

<b>Name of policy:</b>	<b>Secondary Employment</b>		
<b>Adoption by Council:</b>	<b>14 July 2021</b>	<b>Minute number:</b>	<b>209/2021</b>
<b>Last review date:</b>	<b>June 2021</b>		
<b>Review timeframe:</b>	<b>4 years</b>		
<b>Next scheduled review date:</b>	<b>June 2025</b>		
<b>Related legislation:</b>	<b><i>Local Government Act 1993</i></b>		
<b>Associated policies/documents:</b>	<b>Code of Conduct</b> <b>Secondary Employment Procedure</b> <b>Secondary Employment Application Form</b>		
<b>Responsible division:</b>	<b>Corporate Services</b>		

## Policy objective

To ensure Council meets its legislative requirements, under both section 353 of the *Local Government Act 1993* and the Code of Conduct, to 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.

## Strategic plan link

*Direction 5 – Strong leadership and shared vision*

## Policy content

Section 353 of the *Local Government Act 1993* 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 the

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.
- Where there is any variation to the details, terms or conditions of the employee's secondary employment, as specified in the approved Secondary Employment Application Form, [e.g. change of position, second employer, hour worked etc] - the employee must submit a new Secondary Employment Application Form within five (5) business days of any such variation occurring for the General Manager's decision.
- 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 Local Government (State) 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 MidCoast 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)**

Manager Governance