

Secondary Employment and Unpaid Work (SEUW) Policy and Procedure

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1 Purpose

This policy and procedure establishes a consistent approach in processing, managing and reporting secondary employment and unpaid work (SEUW) undertaken by Department of Communities and Justice (DCJ) employees.

It is designed to:

- Ensure the integrity and objectivity of DCJ are maintained and that decisions are made free from actual, perceived or potential conflicts of interest (COI)
- Prevent and/or minimise the risk of fraud or corrupt conduct
- Safeguard community trust and confidence in DCJ
- Ensure DCJ's Work, Health and Safety (WHS) obligations are met
- Ensure that public resources or information are not misused for personal benefit
- Ensure that any SEUW does not impede, prevent or interfere with the performance of an employee's role in DCJ.

2 Definitions

Term	Definition
approval	An application that has been reviewed and certified by a delegated officer.
conflict of interest (COI)	A conflict of interest exists when a reasonable person might perceive that an employee's personal interests could be favoured over their public duties.
corrupt conduct	<p>Is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation. While it takes many forms, corrupt conduct occurs when:</p> <ul style="list-style-type: none"> • A public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others • A public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official functions • A member of the public influences, or tries to influence, a public official to use his or her position in a way that affects the probity of the public official's exercise of functions • A member of the public engages in conduct that could involve one of the matters set out in Section 8(2A) of the <i>Independent Commission Against Corruption Act (1988)</i> where such conduct impairs, or could impair, public confidence in public administration. Some examples of this are: <ul style="list-style-type: none"> - Collusive tendering

Term	Definition
	<ul style="list-style-type: none"> - Fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources - Dishonestly obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage - Defrauding the public revenue - Fraudulently obtaining or retaining employment or appointment as a public official.
delegated officer	A senior executive (director-level and above) who is responsible for the business area the applicant is employed in. They must be in a higher band than the applicant (i.e. an executive director would need to review and certify an application by a director).
disciplinary action	<p>May include one or more of the following:</p> <ul style="list-style-type: none"> • Terminate the employment of the employee (without giving the employee an opportunity to resign) • Terminate the employment of the employee (after giving the employee an opportunity to resign) • Impose a fine on the employee (which may be deducted from the remuneration payable to the employee) • Reduce the remuneration payable to the employee • Reduce the classification or grade of the employee • Assign the employee to a different role • Caution or reprimand the employee.
emergency services organisation	<p>In accordance with the State Emergency and Rescue Management Act 1989, emergency services organisations include:</p> <ul style="list-style-type: none"> • Ambulance Service of NSW, • Fire and Rescue NSW, • a fire brigade within the meaning of the Fire and Rescue NSW Act 1989, • NSW Police Force, • NSW Rural Fire Service, • State Emergency Service, • Surf Life Saving New South Wales, • New South Wales Volunteer Rescue Association Inc., • Volunteer Marine Rescue NSW, • An agency that manages or controls an accredited rescue unit, • A non-government agency that is prescribed by the regulations for the purposes of this definition.

Term	Definition
employee (full-time) (applicant)	<p>DCJ staff as follows:</p> <ul style="list-style-type: none"> • Ongoing and temporary employees • Contractors/contingent labour workers (agency staff) • Employees who work 35 hours or more per week • Senior executives • Staff seconded/on loan to DCJ from other government agencies or regulatory bodies irrespective of the duration of the secondment • Persons on work experience, students, interns and graduates under all programs where they work for, or are located, with DCJ.
employee (part-time/casual)	<p>DCJ staff as follows:</p> <ul style="list-style-type: none"> • Part-time employees who work less than 35 hours per week • Casual employees who carry out irregular, intermittent, short-term, urgent or other work as and when required.
fraud	<p>Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.</p> <p>The theft of property belonging to an entity by a person(s) internal to the entity but where deception is not used is also considered fraud.</p>
intellectual property	<p>The Intellectual Property Management Framework for the NSW Public Sector (NSW Department of Premier and Cabinet), defines “intellectual property” as “a generic term for the various rights or bundles of rights which the law accords for the protection of creative effort.” Of particular relevance to DCJ, it includes manuals, publications, educational resources, digitised material (including CD ROM products), and software that have been developed by or for DCJ.</p>
leave	<p>Includes recreational leave, flex leave, leave without pay, long service leave, extended leave, maternity/paternity leave, rostered days off and any other leave.</p>
mandated positions	<p>Refers to all senior executives and non-senior executives who are required to comply with the Secretary’s Senior Executive Private Interest Declaration (SEPID) program.</p>
political activities	<p>This includes contesting and/or campaigning in state, federal and local government elections (please also refer to the department’s Code of Ethical Conduct).</p>
procedural fairness principles	<ul style="list-style-type: none"> • Ensure the decision-making process is fair, unbiased and impartial. • Make decisions based on relevant facts and evidence.

