

## ORDINARY COUNCIL MEETING

WEDNESDAY, 22 MAY 2019

### ATTACHMENT BOOKLET 3

Attachment No. 3            **Policies to be revoked:**

- a. Annual Leave – Policy 4.010
- b. First Aid – Policy 4.156
- c. Leave/Picnic Day – Policy 4.121
- d. Flood & Disaster Leave for Staff – Policy 4.060
- e. Leave – Emergency Services Duty – Policy 4.120
- f. Interview Expenses – Policy 4.090
- g. New Employee Induction & Probation – Policy 4.140
- h. Removal Expenses – Policy 4.182
- i. Employment Screening – Policy 4.052
- j. Personnel Files – Policy 4.160
- k. Protective Clothing & Equipment - – Policy 4.159
- l. Child Protection – Policy 4.033
- m. Bullying and Harassment – Policy 4.020
- n. Fraud and Corruption Prevention – Policy 4.164
- o. Workplace Surveillance – Policy 4.195
- p. Grievances and Disputes – Policy 4.070
- q. Social Media – Policy 1.196
- r. Gifts and Benefits – Policy 1.071
- s. Internet, Email and Computer Usage – Policy 1.092
- t. Education Support/Training Expenses – Policy 4.050
- u. Home Based Work/Flexible Working – Policy 4.080
- v. Immunisation – Policy 4.200
- w. Outdoor Staff Clothing – Policy 4.153
- x. Corporate Uniform and Dress Code – Policy 4.032
- y. Recognition of Services – Policy 4.180
- z. Secondary Employment – Policy 4.194
- aa. Nine Day Fortnight – Policy 4.184
- bb. Work Closedown (Christmas) – Policy 4.231
- cc. Exit Interview – Policy 4.053

## TENTERFIELD SHIRE COUNCIL

### POLICY STATEMENT

#### HEADING:

Annual Leave

#### MEETING ADOPTED AND RESOLUTION NO.:

23 August 2017  
168/17

#### HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

26 March 2008	156/08
26 September 2012	396/12
22 April 2015	100/15

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#### Introduction:

In accordance with the Local Government (State) Award 2014 Part A Clause 21 Leave Provisions Clause D. Annual Leave, Council employees receive an entitlement of Four (4) weeks Annual Leave at their ordinary rate of pay per annum.

Unless otherwise provided, paid annual leave may be taken for a period agreed between the employee and the employer (iii). The employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave (iv).

It is recognised that taking annual leave on a regular basis contributes to the general health and well-being of staff, and enhances the productivity of the organisation.

The fair and equitable management of leave entitlements contributes to the Financial Management of the organisation by limiting Council's future liabilities and to Risk Management.

#### Policy:

#### **Aims**

The aim of the policy is to ensure that:

- Council and staff adhere to the terms and conditions of the Local Government (State) Award 2014 for the purpose of taking annual leave.
- Annual leave will be taken, or directed to be taken in accordance with the Award the Award, Part A. 21 Leave Provisions, Clause D Annual Leave (i) to (v).

#### **Responsibilities**

All staff have a responsibility to comply with the provisions of the Local Government (State) Award 2014.

- Aim to plan to take their leave entitlement each year.

- Apply for leave by providing Council with two weeks' notice for planned leave and recognise that leave is to be taken at a mutually convenient time as far as possible.
- Annual leave for unplanned leave should only be taken where RDO's have already been utilised, and at the discretion of the Director.

### **Emergencies and other situations**

In cases where employees require leave and they don't have an entitlement to annual leave or other leave they may make an application for leave without pay.

### **Related Policy**

Policy No. 4.231 Work Closedown covers the taking of Annual Leave during a Work Closedown period.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**First Aid**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>23 August 2001</b>	<b>546/06</b>
<b>21 April 2005</b>	<b>165/05</b>
<b>20 September 2006</b>	<b>546/06</b>
<b>19 December 2012</b>	<b>539/12</b>
<b>27 November 2013</b>	<b>431/13</b>

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**Introduction:**

Tenterfield Shire Council (TSC) is committed to providing a safe and healthy workplace for all employees, contractors and volunteers. Council will provide adequate first aid resources and facilities that are suitable for an initial response to injury and illness that present at the workplace.

This policy covers the guidelines and requirements for the provision of first aid resources and facilities.

**1. First Aid Officers**

Council will ensure that there is at least one qualified First Aid Officer at Council's Administration Office, Depot and the School of Arts. First Aid Officers must be in possession of a current first aid certificate issued upon successful completion of a NSW WorkCover Authority approved first aid course.

**2. First Aid Training**

Council is responsible for providing first aid training. There will be a person first aid trained at each worksite. This responsibility forms part of their scheduled duties.

**3. First Aid Kits**

Council will ensure that adequately stocked first aid kits are available at all Council worksites. Council acknowledges that some work sites pose a greater risk; therefore, pending site risk assessments Council will ensure additional first aid items are made available.

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**Policy Statement No. 4.156**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** First Aid

**Review Date:**  
August 2020

**Responsible Officer:**  
WHS & Risk  
Management Officer

The site supervisor is responsible for delegating the task of ensuring that a certified designated first aid officer maintains a regular check of all first aid kits, and that first aid items are replaced and/or renewed regularly.

#### **4. Remuneration**

An allowance in accordance with the Local Government (State) Award will be paid to the designated First Aid Officers. The allowance will be paid in addition to the assessed wage requirement, and infers a statutory obligation to render first aid.

#### **5. Records**

Whenever the first aid kit is accessed and consumables used, the Register of Injuries form in the kit shall be completed by the designated person for that kit. The completed Register of Injury form will be retained by Council and used to assess accident and injury trends and develop training programs.

#### **6. Duties and Responsibilities of All Staff**

While at work, a worker must:

- a) Take reasonable care of his or her own health and safety; and
- b) Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- c) Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with the Work Health & Safety Act; and
- d) Co-operate with any policy or procedure of the Council relating to health or safety at the workplace.

# **TENTERFIELD SHIRE COUNCIL**

## **POLICY STATEMENT**

### **HEADING:**

**Leave/Picnic Day**

### **MEETING ADOPTED AND RESOLUTION NO.:**

**23 September 2017  
168/17**

### **HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:**

<b>27 April 2000</b>	<b>334/00</b>
<b>19 December, 2003</b>	<b>729/03</b>
<b>27 February, 2004</b>	<b>53/04</b>
<b>22 August 2012</b>	<b>286/12</b>
<b>24 September 2014</b>	<b>354/14</b>

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### **Introduction:**

The Union Picnic Day is to be taken in accordance with the conditions as stated in the Award, and on a day as is mutually agreed between the Council and the union(s).

The Union Picnic Day shall be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s). It is agreed that Council adopts the recommendation of the Tenterfield Shire Consultative Committee that the holiday known as Union Picnic Day be held on the first Monday of November each year until such time that the Committee recommends a change.

The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.

Employees who are not financial members of the union(s) and who *are* required to work on Union Picnic Day shall be paid ordinary pay for their normal working day.

Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay or such other leave as may be approved by the employer, or may be required by the employer to make up time.

Administration Staff may apply to take a Rostered Day off.

Council will be closed to the public during the Union Picnic day and for Employees who are not financial members of the union(s) the above leave options apply.

This Policy is to be reviewed upon receipt of each amending issue advising of a variation to Award provisions and operative date of the variation.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Flood & Disaster Leave for Staff**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**27 February 2013      21/13  
22 April 2015        102/15**

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**Policy:**

Due to Tenterfield Shire bordering Queensland, Council will allow an employee ordinary pay when the employee is prevented from attending work for reasons of any bushfire or other climatic circumstance in Queensland, in addition to New South Wales, which is covered under the provisions of the Local Government (State) Award 2014 Section 11 (v).

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Leave – Emergency Services Duty**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>23 March 2000</b>	<b>200/00</b>
<b>19 December 2012</b>	<b>538/12</b>
<b>22 April 2015</b>	<b>96/15</b>

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**Introduction:**

Tenterfield Shire Council acknowledges that employees of Council are active members of local emergency services and may be called on from time to time to assist with emergency responses.

This policy applies to employees of Council who are volunteer members of local emergency services or other recognised emergency response organisations, and does not form part of any employee's contract of employment. An employee will only be granted so much leave as necessary to provide immediate assistance in the event of an emergency response.

**Policy:**

- 1.1 Where a recognised emergency situation exists, Council may grant leave, on application, up to a maximum of five (5) days per calendar year to employees who are volunteer members of a recognised local emergency service.
- 1.2 If a situation arises requiring a major operational response, employees who volunteer to assist may be granted special leave, in addition to the five (5) days, at the discretion of the General Manager.
- 1.3 Employees who are members of local emergency response services are required to provide proof of membership.
- 1.4 Approval to attend an emergency response may be withheld if the employee's absence is deemed to cause exceptional inconvenience or hardship in the workplace and/or impact on high priority Council operations, or their absence is deemed to compromise the safety or security of Council operations, other employees or members of the public.
- 1.5 An employee who is required to respond to an emergency operation will incur no loss of pay for response period.

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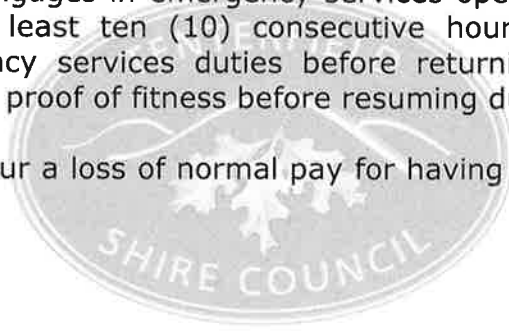
**Policy Statement No. 4.120**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Leave – Emergency Services Duty

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager



- 1.6 An employee who engages in emergency services operations for four (4) or more hours will have at least ten (10) consecutive hours break from the time of completing emergency services duties before returning to paid Council duties. Council may request proof of fitness before resuming duties.
- 1.7 No employee will incur a loss of normal pay for having attended a local emergency response.



**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Interview Expenses**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>23 March, 2000</b>	<b>200/00</b>
<b>28 November 2012</b>	<b>481/12</b>
<b>25 November 2015</b>	<b>380/15</b>

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**Policy:**

Council acknowledges there will be times when they require a job applicant to travel in order to attend a job interview.

Council policy is that all persons selected to attend job interviews will be reimbursed reasonable and practical out of pocket expenses, such as:

- 1) Accommodation at a single or double tariff for a maximum of one (1) night only.
- 2) Fuel costs will be reimbursed at 50% of the current vehicle rate as set out in Part B Table 2 of the Local Government (State) Award. Other means of travel will be considered for reimbursement dependent upon the practicality and costs of the mode of transport.

Council will not reimburse any costs incurred by the attending interviewee's partner and/or children, unless their presence is a medical or legal requirement. In this instance legal and/or medical evidence will be required to support the claim.

All claims for reimbursement for costs incurred to attend a job interview are to be made in writing and must be accompanied by a receipt/s.

Claims are to be approved for payment by the Departmental Director or the General Manager.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**New Employee Induction and Probation Policy**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**26 September 2012                      399/12  
27 August 2014                            294/14**

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**Introduction:**

A comprehensive staff induction program provides the necessary information to assist new employees to ease into their workplace environment, while also promoting a positive first image of council. All new employees of Tenterfield Shire Council (TSC) will undertake an Employee Induction within three (3) months of their initial appointment.

**Policy:**

Tenterfield Shire Council has a Duty of Care to ensure that new employees:

- Are made aware of Council expectations pertaining to their respective positions;
- Receive the appropriate level of guidance and support to ensure their transition into the workplace environment is a safe, smooth and positive experience.

The Human Resources Manager will discuss the following point with the new staff member on the first day of appointment:

- Basic conditions of employment, including leave and other entitlements (in with the Award)
- Pay arrangements and completion of Time Sheets;
- Equal Employment Opportunity – management plan, policies and practices;
- Performance Assessment and reviews;
- Grievance Procedures;
- Accessing Council's Employee Assistance Program
- Tenterfield Shire Council Code of Conduct – including dress code.

Council's Work, Health and Safety – Risk Officer will discuss the following:

- Procedures for dealing with the public
- Emergency Evacuation Procedures
- Workplace Health and Safety Policy
- Workplace accidents and injuries/illness – reporting procedures
- Workplace First Aid procedures
- Workers Compensation and Injury management

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**Policy Statement No. 4.140**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** New Employee Induction & Probation

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

The immediate supervisor will discuss the following with the new staff member on commencement:

- Employee Position Descriptions and departmental roles and responsibilities;
- Hours of work and RDO arrangements;

The Human Resources Manager is responsible for implementing Employee Induction Programs and ensuring that all documentation pertaining to the induction is satisfactorily completed and filed in the new employees Personnel File as a matter of record.

Managers and supervisors will have access to procedural documentation, including checklist to assist with the induction process.

An employee within the same section may be nominated to assist in the orientation of the new employee and ensure that, in consultation with the immediate supervisor, an on-the-job training component of the induction program is undertaken.

### **Probationary Period:**

It is Council policy that all new employees undergo a probationary period of three months when they commence with Council.

The only exceptions to this policy are:

1. Casual employees and those on employment contracts of a short term nature.
2. Government funded trainees, who may be appointed on probation periods of one to three months.

Probation reviews will take place after 6 weeks of employment and at 3 months to facilitate early detection of issues and provide new employees with the maximum opportunity for successful completion of their probation.

# TENTERFIELD SHIRE COUNCIL

## POLICY STATEMENT

### HEADING:

**Removal Expenses**

### MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017  
168/17**

### HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

<b>23 March 2000</b>	<b>200/00</b>
<b>17 December 2008</b>	<b>723/08</b>
<b>27 March 2013</b>	<b>76/13</b>
<b>22 April 2015</b>	<b>96/15</b>

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### Introduction:

Council acknowledges that professional and technical staff re-locating to Tenterfield to take up a position within Council will incur removal expenses. All removal costs incurred by new appointees are subject to approval by Council or the General Manager.

### **Policy:**

To be eligible to claim removal expenses the new appointee's annual remuneration must be within the professional band of 3/3 to 4/2 in Council's salary system.

New appointees required to relocate to Tenterfield Shire Council to take up their position will secure at least two (2) quotes from a reputable removalist company, and accept the most cost effective quote.

Where Council has agreed to meet the removal expenses in respect of a staff appointment, such removal expenses as approved by Council or the General Manager shall be reimbursed within a twelve (12) month period.

Council will reimburse one third of the overall removal expenses immediately upon commencement, a further one third upon the completion of the new appointee's three (3) month probationary period, with the remaining balance to be paid upon the twelve month anniversary of employment.

# **TENTERFIELD SHIRE COUNCIL**

## **POLICY STATEMENT**

### **HEADING:**

**Employment Screening**

### **MEETING ADOPTED AND RESOLUTION NO.:**

**23 August 2017  
168/17**

### **HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:**

**22 February 2001      84/01  
22 August 2012      322/12  
23 September 2015   303/15**

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## **OBJECTIVES**

1. To prevent a prohibited person from gaining or remaining in child-related employment.
2. To assist Council to determine the suitability of applicants for child-related employment.
3. To provide clear guidelines to all employees in and applicants for child-related employment as to their obligations and rights under the Commission for Children and Young People Act 1998 No 146 and the Child Protection (Working with Children) Act 2012 No 51.

