



Secondary Employment and External Appointments Policy and Procedure

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PART 1 - POLICY

1. Purpose

This policy (Part 1) and the related procedures (Part 2) sets out mandatory requirements for QBCC employees and the Commissioner engaged in or considering engaging in secondary employment or considering an external appointment.

2. Scope

This policy and procedures apply to all QBCC employees and the Commissioner.

This policy does not apply to QBCC employees engaging in volunteering (other than appointment to management positions with a volunteer organisation), but QBCC employees have an obligation to identify, disclose and manage any conflicts of interest arising from those volunteering activities in accordance with QBCC's [Conflict of Interest Policy and Procedure](#).

This policy does not apply to QBCC Board Members or contractors. However, if secondary employment or external appointment for a QBCC Board Member or contractor creates a real, potential, or perceived conflict of interest, it should be managed in accordance with QBCC's [Conflict of Interest Policy and Procedure](#).

3. Authority

This policy and procedure are a direction to QBCC employees from the Commissioner made in accordance with s88 of the *Public Sector Act 2022* (Qld) (**PS Act**).

This Policy and procedure is compatible with the provisions of the [Human Rights Act 2019](#) (Qld) and any limitation on a QBCC employee's human rights is reasonable and justifiable because of the broader public interest in ensuring that conflicts of interest are appropriately managed by public sector officers.

4. Policy statement and principles

4.1 Policy

The QBCC acknowledges that employees may wish to engage in Secondary Employment or to accept an External Appointment (whether paid or unpaid).

However, this needs to be balanced with the primary obligation of QBCC employees and the Commissioner to always act in the public interest, and the risk of conflicts of interest being created by the Secondary Employment or External Appointment.

QBCC employees are not permitted to engage in Secondary Employment or to accept an External Appointment without the approval of the relevant Delegate.

Approval will only be granted where the Secondary Employment or External Appointment will not create a conflict of interest which cannot be managed, or where it will not otherwise impact adversely on their or any other QBCC employee's ability to act in the public interest.

Under s89 and Schedule 1 of the [Criminal Code Act 1899](#), an employee contracting back to their employing agency in their private capacity without Chief Executive approval is a criminal offence. Approval will not be given for any QBCC employees wishing to engage in Secondary Employment which involves contracting back directly to the QBCC, nor to their engaging in Secondary Employment with any QBCC contractor or supplier.

A failure of a QBCC employee to obtain prior approval to engage in Secondary Employment or to accept an External Appointment could result in:

- referral to external agencies such as the Queensland Police Service or the Crime and Corruption Commission
- disciplinary action, including possible termination of employment; and/or
- criminal prosecutions for an offence.

4.2 Principles

This Policy supports the Code of Conduct for the Queensland Public Service/Sector (Code of Conduct) and its' ethical principles of integrity and impartiality; acting in the public interest, commitment to the system of government; and accountability and transparency.

This policy also aligns with the QBCC's: vision for a thriving and resilient building and construction industry inspiring confidence, and supporting sustainable social, environmental, and economic outcomes for Queenslanders; and purpose of delivering excellence in regulatory services to reduce risk and offer protection from harm.

PART 2 - PROCEDURE

5. Approval process

5.1 Application by employee

Employees wishing to engage in Secondary Employment or accept an External Appointment must:

- Complete a Secondary Employment or External Appointment Checklist to assist in identifying and resolving or managing any actual, potential, or perceived conflict of interest associated.
- Discuss any proposed secondary employment with their manager to identify and assess associated conflict of interest and risks, which may include but are not restricted to:
 - adverse effects on the public's perception of the QBCC's integrity
 - misuse of QBCC information, intellectual property, facilities, or public resources such as computers, telephones, email and mailing lists, databases, consumables and/or work time to undertake duties associated with the secondary employment or external appointment
 - absenteeism due to clashing time commitments
 - diminished work performance because of fatigue, distraction, or time pressures
 - increased workload on co-workers who are required to cover the reduced performance of the employee.
- Develop a proposed management plan with their manager to resolve or manage those conflict of interest and risks in the public interest, using one or more of the QBCC's conflict of interest management strategies which can be located in the Conflict of Interest Policy and Procedure.
- Use the QBCC's online reporting tool iDeclare to disclose and record specific details of the proposed Secondary Employment or External Appointment, including:
 - the duties proposed to be undertaken
 - the other employer's name and location
 - the level of commitment and hours likely to be involved with the Secondary Employment or External Appointment
 - links the other employer or organisation has with the QBCC or other government agencies
 - any associated conflict of interest and/or other risk factors, including reputational risk
 - the proposed management plan to resolve or manage any conflicts of interest and risks.

5.2 Endorsement by manager

The employee's manager must endorse the application and the proposed management plan before the application for Secondary Employment or External Appointment is sent to the relevant Delegate.

If the manager considers that the conflict of interest risks arising from the proposed Secondary Employment or External Appointment cannot be adequately managed; or the employee and manager cannot reach agreement on the management plan, advice should be sought from the Ethics, Standards and Complaints (ESC) Branch.