Term	Definition
	<ul style="list-style-type: none"> • Ensure information that is not directly relevant is not taken into account. • Ensure that the process of assessment is clearly documented and communicated to employees. • Ensure that regular communication occurs with the employee about their declaration/claim, and that outcomes are provided to employees in writing. • If appropriate, seek clarification of information provided in the application from the employee. • Allow the employee a reasonable opportunity to respond, either in writing or in person, to any concerns, or to provide information to support their application/declaration/claim. • Process the application in a timely manner. • Deal with employees sensitively and with regard to the specific issues of the situation. • Protect the confidentiality and privacy of employees. • Consider cultural and linguistic diversity. • Consider the needs of people with disability. • Take into account anti-discrimination legislation, WHS legislation and all relevant DCJ policies and industrial awards. • Provide employees with information about their right to seek a review or appeal of decisions made about them.
register	Notification of intended SEUW by non-full time employees.
secondary employment	Any form of paid employment in addition to your role within DCJ. It may include, but not limited to, working for another employer, self-employment and owning, operating or being a director of a private business, being a trustee that operates a private business, being an elected local government councillor or other local government official receiving a fee for sitting on a committee, NGO, board or other business related group etc.
senior executive	All DCJ Public Service Senior Executives (PSSEs) including any non-senior executive staff acting in a senior executive position (irrespective of how long they will be acting in the position) and any contingent labour staff employed in (or who are acting in) a senior executive position.
service	<p>This is one of the department's core values. DCJ endeavours to:</p> <ul style="list-style-type: none"> • Provide services fairly with a focus on client needs • Be flexible, innovative and reliable in service delivery • Engage with the not-for-profit and business sectors to develop and implement service solutions. • Focus on quality while maximising service delivery.
supervisor	An employee's line manager (including for those in temporary acting assignments).

Term	Definition
SEUW dashboard	The DCJ online platform for declaring and recording all SEUW applications.
temporary acting assignment (TAA)	An employee who is undertaking a temporary acting assignment against a SEPID mandated position.
unpaid work	<p>Refers to any employment where no remuneration/payment is received. Unpaid work includes but is not limited to:</p> <ul style="list-style-type: none"> • Assisting in a family business without receiving any remuneration • Volunteering with an organisation to gain experience in a particular field • Serving as non-paid member or sitting on a strata management committee • Involvement in community sporting groups. <p>Unpaid work also refers to voluntary work or activities that are principally charitable in their nature. These activities are done pro-bono (where the employee's time, skills or expertise is given free-of-charge). Examples include, but not limited to volunteering in a soup kitchen.</p>

3 Scope

This policy and procedure applies to all employees, except those employees whose SEUW relates to their active/volunteer role in the Defence Reserves Service or an emergency services organisation.

DCJ full-time employees (those working 35 hours or more) are required to seek approval, before they undertake secondary employment. These employees are also required to seek approval for any unpaid work where there may be issues that may adversely affect the performance of their public duties within DCJ or where there may be an actual, perceived or potential conflict of interest (COI).

Part-time and casual employees are only required to notify DCJ of any SEUW which will be assessed to ensure that the secondary employment and/or any unpaid work does not adversely affect the performance of their public duties within DCJ and there are no actual, potential or perceived conflicts of interests.

Where there are no concerns of adverse performance of duties or COI identified, the form submitted will simply be registered. Where there is any concern around performance of duties or COI issues, then the relevant supervisor and/or delegated officer will be required to implement and monitor appropriate management strategies.

4 Policy statement

DCJ recognises that secondary employment can contribute to an employee acquiring additional skills and knowledge. Further, DCJ applauds the generosity of

spirit and the willing sacrifice DCJ employees make to volunteer for, and enrich our, communities outside their official duties as public servants.

Employees may engage in SEUW if they meet the relevant requirements under the *Government Sector Employment Regulation 2014* and the relevant requirements under this policy and procedure.

This policy and procedure is designed to continue the generosity and commitment DCJ employees have to the community in a manner that allows DCJ to ensure that the performance of employees' public duties are not adversely affected and to manage any COI that may arise. It is essential that any employee's SEUW does not interfere with or impede the functions and responsibilities of DCJ.