## **POLICY STATEMENT**

Council has identified the positions that come under the definition of child-related employment, and will review the establishment annually to ensure relevancy. Positions identified are Swimming Pool Contractors, all pool attendants, Library Staff, Cinema/Theatre Staff.

**Employment Screening:** The process of gathering relevant information about an applicant for employment by an organisation in order to enable an informed decision to be made on whether to employ the applicant or not. The method of employment screening is the Working with Children Check.

**The Commission for Children and Young People Act 1998 No 146** implements systems for screening of potential employees engaged in child related employment i.e., the Working With Children Check (WWCC). The organisation responsible for conducting employee screenings (WWCC) is The Commission for Children and Young Persons.

**Criminal record, relevant:** A criminal record of a person with respect to an offence involving sexual activity, acts of indecency, child abuse or child pornography. A criminal record check is conducted as part of the pre-employment/pre contractual screening process.

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**Policy Statement No. 4.052**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Employment Screening

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Personnel Files**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>28 September 2000</b>	<b>879/00</b>
<b>26 September 2012</b>	<b>401/12</b>
<b>23 September 2015</b>	<b>303/15</b>

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**Introduction:**

This policy will determine the manner by which Council manages and safeguards staff personnel records and individual information that is considered confidential. Personnel files are likely to contain material that is personal and sensitive and therefore, must be adequately protected from unauthorised access.

**Policy:**

Personnel files will be created for each individual staff member upon their commencement of duties with Council and managed within the relevant regulatory frameworks. Council will ensure that such records are secure and that access is restricted to authorised persons.

**Basic Information: Personnel File Content**

Personnel files will contain information relevant to the employment relationship between council and the employee, and will include the following:

- All information pertaining to the recruitment, including the individual's job application and résumé;
- Personal information that details the staff member's full name, date of birth, current address, contact numbers;
- Evidence of date of birth;
- Certified copies of educational, professional or trade qualifications and/or certificates;
- Pre-employment Medical;
- Letter of appointment outlining current position title, remuneration, Award entitlements and other benefits included with the position;
- Employee acceptance letter;
- Copies of official correspondence between council and the employee.

As the employment relationship progresses, information within personnel files will further include:

- All miscellaneous work related matter;

- Performance Appraisals;
- Information pertaining to learning and development;
- Payroll information including Payroll Deduction Authorities.

### **Employee Access to Personnel Files**

An employee seeking access to their personnel file must advise the Organisational Development Manager of their intention to do so. The Organisational Development Manager will ensure that:

- The file would generally be made available within 24 hours;
- The file may be viewed only in the presence of an authorised council officer;
- Documentation will not be removed from individual personnel files without securing written approval from the General Manager;
- The employee may make hand-written notes of the file's contents;
- The employee has a right to make copies of any documentation in the file.

If the employee is provided with copies of documents, a note will be made on the file specifying which document(s) were copied and the date the document(s) were provided.

### **Authorised Council Officers Access to Personnel Files**

Listed below are the authorised Council Officers that may access individual personnel files:

- Organisational Development Manager is the responsible person for overseeing the management and safeguarding of all personnel files;
- The General Manager may access personnel files at their discretion;
- Departmental Directors may access personnel files at their discretion;
- Human Resource Administration Officer may access personnel files under the guidance of the Organisational Development Manager.

General Manager and Directors must inform the Organisational Development Manager/Human Resource Administration Officer if they want to physically remove an individual personnel file from the secured location. The General Manager and Directors must sign a registered document stating name of personnel file and date taken and returned. This must be in the presence of the Organisational Development Manager or the Human Resource Administration Officer.

### **Non-employee Access**

Access to personnel files by non-authorised persons is restricted to:

- Duly appointed auditors;
- Duly appointed representatives of the council;
- Courts of law with subpoena of specific documents;
- The Mayor or Deputy Mayor (in the Mayor's absence) in relation to the personnel file of the General Manager.

### **Computerised and Similar Personnel Records:**



Access, storage and use of computerised personnel information will be based on security levels determined by the General Manager.



# **TENTERFIELD SHIRE COUNCIL**

## **POLICY STATEMENT**

### **HEADING:**

**Personal Protective Equipment/Clothing  
(PPE/PPC)**

### **MEETING ADOPTED AND RESOLUTION NO.:**

**23 August 2017  
168/17**

### **HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:**

**28 July 2005                    365/06  
20 September 2006        547/06  
22 August 2012             328/12  
22 April 2015                105/15**

## **1. Introduction:**

Tenterfield Shire Council (TSC) as a PCBU under the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011, as amended, for the safety of all persons at Council work sites. This includes Council's own staff, its contractors or agents, volunteers and members of the public. Council staff (workers) also have a responsibility under this legislation to cooperate with Council to ensure their own safety and the safety of their work mates.

Councils operations require staff to work in a variety of locations and work situations where personal protective equipment or clothing (PPE/PPC) is required to minimise the risk of injury or illness. This Policy sets out the standards by which Council will fulfil its responsibility for all outdoors staff and those members of indoor staff regularly required to work in the field for the issue and wearing of personal protective equipment or Clothing(PPE/PPC).

## **2. Personal Protective Equipment (PPE):**

### **2.1 Initial Issue**

All outdoor staff (permanent, temporary / casual and Volunteers), and indoor staff regularly required to work in the field shall be issued with the following Personal Protective Equipment (PPE) as personal issues upon commencement or as per Outdoor staff clothing policy No 4.153

<b>ITEM</b>	<b>ISSUE QUANTITY</b>	<b>DESCRIPTION</b>
High Visibility Safety Vest	1 ea	Day type, AS/NZS 4602
Safety Sunglasses	1 pair	Comply with AS/NZS 1337 & 1338 to screen out at least 99% of Ultraviolet light
Sunscreen	1 tube	Broad Spectrum SPF 30+ (either individual or with insect repellent)
Insect Repellent	1 tin	Aeroguard or equivalent (either individual or in sunscreen)

**Policy Statement No. 4.159**

**Date of Effect:** 23 August 2017

**Name of Policy:** Personal Protective Equipment/Clothing (PPE/PPC)

**Review Date:**

August 2020

**Responsible Officer:**

HR & Workforce Manager

Wide Brimmed Hat	1 ea	Minimum 8 cm wide brim (NSW Cancer Council), orange colour or with orange hat band, black "TSC" logo on front
Work Boots	1 pr	Steel toe capped (AS 2210), black or brown
Overalls (Workshop and selected Staff)	2 pairs	navy blue, 100% cotton drill, King Gee or equivalent, red TSC logo

**Table 1**

Other PPE will be issued as required by the work practice, and may include the following items:

ITEM	ISSUE QUANTITY	DESCRIPTION
Overalls (paper)	As required	
Long pants (paper)	As required	
High Visibility Safety Vest (reflective)	1 ea	Day/Night type, complying with AS/NZS 4602 (Refer Policy 4.152 – Traffic Control at Worksites)
Hard Hat	1 ea	Comply with AS 1801 with wide brim attachment and neck flaps
Ear muffs	1 set	Comply with AS 1270
Ear plugs	As required	Comply with AS 1270
High Visibility Safety Singlets (day and/or night)	As required	Comply with AS/NZS 4602
Water Bottle	1 ea	Insulated

**Table 2**

## 2.2 Replacement of PPE

The replacement of the issued PPE will generally be made on a needs basis when the old item is worn out, faded or damaged and can no longer perform its required function. The old item must be presented to the Storekeeper who will arrange replacement. Sunscreen, paper overalls and ear plugs are available at any time and will not require the return of old items. Replacement of PPE may be varied with the approval of the appropriate Director.

## 2.3 Maintenance of PPE

Staff are expected to regularly wash and generally maintain PPE issued to them in accordance with manufacturers recommendations to get the maximum life from the item.

## 2.4 Wearing of General PPE

Outdoor Staff shall wear issued PPE at all times while at work in accordance with the Safe Work Method Statement (SWMS) and / or activity guideline for the task being performed.

Indoor staff required to work in the field on a regular basis shall wear issued PPE when outside of the office area. Indoor staff required to visit a Council worksite irregularly shall only be permitted onto the worksite provided safety shoes / boots (no sandals or thongs) and a Safety Vest in accordance with Council's Traffic Control at Work Sites Policy are worn.

Other PPE shall be worn as required for particular work types and/or as instructed by supervisory staff. Examples include:

- Chainsaws                      hardhat, eye protection, ear muffs/plugs, chaps and gloves
- Wacker packer                ear muffs/plugs, eye protection
- Weed eater                    long trousers, eye protection, ear muffs/plugs
- Tar Spraying                  paper long pants, eye protection, ear muffs/plugs

Staff undertaking welding or grinding operations in the field are exempt from wearing a high visibility safety vest for the duration of the operation and provided they are clear of moving traffic.

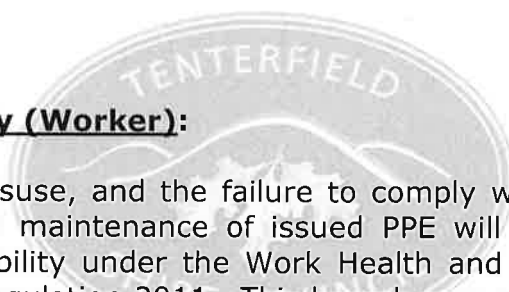
## 2.5 Wearing of Sun Protection Clothing, etc.

The wearing of issued Sun Protection garments, etc is compulsory.

Staff who work outdoors during daylight hours for longer than 30 minutes on a regular basis (> 30% of working time) are required to wear the following clothing, etc for the full day to maximise sun protection:

- **Long sleeved shirts** with sleeves down and buttoned. Shirts may be worn with the sleeves rolled up only if sunscreen is applied in accordance with manufacturer's recommendations to all exposed areas of the skin normally covered by the shirt.
- **Long trousers** as issued.
- **Work shorts** as issued may be worn instead of long trousers provided that sunscreen is applied in accordance with manufacturer's recommendations to all exposed areas of the skin normally covered by the long trousers.
- **Wide Brimmed Hat.** Where the wearing of a wide brimmed hat is not practical (windy day, cold weather, hard hat required), staff may wear a beanie or peaked cap (not supplied by Council) provided that sunscreen is applied in accordance with manufacturer's recommendations to all exposed areas of the skin normally covered by the wide brimmed hat. If a hard hat is required, a wide brim attachment must be used where practical.
- **Safety Sunglasses** when sunny day.
- **Sunscreen** on all exposed skin.

Staff who work outdoors during daylight hours for longer than 30 minutes on an irregular basis (< 30% working time) are required to wear a wide brimmed hat, sunscreen and sunglasses in accordance with 4.1 when out of doors. Staff are also encouraged to wear long sleeved shirts with collars.



**3. Staff Responsibility (Worker):**

Wilful damage or misuse, and the failure to comply with the above requirements for the wearing and maintenance of issued PPE will constitute a breach of the employee's responsibility under the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011. This breach may result in a personal fine from WorkCover Authority and the loss of protection afforded by this legislation.

Staff found to have damaged or misused PPE and/or failing to comply with the requirements of this policy, will also be subject to disciplinary action being taken by Council in accordance with of the Local Government (State) Award.

**4. Contractors:**

All contractors employed by Council and required to work out of doors must provide PPE meeting the item requirements only and to an acceptable standard as detailed in Tables 1 and 2 above. Staff (workers) employed by Contractors shall wear this PPE in accordance with clause 2.4 and 2.5 above and be subject to the requirements of clause 3.

Contractors will not be issued with Council clothing unless otherwise agreed to by Director or forms part of their contractual agreement.

**5. Volunteers and Contractors**

All Volunteers and contractors employed by Council and required to work out of doors must wear sun protection clothing, etc to meet the requirements of clause 2.4 and 2.5 of this policy.

Contractors will not be issued with Council clothing unless otherwise agreed to by Director or forms part of their contractual agreement, etc.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Child Protection**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**22 February 2001      84/01  
19 April 2006        223/06  
22 August 2012      321/12  
23 September 2015   303/15**

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**Introduction and Policy Summary:**

All Tenterfield Shire Council employees, contractors and volunteers will, at all times during their contact with children, act in an appropriate manner whereby children's rights and needs shall always receive the highest priority. Tenterfield Shire Council representatives (i.e., employees, contractors and volunteers) shall:-

- Maintain and promote a safe environment for children whereby their families and/or carers may safely and freely access Council operated facilities.
- Organise work to minimise the risk or potential risk for all forms of reportable conduct against employees and accidental harm/injury to children.
- Immediately advise their supervisor of any reportable conduct of an employee.
- Respond to all allegations of reportable conduct by an employee in a timely and appropriate manner.
- Not condone or participate in any behaviour involving children which is considered unsafe, illegal or abusive.
- At all times consider the health, safety and well being of children as paramount.
- At all times, avoid placing themselves in vulnerable or compromising situations with children.
- Not use their position of authority inappropriately when around children.
- Always realise they are the responsible parties, even when a child behaves inappropriately.
- Not behave in a manner whereby their actions (physical, verbal or otherwise) may be perceived as offensive, inappropriate, abusive, neglectful or exploitative.
- Where possible and practical, will not spend time alone with children who are not members of their immediate family or extended family on any Council premises.

## **Policy Objectives:**

1. To ensure that children are protected from child abuse as defined under the Children and Young Persons (Care and Protection) Act, 1998 No 157.
2. To ensure that a system exists for the reporting of all child abuse allegations in accordance with the Children and Young Persons (Care and Protection) Act 1998 No 157, and to encourage and facilitate the reporting of children and young persons at risk of harm.
3. To ensure the prompt notification to the Ombudsman's Department in accordance with the Ombudsman Act 1974 No 68, and the efficient and equitable investigation of allegations of reportable conduct against employees.
4. To prevent the employment of persons in child-related employment who are a prohibited person under the Child Protection (Offenders Registration) Act 2000 No 42 and the Commission for Children and Young People Amendment Bill 2005, or who Council considers are inappropriate persons to be working with children.
5. To build a workforce committed to child protection through a range of policies and work practices designed to ensure that services are provided to children in a safe and caring environment.
6. To ensure the requirements of relevant legislation are being met, including but not limited to:

## **Principal Act**

Children and Young Persons (Care and Protection) Act 1998 No 157

## **Other Relevant Acts**

- Child Protection (Working with Children) Act 2012 No 51, (and the related Child Protection (Working with Children) Regulation 2013
- Ombudsman Act 1974 No 68

### **1. Council's Role and Responsibilities**

Under the ***Ombudsman Act 1974***, it is the responsibility of the General Manager to report allegations or convictions of reportable conduct against employees to the Ombudsman's Office within 30 days of becoming aware of the allegation, and to send a final report to the Ombudsman once an investigation is complete.

It is the responsibility of Council to retain all records of an investigation, regardless of whether or not the allegation was proven. This responsibility applies regardless of any requirement for disposal of the record which may exist elsewhere.

