

# Fact Sheet: Post separation obligations for Opposition staff members

Post separation obligations exist to promote integrity, transparency and accountability. They prevent former Opposition staff members from taking personal advantage of specific relationships or information they acquired during their employment to gain a benefit for themselves or others after their Opposition role.

The *Ministerial and Other Office Holder Staff Act 2010* provides for staff members to be employed in the office of the Leader of the Opposition (Opposition staff members).<sup>1</sup>

After you leave your position as an Opposition staff member, you have 2 key post separation obligations:

1. You must continue to maintain the confidentiality of information you were privy to because of your Opposition staff member role.
2. If you become a Queensland registered lobbyist, you cannot engage in lobbying activities concerning matters you had official dealings with, in your last 2 years as an Opposition staff member, for 2 years after leaving your Opposition staff member role.

This fact sheet tells you what you need to know about these 2 key post separation obligations.

## 1. Continuing confidentiality obligations

The confidentiality requirements that apply to you in your Opposition staff member role continue to apply after you leave.

Confidential information is information which is not in the public domain and came to your knowledge because of your employment. It does not need to be in writing and there is no time limit to the prohibition on disclosing confidential information.

The [Code of Conduct Opposition Staff Members](#)<sup>2</sup> (Leaders Office) (2014 p. 5) states:<sup>3</sup>

If you leave your position to work elsewhere, you have a legal obligation to respect confidentiality of information and ownership of intellectual property to which you had access in the course of your work here. Unless otherwise authorised, when you cease duty with the Opposition office, you cannot take any resources such as articles, processes and materials produced as part of the official functions of your employment or download information. These are the property of Ministerial Services, Department of the Premier and Cabinet.

Your contract of employment as an Opposition staff member contains a confidentiality clause requiring the non-disclosure of confidential information post separation.

Unlawful disclosure of confidential information may constitute an offence under the Criminal Code (Chapter 12) or corrupt conduct under the *Crime and Corruption Act 2001*.

It is also an offence under section 13K of the *Ministerial and Other Office Holder Staff Act 2010* to unlawfully disclose criminal history information (about an individual) obtained through your Opposition staff member role.

## 2. Restrictions on lobbying

Chapter 4 of the *Integrity Act 2009* (**Integrity Act**) sets out how third party lobbyists (often called professional lobbyists) and lobbying activity is regulated in Queensland.<sup>4</sup> If you decide to become a Queensland Registered Lobbyist<sup>5</sup> upon leaving your Opposition staff member role, there are particular matters you cannot lobby on for 2 years.

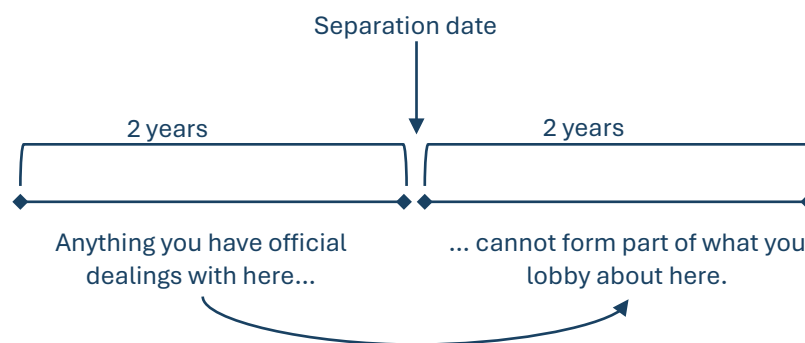
### What is the quarantine period and restrictions applying to lobbying activity as defined in the Integrity Act?

As a former Opposition staff member,<sup>6</sup> section 62(2) of the Integrity Act restricts what you may lobby about as a registered lobbyist:

Within 2 years after the person becomes a **former representative**, the person must not carry out **lobbying activity** for a **third party client** if the activity relates to **official dealings** in which the person engaged in the person's official capacity in the 2 years immediately before the person became a **former representative**.

This means if you become a registered lobbyist after leaving your Opposition staff member role, you cannot lobby for the next 2 years on any matter you had official dealings with, in the last 2 years in your Opposition staff member role.

These requirements are explained in the diagram below.



