

## 3.20 Guidelines for Secondary Employment - Notification of Secondary Employment/Contract Work

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POLICY TITLE: GUIDELINES FOR SECONDARY EMPLOYMENT

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

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### OBJECTIVE

The aim of this policy is to provide a framework for notifications and requests by employees to undertake secondary employment.

### LEGISLATIVE CONTEXT

Section 353 of the Local Government Act states as follows:

- “353. (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).”

### PROCEDURE

Any request from the General Manager for approval to engage, for remuneration, in private employment or contract work outside the service of the Council should be submitted in writing to the Mayor and referred to Council.

Any staff member wishing to be involved in secondary employment/contract work additional to their Council employment, which relates to the business of the council or that might conflict with the staff member’s council duties, for which payment or in-kind benefit is received, must apply in writing for approval from the General Manager.

As a guideline the following conditions should be met:

- a) Secondary employment/contract work for which payment or in-kind benefit is received will be carried out in the employee’s own time.
- b) The likely timing and duration of the employment will not adversely affect the employee’s performance or productivity with respect to their work with Council.
- c) It will not lead to a conflict of interest, or a fair-minded person perceiving there to be a conflict of interest.
- d) The nature and extent of public contact involved in the secondary employment/contract work and the employee’s position with Council are not in conflict.
- e) It will not involve the use of Council resources, materials or equipment, nor involve the use of Council information and/or commercial in confidence information available to the employee through their Council employment.
- f) The employee acknowledge that Lockhart Shire Council directed work takes precedence over any approved secondary employment.
- g) The employee takes full responsibility for meeting all tax obligations that relate to their paid secondary employment/contract work.
- h) The employee undertakes to act at all times in an ethical manner which does not reflect adversely on or discredit Council.
- i) The employee takes out all necessary insurances to cover the circumstances of your secondary employment/contract work including professional indemnity.
- j) The employee does not engage in secondary employment/contract work while on sick leave from Council.

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- k) There is a clear distinction between the employee's travel to and from work as distinct from the employee's travel to and from their secondary employment/contract work which precludes them from workers compensation claims against Lockhart Shire Council.
- l) The employee does not use their position in Council to canvass for work in their secondary employment/contract work.

*Confirmed by Council 20 November 2023*

*Refer minute 219/23*

*Confirmed by Council 21 September 2020*

*Refer minute 194/20*