Under the ***Ombudsman Act 1974*** it is the responsibility of Directors, Managers and Supervisors to report any allegations of reportable conduct against employees to the General Manager,

It is the responsibility of all employees to notify their supervisor immediately if they witness reportable conduct of another employee, or someone discloses a situation of reportable conduct against an employee to them. The supervisor is then to immediately report the incident to the General Manager.

## **Definitions**

### **Child Related Employment**

Means any employment that primarily involves direct contact with children where that contact is not directly supervised by a person having capacity to direct the person in the course of employment. (Commission for Children and Young People Amendment Bill 2005, Section 33 and the Child Protection Working with Children) Act 2012 No 51, Part 2, Division 1, Subsection 6).

### **Direct Contact**

Direct contact with children means:

- (a) Physical contact, or
- (b) face to face contact.

### **Employee**

Any person who is engaged in employment.

### **Employer**

- (a) A person who, in the course of business, arranges for the placement of a person in employment with others, or
- (b) A person who engages a person under a contract to perform work.

### **Employment**

Subject to regulations:

- (a) Performance of work under a contract of employment, or
- (b) Performance of work as a self-employed person or as a subcontractor, or
- (c) Performance of work as a volunteer for an organisation, or
- (d) Undertaking practical training as part of an educational or vocational course, or
- (e) Performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation, or
- (f) Performance of the duties of an authorised carer within the meaning of the Children and Young Persons (Care and Protection) Act 1998

### **Child**

A person under the age of 18 years.



## **Designated Government Agency**

Tenterfield Shire Council is considered a designated government agency under the definitions of the Ombudsman Act 1974. Section 25A of the Ombudsman Act defines a designated government agency as:

“(c) any other public authority prescribed by the regulations for the purposes of this definition”

Section 5 of the Ombudsman Act 1974 states that a public authority is a local government authority.

## **Head of Agency**

The Head of Agency is the General Manager under Section 25A of the Ombudsman Act.

## **Roles and Responsibilities**

### **The General Manager as the head of a designated agency**

Is required to set up internal systems to ensure all staff are made aware of their obligations, particularly their obligation to notify him/her of any reportable allegation(s) or conviction against employees;

Is required to notify the Ombudsman of:

- Any reportable allegations or convictions as soon as practicable & within 30 days of becoming aware of a reportable allegation or conviction;
- Whether or not Council proposes to take any disciplinary action or other action in relation to the employee and the reasons why it intends to take or not take any such action;
- Any written submissions made to the General Manager concerning any such allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to the employee.

Is required to instigate and ensure the proper documentation of an investigation into any reportable allegation, whether or not the allegation was proven. This responsibility applies regardless of any requirement for disposal of the record that may exist elsewhere.

Is responsible for determining what disciplinary action, if any, will be taken against the employee after the initial investigation has been completed.

Is required to notify the Commission for Children and Young People of any employee against whom relevant investigation proceedings have been completed, where the investigation has resulted in disciplinary action being taken against that employee.

## Group Managers, Department Managers and Supervisors

- Will assist the employee or members of the general public making a reportable allegation to complete the Reportable Allegation Incident Form.
- Must notify the Child Protection Team of any reportable allegation.
- Are responsible for carrying out any investigation into a reportable allegation against an employee.

## 2. Employee Screening

**Employment Screening:** The process of gathering relevant information about an applicant for employment by an organisation in order to enable an informed decision to be made on whether to employ the applicant or not. The method of employment screening is the Working with Children Check.

**The Commission for Children and Young Persons Act 1998** implements systems for screening of potential employees engaged in child related employment i.e., the Working With Children Check (WWCC). The organisation responsible for conducting employee screenings (WWCC) is The Commission for Children and Young Persons.

**Working with Children background check:** This check involves the following:-

- A National Criminal Record Check

**Criminal record, relevant:** A criminal record of a person with respect to an offence involving sexual activity, acts of indecency, child abuse or child pornography. A criminal record check is conducted as part of the pre employment screening process.

### **Prohibited persons:**

Commission for Children and Young People Amendment Bill 2005, Part 7 Division 2 Subdivision 1 33B,

- (a) A person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence
- (b) A person who is a registrable person within the meaning of the Child Protection (Offenders Registration) Act 2000.

## 4. Definitions of Reportable Conduct that place a child at risk

Under the **Children and Young Persons (Care and Protection) Act 1998 No 157**, a child is at risk of harm if there are presenting fears for the safety, welfare or well-being of the child because of the existence of any one or more of the following condition:-

- The child's basic physical or psychological needs are not being met or are at risk of not being met.
- The parents or other caregivers have not arranged or are unable or unwilling to arrange for the child to receive necessary medical care.

- The child has been, or is at risk of being, physically or sexually abused or ill-treated.
- The child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm.
- A parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm.

**Neglect:** Neglect occurs when a parent or other caregiver, without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child in his or her care.

**Physical abuse:** The non-accidental injury to a child by the parent, caregiver or other person. It includes injuries such as bruising, lacerations or welts, fractures or dislocation, medically or pharmaceutically induced injuries or illness etc.

**Sexual Abuse:** Any sexual act or sexual threat imposed on a child. It refers to the involvement of children in sexual acts where the child is exploited for the gratification of another person's sexual needs or desires. Examples include genital exposure, prostitution, pornography and sexual assault.

## 5. Defining Reportable Conduct

### Reportable Allegation

A reportable allegation is an allegation of reportable conduct against an employee or an allegation of misconduct that may involve reportable conduct.

For an allegation to be notifiable to the Ombudsman, the following components are necessary:-

- Identification of a person who is a current employee of the agency.
- An alleged offence or description of offending behaviour that meets the definition of reportable conduct or misconduct that may involve reportable conduct against an employee.
- A person who was a child at the time of the alleged offence or behaviour described.

All reportable allegations and convictions must be reported to the Ombudsman.

## 6. Reportable conduct

Section 25A of the Ombudsman Act 1974 defines 'reportable conduct' as:-

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including pornography offence); or
- any assault, ill-treatment of a child; or

- (c) any behaviour that causes psychological harm to a child.

*Whether or not in any case, with the consent of the child, Reportable Conduct does not extend to:-*

**7. Exempted behaviours\***

**Reportable conduct does not extend to:**

- (a) conduct that is reasonable for the purpose of the discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation record under workplace employment procedures; or
- (c) conduct of a class or kind exempted from being reportable conduct against an employee by the Ombudsman under section 25CA.

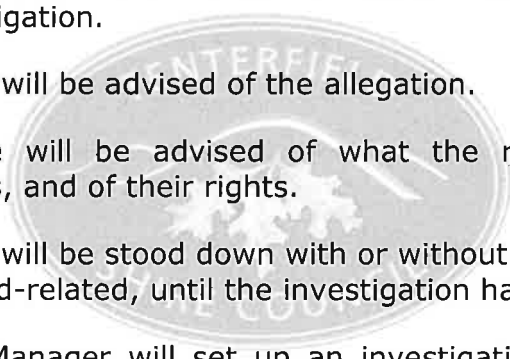
Note: Examples of conduct that would not be considered reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child, an employee raising his or her voice in order to attract attention or to restore order, and conduct that is established to be accidental.

\*Note: The Commission for Children and Young People Act 1988 contains the same definition.

**8. Procedure for investigating allegations of reportable conduct against an employee**

**Notification:** The requirement under the ***Ombudsman Amendment (Child Protection and Community Services) Act 1998*** to inform the Ombudsman of any allegation of reportable conduct against employees, or any conviction of employees. An allegation of reportable conduct against an employee may be written, verbal or anonymous and must be made to the Head of Agency, the General Manager.

1. The reportable allegation is reported to the General Manager immediately.
2. The General Manager notifies the reportable allegation against the employee to the Ombudsman's Office (within 30 days of becoming aware of the allegation).
3. The General Manager will decide whether the matter will:-
  - Be reported to the Police.
  - Be reported to the Department of Community Services.
  - Be handled by an internal investigation only.

- 
5. Regardless of whom the matter is reported to, Council must conduct an internal investigation.
  6. The employee will be advised of the allegation.
  7. The employee will be advised of what the reporting and investigation process entails, and of their rights.
  8. The employee will be stood down with or without pay; or transferred to a job that is not child-related, until the investigation has been completed.
  9. The General Manager will set up an investigation team (a minimum of 2 people).
  10. Conduct the investigation. Call any witnesses both internal and external of Council. If it proves difficult getting outside witnesses to assist in the investigation, discuss the matter with the Ombudsman's Office.
  11. Once the investigation is complete, a written report of the investigation's findings will be forwarded to the General Manager.
  12. The General Manager must then give the employee the opportunity to comment on the findings before making a final decision, including adding a dissenting statement to the report if they disagree.
  13. The General Manager then makes a decision as to the appropriate action, which may include disciplinary action, or reporting to other authorities, such as the Police.
  14. Once the investigation is finalised the General Manager must send a written final report to the Ombudsman detailing the final decision, the reasons for the decision and any action that has/will be taken with respect to the subject of the allegation or conviction.
  15. If the employee wishes to appeal the decision, the following avenues exist:-
    - through the normal industrial relation process.
    - through NSW Community Services
    - through the Ombudsman's Office. Phone (02) 9286 1000.

**Disciplinary proceedings, relevant:** disciplinary proceedings against an employee by an employer or by a professional or other body that supervises the professional conduct of the employee. These proceedings include completed proceedings involving child abuse, sexual misconduct or acts of violence committed by the employee in the course of employment.

## 9. Unsubstantiated Allegations

Where an allegation is clearly wrong or unsubstantiated, the employee who is the subject of the reportable allegation will be supported by Council. The nature of the support will be reasonable and appropriate, subject to the circumstances of the

case. It may include access to specialist counselling services, legal services or special leave.

Any employee who is found to have made malicious reportable allegations against another employee will be subject to disciplinary action.

## **10. Rights of the Parties**

The child that is the subject of the reportable conduct of an employee has the right to be in a secure and safe environment, therefore the employee under question will be removed from that environment until any pending investigation is complete.

- All parties involved have the right to a confidential, fair and unbiased investigation.
- Employees will be afforded procedural fairness in the event of an allegation being made against them.
- The investigation team has the right to deny the accused employee access to records kept if they feel it would jeopardise the investigation.
- The person who has made the reportable allegation against an employee has the right to remain anonymous. In the event that the individual seeks to remain nameless, any written documents they have provided to enable the investigation process cannot be accessed by the employee named in the alleged reportable conduct.
- If the employee in question feels that they have been unreasonably denied access to records, they can apply through the Freedom of Information Act to have access to those records considered.
- Employees and parents of the child have the right to complain to the Ombudsman if they are unhappy with the conduct of the investigation.

## **11. Confidentiality**

All staff involved in the reporting or investigating of allegations of reportable conduct against employees will be mindful of the sensitive nature of the issue and take all reasonable steps to maintain confidentiality and respect the privacy of those involved. Nothing in this statement is to be taken as mitigating against the obligation of staff to report incidents or allegations of reportable conduct against an employee.

All information relating to investigations will be secured by Council separately from personnel files, unless the investigation results in disciplinary action. If this is the case, the following details will be kept on the employee's personnel file:-

- the fact that an allegation was made.
- that an investigation was conducted.
- what the finding was.

- what action was taken.

The General Manager is the only officer of council to whom access to information relating to investigations will be released or who is authorised to release information to a Director or Manager.

Any person who makes an allegation of child abuse is protected under Council's Protected Disclosure Policy.

## **12. Documentation and record keeping**

When a reportable allegation is made to the General Manager, the following documentation will be sought:-

The allegation (a brief summary of what has been said and by whom).

Any initial response that council provided to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation.

A plan detailing how the investigation is to be conducted; including whether the NSW Community Services and/or Police will be notified.

The initial risk assessment, including what the identified risks are, the arrangements to manage those risks and decisions made about the employee and the action taken in relation to the child or employee (eg change of duties, support or counselling).

A record of all interviews, including details of the questions and responses. This will include the location of the interview, who was present and start and finish times of the interview. Where possible, records should be verified, signed and dated by all parties involved in the interview process.

Any decision made, both during and at the conclusion of the investigation, including their rationale, the name and position of the person making the decision and the date the decision was made.

Any personal contact, discussions or e-mails with anyone re: the matter.

A summary report that details the allegation, the investigation process, the findings in relation to the allegation(s), the final risk assessment (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been initiated.

Council will further:-

Advise the employee, in writing, of the findings in relation to each allegation and the action taken.

Maintain an organised information management system. For example, all of the documents should be kept together in a file for quick and easy retrieval.

Store information and records relating to the investigation of an allegation against an employee in a safe and secure location within council.

The General Manager will be responsible for keeping and storing all records pertaining to a reportable allegation of an employee. Access to those records will be granted at the discretion of the General Manager only.

### **13. Prevention and Education**

All recommended applicants for any employment, subcontractors, volunteers, or persons doing practical training, that has direct unsupervised contact with children up to 18 years of age, will be screened.

All employees will be educated in the legislation and how it impacts on them in terms of the position they hold and their responsibilities.

Staff will be educated to a level appropriate to the position they hold. Specifically, the level of education relates to the following categories of employees:-

- Library, Cinema/Theatre, and Swimming Pool staff who have a workplace responsibility.
- Parks and Garden Staff and other positions which may come into contact with children.
- Contractors volunteers and work experience participants.
- "Investigators" – Directors, Managers and Supervisors.

Council's induction program will include information on the Child Protection legislation.

All new and existing employees will be required to sign off on relevant policies as an indication that they have read and understood the contents of the policy.

Council's Library Cinema/Theatre, and Swimming Pools are the only areas of current operation where direct supervision of children may occur. Council is committed to serving children but staff members cannot supervise children while carrying out work responsibilities outside sessions designated as supervised activities. As neither the Library Cinema/Theatre, nor the Swimming Pools are licensed as child minding facilities and should not be used as such, the following stipulations apply:-

- In Council's library, Cinema/Theatre, children under the age of six must be under the direct supervision of a parent or other adult.
- In Council's swimming pools, children under the age of nine must be under the direct supervision of a parent or other adult. Children not accompanied by an adult and aged from nine to sixteen must be able to demonstrate swimming competency by swimming two laps of the pool.
- Library, Cinema/Theatre and Pool staff will take due care but accept no responsibility for the safety of children left at the Library, Cinema/Theatre, or Pools unaccompanied by an adult at any time not designated as a supervised activity.



- Any misconduct by patrons of the Library, Cinema/Theatre, or the Pool which would in the judgement of a staff member, compromise the safety of children, will result in the offender being ordered to leave the facility immediately.

#### Legislative context

### **The Ombudsman Amendment (Child Protection and Community Services) Act 1998 No 148**

Under this legislation, the NSW Ombudsman is responsible for monitoring the handling of reportable allegations and convictions against employees of all government and certain non-government agencies in NSW. The Ombudsman is also responsible for scrutinising the systems for preventing and handling reportable allegations and convictions against employees.