5.3 Approval by Delegate

Manager approved applications for approval of Secondary Employment or External Appointment are submitted via [iDeclare](#) to the relevant Delegate.

When deciding whether to approve a Secondary Employment or External Appointment application, the Delegate will seek to ensure that the employee is not unfairly disadvantaged. However, the Delegate's primary consideration will be to ensure that any conflict of interest or risks associated with the Secondary Employment or External Appointment are resolved or will be managed in the public interest and will not create undue risk for the QBCC's reputation or functions.

5.4 Approval for applications by the Commissioner

Applications for approval of Secondary Employment or External Appointment made by the Commissioner must be approved by the Queensland Building and Construction Board in accordance with s20L of the [Queensland Building and Construction Commission Act 1991 \(QBCC Act\)](#).

6. Implementation and review

Once approval is granted, the employee is responsible for implementing the approved management plan.

Management plans must be reviewed at least annually to ensure implementation and effectiveness of the agreed management strategy, or more often if:

- there is a change to the conflict of interest created by the Secondary Employment or External Appointment; or
- if the employee receives a promotional or transfer opportunity, in which case the management plan must be reviewed considering the duties and functions of their new position, and any required adjustments to the plan made before the promotion or transfer is approved.

For further guidance, QBCC officers and the Commissioner should refer to the QBCC's Reviewing and assessing conflicts of interest management plans checklist on our internal intranet [resources page](#). Where a review identifies that the conflict of interest is impacting adversely on the QBCC or a QBCC work unit, the employee's manager must consult with the employee where a change to the management plan is being considered and provide a written brief to the relevant Delegate outlining the issues of concern and proposed strategy to address them.

7. Employee review rights

Where the Delegate declines the application, the employee may seek review under the QBCC's [Managing Employee Complaints Policy and procedure](#).

8. Record keeping, privacy and access

All relevant documentation relating to Secondary Employment or External Appointments are confidential as far as possible, and only disclosed within QBCC on a 'need to know' basis. These records will be securely stored in iDeclare. Security and access controls are in place within ECM to ensure the maintenance of appropriate confidentiality and privacy protocols.

Secondary Employment or External Appointment registers may be subject to applications for access under the *Right to Information Act 2009* and/or the *Information Privacy Act 2009*. Applications are considered on a case-by-case basis. Before a decision is made about whether it be in the public interest to release the relevant records, QBCC will consult the employee about their views on the application prior to any decision being made to release the document.

9. Consequences of failure to obtain approval

Breaches of this Policy are treated seriously by the QBCC and, where proven, may lead to disciplinary action including reprimand, demotion, termination of employment or engagement or post-employment disciplinary declarations, or potential criminal proceedings.

If an application to engage in Secondary Employment or accept and External Appointment is declined and the employee proceeds regardless without approval, the matter will be referred to ESC.

ESC will assess the matter in accordance with relevant QBCC policies, including consideration of whether referral to the Crime and Corruption Commission (CCC) is required. ESC may determine a formal investigation is appropriate and proportionate in the circumstances or undertake a more informal information gathering process.

Depending on the outcome of any fact-finding process or investigation, the appropriate QBCC delegate may determine that disciplinary action is appropriate, up to and including potential termination of employment or engagement.

In the most serious and exceptional circumstances, failures to declare and obtain approval for Secondary Employment or an External Appointment may be a criminal offence under the Queensland Criminal Code, with potential penalties including fines or imprisonment if found guilty. Criminal proceedings can also be referred from the CCC to the Director of Public Prosecutions.

10. Responsibilities

QBCC employees	<ul style="list-style-type: none"> • Apply for prior approval to engage in Secondary Employment or accept an External Appointment prior to engaging in it. • If approval is granted, implement the management plan to ensure that their Secondary Employment or External Appointment does not adversely impact the performance of their duties, any other employee's duties or the QBCC's reputation. • Promptly notify their manager of any changed circumstances or emerging risks associated with their Secondary Employment or External Appointment that may require: <ul style="list-style-type: none"> ○ resolution or management in the public interest ○ the conditions of the employment's approval to be reassessed. • Ensure that the management plan is reviewed annually or sooner if required by this policy, and actively participate in that review. • Ensure that they do not use QBCC information, intellectual property, physical or other resources in relation to their Secondary Employment or External Appointment, and that any work is outside their QBCC working hours (or during approved annual leave periods).
Persons with Direct Reports (e.g., Team	<ul style="list-style-type: none"> • Comply with the responsibilities of QBCC employees.

