

Private or Secondary Employment

The content of this policy has been adopted from the Department of Industry policy INDP194, authorised by the Deputy Secretary Finance Strategy & Operations on 06/03/2017. The words in blue text are the LLS additions to this policy.

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Policy Statement

Local Land Services (LLS) staff may work outside the agency if it does not conflict with or adversely affect the performance of their official duties, or unnecessarily create health or safety risks.

Purpose

The purpose of this policy is to:

- Ensure staff are not improperly influenced by their own private interests
- Build and maintain a professional and ethical workplace
- Promote the NSW public sector core values of integrity, trust, service and accountability
- Minimise the risk of fraud or corrupt conduct
- Safeguard community trust and confidence.

Scope

It is essential that everyone working in LLS does so in ways that demonstrate integrity, service and accountability, and build public trust in our work and organization. This policy is part of a suite of policies that demonstrates ethical conduct in our workplace.

This policy applies to all business units, regions and offices of LLS, including Sustainable Land Management and Soil Conservation Service.

This policy applies to all full-time, ongoing and temporary staff and in certain circumstances part-time and casual staff of LLS. It does not apply to contingent workers.

The policy continues to apply to staff who are absent from work for extended periods, including parental leave, sickness absence and agreed employment breaks, and should be read in conjunction with these relevant departmental policies.

For simplicity, private and secondary employment are considered and treated in the same way.

The policy expands on, and is to be read in conjunction with the Code of conduct.

Objectives

To ensure that:

- The integrity and objectivity of the department is maintained at all times

- The right decisions are made, free from conflicting interests wherever possible
- The safety of staff and customers is protected from preventable risks.

Requirements

1. *Staff must:*

- Be aware that:
 - LLS will not rearrange their duties or hours of engagement to accommodate private or secondary employment
 - Each proposal for private or secondary employment needs to be applied for separately
 - Approval for private or secondary employment may be withdrawn at any time (in writing) if the circumstances or conditions change, the staff member is transferred to other duties or another work location within LLS.
- Ensure all private or secondary employment arrangements have been discussed with and agreed by their manager
- Submit all private or secondary employment applications to [LLS Strategy, Performance & Governance Unit \(SPG\)](#).
- Ensure approval has been received prior to commencing private or secondary employment (This would normally be expected to take at least 10 business days).
- Ensure private or secondary employment arrangements do not:
 - Expose LLS to unmanaged conflicts of interest
 - Adversely affect their capacity to carry out their designated duties
 - Pose a risk to the health and safety of themselves or others, or
 - Use LLS's intellectual property without prior approval from the [CEO](#) (or delegate).
 - Notify their manager if the conditions or circumstances of approved private or secondary employment change and submit a new application to the [LLS SPG Unit](#).
 - Resubmit their application each year prior to the original approved commencement date if they wish to continue the private or secondary employment.

2. *Part-time and casual staff must:*

- Comply with the requirements for staff (above) in the following circumstances:
 - Where private or secondary employment is undertaken during the period the person performs duties for LLS (e.g. telemarketing at lunchtime on a work day)
 - Where private or secondary employment performed on a weekend or a non-work day affects the performance of their LLS duties.

3. *Managers must:*

- Maintain open and constructive communication with staff regarding private or secondary employment arrangements
- Review approved private or secondary employment arrangements whenever circumstances change or prior to any expiration date
- Monitor staff work performance to ensure private or secondary employment does not adversely affect the performance of their duties under their employment contract with LLS
- Action private or secondary employment applications within **five working days** of receiving them from their staff
- Promote ethical conduct and regularly remind staff of their responsibilities in relation to conflicts of interest
- Take appropriate action in relation to breaches of this policy in consultation with the [LLS Chief Executive Officer](#) as the LLS's Fraud Control Officer.

4. *Approvers (as CEO's delegate) must:*

- Consider applications for private or secondary employment in a fair and consistent manner
- Consider potential risks to the health and safety of staff or others before approving private or secondary employment
- Negotiate access, licence or use of intellectual property if required.

Procedures

See [LLS Private](#) or secondary employment procedure.

Roles and responsibilities

LLS Chief Executive Officer

The CEO holds the HR delegation to approve (or not approve) all applications for private or secondary employment within LLS.

Office of the CEO:

- Manage and review the policy, procedure and related forms
- Provide advice and raise awareness about private or secondary employment across [LLS](#)
- Manage and maintain the official [LLS](#) private or secondary employment register and the forms required to track and record this information
- Provide information about private or secondary employment declarations to relevant executives.

LLS Policy Steward

The Policy Steward is a Local Land Services Senior Executive whose role is to oversight the effectiveness of the application of the policy across the agency, and report to the relevant Board Committee to enable them to monitor policy effectiveness.

- Chief Executive Officer

Breaches

[Local Land Services](#) may take disciplinary action for breaches of the private or secondary employment policy in accordance with the relevant sections of the GSE Act. Action may include counselling, official notification of unsatisfactory performance, formal cautions, demotion or dismissal. In serious cases the matter may be referred to the NSW Police or other appropriate authorities.