4.1 DCJ employees as models of exemplary public servants

Employees are expected to demonstrate the core public sector values of: service, trust, accountability, integrity and respect.

Any SEUW an employee engages in, must be lawful and must not damage the integrity and reputation of DCJ.

DCJ reserves the right to prohibit any form of SEUW that it deems may prevent or impede its functions and responsibilities.

Any SEUW arrangement in place may be withdrawn or temporarily suspended by a delegated officer.

Employees must abide by the department's Code of Ethical Conduct.

4.2 Secondary employment

It is important for employees who engage in secondary employment to avoid, mitigate or manage any COI including impacts on the performance of their duties as public servants. Employees must not engage in any secondary employment (locally, interstate or overseas) before there is a certified SEUW agreement in place for full-time employees, or a registration for part-time/casual employees. **Please note** that sick and DCJ family/carers leave are not to be used to undertake any secondary employment or unpaid work.

Employees must not place their secondary/private or voluntary (unpaid) work interests before their public duties and the interests of DCJ. Employees must not in any circumstances use public resources or information such as, but not limited to, manuals; publications; educational resources; printing; photocopying; and inappropriate phone use etc. Employees must adhere to copyright laws and DCJ guidelines, policies and procedures etc. for their SEUW.

Employees who engage in secondary employment or unpaid/voluntary work must not use their DCJ role to solicit clients or to obtain a personal benefit.

4.3 Unpaid work

DCJ commends its employees who selflessly give up their free time to volunteer, engage in charitable work or offer their skills and expertise to help those in need.

Generally, engagement in unpaid work does not create a COI. However, there may be circumstances where an actual, potential or even a perceived COI may arise as a result of employees engaging in unpaid work.

As a general rule, employees are not required to submit a SEUW form for engaging in unpaid work where there are no adverse effects on the performance of their public duties or where no actual, potential or perceived conflicts of interest exist. However, employees must exercise discretion when considering whether or not it is appropriate to complete a SEUW form under this policy and procedure. Where an employee is unsure if they should apply for approval (full-time employees) or make a registration (part-time/casual employees), they should consult with their supervisor, delegated officer or the Business Ethics and Compliance Unit (BECU) for advice.

For these discussions, some considerations include, but are not limited to:

- The time involved for the unpaid work
- Any funding the organisation (for whom the unpaid work will be done) receives from the NSW Government (especially funding from DCJ or the Stronger Communities cluster)
- Whether or not there is any risk of high profile media or social media exposure as a result of the DCJ employee engaging in this unpaid work
- Whether or not there is an actual, potential or perceived COI that may arise
- Whether or not the unpaid work may compromise the independence or performance of the employee's work or safety
- Work, health and Safety (WHS) risks and other performance related risks that may be carried over into their DCJ employment (e.g. workplace fatigue).

It is highly recommended that any discussion an employee has with a supervisor and/or delegated officer about the need to (or not to) submit a SEUW online form in regards to unpaid work should be documented. This can be achieved by documenting discussions and agreed actions via email.

4.4 Conflicts of interest

Employees must declare a COI declaration that arises when undertaking SEUW and complete a corresponding COI declaration immediately. Any COI must be managed in order for a SEUW to be approved/registered.

This includes employees who undertake unpaid work without the need to register a SEUW but later discover a COI does or may exist. The requirements to declare under the COI policy and procedure must be complied with, irrespective of whether or not a SEUW application has been submitted.

Where a COI cannot be managed, this may result in the employee's application/registration not supported, or an existing SEUW arrangement being suspended or terminated by a delegated officer.

Where an employee's SEUW creates a COI with their public duties (including where this occurs as a result of a temporary acting assignment (TAA) or secondment), the employee must take steps as directed to manage the COI.

4.5 Work, health and safety

DCJ considers the health and safety of workers to be of utmost importance and is committed to achieving high standards in work health and safety, wellbeing and injury management. When submitting a SEUW online form, employees, supervisors and/or delegated officers must consider the potential impact on the health, safety and wellbeing of the employee and others in the workplace.

DCJ and its employees have a responsibility to ensure the delivery of efficient and effective services to clients, their families and carers. SEUW must not adversely affect the performance of the employee in their DCJ role. As part of this process, it is important that both the employee and supervisor and/or delegated officer adopt a risk management approach and make every effort, where reasonably practicable, to eliminate or minimise identified risks that may impact on the employee's working performance in DCJ. Risks identified and managed for example, may relate to workplace fatigue, safe travel and demanding workloads that may affect the employee physically and/or mentally.

