



# Engage in Outside Employment Guidelines

A handwritten signature in black ink, appearing to read 'Daryl Karp', is positioned above the printed name.

**Daryl Karp**  
Director

**June 2021**

*Due for review June 2023*

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## Version control

Version	Date	Author/Reviewer	Summary of changes	Status
V1.0	25 February 2021	People and Strategy	Review	Draft
V2.1	April 2021	Staff Consultation	Review & Comment	Draft
V2.2	June 2021	EMG	Review & Comment	Draft
V2.3	June 2021	Director	Endorse/Signature	Final

Team responsible for overview and updates of the policy:

People & Strategy Team

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## **1. General information**

The following guideline outlines the process, roles and responsibilities for employment outside of MoAD.

The APS Code of Conduct requires an APS employee to act with care and diligence in the course of APS employment and to disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with APS employment. This includes maintaining appropriate confidentiality of information obtained during the course of employment and not making improper use of inside information or the employee's duties, status, power or authority.

Accordingly, approval must be sought where the employee intends to engage in outside employment so that the delegate can assess if there is any conflict of interest between the outside employment and the employee's duties in the agency.

## **2. Authority/Delegation**

The Deputy Director or Section Head is responsible for approving outside employment.

For further details, please contact the People and Strategy Team.

## **3. Outside employment**

All employees must seek and gain delegate approval to engage in outside employment by completing the Application to Engage in Outside Employment form.

Approved application forms are to be forwarded to the People and Strategy team. Employees who engage in outside employment either paid or unpaid should ensure their outside employment does not conflict or be perceived to conflict with their official duties and does not affect their ability to perform their official duties.

Applications for outside employment, where there is a perceived conflict of interest, will be considered by the delegate on a case by case basis.

## **4. Conditions of outside employment**

Outside employment is any employment whether it is paid or unpaid for any employer other than MoAD. Employees can undertake outside employment provided it does not conflict with or directly affect the performance of their official duties. Approval will be required for any type of outside employment.

If there are any changes to the original approved application for outside employment, the employee must notify the delegate in writing of the changes. Additionally, the employee should advise the delegate if there are changes to their duties for outside employment which may affect their official duties.

In accordance with the *Public Service Act 1999* and the Code of Conduct, outside employment is to be performed wholly in the employee's private time, using the employee's (not MoAD) resources.

Examples of outside employment:

- paid work for another APS employer or a non APS employer
- running a business
- maintaining a professional practice
- being a Director of an organisation or acting as a tax agent

## 5. Directorships

When considering becoming a director of an organisation, relevant factors to consider include, whether the organisation:

- is in, or is about to enter into, a contractual relationship with the Australian Government
- receives financial assistance from the Australian Government
- has a primary role to lobby Ministers, Members of Parliament or government entities about issues related to the employees official duties, or
- would give another business, including a government business enterprise, reasonable grounds to perceive a conflict of interest

## 6. Voluntary activity

Employees who engage in voluntary activity must declare it as outside employment.

The delegate will make the decision on if it:

- poses a conflict of interest or perceived conflict of interest
- impedes on the employee's ability to perform their ordinary duties in any capacity

## 7. Approval procedures

All employees must seek approval from the delegate for outside employment, whether paid or unpaid and voluntary activity, prior to commencement; this includes outside employment for employees on paid leave (e.g. recreation leave, long service leave) or leave without pay.

It is recommended that employees seeking to undertake outside employment while on leave submit an application form at the same time as submitting a leave request. Approval for outside employment will not be granted for any employee on personal leave.

The application form once completed will provide the following:

- the nature of outside employment
- the location of the workplace
- hours of work
- date commencing employment and cessation (if known)
- whether the proposed outside employment may affect the employee's performance of official duties or give rise to conflict of interest

Approval for an employee to engage in outside employment will only be given where the delegate is of the opinion that the outside employment would not conflict with the employee's official duties or interfere with his or her performance of those duties.

In considering a request for outside employment, the delegate must assess whether there is any conflict between the outside employment and the employee's duties.

## **8. Review of outside employment**

Applications for outside employment are valid for a maximum of 12 months and expire at the end of each financial year. Employees must submit a new application in July each year if they are to continue outside employment.

Approved outside employment arrangements are to be reviewed on a regular basis to ensure there is no conflict of interest or impact on the employee's official duties.

## **9. Withdrawing approved outside employment**

The delegate reserves the right to withdraw approval for outside employment at any time where the delegate considers that a conflict of interest has arisen or that the performance of the employee's duties is being adversely affected.

## **Supporting documentation**

[Public Service Act 1999](#)