Under this legislation the General Manager is identified as the head of a public authority and as such Council is defined as a designated agency. The Ombudsman Act places certain obligations upon the head of a designated agency. The head of an agency is required to:

- Set up systems for providing a safe environment for children in its care.
- Ensure systems are in place for recording and responding to allegations or convictions of a child protection nature against employees. This includes reportable allegations and convictions and allegations that are exempt from notification to the Ombudsman.
- Notify the Ombudsman of reportable allegations or convictions made against an employee of the agency.
- Provide information, as the Ombudsman requires, about the type and operation of the systems for providing a safe environment for children in its care, and the systems for handling and responding to reportable allegations and convictions involving those employees (including allegations which are exempt from notification).
- Make arrangements within the agency to require all employees to inform the head of agency (or delegate) of any allegation or conviction of a child protection nature against an employee, of which they become aware. These arrangements should include the requirement that employees notify the head of agency or delegate of any such allegation or conviction as soon as practicable.
- Employers are also required to notify the Commission for Children and Young People of relevant employment proceedings.
- The notification to the Ombudsman must be made as soon as possible or within 30 days of the General Manager becoming aware of a reportable allegation or conviction
- Once the head of agency is satisfied that the investigation has been concluded, they must, as soon as practicable, provide the Ombudsman with:

- Any report prepared by or for them relating to the investigation, as well as copies of all of the statements and other documents which form the basis of the report;
- Any comments that they may want to make about the report;
- The results of the investigation;
- Advice of the action that has been taken, or will be taken.

### **The Commission for Children and Young People Act 1998 No 146**

This piece of legislation requires that applicants for child related employment must be screened before appointment. The screening process incorporates: -

- Relevant criminal record check
- A check of relevant apprehended violence orders and
- A review of relevant completed disciplinary proceedings the applicant may have had in previous employment.

### **The Children and Young Persons (Care and Protection) Act 1998 No 157**

This Act sets out requirements for particular positions to notify Community Services of any instances of Reportable Conduct. Community Services may be notified if there are reasonable grounds to believe that a child under the age of 18 years has been or is at Risk of Significant Harm. Positions with this requirement to report include:

- School Principals and Deputy School Principals
- Teachers and Counselors
- Social Workers
- Early Childhood School Teachers
- All N.S.W. Health Workers
- All Police

### **Child Protection (Working with Children) Act 2012 No 51**

The object of this Act is to protect children:

- (a) By not permitting certain persons to engage in child-related work, and
- (b) By requiring persons engaged in child-related work to have working with children check clearances.

### **Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009**

The Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 provides the foundations for the 'Keep Them Safe' reforms.

Keep Them Safe (KTS) is a five-year Action Plan that aims to re-shape the way family and community services are delivered in NSW to improve the safety, welfare and wellbeing of children and young people.

The goal of KTS is that "all children in NSW are healthy, happy and safe, and grow up belonging in families and communities where they have opportunities to reach their full potential".

This Act raises the mandatory reporting threshold from 'risk of harm' to 'risk of significant harm'. It includes two new grounds that indicate a child at risk of significant harm, these are:

- Parents or carers have not made proper arrangements and are unable or unwilling to arrange for their child to receive an education.
- A series of acts or omissions when viewed together may establish a pattern of significant harm (cumulative impact).

It removes penalties for not reporting and permits exchange of information between government agencies and non-government organisations involved in the safety, welfare and wellbeing of children and young people.

#### **14. Policy Review date**

Date of Review: September 2018

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Bullying and Harassment Policy**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**24 October 2012      430/12  
24 June 2015        196/15**

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**Policy:**

Tenterfield Shire Council supports a positive work environment that contributes to the health, safety and welfare of its employees, contractors, councillors, volunteers and work experience students and is free of any bullying and harassment. The Council considers workplace bullying and harassment unacceptable and will not tolerate such behaviours, under any circumstances.

**Policy and Principles**

The principles which apply to the Workplace Bullying and Harassment Policy are:

- Everyone has a right to be treated with respect;
- Instruction and training is provided to employees, including management at all levels, in the identification and avoidance of bullying and harassment in the workplace
- Regular review of the Code of Conduct and Bullying and Harassment Policies and Procedures is undertaken
- Alleged incidents and/or complaints are thoroughly investigated with fairness and confidentiality, where practicable, and resolved in a timely manner
- Parties receive due recognition of personal rights including representation, reply, review and appeal

**Review**

Council reserves the right to review this Policy every two (2) years or as required.

**Other Documentation**

Bullying and Harassment Procedure.

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**Policy Statement No. 4.020**  
**Date of Effect:** 23 August 2017  
**Policy:** Bullying and Harassment

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Fraud and Corruption Prevention**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>26 September 2012</b>	<b>388/12</b>
<b>23 September 2015</b>	<b>303/15</b>

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**Purpose:**

Tenterfield Shire Council is committed to the prevention, detection, investigation and prosecution of fraud and corruption related conduct. In addition to meeting its legislative obligations under the Local Government Act 1993, Council is also committed to educating staff and Councillors in relation to fraud indicators and corruption prevention activities.

Risk exposure from fraud and corruption related activities can be significant and the effective management and monitoring of this type of risk is vital. Council needs to be assured that appropriate and transparent management strategies, including the implementation of relevant policies, are subjected to diligent monitoring and regular review.

This Fraud and Corruption Prevention Policy provides a framework for the management of fraud and corruption related activities, and is consistent with and supported by Tenterfield Shire Council's Code of Conduct.

The community and other stakeholders have an expectation that Council will put in place appropriate systems and controls to reduce the risk of fraud and corruption against Council.

**Objective:**

The objective of this policy is to present Council's approach and management framework to good governance as relating to the effective management of fraud and corruption prevention.

Council does not and will not tolerate corrupt practices by its Councillors, staff, contractors or others working for Council and will not tolerate others using fraudulent practices against Council, its staff or the functions and services it provides.

**Scope:**

This Policy applies to all Council Officials. Council Officials are defined to include Councillors, members of council staff and delegates of Council. A delegate of Council is a person or body to whom a function of Council is delegated, such as staff, Councillors, community representatives, volunteers, consultants and contractors.



## **Core Values**

Council's core values (I CARE) are as follows:

- **Integrity** – ensuring openness and honesty in all our activities;
- **Community focus** – delivering prompt, courteous and helpful service;
- **Accountability** – accepting responsibility for providing quality services and information;
- **Respect** – treating people with courtesy, dignity and fairness regardless of our personal feelings about the person or issue; and
- **Excellence** – being recognised for providing services and programs that aim for best practice.

## **Definitions**

### **What is fraud?**

Fraud can be defined as:

Dishonestly obtaining a benefit, or causing a loss, by deception or other means.

Dishonest activity causing actual or potential financial loss to any person or Council including theft of moneys or other property by employees or Councillors or other persons external to the Council, and whether or not 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 the purpose of this Policy, fraud is not restricted to tangible benefits only and includes intangibles such as information which may not be in documentary form.

### **What is corruption?**

In summary, corrupt conduct means any conduct which could affect the honest or impartial exercise of official functions, or may be a breach of trust, or may involve the misuse of any Council information by any Council Official.

For the purpose of this Policy, corruption and corrupt conduct will have the same meanings as defined in the ICAC Act 1988:

## ***Section 8 - General nature of corrupt conduct***

*(1) Corrupt conduct is:*

*(a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial*

*exercise of official functions by any public official, any group or body of public officials or any public authority, or*

*(b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or*

*(c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or*

*(d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.*

*(2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:*

*(a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),*

*(b) bribery,*

*(c) blackmail,*

*(d) obtaining or offering secret commissions,*

*(e) fraud,*

*(f) theft,*

*(g) perverting the course of justice,*

*(h) embezzlement,*

*(i) election bribery,*

*(j) election funding offences,*

*(k) election fraud,*

*(l) treating,*

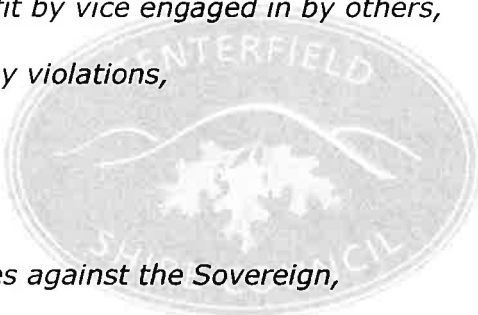
*(m) tax evasion,*

*(n) revenue evasion,*

*(o) currency violations,*

*(p) illegal drug dealings,*

*(q) illegal gambling,*

- 
- (r) obtaining financial benefit by vice engaged in by others,*
  - (s) bankruptcy and company violations,*
  - (t) harbouring criminals,*
  - (u) forgery,*
  - (v) treason or other offences against the Sovereign,*
  - (w) homicide or violence,*
  - (x) matters of the same or a similar nature to any listed above,*
  - (y) any conspiracy or attempt in relation to any of the above.*

- (3) Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.*
- (4) Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.*
- (5) Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:
  - (a) matters arising in the State or matters arising under the law of the State, or*
  - (b) matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.**
- (6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.*

### **What are the elements of controlling fraud and corruption risks?**

There are three classification elements of controlling fraud and corruption risks into three categories:

1. **Structural Elements:** sound ethical culture, senior management commitment, periodic assessments of fraud and corruption risks, management and staff awareness, and fraud and corruption control planning.
2. **Operational Elements:** internal controls, fraud detection programs, mechanisms for reporting suspicions of fraud and corruption, dealing with detected or suspected fraud or corruption, line management accountability for the control of



fraud and corruption risk, internal audit strategy, Policy for the protection of whistle blowers, allocation of resources to control fraud and corruption risks, insurance and pre-employment screening.

3. **Maintenance Elements:** review of the effectiveness of the fraud and corruption control strategies, ongoing monitoring of the ethical culture and review and adjustment of the fraud and corruption control plan.

These elements are considered throughout this Policy.

Australian Standard AS 8001:2009 Fraud and Corruption Control provides guidance and suggested approaches to controlling the risk of fraud and corruption within Council. The Standard suggests a wide range of tools that can be applied. In view of Council's size and budgetary constraints only relevant parts of the standard are applicable for implementation.

### **Key Signals and Risks**

#### **Fraud and Corruption Signals**

There are a number of potential fraud and corruption signals which Council Officials should be alert to, in identifying fraud and corrupt activities. These actions/signals include but are not limited to:

##### Actions:

- Mis-appropriating Council's assets including use of Council assets for private purposes;
- Abuse of Council time;
- False invoicing for goods or services never rendered;
- Providing false or misleading information;
- Misuse of sick leave or carers leave, and
- Theft of cash, equipment or tools.

##### Signals:

- Illogical excuses and reasons for unusual events or actions;
- Senior staff involved in routine process work such as purchasing, ordering and receiving of goods;
- Staff evidently living beyond their means, who have access to funds or control or influence over service providers;
- Staff who do not take holidays for extended periods;
- Potential conflicts of interest not declared;
- Council Officials who treat controls, policies and procedures as challenges to overcome or be defied;
- Failure to conduct adequate reference checks on staff prior to employment;
- Unauthorised changes to systems or work practices;
- Missing documentation or a lack of record keeping;
- Duplicates only of invoices;

- Alteration of documents such as file notes and timesheets;
- Councillors directing or influencing, or attempting to direct or influence any member of staff or other Council Official in the exercise of their official functions;
- Council Officials attempting to influence other Council Officials to approve Development Applications which do not meet Council codes or policy or refuse Development Applications which do meet Council codes or policies.

### **Fraud and Corruption Risks**

Council has a number of fraud and corruption risks. Ongoing responsibility for these lies with Managers and the General Manager.

Identified fraud and corruption risks are to be considered when Council reviews risks to the organisation as a whole. Fraud and corruption risk areas for Council which require specific attention include the following:

- Conflicts of Interest:** Conflicts of Interest exist when Council Officials could be influenced, or a reasonable person would perceive that they could be influenced, by a personal interest when carrying out their public duty.
- Bribes, including Gifts or Benefits:** Council Officials must never demand or request any gift, benefit or bribe in connection with their Council work or duties or status with Council. Council has a Gifts and Benefits Policy and this should be referred to for guidance.
- Information Technology:** Council Officials are required to adhere to Council's information security requirements which protect the integrity of Council's information systems. The protection of confidential information is vital. Inappropriate use of Council's computer systems is not tolerated. Council has an Internet, Email and Computer Usage Policy and this should be referred to for guidance.
- Recruitment and Selection:** Independence, accountability and transparency in recruitment and selection processes is vital. By adhering to these principles, Council has the ability to attract and retain the right personnel to enhance its performance.
- Purchasing and Tendering:** Council regularly contracts for the purchase and supply of a wide range of goods and services. Objectivity and impartiality in the assessment of goods and services to be purchased is vital. Council has a responsibility to ensure that physical security of the goods is maintained. Council also has a Statement of Business Ethics; and a Code of Conduct Policy. These should be referred to for guidance.
- Development Applications:** The Development Application and assessment process can be contentious and high risk in terms of corrupt activity, whereby potential applicants or objectors may want to unduly influence Council Officials in the course of their duties. Council has a Code of Conduct Policy and should be referred to for guidance.
- Cash Handling:** Theft of cash is one of the most basic frauds. A number of areas of Council are involved in the handling of cash on a daily basis. All income is to be

promptly entered into accounting records and immediately secured and all cheques immediately endorsed.

- (h) **Delegations:** There are a number of provisions relating to delegations in the Local Government Act and these must be followed. Delegations give people the authority to make certain decisions, perform certain functions or undertake certain activities.

Delegations must be formally documented, granted and retained on file. Delegated authority should not be exceeded by any person and each staff member is responsible for ensuring they are aware of the level of their delegated authority. Delegated authority should only be used in the course of undertaking council business.

- (i) **Time Recording:** Staff time is a valuable resource. All significant staff time is to be accounted for in the course of work. Council staff are required to be accountable for, and accurately record their time whilst undertaking council duties.

- (j) **Use of Council Resources:** Council resources are anything which is paid for, owned or controlled by the Council. It includes financial, material and human resources.

Councillors and staff are expected to be efficient, economical and ethical in their use and management of Council resources. Council resources should only be used for Council purposes and in the public interest.

- (k) **Stock Control:** Council has a significant quantity of stock of both low and high value. Council staff should ensure adequate controls are enacted to reduce fraudulent activity associated with stock.

- (l) **Obtaining Personal Benefit by Provision of Additional Service:** Council provides a wide range of services to our community. In the provision of a service the situation may arise where a Council staff member is requested to provide additional services or carry out work that is not programmed or authorised by Council. This can provide opportunity for a staff member to seek or receive a personal benefit or payment for the provision of the additional service. Using Council staff time and Council resources to provide a staff member with a personal benefit deprives Council of that benefit or income.

Council's **Secondary Employment Policy** requires that all Council staff declare any work or employment additional to the duties required by Council.

### **Reporting**

Under the Code of Conduct there is an obligation for each Council Official to report any improper conduct, which includes suspected fraudulent or corrupt behaviour or breaches of this Policy. An individual may report the matter either internally or externally as outlined in this Policy.

