dealings with lobbyists
- gifts and benefits
- leading by example.

Ensure that the code also provides information about the legal framework relating to employee conduct (such as the Public Service Act, the Local Government Act, the Public Sector Ethics Act, the Criminal Code Act, the proposed new criminal offence of misconduct in public office and the *Financial Audit and Administration Act 1977*) together with an indication of the penalties which apply to various forms of misconduct.

Ensure that employees understand that in accepting employment they are agreeing to be bound by the agency's code of conduct by, for example:

- including a confidentiality clause and an undertaking to be bound by the Act and the agency's code of conduct relevant to the employee's location in the contracts of senior employees
- including an agreement to be bound by the code of conduct and to abide by confidentiality requirements in the appointment paperwork of other employees.

## **Training and awareness**

Ensure that key issues are not simply covered at induction and then forgotten. Provide periodic reminders and refresher training on selected topics such as:

- Intellectual property and copyright. Enable employees to distinguish their personal skills and knowledge from knowledge which is the property of the organisation and cannot be used after separation.
- Identifying when requests from former (or current) employees are appropriate to the business of the agency, and ensure that they are aware of the reporting processes when they believe a request is improper or provides an unfair advantage. Also ensure that they feel safe and supported in using the process.
- Gifts and Benefits policy, and the process for reporting if employees suspect an improper attempt is being made to influence them or others.
- The Register of Lobbyists and associated procedures.
- Confidentiality, and the duty not to disclose specific classes of information. The dictum 'what is public information will have already been published' is a useful baseline.

Develop tactics to ensure that senior and other ‘too busy’ employees do not sidestep the refresher sessions, as their commitment is seen by junior staff as an indicator of how seriously the agency regards its ethical obligations.

Consider the following strategies to raise and maintain employee awareness of the agency’s standards:

- Ensure that confidentiality, conflict of interest management and other obligations relevant to particular employees and positions are included in performance agreements and performance management plans.
- Include agency commitment to information protection and ethical conduct in strategic and business plans.
- Make the standards and guidelines easily available, and try to foster a culture where, led by senior management, information protection and conflict of interest are discussed regularly at staff meetings, project management meetings and other relevant forums.
- Regularly remind employees that all traffic and transactions (e.g. emails) processed through the agency server, computers (desktop and laptop), mobile phones and other electronic devices are the property of the agency (even personal or illegal transactions). Employees sometimes regard these as ‘personal’ and private, and not subject to the policies of the agency.
- Promote realistic language when discussing misuse of agency information and resources. The accurate word is ‘stealing’.

## Informing the sector

There is at present very little to discourage other organisations from seeking advantage in their dealings with government, as long as they stop short of criminal activity such as bribery and fraud. A strong reputation for integrity (led by example and enforced promptly, fairly and firmly) is the strongest defence against future misconduct.

---

***A strong reputation for integrity (led by example and enforced promptly, fairly and firmly) is the strongest defence against future misconduct.***

---

Remove possible inappropriate perceptions and expectations by ensuring that the public and other organisations in the field are aware of:

- any post-employment restrictions applying to agency employees
- the agency’s high expectations in regard to declaring conflicts of interest, gifts etc.
- the agency’s standards relating to confidential information

- the agency’s standards in relation to equity, fairness and resisting undue influence.

Use mission statements, websites, job advertisements and other publications to promote these standards. Public announcements of commitment to high ethical standards remind employees of their obligations and put pressure on managers to maintain agency standards.

## At-separation strategies

### Updating separation procedures

PSC *Directive no. 2/09 – Employment separation procedures* (PSC 2009) requires that agencies employing staff under the Public Service Act must have established employment separation procedures. The Queensland Government *Information Standard IS18: information security* (Queensland Government Chief Information Office 2006) has a related provision.

*Directive no. 2/09* specifically requires that CEOs and SES officers ‘sign a declaration that they understand the obligations associated with their separation from employment’ (section 5.2.a(i)) and that they ‘complete and certify’ a written checklist of property returned on their last day (section 5.2.a(ii)). It further requires that agencies conduct a risk assessment to establish which lower ranking employees should be subject to the same requirements.

Consider the following possible strategies for the agency’s separation procedure (in addition to the normal human resources, payroll and succession processes):

- Establish protocols for receiving notices of resignation, transfer etc., which help to determine whether the separation entails any potential conflict of interest and to manage such conflicts when they are identified.
- Consider conducting random audits of downloads and email traffic by staff who have given notice. Employees should be aware at all times that it is possible for such audits to be conducted.
- Formally remind departing employees of their continuing obligations in relation to separation declarations, conflict of interest, information security and future employment, as applicable.
- Confirm that any covenants in relation to post-separation employment will continue to be complied with.
- Obtain a declaration in relation to confidentiality of information acquired in the course of employment with the agency.
- Complete a checklist to ensure that all official property has been returned, and physical and electronic access has been cancelled.