SEUW must not be undertaken during an employee's contracted core hours for their DCJ role, including during any sick/DCJ/carers leave or study periods that have been paid for by DCJ.

SEUW must not adversely affect the completion of a course of study or training for which the employee is receiving study leave or financial assistance or a grant of paid leave from DCJ.

Where an employee has been placed on a Performance Improvement Plan (PIP), then any SEUW form submitted by the employee should be considered in light of the PIP, including where there is an existing SEUW arrangement/registration in place.

If an employee changes roles, including taking up a TAA or a secondment from another NSW Government agency, they must notify their new supervisor and/or delegated officer of their SEUW agreement/registration prior to moving to that new position.

Where a delegated officer has determined (for a new position, TAA or where responsibilities have changed even if the role and title have not) that a management strategy needs to be altered (in order to avoid any COI etc.), the employee must complete a new SEUW form for that new position/TAA.

4.6 Workers compensation and recover at work plans

Employees in receipt of workers compensation benefits or on a recover to work plan for a non-work related injury, must seek approval to undertake private or secondary employment in the following circumstances:

- Employees in receipt of workers compensation benefits
- Employees who are working reduced hours due to an injury
- Employees who are on a return to work plan for a non-work related injury
- Employees who are undertaking alternative duties or on reasonable adjustment
- Whether the request may impede the employee's injury management or recover at work plans.

4.7 Political activities

DCJ employees must ensure that any participation in political activities does not conflict with their primary duty to serve the government in a politically neutral manner.

DCJ employees are not permitted to engage in political activities whilst on duty.

Any employee who intends to run for election at any level of government must ensure that they are not identified or speak in their capacity as a DCJ employee while making political comments.

To avoid any potential conflict between a DCJ employee's political interests and public sector employment, it is recommended the employee take a leave of absence for election campaigning purposes from the day of election nomination, except in the case of a federal election where an employee must resign before nominating to contest the election.

If an employee becomes aware that a COI exists or is likely to arise, they must immediately inform their supervisor and/or delegated officer (director and above) and may have to suspend political activity or withdraw from the areas where the conflict is occurring. Where a COI is identified to exist or is likely to exist, the appropriate delegated officer must inform their divisional deputy secretary.

4.8 Failure to comply

Any SEUW that is undertaken without prior approval/registration from a delegated officer may constitute misconduct and may result in disciplinary action.

Any employee who, prior to moving to a new position (including a TAA or a secondment) or any change in their role, fails to discuss their SEUW with their future supervisor and/or delegated officer will be in breach of this policy and procedure. This may constitute misconduct and may result in disciplinary action.

4.9 Appeals

Any employee who disagrees with a decision made by a delegated officer can contact their People business partner who will liaise with the employee and the relevant delegated officer.

The final decision regarding an appeal will rest with the executive director (or deputy secretary where a director is appealing a decision).

In the rare circumstances where an executive director is appealing a decision in regards to a SEUW application/registration, the Secretary will make a determination on the appeal.

There is no appeal process for a Deputy Secretary appealing a decision in regards to a SEUW. The Secretary, as the delegated officer, will make the final decision.

5 Procedure

The SEUW Quick Reference Guide has step-by-step instructions on how to use the SEUW online form.

5.1 Non-senior executive employees

All SEUW forms by non-senior executives (excluding SEPID mandated positions - refer to 5.2 below) must be submitted to their supervisor and certified by the delegated officer.

All SEUW applications must be reviewed by the supervisor within **seven** business days. The supervisor must also provide their recommendation and then nominate a delegated officer to make the final determination outcome for certified within **seven** business days from the receiving date of the supervisor.

Full-time employees require **approval** of their SEUW form.

Non-full-time employees will need to **register** their SEUW form.

1. All SEUW must be approved by a delegated officer. Any non-senior executive employee wishing to apply for SEUW must submit an application using the SEUW online form found on the [DCJ SEUW intranet page](#). The applicant must nominate a supervisor. The form will workflow to the nominated supervisor for review and comment.

The supervisor must be the applicant's direct line manager (or their future line manager if they are submitting an application during a TAA, secondment or permanently moving to a new position).

2. The supervisor will receive the application and must provide reasons for their recommendation(s) to support or not support the application. Where required, they must also detail any suggested appropriate management strategies that have been discussed with the applicant.