### Key terms and definitions

To understand how section 62(2) operates and applies to you, you need to know how the key terms highlighted above are defined:

A **former representative** includes a former Opposition staff member.<sup>7</sup>

**Official dealings** is defined in section 41 of the Integrity Act:

official dealings, in relation to a person who is a former representative, means any of the following dealings that the person engaged in as part of the person's ordinary duties on a regular basis—

- (a) government or Opposition business or activities;
- (b) negotiations, briefings, contracts and the making or receipt of representations relating to government or Opposition business or activities.

A **third party client** is defined in section 41 of the Integrity Act and "means an entity that engages another entity to provide services constituting, or including, a lobbying

activity for a commission, payment or other reward, whether pecuniary or otherwise, that is agreed to before the other entity provides the services.”

**Lobbying activity** is defined in section 42 of the Integrity Act and means:

- communicating with a government representative in an effort to influence decision-making of the State government or a local government
- communicating with an Opposition representative in an effort to influence decision-making of the Opposition.

There are certain activities which are excluded from the definition of lobbying activity (e.g. communicating with a committee of the Legislative Assembly or a local government, responding to a call for submissions, or responding to a request for tenders). Refer to section 43 of the Integrity Act for the complete list of excluded activities.

## What steps can I take to prevent breaching my obligations?

It is your responsibility to recognise when a potential breach or conflict involving your post separation obligations may arise. You may wish to adopt strategies to help prevent a breach including:

- Compiling a list of the key Opposition business, activities or policy you had involvement with, or advised on, in the last 2 years in your role if you intend to apply to become registered as a lobbyist in Queensland (you must provide a statement of official dealings as part of your application and this statement is published on the Lobbying Register once you are registered).
- Remaining vigilant about any potential issues in any new role.
- Declaring to any prospective employers that you have post separation obligations.
- Erring on the side of caution if there is any uncertainty.
- Seeking out information that may be relevant and/or seeking advice from an appropriate person in the Leaders Office before you leave, or from an independent legal advisor after you have left.

## What if I have not yet resigned but am considering other employment?

There is nothing wrong or inappropriate with contemplating changing roles including participating in discussions with a prospective employer or considering a job offer made to you. However, engaging with a prospective employer or applying for another role is a personal interest that might give rise, in the mind of a reasonable person informed of the facts, to a conflict of interest. This is when your personal interest in the prospective employment/employer might conflict with the proper performance of your official duties. For example, if you are involved in, or advising on, a bill or an Opposition policy matter that could, in the future, materially affect your prospective employer.

If an actual, perceived or potential conflict arises from a prospective employment opportunity or offer, section 25 of the *Ministerial and Other Office Holder Staff Act 2010* states that you must disclose the nature of the interest and conflict to your employing member as soon as practicable after the relevant facts come to your knowledge, and you must not take action or further action concerning the conflict unless authorised by your employing member. This statutory requirement is reflected in the Code of Conduct Opposition Staff Members (2014, p. 9) and in the [Queensland Opposition Handbook](#)<sup>8</sup> (2024, section 3.3.2).

The form you must use to disclose a conflict of interest can be found in Appendix 1 of the Queensland Opposition Handbook.

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<sup>1</sup> Section 7 of the *Ministerial and Other Office Holder Staff Act 2010*.

<sup>2</sup> <https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-opposition-staff.pdf>

<sup>3</sup> <https://www.premiers.qld.gov.au/right-to-info/published-info/assets/code-of-conduct-opposition-staff.pdf>

<sup>4</sup> For information about lobbying, please see the [Lobbying: Common questions & answers \(May 2024\)](#)

<sup>5</sup> If you are unsure if you need to be registered as a lobbyist please read [Fact Sheet - Who needs to be registered to lobby in Queensland](#). You should also be aware that unregistered lobbying is an offence under section 46 of the Integrity Act.

<sup>6</sup> Section 60(c) of the Integrity Act.

<sup>7</sup> Former representative is defined in section 61 of the Integrity Act and includes a former Opposition representative. Former Opposition representative is defined in section 60 of the Integrity Act as the Leader of the Opposition, the Deputy Leader of the Opposition and any staff member in the Office of the Leader of the Opposition.

<sup>8</sup> <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/opposition-handbook.aspx>