You should report your suspicions to only those people who absolutely need to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.

### **Internal Reporting**

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**Policy Statement No. 1.064**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Fraud & Corruption Prevention

**Review Date:**  
August 2020

**Responsible Officer:**  
Chief Corporate Officer

Councillors, staff and delegates of Council must report as soon as possible any suspected fraudulent or corrupt behaviour, to their Manager, Director, General Manager or Mayor.

Council's Internal Reporting Policy provides the guidelines for reporting improper activities.

Managers and Directors have an obligation to immediately pass on the reports of suspected fraudulent or corrupt behaviour or breaches of the Policy to the General Manager.

The only exception to this is where the General Manager is suspected of conduct relating to fraud and corruption, in which case the matter should be reported to the Mayor or the relevant external agency.

### **External Agencies**

Alternatively, matters relating to suspected fraudulent or corrupt activities can also be reported to the following external agencies.

- For allegations or suspicions about corrupt conduct or fraud:

Independent Commission Against Corruption (ICAC) Phone: 02 8281 5999,  
Toll free: 1800 463 909, Tel typewriter (TTY): 02 8281 5773, Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au), Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au),  
Address: Level 21, 133 Castlereagh Street, Sydney, NSW 2000.

- For allegations or suspicions about maladministration:

NSW Ombudsman, Phone: 02 9286 1000, Toll free (outside Sydney metro):  
1800 451 524, Tel typewriter (TTY): 02 9264 8050, Facsimile: 02 9283 2911,  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au), Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au), Address:  
Level 24, 580 George Street, Sydney, NSW2000.

- For Disclosures about local government agencies:

Division of Local Government in the Department of Premier and Cabinet, Phone:  
02 4428 4100, Tel. typewriter (TTY): 02 4428 4209, Facsimile: 02 4428 4199,  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au), Web: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au),  
Address: 5 O'Keefe Avenue, Nowra, NSW 2541.

- For allegations or suspicions about serious and substantial waste in Local Government agencies.

Auditor – General of the NSW Audit Office – Telephone 02 9275 7100, Facsimile:  
02 9275 7100, Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au) Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Address: Level 15, 1 Margaret Street, Sydney NSW 2000.

- For allegations or suspicions relating to criminal activity:

The NSW Police – Telephone 9281 0000.

Tenterfield Police – Telephone 6736 1144

- For allegations or suspicions in relation to election fraud:  
NSW Electoral Commission – Telephone 9290 5999.

## **Responsibilities**

### **Responsibilities as an Organisation**

As an organisation, Council will ensure that:

- Relevant risk exposures of significance to the Council are identified. The evaluation of risk is a critical determinant in Council's approach to fraud prevention and detection;
- Relevant legal obligations are monitored to ensure that operating procedures and conditions meet these obligations;
- The Code of Conduct and associated policies are developed and publicised;
- Appropriate fraud prevention and detection controls are incorporated when developing and maintaining computer and/or other systems;
- Staff are properly trained and understand relevant Council policies and the legislative requirements of protection for informants under the Public Interest Disclosures Act 1994 and amendment 2011;
- An environment exists in which fraud and corruption related activity is discouraged;
- Effective investigation of allegations are undertaken, in the event of a report of fraud or corruption related activity, that they are notified to the NSW Police, the ICAC, the NSW Electoral Commission and/or the Department of Local Government for investigation and/or prosecution.

There are a number of specific responsibilities associated with the prevention of fraud and corruption related activity. These are set out below.

### **Councillors**

Councillors have responsibility for directing and controlling the affairs of Council in accordance with the requirements of the Local Government Act 1993. Councillors have an obligation to report possible fraud and corruption related activities to the Mayor and/or General Manager. Councillors should also provide support to other Councillors, the General Manager and/or staff who may make such disclosures or manage such disclosures in the course of their duties.

Councillors must:

- Be aware of and comply with the requirements of this Policy, and all supporting procedures; and
- Report suspected fraudulent or corrupt behaviour or breaches of this Policy to the Mayor, the General Manager, or the appropriate external agency.

### **General Manager**

The General Manager has primary responsibility for the proper management of Council resources and the development and implementation of systems and practices to minimise the risk of fraud and corruption.

In addition to the responsibilities of Staff, Managers, Directors and the General Manager are responsible for:

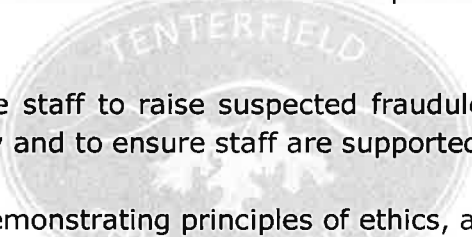
- Ensuring that, where required, matters reported under this Policy are properly investigated; and
- Reporting criminal offences to the NSW Police and actual or suspected corrupt conduct to the Independent Commission against Corruption (ICAC) under section 11 of the ICAC Act 1988.

### **Directors and Managers**

Directors, Managers and other senior staff are required to carry out the duties and functions set out in the policies of Council as adopted by Council from time to time. Further, they support the General Manager by ensuring that the corporate systems, policies and procedures are accountable and implemented, managed, reviewed and reported on a regular basis.

In addition to the responsibilities of all staff, Supervisors and Managers have an obligation to:

- Ensure any matters of irregularity or suspected fraud or corruption reported to them are promptly forwarded to the General Manager and dealt with in accordance with this Policy;
- Ensure that there are adequate measures in place to prevent and detect fraud and corruption within their area of responsibility;
- Make staff aware of this Policy and the procedures required, including making them available for training sessions;
- Ensure staff understand their responsibilities through adequate supervision, position descriptions; written procedures and the like;
- Comply with legislative requirements and Council policies and procedures;

- 
- Respond positively to matters raised and advice provided by internal and external audit;
  - Proactively encourage staff to raise suspected fraudulent or corrupt behaviour or breaches of the Policy and to ensure staff are supported; and
  - Set an example by demonstrating principles of ethics, accountability and efficiency.

### **All Staff**

Staff have a duty to ensure they adequately report any concerns they may have about the conduct of Council affairs including the use of Council assets and resources.

All staff are responsible for:

- Being aware of this Policy;
- Ensuring that they operate in accordance with Policy and legislative requirements to not participate in fraudulent or corrupt behaviour;
- Reporting in accordance with this Policy any suspicion of fraudulent or corrupt behaviour; and
- Reporting to the General Manager, any deficiencies or suspected deficiencies with this Policy or control procedures.

### **Audit Committee**

The Audit Committee is an important element of internal control within the Council. The Committee has a role in monitoring any areas that may be susceptible to fraud and corruption related activities for possible audit review.

The Audit Committee's duties and responsibilities in relation to corruption prevention are as follows:

- Review internal controls, key corporate risks and all audit-related matters.
- Encourage adherence to, and continuous improvement of, Council's policies, procedures, and practices at all levels.
- Review audit results by receiving, discussing and endorsing the Internal Audit Reports.
- In consultation with the General Manager and the external auditors, consider the integrity of the Council's financial reporting processes, key corporate risks and organisational internal controls.

- 
- Review steps management has taken to monitor, control, and report control exposures.
  - Review significant findings reported by the external auditors together with management's responses and take appropriate action to ensure they are appropriately dealt with.
  - To encourage continuous improvement and current industry best practice.
  - Liaise with the General Manager on significant internal audit issues.

### **Members of the Public**

In accordance with the Statement of Business Ethics, Council requires all suppliers of goods and services, applicants, consultants, contractors, and anyone doing business with Council to observe the following principles:

- Act ethically, fairly and honestly in all dealings with the Council
- Respect the conditions set out in documents supplied by Council
- Respect the obligations of Council staff to abide by Council's policies and procedures
- Abstain from collusive practices and not act secretly or fraudulently
- Provide accurate and reliable advice and information when required
- Declare actual, potential or perceived conflicts of interest as soon as possible
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from lobbying or canvassing Councillors or members of staff during any tender process
- Refrain from offering Council employees or Councillors bribes or gifts of any financial or other inducement which may give any impression of unfair advantage
- Corrupt acts such as bribes or gifts or any financial or other inducements are not acceptable and if offered will be reported by Council to the NSW Independent Commission Against Corruption (ICAC)
- Refrain from discussing Council business or dealings in the media, except with Council's consent



- Assist the Council to prevent unethical and fraudulent practices in our business relationships when discussing Council business or dealings in the media
- Deliver value for money.

By making this document available to the public Council aims to demonstrate to the community our commitment to addressing fraud. Further, there are some aspects of this Policy that seek the involvement of people other than Councillors, staff and management. We also invite members of the public, including our customers and service providers, to do the same.

If you are not employed by Council, but you suspect fraud or corruption that involves Council in some way, please report your suspicions to the following:

- The General Manager Tenterfield Shire Council.

The contact details for external investigating authorities to be contacted under this Policy, to report to or to seek advice from, are listed on pages 8 and 9 of this policy.

### **Monitoring**

Council's commitment to fraud and corruption control will be met by actively investigating allegations of fraud or corrupt activity in a timely manner. As appropriate, Council will report fraudulent or corrupt activity to relevant authorities and/or initiate disciplinary action under the Code of Conduct.

The General Manager, Directors, Managers, and the Audit Committee, will monitor fraud and corruption activities and identify and act on any trends that arise.

### **Protected Disclosures**

Council is committed to supporting persons who report wrongdoing and who have done so voluntarily and in good faith and has adopted an Internal Reporting Policy to protect this support.

The Public Interest Disclosures Act 1994 as amended came into operation on 1 November 2011 and Council is totally committed to the aims and objectives of the Public Interest Disclosures Act 1994.

If any person reports suspected fraud or corrupt conduct through the appropriate channels as set out above they may seek protection from detrimental action under the Public Interest Disclosures Act 1994. This protection may apply whether the matter is reported internally or externally.

If the matter is reported internally, the procedures for the granting of this protection would fall under Council's Policy: *Internal Reporting*.

To receive this additional protection, the General Manager should be contacted.

### **Conducting Investigations**

#### **Investigations**

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**Policy Statement No. 1.064**

**Date of Effect:** 23 August 2017

**Name of Policy:** Fraud & Corruption Prevention

**Review Date:**

August 2020

**Responsible Officer:**

Chief Corporate Officer

On receipt of an allegation of suspected fraudulent or corrupt behaviour, the General Manager will determine if an investigation should be undertaken as well as its nature and scope. The General Manager will determine who will conduct the investigation and will give consideration to relevant legislation and council policies in making this determination.

Staff who carry out investigations must be impartial, sensitive to the rights of individuals and ensure that the purpose of any investigation is to discover all relevant facts and not only those which are suggestive of guilt.

### **External Notifications**

The Independent Commission Against Corruption Act 1988 requires the General Manager to report suspected instances of corrupt conduct, including fraud, to the Independent Commission Against Corruption.

### **Advice to Supervisors or Managers**

Allegations of actual or suspected fraud or corrupt conduct can cause stress and disruption in the workplace. Information on investigations into allegations of this type should be on a strict 'need to know' basis.

Those who report suspicions should be encouraged to provide this information to only those people who absolutely need to know. This protects people from allegations that may not be proven and prevents the possible destruction of evidence.

Who needs to know will vary from case to case. People in a work area may not know an investigation is occurring. Supervisors or managers should not promote or tolerate idle gossip.

Statements based on gossip rather than fact can impede an investigation.

### **Relevant Legislation**

The Fraud and Corruption Prevention Policy operates within a complex legal framework including:

Local Government Act 1993 (NSW) No 30  
Local Government (General) Regulations 2005  
Environmental Planning and Assessment Act 1979  
Independent Commission against Corruption 1988 (NSW)  
Public Interest Disclosures Act 1994  
Industrial Relations Act 1996 (NSW) No 17  
Crimes Act 1900 (NSW)  
Government Information (Public Access) Act 2009 No 52  
Ombudsman Act 1974 No 68  
State Records Act 1998 No 17

### **Related Council Policies and Procedures**

The following Council Policies and documents are relevant to this Policy:

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**Policy Statement No. 1.064**  
**Date of Effect:** 23 August 2017  
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**Responsible Officer:**  
Chief Corporate Officer

Code of Conduct  
Grievance and Dispute Policy and Procedures - staff  
Internal Reporting Policy  
Internet, Email and Computer Usage Policy  
Gifts and Benefits – Receipt of Policy  
Privacy Management Plan Policy  
Secondary Employment Policy  
Statement of Business Ethics  
Councillor Access to Information and Interaction with Staff  
Credit Card Policy  
Complaints and Unreasonable Conduct Policy



### **Responsible Officer**

The General Manager is the officer responsible for the Fraud and Corruption Prevention Policy. These responsibilities specifically include:

- Ensuring the Policy is current and in line with legislation and/or Council's other policies;
- Providing a point of contact for anyone wanting information or advice about the meaning and application of the Policy; and
- Developing and implementing a training and communications strategy and regularly reviewing that strategy to assess effectiveness.

### **Review Date**

To ensure the Fraud and Corruption Prevention Policy remains relevant, it will be reviewed every three (3) years. If legislative requirements alter, this Policy should be reviewed immediately to accord with any new requirements.

## **Appendix 1**

### **Definition of Corrupt Conduct from Independent Commission against Corruption Act, 1988**

Corrupt conduct is defined in the Independent Commission against Corruption Act 1988 (ICAC Act 1988) as:

#### ***Section 7 - Corrupt conduct***

*(1) For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in either or both of subsections (1) and (2) of section 8, but which is not excluded by section 9.*

- (2) Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 (1) or (2) shall itself be regarded as corrupt conduct under section 8 (1) or (2).
- (3) Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.

### **Section 8 - General nature of corrupt conduct**

(1) Corrupt conduct is:

- (a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- (b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- (c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- (d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

(2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:

- (a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),
- (b) bribery,
- (c) blackmail,
- (d) obtaining or offering secret commissions,
- (e) fraud,
- (f) theft,
- (g) perverting the course of justice,
- (h) embezzlement,
- (i) election bribery,
- (j) election funding offences,



- (k) election fraud,*
- (l) treating,*
- (m) tax evasion,*
- (n) revenue evasion,*
- (o) currency violations,*
- (p) illegal drug dealings,*
- (q) illegal gambling,*
- (r) obtaining financial benefit by vice engaged in by others,*
- (s) bankruptcy and company violations,*
- (t) harbouring criminals,*
- (u) forgery,*
- (v) treason or other offences against the Sovereign,*
- (w) homicide or violence,*
- (x) matters of the same or a similar nature to any listed above,*
- (y) any conspiracy or attempt in relation to any of the above.*

*(3) Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.*

*(4) Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.*

*(5) Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:*

*(a) matters arising in the State or matters arising under the law of the State, or*

*(b) matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.*

*(6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.*

## **Section 9 - Limitation on nature of corrupt conduct**

- (1) Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve:
- (a) a criminal offence, or
  - (b) a disciplinary offence, or
  - (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
  - (d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament—a substantial breach of an applicable code of conduct.
- (2) It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken.
- (3) For the purposes of this section:

**applicable code of conduct** means, in relation to:

- (a) a Minister of the Crown—a ministerial code of conduct prescribed or adopted for the purposes of this section by the regulations, or
- (b) a member of the Legislative Council or of the Legislative Assembly (including a Minister of the Crown)—a code of conduct adopted for the purposes of this section by resolution of the House concerned.