- Conduct exit interviews (some of the separation requirements, such as declarations and checklists, can be finalised during the exit interview).
- Decide whether each of these measures should apply to all employees and, if not, which groups and types of employee should be targeted.
- Decide whether each of these measures is applicable to employees who are nominally retiring but who may subsequently return to the workforce as employees or consultants.
- Identify who is to be responsible for managing the separation of very senior employees, including CEOs, and signing off on any processes applicable to these employees.
- Decide where separation records are to be filed and stored (most commonly on personnel files). In particular, computer network access documentation is often stored separately from personnel records and can be difficult to locate.

## Implementing a separation declaration

Ensure that the separation declaration includes a positive statement that the employee acknowledges their obligations in relation to:

- declaring conflicts of interest
- declaring pecuniary and non-pecuniary interests (where applicable)
- complying with restrictions on post-separation employment (where applicable)
- complying with the *Queensland contact with lobbyists code* (Queensland Government Department of the Premier and Cabinet 2009b) and restrictions (where applicable)
- maintaining confidentiality of official information
- acting ethically in relation to the above and in all future dealings with the agency post-separation.

Also ensure that the declaration is signed by the departing employee in the presence of a suitable agency officer. Note that while such a declaration may have limited legal weight, it has a valuable function as a reminder about, and preventative action against, careless or inadvertent misconduct.

## Developing the separation checklist

The separation checklist is a way of confirming that all matters have been dealt with before the employee's departure. In addition to routine matters, the separation checklist should address:

- revoking computer network access rights
- returning or cancelling identification cards, access devices, keys and security codes

- cancelling all credit cards and taxi vouchers
- returning mobile phones, laptops, portable memory devices etc.
- confirming that no official documents or information of any kind have been retained by the employee.

Procedures should ensure oversight of the checklist process by an appropriate officer. In the case of CEOs and other very senior employees this may pose some difficulties and special arrangements may be required through Ministerial Services or the PSC.

## Leading by example

Remind senior officers that detailed checklist processes (such as separation checklists) particularly apply to them because employment at their level gives them access to the most sensitive agency information. This access places a greater burden upon them to show that they are acting with integrity.

It is most important that the top ranks set an example of ethical conduct in relation to post-separation employment, not only to establish agency standards, but also because the risk of damage to both the agency's business and its reputation increases with the importance of the official.

---

***Having personal trust in an individual does not in any way reduce the risk.***

---

The question is never whether a particular person can be relied upon to behave ethically, but always whether the damage which could be caused by their failing to do so constitutes a risk. Having personal trust in an individual does not in any way reduce the risk. Any restrictions or supervisory checks must be related to the level of possible risk rather than to individuals.

## Post-separation strategies

### Informing about lobbying codes

It is important that agencies have policies and systems that require employees to ensure that lobbyists who approach them are complying with the relevant lobbying codes. Officials must ask apparent lobbyists whether they are on the Register of Lobbyists and whether they have recently been employed with the agency or elsewhere in government, and to appropriately report such contacts.

Remind employees to evaluate all contacts with former employees in the light of the lobbying code.

Ensure that relevant employees receive appropriate training in using the Register of Lobbyists and in the processes and procedures associated with it. Such procedures should be established in accordance with the *Queensland contact with lobbyists code* (Queensland Government Department of the Premier and Cabinet 2009b), the *Queensland Ministers' code of ethics* (Queensland Government Department of the Premier and Cabinet 2009a), the *Queensland Cabinet handbook* (Queensland Government Department of the Premier and Cabinet 2006), and the agency code of conduct.

## Restricting post-separation dealings

Regardless of statutory restrictions on departing employees, agencies should have policies and procedures to protect and guide employees who may be subjected to undue pressure or influence from former colleagues. The elements of the policy might include:

- ensuring equity and fairness apply to all clients and client groups
- reporting all contacts (or a specified range of contacts) with former employees
- requiring that such contacts be subjected to conflict of interest assessment and management
- acknowledging the legitimate right of the former employee and their new employer to do business with the agency, along with some delineation of the points at which that right may conflict with the ethical working of the agency and the maintenance of the public interest.