<p>Leaders, Managers, Directors, SLT)</p>	<ul style="list-style-type: none"> • Understand and be able to explain to employees' key issues around Secondary Employment and External Appointments and provide clear guidance about the basis on which associated decisions are made. • Remind the employee about the primacy of their employment with the QBCC while undertaking Secondary Employment or an External Appointment. • Based on the information provided by the employee, identify, and assess all conflicts of interest associated with the proposed Secondary Employment or External Appointment, including risks not identified by the employee. • In consultation with the employee, develop an agreed management plan to resolve or appropriately manage any conflicts of interest in the public interest. • Implement a review process to ensure than the management plan is effective. • Add further conditions to the approval request at their discretion. • Report actual or suspected undisclosed Secondary Employment or External Appointment relating to any employee, to the Director, ESC.
<p>Delegates</p>	<ul style="list-style-type: none"> • Comply with the responsibilities of QBCC employees. • Review applications and determine acceptance of Secondary Employment or External Appointment requests and proposed management plans for employees for whom they hold the relevant delegation. • Add further conditions to the approval at their discretion.
<p>ESC</p>	<ul style="list-style-type: none"> • Advise QBCC employees about ethical and integrity issues related to Secondary Employment and External Appointments. • Maintain QBCC's Secondary Employment and External Appointments Declaration Register. • Send quarterly communications and reminders to all QBCC employees about their obligations to declare and register their secondary employment. • Receive, assess, and report on alleged failures to obtain approval for Secondary Employment or External Appointments or failures to manage associated conflicts of interest.

11. Definitions

TERM	DEFINITION
Commissioner/ Executive Officer	The person appointed as Commissioner, Queensland Building and Construction Commission under Section 20D of the QBCC Act and as the Executive Officer, Queensland Building Commission Employing Office under s29D of the QBCC Act.
Conflict of interest	<p>A conflict of interest is an actual, potential, or perceived conflict between a public officer's private interests (or the interests of their family members or close associates) and their obligation to always act in the public interest.</p> <p>There are three categories of conflict of interest:</p> <ul style="list-style-type: none"> • actual—there is a direct conflict between an officer's current duties and their existing private interests • potential—the officer's current duties and private interests could conflict in the future • perceived—it could appear that the officer's private interests may improperly influence the performance of their current duties.
Delegate	The Commissioner or a QBCC employee with authority to make a particular decision as set out in the QBCC Delegation Manual (HR Delegation Secondary Employment).
ESC	The Ethics, Standard and Complaints branch of QBCC
External Appointment	<p>Appointment (whether paid or unpaid) of a QBCC employee as:</p> <ul style="list-style-type: none"> • a director, company secretary or officer of a company or association (whether private, public, listed, or unlisted, including charities and not-for-profit companies or incorporated associations). • officer of a family trust or self-managed super fund. • appointment to an advisory position with a government board or body.
Public interest	<p>The public interest is not the sum of individual interests, nor the interest of a particular group or entity, but the collective interest of the entire community. QBCC employees and the Commissioner are expected to act in the public interest by carrying out their official duties:</p> <ul style="list-style-type: none"> • lawfully • in a fair and unbiased way • in accordance with government policy under the direction of the Minister, and • in compliance with all reasonable and lawful instructions, whether they personally agree with a given policy direction.
QBCC employee, employee	Employees of the Queensland Building Commission Employing Office who undertake work for the QBCC (including those assigned to the Adjudication Registry).
Secondary Employment	<p>Additional paid employment performed by a QBCC employee, including during absences on approved leave:</p> <ul style="list-style-type: none"> • employment as an employee or engagement as a contractor, whether on a full-time, part-time, or casual basis • self-employment (including online trading or sales) • involvement in a private business or partnership, or • provision of paid consultancy services either as an individual or through a trust, partnership, or company. <p>Secondary Employment includes employment on a temporary basis with another Queensland public sector agency during an approved absence on leave from the QBCC.</p>

12. References and other resources

12.1 Legislation and policy

Any references in this policy legislation, directives, policies, or guidelines include a reference to that legislation or policy as amended or replaced from time to time.

Legislation

[Crime and Corruption Act 2001](#)

[Criminal Code Act 1899](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Public Sector Act 2022](#)

[Queensland Building and Construction Act 1991](#)

Queensland Government Codes, Directives and Policy Instruments

[Code of Conduct for the Queensland Public Service](#)

[Directive 3/10 – Declaration of interests Public Service Employees \(Other than chief executives\)](#)

[Declaration of interests – Senior Executive and Equivalent Employees policy](#)

[Directive 11/20 – Individual employee grievances](#)

12.2 QBCC policies and procedures

[QBCC Delegations Manual](#)

[Conflict of interest policy and procedure](#)

[Managing employee complaints procedure](#)

[Procurement policy](#)

12.3 Further information and resources

Queensland Government resources

[Queensland Crime and Corruption Commission:](#)

[Conflicting Commitments – February 2022](#)

[Managing corruption risk associated with secondary employment – October 2018](#)

13. Contact

Ethics Standards and Complaints Branch: integrity@qbcc.qld.gov.au

14. Superseded versions

VERSION	DATE	CHANGES
1.0	August 2019	Created
2.0	February 2020	Update V1.0
3.0	August 2023	Major review following Governance Review recommendations

15. Version control

Approving Authority	Commissioner
Date	28 September 2023
Version	V3.1
Review Date	September 2025
Related Documents – forms and procedures	<ol style="list-style-type: none">1. Application for approval for secondary employment or external appointment (iDeclare).2. Secondary employment and external appointment checklist.3. Delegations Manual