



POLICY

Name of Policy:	Secondary Employment Policy		
Policy code:			
Adoption by Council:	28 June 2021	Minute number:	78/21
Last review date:	June 2013		
Review timeframe:	Every Four years		
Next scheduled review date:	June 2025		
Related legislation:	Local Government Act 1993 Section 353		
Associated policies / documents:	Code of Conduct Secondary Employment Procedure Secondary Employment Application Form		
Responsible department:	Governance		

Policy Objective

To ensure Council meets its legislative requirements under section 353 of the Local Government Act 1993 and effectively manages any potential conflicts of interest in relation to staff undertaking secondary employment

Policy Statement

Council requires employees to obtain the written approval of the General Manager to undertake any secondary employment or contract work.

Coverage of the Policy

This policy applies to all employees of Council.

Policy Content

Section 353 of the Local Government Act 1993 as amended deals with the matter of other work performed by staff members.

Section 353 (2) states "a member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member's Council duties unless he or she has notified the General Manager in writing of the employment or work".

Also, Section 353 (3) states that "the General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of th

Council that relates to the business of the Council or that might conflict with the member's Council duties".

The general rules relating to secondary employment are:

- An employee must not engage in secondary employment unless they have received the General Manager's written consent for such employment.
- Approvals for secondary employment will be valid for a period of no more than 12 months.
- The employee is responsible for submitting a request to renew an approval for secondary employment by 30 June of each year. Previously approved arrangements will not necessarily be continued and/or continued under the same conditions.
- An employee must not carry out secondary employment on Council premises, wearing Council uniform, using Council assets or facilities of any kind or using Council information or resources unless such use is lawfully authorised and proper payment is made where appropriate.
- An employee must not carry out secondary employment in a manner that may give the perception that it is being performed in their capacity as a Council employee.
- An employee must not carry out secondary employment in a manner that references or represents their employment or that leverages off their employment with Council.
- An employee must not carry out secondary employment within their Council hours of work.
- An employee must not carry out secondary employment in a manner that impacts their capacity to perform their Council role in a safe and efficient manner. This includes provisions under the Award relating to maximum hours of work and minimum break periods.
- Consent to requests for secondary employment will not be unreasonably withheld.
- Approvals for secondary employment in the same vocation as the employee's Council vocation will require the employee to prove there is no conflict of interest with their Council duties. Approval for such requests may be refused.
- An employee who engages or continues to engage in secondary employment without the written approval of the General Manager may be subject to a range of actions including counselling or disciplinary action which may ultimately result in dismissal.
- In accordance with the Local Government (State) Award provisions relating to sick leave, employees are obliged to declare if their injury or illness arose from engaging in other employment.

It should be noted that the Independent Commission Against Corruption (ICAC) strongly recommends that councils implement a policy on secondary employment. This particularly follows instances where officers have family companies who may also enter into trading with Council for the supply of goods or services.

Definitions

Secondary Employment: private employment or contract work for remuneration with any employer other than Brewarrina Shire Council including employment with another organisation, self-employment, employment in a family business, contracting or consulting for money or in-kind.

References and Related Documents

- Secondary Employment Procedure
- Secondary Employment Application Form
- Section 353 of the Local Government Act 1993
- Council's Code of Conduct

Responsible Officer (Position)

General Manager

- **Attachments**

Name:			
Current position:			
Name of outside organisation:			
Title of outside position:			
Estimated time required [hours, duration, days per week]:		Days and time of proposed private work:	
Start date of proposed private work:		End date of proposed private work:	
Main business activity of outside organisation:			
Please describe the nature of the proposed private work:			
Does the proposed private work employer undertake, or are they likely to undertake work for or have any business or other arrangement with Council?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, please explain)		
Is there likely to be any need to make changes to your work arrangements at Council eg; flex days to undertake proposed private work, variation of usual start or finish times?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, please explain)		

Is there likely to be any use of, or perception of use of, Council resources, materials, or equipment, or information that is obtained through your work with the Council in the proposed private work?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, please explain)
Is there likely to be any other conflict or perceived conflict of interest between the proposed private work and your Council duties and/or Council business?	Yes <input type="checkbox"/> No <input type="checkbox"/> (if yes, please explain)
For part-time employees only: What is your primary employment (eg major income source)? (please explain)	

Employee Declaration:

I have read and understood Brewarrina Shire Council's policy regarding proposed private work and Code of Conduct and I agree to adhere to them.

Signature:

Date:

Human
Resources

Original to Personnel File

Copy to Private work
Policy file

Copy to Employee