# Guidelines – lobbying/employment restrictions for former CEO/SES or equivalent officers

Activities of former CEO/SES or equivalent level officers (former senior government officers) may be impacted by the *Integrity Act 2009* (the Act), relevant sections of the Queensland Contact with Lobbyists Code (the Code) and post separation employment provisions in all departmental codes of conduct. Additionally, the confidentiality clause in former senior government officers’ contracts requires the non-disclosure of confidential information post separation.

An underlying principle of the lobbying and post separation employment provisions is to prevent former senior government officers from using confidential information gained during government employment for a private commercial benefit. The provisions are not intended to prevent former senior government officers from using their skills, expertise and general knowledge of the workings of government in the private sector following their departure from the public service.

The purpose of this guideline is to assist in the interpretation, of the current restrictions imposed under the Act, the Code and departmental codes of conduct and employment contracts.

It is the responsibility of government representatives as well as of former senior government officers, to ensure that these restrictions are observed.

## Activities that are prohibited for a former senior government officer

Former senior government officers are not permitted to:

* undertake lobbying activity for a third partyon matters which they had official dealings within their last two years in public sector employment for two years after they ceased public sector employment, where they have ceased such employment after 1January 2010 – restriction is imposed by s70 of the Act
* undertake lobbying activityfor a third party on matters which they had official dealings within their last 18 months in public sector employment for 18 months after they ceased public sector employment where they have ceased such employment before 1 January 2010 – restriction is imposed by the Code
* have business meetings with a Queensland Government representative on any matter which they had official dealings as a former senior government officer within their last 18 months for 18 months after they ceased public sector employment – restriction is imposed by departmental codes of conduct
* disclose confidential information in breach of their contract of employment.

## Activities that are not prohibited for a former senior government officer

Former senior government officers are permitted to:

* undertake lobbying activity for a third party on matters which they had no official dealings within their last two years in public sector employment (if separation after 1 January 2010) or 18 months (if separation before 1 January 2010)
* have business meetings with a Queensland Government representative on any matter which they did not have official dealings as a former senior government officer within their last 18 months in the public sector
* be an employee of an organisation or firm that represents their own interests to government
* disclose information which does not amount to confidential information, and therefore would not be in breach of their employment contract.

## Definitions

The following summaries of definitions, slightly adapted for present purposes, are provided to guide in the interpretation of the restrictions.

‘Lobbying Activity’ is contact with a government representative (i.e. Minister, Parliamentary Secretary, ministerial staff member, member of the public service) in an effort to influence government decision making (see s42 of the Act). Note that there is a range of exemptions under s41 and 42 of the Act (e.g. lobbying for a non-profit organisation).

‘Official dealings’ is not defined for the purposes of the Act or Code. However, they are considered to be specific policies, procedures, transactions, negotiations or cases in which former senior government officers previously acted for, or provided advice to, the government (either through the CEO or the Minister). Simply viewing documents, such as Cabinet submissions and decisions, would not constitute having had “official dealings” on a matter. However, the confidentiality provisions of the *Queensland Cabinet Handbook* and *Public Service Commission Directive No. 2/09 - Employment Separation Procedures* would still apply.

‘Business meetings’ is not defined for the purposes of departmental codes of conduct. However, they are considered to be those meetings which have a commercial focus, and have been convened to discuss matters which have a profit motive in mind.

With the future introduction of a single code of conduct across departments, there will be a further opportunity to work with the Integrity Commissioner to refine the interpretation of official dealings and business meetings.

The decision-making tree (appendix 1) is provided to assist government representatives to decide whether they should meet with former senior government officers. Where meetings are held, government representatives should ensure that a file note is taken to ensure that a record is kept of the meeting.

# Appendix 1: Decision making tree

**Yes**

**Yes**

**Yes**

**Yes**

**No**

**No**

**No**

**No**

It is OK to meet with the former SES/CEO officer, if they left before 1 January 2010 but not on matters which they had ’official dealings’ within the last 18 months of leaving office for 18 months after leaving office.

If they left office after 1 January 2010, the restrictions apply for a period of two years

Is it OK to meet with the former senior government officer

It is not OK to meet with the former SES/CEO officer, until such time as that person is registered as a lobbyist.

Once registered, meetings can be held with this person, but if they left before 1 January 2010, not on matters which they had ‘official dealings’ within the last 18 months of leaving office for 18 months after leaving office.

If they left office after 1 January 2010, the restrictions apply for a period of two years

Contact should be recorded on the department’s register of contact with lobbyists

Is the former senior government officer registered as a lobbyist?

Is the third party exempt under the Integrity Act (e.g. a non-profit entity?)

It is OK to meet with the former SES/CEO officer, if they left before 1 January 2010 but not on matters which they had ’official dealings’ within the last 18 months of leaving office for 18 months after leaving office.

If they left office after 1 January 2010, the restrictions apply for a period of two years

It is OK to meet with the former senior government officer

Former CEO/SES or equivalent officer leaves the public service

Before 1 January 2010 was this within the last 18 months? After 1 January 2010 was this within the last two years?

Is the former CEO/SES officer acting on behalf of a third party?