



CONFLICT OF INTEREST

Setting up a private company

A senior employee of Department of Employment and Training is looking to exit public service. How did he manage the transition?

The story

In 2007, former Director-General of the Department of Employment and Training, Mr Scott Flavell, misused departmental information for his personal benefit and failed to disclose a personal interest in a private training company, while in office. Flavell began working in the private company immediately after leaving public employment.

While still Director-General, Flavell had given considerable assistance to establishing the company by providing information about a proposed subsidy scheme. The information gave the company a commercial advantage.

Resolution or outcome

- ▼ Flavell could not be disciplined as he no longer works in the public sector.
- ▼ Criminal charges were not laid due to deficiencies in the Criminal Code (subsequently amended).
- ▼ A number of other public servants in DET were also investigated – one faced disciplinary action and the other had already resigned.
- ▼ Public hearings occurred in lieu of a criminal trial and Queensland's Crime and Misconduct Commission recommended that:
 - ▼ senior executive contracts in the public sector to include provisions that require staff not to improperly disclose confidential information gained in the course of employment
 - ▼ the Queensland Government adopt post-separation and lobbying requirements in the code of conduct
 - ▼ the Queensland Government adopt a Lobbying Code of Conduct, establish a register of lobbyists, impose a post-separation employment quarantine period on former ministers, parliamentary secretaries, ministerial staff and senior public servants and other limitations on lobbying
 - ▼ departments review exit processes to ensure staff are reminded of their obligations to hand over any official information and to ensure compliance, and
 - ▼ the government insert into all CEO and senior executive contracts in the public service, and into the conditions of employment of all ministerial staff, an acknowledgement by the employee of their duty, both during their employment and subsequent to it, not to improperly disclose or use confidential information gained in the course of that employment.

With thanks to Crime and Misconduct Commission, Queensland

Questions

1. List all of the ethical issues around this situation



2. What part of the ethical framework failed?



3. What could be fixed to avoid this?



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

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