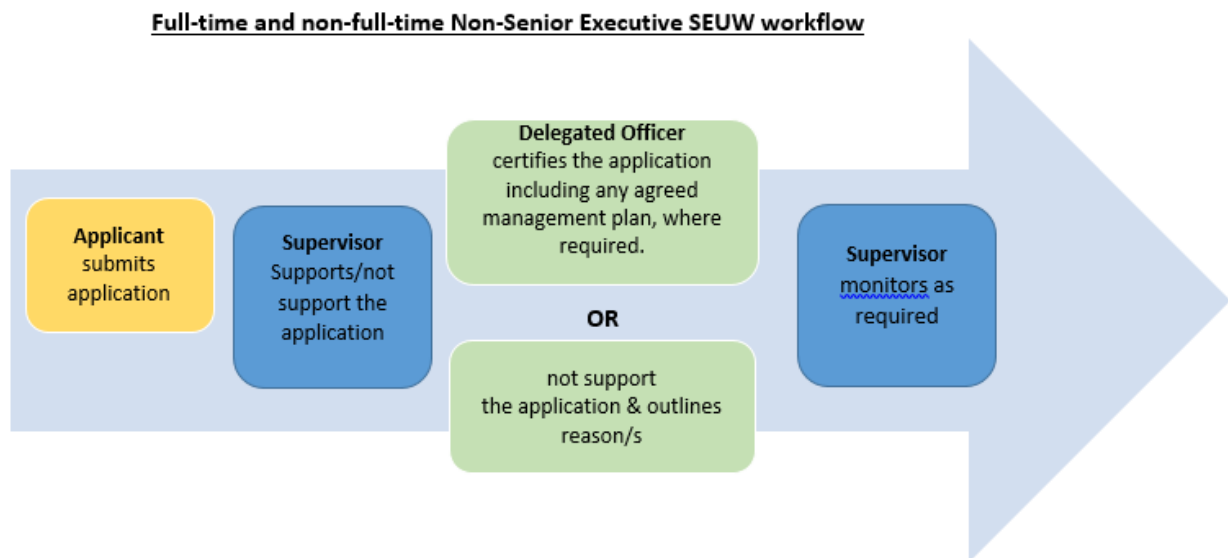
3. Once the supervisor has provided their recommendation(s) and suggestion(s), and submitted the SEUW online form, it will workflow to the nominated delegated officer.

The delegated officer must be at least director level and is the applicant's current reporting line (or in their future reporting line if they are submitting an application during a TAA, secondment or permanently moving to a new position).

4. The delegated officer must review and certify/register the SEUW application. Any management strategies must be recorded on the SEUW online form.
5. Decisions on whether to approve a SEUW must be based on the individual merit of an application having regard to procedural fairness principles.
6. Once the delegated officer has certified/registered the SEUW application, the applicant, supervisor and delegated officer will receive a PDF copy that will serve as the 'agreement/registration' incorporating any conditions. Where a SEUW application is certified/registered subject to management strategies (e.g. restrictions, parameters etc.) it is the responsibility of the supervisor to monitor compliance with the stated conditions/requirements.

Where an application has not been supported, the reasons will be outlined in the PDF version of the application.

Below is a diagram of the SEUW **workflow** for non-senior executives:



5.2 Senior and non-senior executive mandated positions

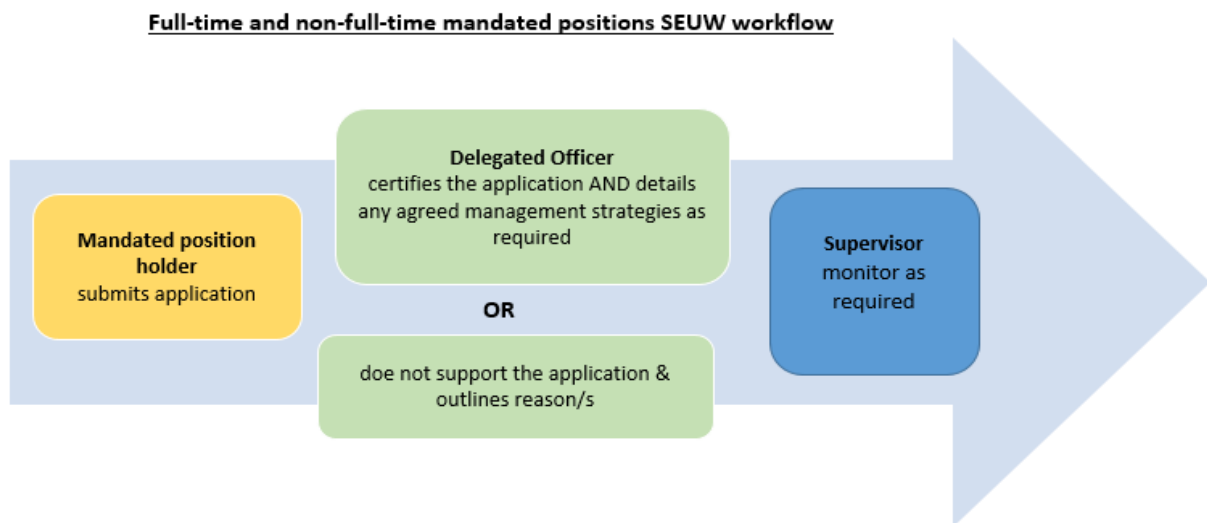
All SEUW applications by **SEPID mandated position holders** must be submitted to their delegated officer.