**criminal offence** means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

**disciplinary offence** includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

- (4) Subject to subsection (5), conduct of a Minister of the Crown or a member of a House of Parliament which falls within the description of corrupt conduct in section 8 is not excluded by this section if it is conduct that would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute.
- (5) Without otherwise limiting the matters that it can under section 74A (1) include in a report under section 74, the Commission is not authorised to include a finding or opinion that a specified person has, by engaging in conduct of a kind referred to in subsection (4), engaged in corrupt conduct, unless the Commission is satisfied that the conduct constitutes a breach of a law (apart from this Act) and the Commission identifies that law in the report.
- (6) A reference to a disciplinary offence in this section and sections 74A and 74B includes a reference to a substantial breach of an applicable requirement of a code of conduct

*required to be complied with under section 440 (5) of the Local Government Act 1993, but does not include a reference to any other breach of such a requirement.*



**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Workplace Surveillance**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**25 July 2012                      247/12  
23 September 2015       303/15**

**Workplace Surveillance Policy**

**AIM:**

This Policy advises all Council staff of their rights under the *Workplace Surveillance Act 2005 No 47*, ("the Act") regarding how and where data is captured, stored and for how long.

Along with the legal requirements, the GPS tracking will aid the Fleet Manager to monitor running hours of the plant. The added benefit is that in break-downs or emergencies, the Fleet Manager will have accurate locations of plant so they can direct staff/emergency services if required.

In accordance with the Act, any information collected from the GPS tracking cannot be used for disciplinary purposes. The GPS units installed are satellite only - the information is limited to location and engine running hours. The units themselves record no data.

In addition to the GPS tracking, surveillance cameras also fall under the Act and form part of this policy.

**OBJECTIVE:**

The purpose of this Policy is to ensure that the Council complies with the requirements of the Act. The Act requires that employees be formally notified of any actions by the Council that would fall within the definitions of surveillance.

The Act deals with surveillance of employees by means of cameras, computers or tracking devices and requires that employees are notified as to the nature of that surveillance. The notice provided to staff must indicate:

1. the kind of surveillance to be carried out (camera, computer or tracking);
2. how the surveillance will be carried out;
3. when the surveillance will start;
4. whether the surveillance will be continuous or intermittent; and

**Policy Statement No. 4.195**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Workplace Surveillance

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager



5. whether the surveillance will be for a specified limited period or ongoing.

### **DEFINITIONS:**

Under the Act, surveillance of an employee means surveillance of an employee by any of the following means:

1. camera surveillance, which is surveillance by means of a camera that monitors or records visual images of activities on premises or in any other place;
2. computer surveillance, which is surveillance by means of software or other equipment that monitors or records the information input or output, or other use, of a computer (including, but not limited to, the sending and receipt of emails and the accessing of Internet websites); and
3. tracking surveillance, which is surveillance by means of an electronic device the primary purpose of which is to monitor or record geographical location or movement (such as a Global Positioning System tracking device).

### **POLICY:**

**THE COUNCIL IS COMMITTED TO MEETING ITS STATUTORY OBLIGATIONS UNDER THE ACT AND THIS POLICY REPRESENTS THE FORMAL NOTIFICATION TO EMPLOYEES ABOUT ACTIVITIES OF THE COUNCIL THAT FALL WITHIN THE STATUTORY DEFINITIONS OF SURVEILLANCE.**

The instances of activity by the Council that are covered by the surveillance provisions are camera surveillance, computer surveillance, and tracking surveillance.

The Council will also comply with the legal requirements of the Act where surveillance is prohibited. These prohibitions include:

1. a prohibition on surveillance in any change room, toilet facility, shower or other bathing facility at the workplace;
2. a prohibition on surveillance when the employee is not at work except in cases of computer surveillance where the employee is using equipment and/or resources supplied by the Council. If staff connect to the Council via a private computer, such surveillance shall be restricted to Council equipment only;
3. a prohibition on blocking the delivery of emails unless notice (prevented delivery notice) has been given to the employee or where the incoming communication is perceived to be spam or a threat to the security of the Council's systems or contains potentially menacing, harassing or offensive material; and
4. a prohibition on preventing delivery of an email or access to a website merely because it has been sent by or on behalf of an industrial organisation of employees or contains information about industrial matters.

### **EXCLUSIONS:**

None.

**PROCEDURES:**

This Policy will be emailed to all employees with Council email accounts and distributed with pay slips to employees who do not have Council email accounts. It will also be published on the Council's website.

The Policy will be provided by Employee Services to all new staff prior to commencement of employment with the Council.

**VARIATION AND REVIEW:**

This policy should be reviewed every three (3) years or earlier if required.

**ACKNOWLEDGEMENT OF UNDERSTANDING**

I have read, understand and acknowledge the need to comply with this Policy.

\_\_\_\_\_  
Name (Print)

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
Signature

# TENTERFIELD SHIRE COUNCIL

## POLICY STATEMENT

### HEADING:

Grievance and Dispute Policy

### MEETING ADOPTED AND RESOLUTION NO.:

23 August 2017  
168/17

### HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

27 April 2000	334/00
26 September 2012	398/12
22 April 2015	103/15

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### Introduction:

Tenterfield Shire Council is committed to achieving positive working relationships which support productivity and communication and the effective resolution of issues, including employee grievances, in a timely manner.

### Policy:

#### **Aims**

The aim of this policy is to ensure that:

- A mechanism is provided for the timely resolution of disputes and grievances.
- Disputes and grievances involving employees are addressed in compliance with the provisions of the Local Government (State) Award, when required.

This policy shall apply to all employees. It will also apply to contractors, volunteers and work experience students.

Procedures for staff to follow are complimenting this Policy, and these Procedures have been agreed to by the Staff Consultative Committee.

#### **Review**

Council reserves the right to review this policy every two (2) years or as required.

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**Policy Statement No. 4.070**  
**Date of Effect:** 23 August 2017

**Review Date:**  
August 2019

**Responsible Officer:**  
HR & Workforce Manager

**Name of Policy:** Grievance and Dispute Policy  
**Name of Related Procedure:** Grievance and Dispute Procedure



## SOCIAL MEDIA POLICY

### Summary:

The purpose of this policy is to outline Council’s position with regard to the expectations of Council representatives, agents and staff when engaging in social media.

This policy also forms a part of Councils community engagement framework, which provides guidelines to ensure that sound and consistent communication and community engagement practices are implemented and adhered to by Council and its staff and representatives.

<b>Policy Number</b>	1.196
<b>Document version</b>	V1.0
<b>Adoption Date</b>	7 April 2017
<b>Approved By</b>	Council
<b>Endorsed By</b>	General Manager
<b>Minute Number</b>	30/17
<b>Consultation Period</b>	24 March – 6 April 2017
<b>Review Due Date</b>	April 2021
<b>Department</b>	Corporate, Governance & Community
<b>Policy Custodian</b>	General Manager
<b>Superseded Documents</b>	Nil
<b>Related Legislation</b>	NSW Local Government Act 1993. Government Information Public Access Act 2009. Privacy & Personal Information Protection Act 1998. TSC Code of Conduct 2016. Workplace Health and Safety Act 2011.
<b>Delegations of Authority</b>	Mayor, Senior Executive Officers

### 1. Overview

Tenterfield Shire Council embraces the use of social media by its representatives, agents and staff to connect with the broader public and professional community. Social Media is an important tool for community engagement.

This policy serves to ensure that the community and all stakeholders are informed in a clear manner of Council’s position with regard to the acceptable use social media by its representatives, agents and staff.

### 2. Policy Principles

Tenterfield Shire Council encourages all of its representatives, agents and staff to participate in social media in ways that demonstrate decency and respect for the dignity of all human beings.

Accordingly the following principles apply to the use of social media for Council representatives, agents and staff:

1. Always show respect and decency to other people when interacting on social media and adhere to Councils values and code of conduct;
2. Do not use social media to bring Tenterfield Shire Council, its representatives or staff into disrepute;
3. Do not imply Council endorsement of personal views on social media;
4. Ensure that the confidentiality of all information obtained through Council is maintained;
5. Do not use social media in any way that will or could be reasonably expected to be to the detriment of Council activities;
6. Use social media in a manner so as not to breach any legislative requirements of Council, in particular the Privacy and Personal Information Protection Act.

### **3. Policy Objectives**

1. Tenterfield Shire Council representatives, agents and staff who contribute to social media will have familiarised themselves with this policy and related documents and will act responsibly in their social media and on-line activities.
2. This policy will be read and understood in addition to all other Council policies, the Councils Code of Conduct and other legislative requirements; and are adhered to at all times.

### **4. Policy Statement**

Personal and professional use of social media by Tenterfield Shire Council representatives, agents and staff must:

1. Not bring Tenterfield Shire Council into disrepute;
2. Not compromise the functioning and effectiveness of Council activities;
3. Not imply Tenterfield Shire Council endorsement of personal views;
4. Not disclose confidential information or information about others that is protected;
5. Ensure that information posted on-line is not illegal, libellous, discriminatory, defamatory, abusive or obscene;
6. Ensure that no copyrighted or trademarked material is published without permission;

7. Only use corporate imagery such as logos etc. with the permission of the General Manager (or delegated nominee);
8. Ensure that any information posted on-line does not breach Councils mandatory Code of Conduct or any other Council Code or Policy.

## **5. Scope**

This policy applies to all areas of Council's activities and to its representatives, agents and staff.

## **6. Accountability, Roles & Responsibility**

### **Who can comment?**

Councils Media Policy with regard to authority to comment, also applies to social media. The policy authorises the Mayor as the official spokesperson of Council at all times. This policy does not inhibit an individual Councillor from expressing their own personal views at any time.

On matters regard the operation of Council as an organisation the General Manager is Councils authorised spokesperson. All other staff require prior approval of the General Manager (or as delegated) to comment to the media or on social media about Council.

### **Elected Council**

- Adopt and adhere to the Social Media Policy.

### **General Manager, Executive and Management Teams**

- Ensure the implementation of and compliance with Councils Social Media Policy and the related business practices of the organisation.

### **All Staff and Council Agents**

- Familiarise themselves with the Social Media Policy and adhere to it and the Code of Conduct at all times.

### **Dealing with offensive behaviour**

Tenterfield Shire Council does not tolerate public content that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful,

racist, sexist, infringes copyright, breaches a court ruling or legislation, or is in any other way unlawful.

Users who breach Councils social media policy will be removed from accessing Councils online sites and applications. Council also reserves the right to moderate content from individuals who seek to be overbearing or monopolise and dominate Councils sites and applications for their own purposes.

## **7. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	9/03/2017	GM	Original Draft Policy
V1.0	7/04/2017		Adopted Policy – Res No. 30/17

## **TENTERFIELD SHIRE COUNCIL**

### **POLICY STATEMENT**

#### **HEADING:**

**Gifts and Benefits**

#### **MEETING ADOPTED AND RESOLUTION NO.:**

**23 August 2017  
168/17**

#### **HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:**

**27 February 2008      50/08  
26 September 2012    389/12  
22 July 2015          229/15**

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#### **Objectives:**

To assist Councillors and staff to determine the appropriate action to follow with respect to the acceptance or rejection of gifts and benefits.

#### **Policy:**

Council recognises that staff members and Councillors will on occasion, receive offers of gifts, benefits and hospitality. The gift or benefit could be offered innocently in good faith or could be an attempt to influence. Feelings of obligation can arise if council officials accept a gift or benefit. Once such a gift is accepted, a council official can be compromised. Individuals attempting to corrupt council officials, often start with small inducements that appear to have no improper motive behind them.

#### **Purpose**

Tenterfield Shire Council is committed to serving the community with integrity, efficiency, fairness, impartiality and the encouragement of mutual respect. The Code of Conduct clearly articulates Council's values. Councillors and staff are required to maintain the highest standards of conduct and abide by certain values including:

- *"Integrity of purpose and acting in the public interest"* and
- *"Open and transparent decision making "*

#### **Responsibilities**

Staff and Councillors will never provide, demand or invite any gift, benefit or hospitality for themselves, for anyone else, or for the council, in connection with their Council work or public duties.

Token or non-token gifts, benefits or hospitality must not be accepted or provided, if there is a perception or a fair observer might perceive, that the gift is designed to influence the Councillor, staff member or other person to act in a partial manner. Gifts, benefits and hospitality may only be provided or accepted if they are not likely to be perceived to be compromising Councillors, staff or the Council.

Councillors and staff should, in the first instance, decline or return any gift, benefit or hospitality of a non-token nature. If refusal of the gift, benefit or hospitality has the potential to damage Council's relationship with the provider, then it may be accepted. However, it must be reported immediately. In the case of staff, it should be reported to the relevant Manager. With regard to Councillors, it should be reported to the General



Manager. In such circumstances, the gift or benefit becomes the property of Council for use as is determined by the General Manager.

Gifts, benefits or hospitality that may be considered non-token, whether they are given, accepted or declined must be recorded in the *Gifts and Benefits Register*. Failure to record the declaration in the register is a direct breach of this policy.

### ***Procurement, Contracts and Tendering***

If staff are involved in corporate purchasing or procurement they must not accept any form of gift, benefit or hospitality from suppliers or potential suppliers. If any gift, benefit or hospitality is offered, it must be refused and returned.

Staff involved in evaluating contracts, expressions of interests, tenders or other proposals must not accept any form of gift, benefit or hospitality from contractors, potential contractors, tenderers or associated parties. If any gift, benefit or hospitality is offered, it must be declared in writing as part of the evaluation process and also recorded in the *Gifts and Benefits Register*.

### ***Substantial Gifts, Benefits or Hospitality***

If a substantial gift, benefit or hospitality is offered to you to influence the way you do your work, it must be reported in accordance with Council's Internal Reporting Policy 4.161, which relates to complaints regarding Corruption, Maladministration and Serious or Substantial Wastage.

### ***Token Gifts, Benefits and Hospitality***

Token Gifts, benefits and hospitality are those, which do not have a significant monetary value, are inconsequential or trivial, and are not offered on a frequent basis. Examples could include: flowers, chocolates, diaries, lottery tickets (including scratchies) and modest refreshments. Consideration should be given to the frequency of the token gifts and the cumulative effect of those gifts. (For the purpose of this policy, token value is taken to be less than \$50. If more than one gift or benefit is involved the cumulative value should not exceed \$50 over a 12-month period.)

### ***Non-Token Gifts, Benefits and Hospitality***

These may include hospitality such as free attendance at major sporting events or an invitation to a meal at a restaurant. Gifts such as expensive pens or a more moderate amount of alcohol (for example more than one bottle of wine) may also be included as non-token gifts. Benefits refer to something believed to be of value to the receiver, such as a service for which there is no expectation of repayments, for instance, travel.

Cash must never be accepted, regardless of the amount.

