



TWEED
SHIRE COUNCIL

Policy

Secondary Employment

Version 1.5

Adopted by Council at its meeting on XXXXX

Minute No: ZZZ

Division: Corporate Services
Section: Human Resources
File Reference: Council Policies
Historical Reference: V 1.0: Adopted at Council Meeting held 15
December 2004 at Minute No 866;
V 1.1 Adopted at Council Meeting held 13
November 2007 at Minute No 0290 & 179:
V 1.2 Adopted by Council Tuesday 24
June 2008
V 1.3 Adopted by Council Thursday 14
February 2013 at Minute Number 104

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Secondary Employment

There are legislative provisions defined in the *NSW Local Government Act 1993* which manage the secondary employment requirements of council staff.

The *Local Government Act 1993* states:

"Section 353 Other work

- (1) The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.
- (2) 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.
- (3) 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.
- (4) A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so under subsection (3)."

Model Code of Conduct

"Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council."

Objectives

To:

- ensure that the provisions of the *Local Government Act 1993* are met and that any secondary employment undertaken by Tweed Shire Council employees does not result in conflicts of interest.
- provide the framework for providing information to staff on its importance to the good governance of council.
- provide managerial control over the potential misuse of council information, assets or equipment outside the core business functions and standard business hours of council.

To meet these objectives Council's policy:

- complies with the provisions of Section 353 of the Local Government Act 1993
- **is supported by a** standard application form for secondary employment is available on Council's intranet **under Human Resources/Forms and Guides/Other Forms and Guides**
- ~~allows for a maximum 12 month approval of secondary employment requests with approval for ongoing Secondary Employment arrangements to be sought in writing from the General Manager every December in association with the annual performance review process~~
- **requires the submission of a new application where variation is sought of an existing approval or approval is sought for an additional up to 12 month period**
- **provides that staff with approved secondary employment will be contacted via email 1 month before the approvals end date as a prompt for variation/renewal/completion of the secondary employment arrangement**
- provides that failure to comply with the provisions of this policy may result in:
 - cancellation of, or refusal to approve a secondary employment request; and/or
 - disciplinary action up to and including termination of employment.

Version History

Version #	Summary of changes made	Date changes made
1.0	Creation of Policy.	December 2004
1.1	Converted to policy format.	November 2007
1.2	Rewritten to incorporate local Government Act 1993 specific references.	June 2008
1.3	Extraction of application form and reference added to the location of the application form on Council's intranet site.	January 2013
1.4	Inclusion of the requirement for Secondary Employment Requests to be resubmitted every 12 months.	Adopted by Council 19 November 2015
1.5	Variation of the policy to require annual renewal application for approval of secondary employment	