Full-time employees require **approval** of their SEUW application.

Non-full-time employees will need to **register** their SEUW application.

1. The delegated officer must review and certify/register the SEUW application noting any management strategies.
2. Decisions on whether to approve a SEUW must be based on the individual merit of an application having regard to procedural fairness principles.
3. Once the delegated officer has certified/registered the SEUW application, the applicant and delegated officer will receive a PDF copy that will serve as the agreement, incorporating any conditions/management strategies.
4. Where an application is not supported, the delegated officer is required to provide the reason/s in the online form.
5. Where a SEUW application for a senior executive is approved/registered subject to management strategies, it is the responsibility of the delegated officer to monitor compliance with the stated conditions/requirements. For a non-senior executive, the delegated officer is responsible for providing a copy of the PDF to the applicant's supervisor to monitor compliance with the stated conditions/requirements.

Below is a diagram of the SEUW **workflow** for senior and non-senior executives SEPID mandated positions.



5.3 Finalising SEUW applications/registrations

Delegated officers will receive an email notification about pending SEUWs with a link to access the form for review and make a determination.

Where there is any concern of adverse effects to an applicant's public duties or COI that may arise, delegated officers should contact the applicant (and supervisors for non-senior executives) to discuss any issues prior to approving the application for full-time employees or registration for non-full-time employees. Such discussions must be recorded in the SEUW form before being finalised.

If management strategies need to be put into place to mitigate any COI or other issues that may adversely affect the performance of an applicant's duties in DCJ,

these must be detailed in the delegated officer's review section of the SEUW online form prior to approving/registering the application.

Once the delegated officer has certified the application, the applicant (and supervisor for non-mandated positions) will receive an email notification with the PDF version of the form attached. The PDF version also serves as the agreement/registration.

Where a SEUW form is not supported by the delegated officer, the delegated officer must outline the reason(s) for why the application was not supported in the delegated officer's review section of the SEUW online form. The applicant (and supervisor for non-mandated positions) will be notified via email of this decision.

5.4 External/new hire with SEUW

Where applicable, external candidates being considered for a SEPID mandated role in DCJ must complete a SEUW prior to being offered the position. Talent Acquisition will email the eligible candidate a link to the SEUW online form to complete prior to issuing the 'Letter of Offer'. Once the delegated officer has reviewed and certified the SEUW, recruitment to the position may be processed.

5.5 Mandatory annual SEUW obligations

All SEUW agreements/registrations will expire on 30 November each year, irrespective of when the last approval was certified. An employee with a pre-existing SEUW in place will receive an email notification of the need to submit a new SEUW (where the employee intends to continue undertaking SEUW).

The annual rollout is mandatory for all employees in relation to continuing with any SEUW agreement/registration. All applications are to be made via the SEUW online form.

All SEUW annual forms must be completed, reviewed and certified/registered by a delegated officer for commencement on 1 December.

5.6 BECU Dashboards

Declarants will be able to access their SEUW (draft or completed) and any other relevant business ethics declarations/applications such as Conflicts of Interest via the BECU Dashboard. Declarants will receive a password when they complete (even as a draft) a declaration to allow them to access the Dashboard at any time.

Delegated officers will be able to access all business ethics declarations/applications (e.g. SEPID, Conflicts of Interest, Secondary Employment, etc.) via the BECU Dashboard. Delegated officers will receive a password when they receive a pending declaration (or when submitting their own declarations/applications) (even as a draft) to allow them to access the Dashboard. This means that all employee declarations pending review and approval are available via this single portal.