The obligation to disclose instances relating to this policy rests with Councillors and staff and should be in accordance with the Gifts, Benefits and Hospitality Procedures.

### **Breaches**

Breaches of this policy by staff may result in action in accordance with the Local Government State Award Provisions and Operational Management Policies. Breaches by Councillors may result in sanctions contained in the Code of Conduct.

### **Related Documents**

- Code of Conduct;
- Procedures for the Code of Conduct;

- Internal Reporting Policy No 4.161;
- Fraud and Corruption Prevention Policy No 1.064;
- Procurement Policy No 1.164.



## ANNEXURE 'A'

### GIFTS, BENEFITS AND HOSPITALITY PROCEDURES

Councillors and staff must declare gifts, benefits or hospitality of a non-token nature, whether provided, accepted or declined.

A "Gift Notification Form" (as attached to this Annexure) must be completed and placed on the "Gifts & Benefits Register" housed in Council's safe.

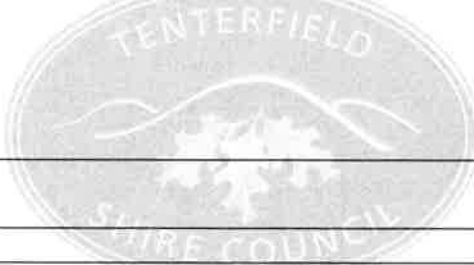
The *Gifts and Benefits Register* incorporates the following information in relation to the gift, benefit or hospitality:-

- date the Gift is received;
- the Recipient of the Gift;
- the provider/donator of the gift;
- the name of the organisation that the provider/donator represents;
- a description of the gift;
- an estimated retail value;
- Additional comments including the action taken and or decision made relating to the gift, for instance whether it was accepted, declined, donated to charity and so on;

All declarations must be recorded in the *Gifts and Benefits Register* as soon as practicable and no later than two (2) weeks of offering, accepting or declining the non-token gift, benefit or hospitality.

*If a Councillor or staff member is uncertain about whether a gift, benefit or hospitality is non-token, they should discuss it with their Director, or the General Manager. Councillors and staff should err on the side of caution and if in doubt — declare.*

## GIFT NOTIFICATION FORM



**DATE:**

**NAME:**

**GIFT RECEIVED FROM: PERSON/ORGANISATION**

**ITEM:**

**APPROX. VALUE \$**

**REASON:**

**ADDITIONAL COMMENT:**

Received by:

Signed by GM:

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Internet, Email and Computer Usage**

**MEETING AMENDED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>28 February 2003</b>	<b>72/03</b>
<b>23 February 2011</b>	<b>55/11</b>
<b>26 March 2014</b>	<b>76/14</b>

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**Introduction:**

The objective of this policy statement is to provide Council employees with clear guidelines for the use of Internet, Email and Computer facilities to allow for effective communication between employees and others with whom Council communicates.

Staff will be required to sign-off on this policy on commencement of employment with Council and when the policy is reviewed to certify that they understand and agree to comply with the terms of this policy.

**Policy:**

<As follows>

<b>POLICY STATEMENT</b>	1
<b>INTRODUCTION:</b>	1
<b>POLICY:</b>	1
<b>1.0 GENERAL OVERVIEW</b>	4
<b>1.1 THE FACILITIES</b>	4
<b>1.2 PURPOSE</b>	4
<b>2.0 DEFINITIONS</b>	4
<b>3.0 WHY IS IT IMPORTANT FOR USERS TO ADHERE TO THIS POLICY?</b>	5
<b>3.1 USE OF THE FACILITIES</b>	5
<b>3.2 LEGAL ISSUES</b>	5
<b>4.0 AUTHORISATION OF USE</b>	6
<b>5.0 SYSTEM SECURITY</b>	6
<b>5.1 RESPONSIBILITY OF FINANCE/IT MANAGER</b>	6
<b>5.2 PASSWORDS</b>	6
<b>5.3 COMMUNICATIONS SYSTEM SECURITY</b>	7
<b>5.4 HARDWARE, SOFTWARE AND PRIVILEGES</b>	7
<b>6.0 E-MAIL USAGE</b>	7
<b>6.1 PRIVACY</b>	7
<b>6.2 MANAGEMENT OF E-MAIL MESSAGES</b>	7
<b>6.3 ACCEPTABLE PERSONAL USE OF E-MAIL</b>	8
<b>6.4 UNACCEPTABLE USE OF E-MAIL</b>	8
<b>6.5 WHAT YOU SHOULD DO IF YOU RECEIVE EXTERNAL E-MAIL WITH ATTACHMENTS</b>	9
<b>6.6 WHAT YOU SHOULD DO IF YOU RECEIVE OFFENSIVE E-MAIL</b>	9
<b>6.7 LIMITATIONS</b>	9
<b>7.0 INTERNET USAGE</b>	9
<b>7.1 ACCESS TO SITES</b>	9
<b>7.2 SENDING INFORMATION</b>	9
<b>7.3 ACCEPTABLE PERSONAL USE OF INTERNET FACILITIES</b>	9
<b>7.4 UNACCEPTABLE USE OF INTERNET FACILITIES</b>	10



<b>8.0</b>	<b>PERSONAL USE – GENERAL</b>	<b>10</b>
<b>8.1</b>	<b>ACCEPTABLE PERSONAL USE</b>	<b>10</b>
<b>8.2</b>	<b>WORK RELATED STUDY USE</b>	<b>10</b>
<b>9.0</b>	<b>WHAT CONSTITUTES UNACCEPTABLE USE OF FACILITIES?</b>	<b>11</b>
<b>9.1</b>	<b>GENERAL</b>	<b>11</b>
<b>9.2</b>	<b>EMPLOYEES MUST NOT DISTRIBUTE OFFENSIVE MATERIAL</b>	<b>11</b>
<b>9.3</b>	<b>WORKPLACE AND SEXUAL HARASSMENT</b>	<b>11</b>
<b>9.4</b>	<b>DEFAMATION</b>	<b>11</b>
<b>9.5</b>	<b>COPYRIGHT</b>	<b>12</b>
<b>10.0</b>	<b>OTHER ISSUES</b>	<b>12</b>
<b>10.1</b>	<b>OCCUPATIONAL HEALTH AND SAFETY</b>	<b>12</b>
<b>10.2</b>	<b>EDUCATION AND TRAINING</b>	<b>12</b>
<b>10.3</b>	<b>MONITORING AND AUDITING OF EQUIPMENT, SERVICES AND SOFTWARE</b>	<b>13</b>
<b>11.0</b>	<b>COMPLIANCE WITH POLICY</b>	<b>13</b>
<b>11.1</b>	<b>READ THE POLICY</b>	<b>13</b>
<b>11.2</b>	<b>CONDITIONS OF EMPLOYMENT</b>	<b>13</b>
<b>11.3</b>	<b>BREACHES OF THE POLICY</b>	<b>13</b>
<b>12.0</b>	<b>VARIATIONS</b>	<b>13</b>
<b>13.0</b>	<b>INTERNET DISCLAIMER</b>	<b>14</b>
<b>14.0</b>	<b>ACKNOWLEDGMENT OF UNDERSTANDING</b>	<b>14</b>

## **1.0 General Overview**

### **1.1 The Facilities**

Council has given its employees access to telecommunications, e-mail, computer, internet and other facilities to allow them to communicate effectively with each other and others with whom Council communicates, and to use the information gathering and storage capabilities that the facilities provide. Council also recognises that occasionally, employees may wish to use the facilities for private purposes, to meet family and community responsibilities.

### **1.2 Purpose**

The unique nature of Internet, E-mail and Computer facilities is supported by this policy which has the purpose of:

- a) preserving the integrity and efficiency of the facilities by providing guidelines for employees to clarify what constitutes appropriate conduct and use of the facilities;
- b) outlining the expectations Council has of the manner in which employees will use the facilities, so that they enhance the professional and personal lives of employees, while complying with the organisation's obligations to maintain a workplace that is efficient, harmonious and without risk of discrimination or harassment resulting from improper use of the facilities; and
- c) informing employees of the repercussions if they fail to abide by the guidelines contained in this policy.

## **2.0 Definitions**

**Council** means the Tenterfield Shire Council.

**Computer Equipment** means and includes any electronic equipment or computer software whatsoever, provided to employees for use in the performance of their duties, either in general or specific terms, including, but not limited to:

- a) Computers, including PC's, file servers, laptops/notebooks, tablets, mobile phones and handheld computing devices;
- b) Printers;
- c) Scanners;
- d) Digital cameras or any other digital imaging equipment;
- e) All software and programs provided to facilitate work needs;
- f) Operating systems;
- g) All network infrastructure including data cabling and transmission equipment;
- h) Electronic mail (Email) all forms including use of Internet Email; and
- i) Internet access including social networking applications such as Facebook and Twitter.

**Council's Records Management Procedures** refers to and includes any Policies, Procedures or Protocols in place from time to time which determine how business records are received, stored, actioned, retrieved and referred throughout the organisation.



**Employee** refers to and includes all persons engaged, whether on a permanent, temporary, casual, seconded or contract basis as well as contractors engaged to work for or on behalf of the Council and includes elected members of the Council.

**Finance/IT** means Councils' Finance/IT Manager.

**Normal Working Duties** refers to and includes all activities associated with fulfilling the duties and obligations of the Employee's Position Description, Contract and/or duties.

**Privileges** refers to and includes the specific permission granted to access and/or use Computer Equipment including areas where electronic files may be stored, modified or viewed and the quantity of such storage space which will be made available.

**Work Related Study** refers to and includes study and research approved by an employee's relevant Director, Manager, Supervisor for the purpose of developing skills required in the performance of their position.

**Authorised Officer** means and includes the following positions:

- a) General Manager;
- b) Director of Corporate Services;
- c) Director of Strategic Planning and Environmental Services;
- d) Director of Engineering Services;
- e) Finance/IT Manager;
- f) Senior Librarian
- g) Senior Economic Development Officer
- h) Human Resource Manager

### **3.0 Why is it important for users to adhere to this policy?**

#### **3.1 Use of the facilities**

Council has provided the facilities primarily for business purposes and to enhance the productivity and quality of work. Council understands that occasionally employees may use the facilities for private purposes. However, activities such as receiving and transmitting large files can seriously increase the cost of operating these facilities as well as undermine their effectiveness and lead to inordinate delays in the receipt and transmission of e-mails and use of the internet. It is for this reason that Council reminds employees that the use of the facilities is **primarily** to enhance work productivity.

#### **3.2 Legal issues**

Council and its employees may be legally liable if the facilities are used in an unlawful way. The following legislation is relevant:

- a) NSW Anti-Discrimination Act 1977;
- b) NSW Government Information (Public Access) Act 2009;
- c) NSW State Records Act 1998;
- d) Evidence Act 1995;
- e) Federal Sex Discrimination Act 1984;
- f) Federal Disability Discrimination Act 1992;

- g) Federal Racial Discrimination Act 1975;
- h) Federal Crimes Act 1914;
- i) Federal Copyright Act 1968;
- j) Defamation Act 2005 (NSW);
- k) Employees Liability Act 1991 (NSW); and
- l) NSW Workplace Surveillance Devices Act 2007.

The guidelines in this policy are based upon the requirements of this legislation, so as to protect both Council and its employees from legal action.

#### **4.0 Authorisation of Use**

Employees of the Council will be granted Privileges to use Computer Equipment supplied by the Council, following compliance with the following:

- a) Notice received by Finance/IT that a person has been officially employed by the Council;
- b) A request for access to equipment or software (including the Council's corporate network) has come from an Authorised Officer;
- c) The employee has been made aware of the Privileges granted and which Computer Equipment they are entitled to use and for what purposes;
- d) The employee is made aware that usage of Computer Equipment may be monitored to ensure that the guidelines contained in this policy are followed; and
- e) Education and Training has been completed in accordance with section 10.2.

#### **5.0 System Security**

##### **5.1 Responsibility of Finance/IT Manager**

It is the responsibility of the Finance/IT Manager to provide, maintain and monitor the necessary hardware and software (eg Anti-Virus) to minimise security risks.

##### **5.2 Passwords**

It is the responsibility of each employee to maintain the confidentiality and security of their own password. Employees should ensure that they:

- a) log off the network or password lock their workstation whenever leaving it unattended for long periods of time, including attending meetings and lunch breaks;
- b) do not attempt to gain access to another employee's log-in id or password; and
- c) do not disclose passwords to any other persons.

Persons who are not employed by Council must not be given access to the Council's corporate network under any circumstances, unless approval is first sought and obtained from an Authorised Officer. This includes work experience students, volunteers, etc. Where approval to access equipment and software is conditionally given, such persons are not permitted to use an existing user's login id or password. In such circumstances, Finance/IT will arrange a temporary account with the appropriate security privileges.

### **5.3 Communications System Security**

To help avoid the spread of viruses, employees must not by-pass Council's network security by accessing the internet directly by modem or other unauthorised means, unless permission has been granted by the Finance/IT Manager.

Employees using IT equipment with access to Council's network and not utilising Council supplied IT equipment, must ensure that any file or data brought into Council from an external (to Council) source, is scanned with Council approved virus checking software. Finance/IT must be notified immediately, if an employee suspects that a virus has been introduced into Council.

### **5.4 Hardware, Software and Privileges**

Employees must not attempt to install or remove software or hardware onto Council's Computer Equipment without prior approval and direction from Finance/IT.

Given access to the Council computer network, all Council information or data is to be permanently stored on Council servers for backup and security implications. Therefore, disk space on individual Council PC's or Council laptops, should only be used as temporary storage, or for transitional purposes only. Please note that in general, Council PC's or Council laptops are not backed up in any way.

Employees must not attempt to access, copy, damage, delete, insert or alter any information held on Council's Computer Equipment beyond the Privileges granted by an Authorised Officer for the performance of their Normal Working Duties.

## **6.0 E-mail usage**

### **6.1 Privacy**

E-mail is made available to Council Employees primarily to enable Council to conduct its business communications efficiently. All e-mails sent or received from Council's systems remain the property of Council. For legal purposes, e-mail has the same standing in court as paper documents.

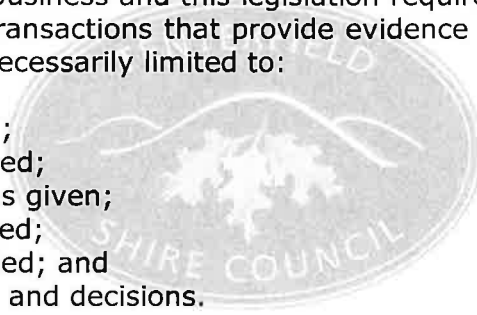
Employees should not expect that e-mail is confidential or private. Therefore, when sending confidential information (for example business information, client details, pricing, or any personal or private information about individuals), careful consideration should be given as to whether alternative means of communication are preferable.

Whilst Council does not wish to become a censor, to ensure that the guidelines contained in this policy are followed, Council retains the right to access or view users' e-mail sent via the corporate network. Council will only access information created or stored on Council's e-mail systems for disciplinary procedures or where there is a valid business requirement.