## Ensuring ethical conduct within the agency

Prominently promoted organisational standards of ethical conduct will help to guard against agencies benefiting improperly from confidential information possessed by employees recently recruited from 'outside'. This is particularly important where government agencies are trading in commercial competition with other organisations. Publishing and promoting such standards will help to reassure the community at large that the government sector can be relied upon to behave ethically.

Conflict of interest policies might include a retrospective provision which requires recruits to the agency to declare conflicts relating to previous employment, especially where they relate to confidentiality or making financial decisions, and to have any such conflicts appropriately managed.

### If employees are considering moving on, they should:

**Accept responsibility:** As public officials they are personally responsible for their conduct both in office and when leaving it. They should be proactive in ensuring that their choices and actions are above reproach.

**Be open:** Employees should report any job offers arising during official dealings immediately in writing. Employees should inform prospective employers about the limitations that the confidentiality provisions of their current job places on future employment, and any conditions which might attach to employment with the new employer.

**Seek advice:** If there is the remotest possibility that their plans entail a conflict of interest, employees should seek expert advice from their manager, CEO, governance or human resources section. Ministers and Parliamentary Secretaries and their employees, Government Members, public servants at senior officer level or above, and appointees to statutory offices can seek confidential advice from the Queensland Integrity Commissioner.

**Declare:** If there is the slightest possibility that a conflict of interest of any kind may exist, employees should protect themselves by declaring the circumstances through their agency's normal processes, and cooperate fully with any management strategies which are negotiated.

## Conclusion

The range of risks — grouped as the key risks of conflict of interest, information security and undue influence — associated with departing employees is broad. These risks are potentially damaging to the public interest, the business of the agency and its reputation in the community.

Agencies are advised to conduct a detailed risk assessment and to develop strategies, policies and procedures to address the risks identified. Separation issues should then become a normal part of every risk and policy review.

'Self-righteousness in the mind of the person having the potential conflict is not to the point. Perception is reality.'  
(Crooke 2007, p. 4)

## References

- APSC, see Australian Public Service Commission.
- Australian Government 2000, *Commonwealth protective security manual*, Attorney General's Department, Canberra.
- Australian National Audit Office 1999, *Operation of the classification system for protecting sensitive information*, Audit Report 7, The Auditor General, Canberra.
- Australian Public Service Commission 2008a, *APS values and code of conduct in practice*, viewed 16 February 2009, <[www.apsc.gov.au/values/conductguidelines13.htm](http://www.apsc.gov.au/values/conductguidelines13.htm)>.
- 2008b, *Circular No 2008/4: requirements relating to the Lobbying Code of Conduct and post separation contact with government* (14 May 2008), viewed 17 February 2009, <[www.apsc.gov.au/circulars/circular084.htm](http://www.apsc.gov.au/circulars/circular084.htm)>.
- Canadian Government 1994, *Conflict of interest and post-employment code for public office holders*, Office of the Ethics Counsellor, Ottawa.
- CMC, see Crime and Misconduct Commission.
- Crime and Misconduct Commission 2008, *Public duty, private interests: issues in pre-separation conduct and post-separation employment for the Queensland public sector: a report arising from the investigation into the conduct of former Director-General Scott Flavell*, Crime and Misconduct Commission, Brisbane.
- Crooke, G 2007, 'The Queensland Integrity Commissioner, roles and functions: conflicts of interest matters and examples', paper presented at the Australian Public Sector Anti-Corruption Conference, Sydney, 24 October 2007.
- Finn, P 1993, *Abuse of official trust: conflict of interest and related matters*, Integrity in Government Project: second report, Australian National University, Canberra.
- ICAC, see Independent Commission Against Corruption.
- ICAC & CMC, see Independent Commission Against Corruption & Crime and Misconduct Commission.
- Independent Commission Against Corruption 1997, *Managing post separation employment: discussion paper*, Independent Commission Against Corruption, Sydney.
- Independent Commission Against Corruption & Crime and Misconduct Commission 2004a, *Managing conflicts of interest in the public sector: guidelines*, Independent Commission Against Corruption & Crime and Misconduct Commission, Sydney.
- 2004b, *Managing conflicts of interest in the public sector: toolkit*, Independent Commission Against Corruption & Crime and Misconduct Commission, Sydney.
- Organisation for Economic Cooperation and Development 2003, *Managing conflict of interest in the public service: OECD guidelines and overview*, Organisation for Economic Cooperation and Development, Paris.
- PSC, see Queensland Government, Public Service Commission, also Office of the Public Service Commissioner.
- Queensland Government
- Department of Employment, Economic Development and Innovation (Queensland) n.d., *Queensland public sector: intellectual property principles*, Brisbane.
- Department of State Development 2007, *Queensland public sector: intellectual property guidelines*, version 2 (January 2007), Brisbane.
- Department of the Premier and Cabinet 2006 *Queensland Cabinet handbook*, viewed 5 May 2009, <[www.premiers.qld.gov.au/About\\_the\\_department/publications/policies/Governing\\_Queensland/Cabinet\\_Handbook/](http://www.premiers.qld.gov.au/About_the_department/publications/policies/Governing_Queensland/Cabinet_Handbook/)>.
- 2009a, *Ministers' code of ethics*, *The Queensland Ministerial Handbook* (Appendix 19), viewed 5 May 2009, <[www.premiers.qld.gov.au/About\\_the\\_department/publications/policies/Governing\\_Queensland/Ministerial\\_Handbook/ethics/3-7\\_Ministers\\_Code\\_of\\_Ethics/](http://www.premiers.qld.gov.au/About_the_department/publications/policies/Governing_Queensland/Ministerial_Handbook/ethics/3-7_Ministers_Code_of_Ethics/)>.
- 2009b, *Queensland contact with lobbyists code*, viewed 5 May 2009, <[www.premiers.qld.gov.au/Government/Register\\_of\\_lobbyists/](http://www.premiers.qld.gov.au/Government/Register_of_lobbyists/)>.
- Legislative Assembly of Queensland 2008, *Standing rules and orders of the Legislative Assembly*, viewed 5 May 2009, <[www.parliament.qld.gov.au/view/legislativeAssembly/documents/procedures/StandingRules&Orders.pdf](http://www.parliament.qld.gov.au/view/legislativeAssembly/documents/procedures/StandingRules&Orders.pdf)>.