It is highly recommended that declarants and delegated officers set (and save) their own password which will then be reflected in future workflow emails for the business ethics online forms.

6 Responsibilities

6.1 The Secretary and the DCJ Executive

Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of any issues that could possibly adversely affect the performance of employees' public duty and the management of COIs.

Oversee and manage any non-compliance issues and risks relating to the DCJ SEUW program.

6.2 Employees

- Must put their duty to DCJ ahead of their private interest/s at all times.
- Identify and declare all COI issues associated with their SEUW via the COI online declaration form.
- Propose actions to appropriately manage any COI that puts their public duty above their own personal interests.
- Within **three** business days, notify their supervisor and/or delegated officer if the conditions or circumstances of their existing SEUW change and re-submit a new application for review (and not continue in the SEUW until the new application/registration has been considered i.e. a new agreement/registration is in place). This includes, but is not limited to, WHS, COI, changes in their DCJ role, and/or changes in SEUW agreements/registrations.
- Understand that a SEUW can be withdrawn at any time (in writing) pending WHS and/or COI issues. For non-senior executives, discuss their SEUW application/registration with their supervisor prior to submitting their form.
- Submit their application using the SEUW online form available on the [SEUW intranet page](#) prior to engaging in any SEUW.
- Comply with any requirements outlined in the SEUW management plan.
- Prior to changing roles, including taking up a TAA or secondment, an employee must notify their new supervisor and/or their new delegated officer of their SEUW agreement/registration prior to moving to that position.
- Submit a new application during the annual rollout (by 30 November) to renew their SEUW arrangement for commencement on 1 December, regardless of when they last submitted their existing SEUW application.
- Report any suspected breaches of this policy and procedure by another employee to the professional conduct unit, and cooperate with any investigative enquiries.

6.3 Supervisors

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of SEUW.
- Advise, support and remind employees of their obligations to submit a SEUW application in accordance with this policy and procedure.
- Review SEUW applications within **seven** business days of receipt.
- Discuss with the employee their SEUW application/registration and apply procedural fairness principles when supporting/not supporting an application and in proposing strategies to manage their SEUW agreement/registration including any COI or issues that may have an adverse impact on public duties.

NOTE: These discussions form the most important part of the integrity of the SEUW policy and procedure. These discussions help applicants understand their obligations; assist in mitigating or managing any actual, potential or perceived COI; and prevent the appearance or perception that DCJ or any of its employees are engaging in fraud or corrupt conduct.

- Clarify the employee's understanding and agreement of any risk management strategies that will form part of the SEUW agreement/registration.
- Report to the appropriate delegated officer, any issues that arise in relation to the SEUW with the employee. This includes, but not limited to, WHS issues, performance issues and any COI.
- Oversee and ensure that any agreed SEUW management plan for the employee is implemented and monitored.
- Report suspected breaches of this policy and procedure by employees to the professional conduct unit, and cooperate with any investigative enquiries.

6.4 Delegated Officers

- Exercise leadership, promote a culture of probity and ethical conduct and model DCJ values in relation to the management of SEUW.
- Advise, support and remind employees of their obligations to submit a SEUW form in accordance with this policy and procedure.
- Ensure that an employee's SEUW application has been certified/registered before submitting a SEPID.
- Review and approve/not support a full-time employee's SEUW application within **seven** business days of receipt; or review and complete a SEUW registration by a part-time/casual employee
- Provide the applicant's supervisor with a copy of the PDF version of the approved SEUW application for their information and monitoring, where required e.g. for SEPID mandated position holders.
- Consider any COIs that may exist in reviewing an employee's SEUW form and where appropriate, excuse and remove themselves from the decision-making

process. Where a delegated officer identifies a COI in reviewing an employee's SEUW, they must refer the form to their own supervisor for review and consideration.

- Discuss with the relevant supervisor the employee's application to ensure the SEUW will:
 - not influence or interfere with the official duties of the employee
 - not impair the employee's ability to perform their DCJ role safely.
- Apply procedural fairness principles when assessing whether to approve or reject a SEUW application/registration including any strategies for minimising and/or managing any COI should an application be approved.
- Where an applicant has indicated that they also need to complete a COI declaration, that this declaration is submitted prior to the supervisor and/or delegated officer reviewing and approving/registering the registration.
- Provide the declarant's supervisor with a copy of the PDF version of the approved COI declaration for their information and monitoring, where required (e.g. for senior and non-senior mandated positions).
- Oversee and ensure that any agreed SEUW management plan for their direct reports is implemented and monitored.
- Oversee and ensure that supervisors monitor the implementation of any agreed SEUW management plan for non-senior executives.
- When a delegated officer intends to vacate a position (including a TAA), they are required to notify their replacement of any SEUW (and any other) agreements/registrations. It will be the role of the incoming delegated officer to review and ensure that management plans are adhered to.
- Report suspected breaches of this policy and procedure by employees to the professional conduct unit and cooperate with any investigative enquiries.