Grievances

All disputes regarding private or secondary employment will be managed in accordance with the grievance resolution procedure.

Confidentiality and privacy

All private or secondary employment information is subject to the requirements of the NSW Privacy and Personal Information Protection Act 1998. Unauthorised disclosure of confidential information is prohibited under the code of conduct. The [LLS Private](#) or secondary employment register will be open to inspection by internal and external auditors and may be viewed by the public on application.

Definitions

For the purposes of this policy and related procedures, all terminology is taken to mean the generally accepted or dictionary definition with the exception of the following terms which have a specifically defined meaning:

Approver: Senior Executive staff and above consistent with the levels of Authority within the Human Resources Manual of Authority.

Conflict of Interest: A conflict of interest occurs when the private interests of a public official come into conflict with their duty to act in the public interest. Conflicts of interest are particularly relevant where the public official has a decision-making role.

Corrupt conduct: Is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.

Managers: An authority that supervises staff within the structure of [LLS](#).

Private Employment: Any form of employment, including unpaid or voluntary work, outside the staff members' employment with [LLS](#).

Secondary Employment: Any work or position within [LLS](#) or the department which is in addition to the principal employment with [LLS](#).

Related policies

- Code of conduct [IND-P-184]
- Conflicts of interest (IND-P-183)
- Grievance management (A-109)
- Human resources manual of authority (INT16-27439)

- Intellectual property (TI-G-150)
- Private interest disclosures (IND-P-176)

Other related documents

- NSW Public Service Commission: Code of Ethics and Conduct
- Preventing Corruption - Knowing your Risks - Secondary Employment, Independent Commission Against Corruption.
- NSW Ombudsman: Recognising and managing conflict of interests
- NSW Ombudsman: Good Conduct and Administrative Practice Public Service Agencies
- NSW Procurement Policy Framework

Superseded documents

- Private and secondary employment - Department of Primary Industries July 2007
- Secondary and private employment – Department of Water and Energy DP_012 May 2008

Revision history

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AUTHORISED BY: Deputy Secretary, Finance, Strategy & Operations	AUTHORISED DATE: 6/03/2017
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Version	Date effective	Reviewed By	Changes made
1.0	17/02/2017	Manager, Corporate Governance	New policy developed for NSW Department of Industry

Further information

For further advice and information on private and secondary employment, please contact: [Office of the CEO](#)
CEO@lls.nsw.gov.au



Principles for employees who are volunteering

Statement

Local Land Services (LLS) support and encourage our employees to volunteer in their community.

The Private or Secondary Employment policy includes unpaid or volunteer work and requires approval.

LLS define volunteer work as, employees undertaking work for not-for-profit and other organisations that has an ongoing commitment of their time in areas related to their LLS employment and skillset.

Principles

Local Land Services employees can participate in volunteer work by completing the steps below;

- Approved Private or Secondary Employment Application
- Approved Conflicts of Interest Declaration
- Abstain from assessing applications for grant or incentive funding for the group or organisation you currently volunteer for
- Undertaken in your own time, outside of LLS work hours
- Does not interfere with your LLS employment
- Will not use LLS premises or resources (including telephone, stationery, fax, mobile phone or computer and equipment, or pool vehicles) or services, without approval.
- Will not speak on behalf of LLS, including the business unit/region for which you work, or create the impression you are doing so
- You should not wear work uniform that identifies you as an LLS employee.
- Is safe, and aligned to Work Health and Safety (WHS) objectives

Purpose

These principles are to provide assurance that employees who also volunteer act ethically and in the public interest, and are not in conflict with their primary employment at Local Land Services.

These principles are to help mitigate risks, including public perception, associated when employees undertake volunteer work in areas related to their LLS employment.

This document should be read in conjunction with the Private or Secondary Employment policy, Code of Conduct and the Conflicts of Interest policy.



Principles for employees who are primary producers

Statement

As described in the Private or Secondary Employment policy, a common activity includes employees who own and operate primary producing properties.

Staff who own, operate or participate in primary producing properties or hobby farms must;

- not claim or make use of any LLS service not available to the public
- make sure their involvement in the property does not interfere with the performance of their official duties.

Principles

Local Land Services employees can participate in, own and operate primary producing properties, by completing the steps below;

- Approved Application for Private or Secondary Employment
- Approved Conflicts of Interest Declaration (at the time of application, and if any arise over time)
- Abstain from assessing applications for grant or incentive funding for the property/s you are connected to
- Undertaken in your own time, outside of LLS work hours
- Does not interfere with your LLS employment
- Will not use LLS premises or resources (including telephone, stationery, fax, mobile phone or computer and equipment, or pool vehicles) or services, without approval.
- Will not speak on behalf of LLS, including the business unit/region for which you work, or create the impression you are doing so
- You should not wear work uniform that identifies you as an LLS employee.
- Is safe, and aligned to Work Health and Safety (WHS) objectives

In the instance where the employee is related or connected to someone (i.e. spouse) who owns or operates a property, they would not need to complete the Private/Secondary Employment application, but would need to submit a conflict of interest declaration.