Office of the Public Service Commissioner 2007a, *Directive no. 1/07 — Declaration of interests: chief executives*, Brisbane, 9 March 2007.

— 2007b, *Directive no. 3/07 — Public service employees engaging in other employment*, Brisbane, 1 September 2007.

Public Service Commission 2009, *Directive no. 2/09 — Employment separation procedures*, Brisbane, 13 February 2009.

Queensland Government Chief Information Office 2008, *Queensland Government information security classification framework*, version 1.0.1 April 2008, Brisbane.

Queensland Government Chief Information Office 2006, *Information Standard IS18: information security*, version 3.00, Brisbane.

## Further useful references

Australian Government Legislation:  
*Privacy Act 1988*

Queensland Government Legislation:  
*Crime and Misconduct Act 2001*  
*Criminal Code Act 1899*  
*Financial Audit and Administration Act 1977*  
*Freedom of Information Act 1992*  
*Local Government Act 1993*  
*Public Sector Ethics Act 1994*  
*Public Service Act 2008*

Crime and Misconduct Commission 2005, *Information security — keeping sensitive information confidential*, Building Capacity Series 7, Crime and Misconduct Commission, Brisbane.

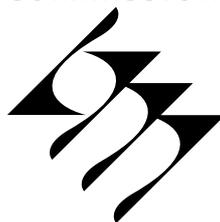
Queensland Government Chief Information Office 2001, *Information Standard IS33: information access and pricing*, Brisbane.

— 2006, *Information Standard IS25: intellectual property*, Brisbane.

## Other titles in the Building Capacity series

- 1 *Answering the charges: guidelines for using corporate cards* (July 2003)
- 2 *Regulation in Queensland: misconduct risks and prevention strategies* (August 2003)
- 3 *Cyber traps: an overview of crime, misconduct and security risks in the cyber environment* (February 2004)
- 4 *In your interest: managing material personal interests* (May 2004)
- 5 *Fraud and corruption control: an integrated approach to controlling fraud and corruption within the workplace* (July 2004; reprinted March 2006)
- 6 *Speaking up: creating positive reporting climates in the Queensland public sector* (December 2004)
- 7 *Information security: keeping sensitive information confidential* (February 2005)
- 8 *Receiving gifts and benefits: managing the risks* (June 2006; reprinted July 2008)
- 9 *Sponsorship management: achieving mutually beneficial outcomes* (September 2006)
- 10 *Public–private partnerships: identifying governance risks* (March 2007)
- 11 *Outside employment: risks and remedies* (June 2007)
- 12 *Keeping your code of conduct relevant: guidelines for best practice* (November 2007)
- 13 *Keeping your code of conduct relevant: a best practice checklist* (November 2007)

CRIME AND  
MISCONDUCT  
COMMISSION



QUEENSLAND