6.5 Business Ethics and Compliance Unit (BECU)

The BECU will manage and administer the SEUW Program by:

- Maintaining appropriate security and confidentiality of SEUW applications.
- Preparing reports for the Secretary, Executive and the Audit and Risk Committee/s, as required.
- Maintaining up-to-date dashboards of SEUW applications.
- Maintaining and updating the SEUW Program, as required.
- Providing reports, as required, to the Deputy Secretary Corporate Services on non-compliance matters.
- Providing information as required by Professional Standards Units and external bodies such as the Independent Commission Against Corruption (ICAC).
- Respond to the information requests of business areas.

- Review/evaluate the SEUW program and use feedback to inform refinements where/if required i.e. apply the principle of continuous quality improvement to all aspects of the program.

6.6 DCJ Internal Audit

Conduct an audit on the SEUW program every three years, three months prior to the policy and procedure review date, to help identify gaps and any area that may require refinement.

7 Amending/ceasing existing arrangements

An employee can request the deletion of a draft application by emailing the SecondaryEmploymentUnpaidWork@dcj.nsw.gov.au mail box.

Where an employee intends to cease a current SEUW Agreement/Arrangement, they need to complete the online application by choosing the 'Amend/update an existing arrangement/registration'. The application will workflow to the supervisor and/delegated officer.

8 Security of Information

The BECU is responsible for maintaining appropriate security and confidentiality over information declared. The applications made via the SEUW online form will be encrypted and will only be available to the following:

- Secretary and their nominated staff
- BECU employees who manage the program
- Chief Audit Executive (CAE) and Director, Audit, Risk and Compliance.
- Chief Risk Officer, Corporate Services.
- Nominated IDS staff who assist with the maintenance of and any trouble-shooting issues with the SEUW online form.
- Deputy Secretaries (for their divisions only).
- Delegated officers (for their business area only).
- Supervisors/managers (for their direct reports only).
- Declarants
- Professional standards units or an external agency (e.g. ICAC, Audit Office) or an independent investigator.

All personal and health information collected, managed and disclosed under this program will comply with the requirements of the NSW Privacy Laws as outlined in the Department's Privacy Management Plan.

9 Related legislation and documents

- Australian Standard AS 8001-2008 Fraud and Corruption Control

- Code of Ethical Conduct
- Conflicts of Interest (COI) Policy and Procedure
- *Crimes Act 1900*
- *Government Sector Employment Act 2013*
- Government Sector Employment Regulation 2014
- *Independent Commission Against Corruption Act 1988*
- Information Security Policy
- Intellectual Property Management Framework for the NSW Public Sector
- NSW Department of Premier and Cabinet C2018-04 Contesting Elections
- *NSW Work Health & Safety Act 2011*
- Privacy and Information Sharing Policy
- Privacy and Personal Protection Act 1998
- Privacy Management Plan
- Senior Executive Private Interest Declaration (SEPID) Policy and Procedure
- *State Emergency and Rescue Management Act NSW 1989*
- The Code of Ethics and Conduct for NSW Government Sector Employees

Staff should also refer to other relevant information such as codes of conduct, fraud and corruption, gifts, benefits, bequests, statements of business ethics, WHS, etc.

10 Document information

Document name	Secondary Employment and Unpaid Work Policy and Procedure
Applies to	All employees
Replaces	Secondary Employment and Unpaid Work (SEUW) Policy and Procedure, 26 October 2021.
Document reference	SGM20/3767
Approval	Deputy Secretary, Corporate Services (29 September 2020)
Version	5.0
Commenced	22 August 2023
Due for review	22 August 2024
Policy owner	Business Ethics and Compliance Unit (BECU)

11 Support and advice

You can get advice and support about this policy and procedure from the BECU who has carriage of this document.

Business unit	Business Ethics and Compliance Unit (BECU)
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	Audit, Risk and Compliance Corporate Services.
Email	SecondaryEmploymentUnpaidWork@dcj.nsw.gov.au

This policy and procedure is subject to change. The latest published version of the policy and procedure is available on the DCJ intranet or internet.