



## Policy

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### 13 PRIVATE EMPLOYMENT POLICY

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| File Reference No:   | 22.141.2                    |
| Strategic Outcome:   | Good government             |
| Date of Adoption:    | 18/09/2013                  |
| Date for Review:     | 15/03/2017                  |
| Responsible Officer: | Director Corporate Services |

#### 1. POLICY STATEMENT

Employees of Berrigan Shire Council wishing to undertake private work must comply with section 353 of the *Local Government Act 1993* which states:

**Member of Staff** (subsection 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 Council or that might conflict with the member’s Council duties unless he or she has notified and has obtained approval from the General Manager in writing of the employment or work.”*

**Conflict of Duties** (subsection 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.”*

**Prohibition of Staff to Engage in Private Work** (subsection 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).” (Conflict of Duties).*

#### 2. PURPOSE

The purpose of this policy is to establish a process to allow the Council to determine if an employee’s private employment complies with the Local Government Act (the LGA) and the Council’s Code of Conduct. (the “Code”).



## Policy

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### 3. SCOPE

This policy applies to all staff in paid employment with the Council. This includes full-time, part-time and casual employees.

### 4. OBJECTIVE

This policy is designed to assist the Council meet the following Delivery Plan Objective:

*2.2.1: Meet legislative requirements for Council elections, local government and integrated planning and reporting*

### 5. DEFINITIONS

**Private Work** includes the following:

- Paid work as an employee of another organisation. This includes temporary employment.
- Contract work for another organisation.
- Work, paid or otherwise, for a business owned by the employee or his/her immediate family.
- Direct sales businesses – e.g. *Tupperware, Avon*, etc.

Private work does **not** include the following

- Hobbies where income is a minor or secondary consideration

### 6. POLICY IMPLEMENTATION

#### 6.1 Request for approval

An employee wishing to engage in private work must obtain the express consent of the General Manager.

Approval for private work must be made in writing, addressed to the General Manager.

#### 6.2 Determination

The General Manager will assess the proposed private work to determine if the proposal complies with the requirements of the LGA and the Code. Consent will only be given if the General Manager is satisfied the private work complies with the



## Policy

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requirements of the Act and the Code. The General Manager must not unreasonably withhold consent.

The employee will receive written notification of the outcome of the application from the General Manager. The Council will maintain a register of approvals for private work.

### 6.3 Withdrawal of consent

Approval for private work may be withdrawn by the General Manager where the General Manager determines that the private work no longer complies with the Act.

Approval for undertaking private work may be affected when an employee is absent from work due to sick leave, carer's leave or workers compensation, if there is a conflict of interest arising from fulfilling the responsibility to the primary employment with the Council.

### 6.4 Use of Council facilities and information

Approval for private work does not create an entitlement for an employee to make use of Council resources or information where such use breaches the Code.

### 6.5. Breaches of this policy

Breaches of this policy by employees will be dealt with in accordance with the Code of Conduct, i.e. staff will be disciplined in line with the provisions of the Local Government (State) Award 2010.

## 7. RELATED POLICIES OR STRATEGIES

- *Local Government Act 1993*
- *Local Government (State) Award 2010*
- Berrigan Shire Council Code of Conduct
- Guidelines for the Payment of Expenses and Provision of Facilities for staff.