### **6.2 Management of e-mail messages**

Email is a valid form of communication within Council. Employees should attempt to access their e-mail at least once per day. Employees must manage their e-mail mailbox personally by ensuring that e-mails received are actioned within acceptable times, unwanted e-mails are cleared, and business communications are registered in accordance with Council's Records Management Procedures. In

accordance with the State Records Act of 1998, e-mail messages are official records of Council's business and this legislation requires Council to be accountable for that business. Transactions that provide evidence of business activities, which include but are not necessarily limited to:

- 
- a) what happened;
  - b) what was decided;
  - c) what advice was given;
  - d) who was involved;
  - e) when it happened; and
  - f) order of events and decisions.

are required to be documented in the Records Management system to provide an official record.

E-mail messages that document such activities, must be registered in Council Records Management system.

When employees go on leave, it will be their responsibility to ensure that arrangements that have been put in place while they are on leave, so that their e-mails can still be processed or acknowledged in some way.

The content of email signature files is to be restricted to textual (non-graphical) information that amplifies the identity of the email originator. Employees should include their name, title, section and Council name, along with their telephone and fax numbers on all e-mails.

### **6.3 Acceptable personal use of e-mail**

Council accepts that e-mail may on occasion be used for personal use reasons. Acceptable personal use includes sending short personal e-mails preferably during lunch breaks or outside normal work hours. However, employees must remember that the primary purpose of the e-mail system is to enhance business communication and hence, the overall effectiveness of the organisation. Excessive personal use of the e-mail can undermine that effectiveness and lead to disciplinary action.

### **6.4 Unacceptable use of e-mail**

Employees must not access, or attempt to access, another employee's e-mail without authorisation from the employee whose email is to be accessed, or an Authorised Officer. Any e-mails caught by virus cleaning software will no longer be considered private and will be open for interrogation by a Finance/IT staff member or an Authorised Officer. Employees specifically must not use e-mail (including personal e-mail) to:

- a) conduct illegal activities;
- b) send e-mail messages that in any way could, or would be likely to bring Council's name into disrepute;
- c) send e-mail messages (with or without attachments) which contain inappropriate or offensive material of a sexual, racial, libellous, defamatory, abusive, obscene or discriminatory nature;
- d) distribute "junk mail" or electronic chain letters including letters seeking donations and those providing pyramid selling schemes or advertising;

- e) send unauthorised e-mails from another person's e-mail address or impersonating another person;
- f) send e-mails which are likely to be perceived as harassment, intimidation or an unwanted invasion of privacy;
- g) send non-work related e-mails (e.g. jokes) to large numbers of people (whether within Council or not) at any time; and
- h) send personal e-mail to any person who does not wish to receive it. If a recipient asks a user to stop sending him or her e-mail, the request must be observed.

#### **6.5 What you should do if you receive external e-mail with attachments**

If an employee receives e-mail from outside Council with an executable attachment, it should be regarded as insecure. Employees who receive external e-mails containing executable files as attachments should contact Finance/IT and seek advice before proceeding with any installation. Generally, executable files are blocked before reaching the intended recipient.

#### **6.6 What you should do if you receive offensive e-mail**

If an employee receives offensive e-mail from outside Council, they should immediately delete it and reply to the e-mail advising the sender not to forward similar material again. In the event that further material is received, the employee should advise their supervisor.

#### **6.7 Limitations**

Council has implemented a maximum size for allowable e-mail messages and also restricts e-mail messages that contain certain attachments or content which have been known to contain viruses from either entering or leaving Council. Users will be notified by (return) e-mail, when such limits have been exceeded. Finance/IT should be contacted on a case by case basis, if these limitations are found to be too restrictive.

### **7.0 Internet usage**

#### **7.1 Access to Sites**

Employees should be aware that internet sites accessed by them can record Council's name. Council can monitor sites that employees are accessing and it reserves the right to do so, to ensure that the guidelines contained in this policy are followed.

Council reserves the right to block access to sites which it deems to be inappropriate.

#### **7.2 Sending Information**

The internet is not a secure method of sending information. Therefore, when sending confidential information (for example business information, client details, pricing, or any personal or private information about individuals), careful consideration should be given as to whether alternative means of communication are preferable.

#### **7.3 Acceptable personal use of Internet Facilities**

Council accepts that the internet facilities may on occasion be used for personal use reasons. Acceptable personal use includes browsing the internet during lunch

breaks or outside normal work hours. However, employees must remember that the primary purpose of the internet facilities is to enhance business activities and hence, the overall effectiveness of the organisation. Excessive personal use of the internet facilities can undermine that effectiveness.

#### **7.4 Unacceptable use of internet facilities**

Employees specifically must not use the internet facilities to:

- a) intentionally access sites which contain pornography, or inappropriate or offensive material of a sexual, racial or discriminatory nature;
- b) solicit, download, store, or distribute pornography, inappropriate or offensive material of a sexual, racial or discriminatory nature;
- c) access internet chat clients or Internet Relay Chat networks;
- d) conduct gambling activities;
- e) conduct illegal activities;
- f) conduct private transactions of a personal gain/profit nature, either directly or indirectly; and
- g) conduct gaming activities during working hours.

### **8.0 Personal Use – General**

#### **8.1 Acceptable Personal Use**

Notwithstanding the concessions made for acceptable personal use of e-mail and internet facilities in Sections 6.3 and 7.3, Council accepts that its Computer Equipment may on occasion be used for personal use reasons. Acceptable personal use includes the following, conducted during lunch breaks or outside normal work hours and consistent with all other sections of this policy:

- a) the creation and storage of personal computer files, up to a total of 100 Megabytes at any one time, and which must be stored only in the section allocated for personal files on Council's Corporate Network; and
- b) the limited use of printers with the verbal (or written) agreement of an Authorised Officer

However, employees must remember that the primary purpose of Council's Computer Equipment is as a tool for business and hence, to enhance the overall effectiveness of the organisation. The provision and maintenance of Computer Equipment and consumables is a cost to Council's business activities and therefore excessive personal use of these facilities can undermine the effectiveness of the organisation.

Employees must not use Council's Computer Equipment to maintain or support a personal business activity under any circumstances.

#### **8.2 Work Related Study Use**

Use of Council's Computer Equipment, including e-mail and Internet, may be granted to an individual staff member for work related study purposes by agreement with an authorised officer.

The agreement must:

- a) be consistent with all sections of this policy.

The agreement may:

- a) be for a fixed period;
- b) contain limits on the equipment available for use;
- c) contain limits on the time periods when study use may take place;
- d) require that records of use are to be maintained;
- e) detail the apportionment of costs associated with the usage; and
- f) permit variation by mutual agreement at any time.

Agreements for Work Related Study Use may be revoked at any time by the General Manager, Directors or Finance/IT Manager by written or verbal notification to the employee.

## **9.0 What constitutes unacceptable use of facilities?**

### **9.1 General**

Employees must not use the facilities to:

- a) play games of any kind during working hours;
- b) engage in any activity which is likely to be considered unlawful under the legislation referred to Section 3.2, is discriminatory or amounts to harassment, or which is contrary to the guidelines in this policy;
- c) annoy, interfere with or disrupt the reasonable use of the Council network by any other person; and
- d) gain unauthorised access to information or other computer networks.

### **9.2 Employees must not distribute offensive material**

Employees must not distribute any material, (including e-mails, screensavers and internet addresses) which is offensive to other persons. Material which could be regarded as offensive includes comments, opinions, jokes, pictures, or executable files that may be of a sexual, racist or otherwise discriminatory nature. If someone identifies material as being of an offensive nature, the employee must cease any further distribution of similar material and apologise for any harm caused.

### **9.3 Workplace and sexual harassment**

E-mail and internet usage has created a new avenue for harassment including sexual, racial and other forms of harassment in the workplace.

All employees have a right to work in an environment, which is safe and free of discrimination and harassment of any kind. Our people must not engage in conduct, which would be likely to be considered discriminatory or harassing.

Examples of harassment include:

- a) sending offensive, insulting or harassing e-mail messages; and
- b) accessing sexually explicit, racist, or any website of a discriminatory nature.

### **9.4 Defamation**

Employees must not distribute potentially defamatory comments by e-mail, mailing lists or bulletin boards. Employees and/or Council may be sued by either other employees or external individuals for defamation.

Defamation occurs when a statement or publication injures the reputation of another person. It can be a civil action or a criminal offence under relevant legislation.

## **9.5 Copyright**

All employees must respect the copyright and any other intellectual property rights of third parties.

Copyright protects the exclusive right of the copyright holder to copy, publish, perform, broadcast and sell copyrighted material. Employees must not download material from the internet or otherwise receive and use information that is owned by a third party unless they have the written permission of that party.

Examples of possible breaches of copyright can include forwarding e-mails or copying or downloading copyright material (including computer programs, screensavers, sounds and images) that have copyright protection.

As a general rule, under copyright law downloading from the internet for personal research is allowed. However, downloading material for distribution to others or for business purposes will require the permission of the third party owner.

## **10.0 Other Issues**

### **10.1 Work Health and Safety**

It is the responsibility of the Finance/IT Manager is to ensure:

- a) Employees are aware of any relevant issues pertaining to the correct handling and usage of computer hardware and software; and
- b) That monitors meet current Australian safety standards.

Employees must ensure:

- a) That all cabling is arranged tidily so as not to present a health or operational hazard; and
- b) That equipment is used in accordance with guidelines of this and other Policies and Procedures as may be adopted from time to time.

### **10.2 Learning & Development**

It is the responsibility of the Finance/IT Manager that:

1. Before being given access to Council's network, or authorisation to use Council's Computer Equipment, all new employees must be given access to the following training on request or where a need is determined:
  - a) Instruction in the Corporate Operating System Client;
  - b) Instruction in the Corporate Email Client (eg Outlook);
  - c) Instruction in applications of the Microsoft Office suite as appropriate;
  - d) Training in how to use Computer Equipment (including new devices and new methods of using existing devices) in a way that is consistent with this policy; and



2. The Human Resources Manager ensures employees are made aware of the contents and purpose of this policy, and compliance requirements of the policy.

### **10.3 Monitoring and Auditing of Equipment, Services and Software** **Employees must be aware that:**

- a) Computer usage, including Internet access and Internet Email, will be monitored to ensure that the guidelines contained in this policy are followed. This includes monitoring personal usage of Computer Equipment during and out of normal work hours;
- b) Logs may be kept indicating Internet sites employees have visited; and
- c) Authorised officers may request such monitoring to take place with respect to an employee for which they are responsible, and may view such monitoring or logs as are available.

## **11.0 Compliance with policy**

### **11.1 Read the policy**

All employees must read this policy carefully and observe its requirements. It is the employee's responsibility to ensure that they understand their obligations in relation to the policy.

Employees must also sign the attached acknowledgment of understanding form prior to being granted access (or continuing access) to the facilities. Employees must not sign unless they fully understand and agree to comply with all the terms of this policy.

This document, once signed by an employee, becomes part of the employee's Personnel record.

### **11.2 Conditions of employment**

Compliance with this policy is a condition of each employee's employment with Council. A breach of any part of this policy may, depending on the circumstances, be regarded as a serious breach of an employee's employment contract with Council.

### **11.3 Breaches of the policy**

A failure to comply with this policy and any relevant directions given by management may result in the following action being taken against an employee:

- a) counselling (including intensive training on this policy and the appropriate use of facilities); and/or
- b) disciplinary action regarding "inappropriate use" of the facilities, including cancellation of access to any or all of the facilities; and/or
- c) dismissal in cases such as the access and/or distribution of material outlined in the unacceptable use of e-mail or unacceptable use of internet facilities sections of this policy.

## **12.0 Variations**

The policies and procedures at Tenterfield Shire Council are a management tool developed to assist in operational requirements. This policy may be reviewed,

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**Policy Statement No. 1.092**  
**Date of Effect:** 23 August 2017  
**Policy Name:** Internet, Email & Computer Usage

**Review Date:**  
August 2020

**Responsible Officer:**  
Chief Corporate Officer

varied or revoked according to these requirements. No change will take effect until it has been appropriately communicated to employees.

**13.0 Internet Disclaimer**

Upon accessing the Internet via the Council's network, you immediately release, discharge and indemnify Council of all liability and responsibility:

- a) With respect to defamatory or other offensive material that you may access on the Internet by reason of web searching and browsing by you;
- b) Relating to any costs incurred associated with the use of on-line shopping services or any monetary transaction undertaken by the employee not directly relating to Council business;
- c) With respect to the unauthorised use of copyrighted material obtained via the Internet.

**14.0 Acknowledgment of understanding**

I have read, understand and agree to comply with the terms of this policy governing the use of Council's computer network, internet and e-mail facilities.

.....  
Print Name

.....  
Signature

.....  
Date

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Education Expenses**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**27 April, 2000                    334/00  
26 September 2012       397/12  
23 September 2015       303/15**

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**Introduction:**

Council recognises that the achievement of continuous improvement is dependent on its long term commitment to and investment in education, training and skill development to effectively facilitate enhanced performance.

Individual employees who pursue studies to better their skills or enhance professional development need to be encouraged where those courses are consistent with Tenterfield Shire Council's Strategic Operational and Workforce Plans.

This policy aims to provide a fair and equitable framework of appropriate support and encouragement for all permanent staff who engage in learning and development activities.

**Policy Objectives:**

- a) To encourage staff to undertake relevant courses of study that will lead to Council's achievement of a more highly skilled and diverse workforce.
- b) To encourage staff to undertake courses that will improve and enhance their professional performance.
- c) To remove potential barriers to ensure that relevant further study is made available to all employees in accordance with Council's training plans.

**Policy Application:**

- a) This policy will apply to approved courses which further the learning and educational needs of staff, on the basis that those needs are consistent with the identified objectives of Tenterfield Shire Council's Operational and Workforce Plans.
- b) Approved courses covered within this policy include University or TAFE courses and courses provided by a Registered Training Organisation (RTO) that provide a nationally recognised qualification upon course completion.

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**Policy Statement No. 4.050**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Education Expenses

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

- c) All requests to participate in learning and development courses will be dependent on the respective departments training budget for the current financial year.

### **Policy:**

#### **Application process**

All staff, with the exception of apprentices, trainees and those employees who are directed to undertake a specific course or wish to participate in selective learning will be required to fill out a 'Training Request Form'.

This application is to be submitted to the relevant Departmental Director who will then approve or disapprove the training request.

All recommendations for training authorised by the Departmental Directors are subject to the final approval of the General Manager.

#### **Submission of Results**

All employees undertaking courses of study must submit copies of their annual or semester examination and/or course progression results, either in conjunction with their claim for reimbursement of fees, or separately to the Departmental Director if not entitled to or not claiming for reimbursement.

Note: Submission of results is compulsory. If employees fail to produce results as required, any approval to continue study, and any benefits attached to such study, will be withdrawn until such time as results are submitted.

#### **Withdrawal or Variation of Approval**

To retain approval from Council in accordance with this policy, employees must pursue the relevant course continuously until completion, unless they can show valid and substantial reasons for course withdrawal. Acceptance or non-acceptance of such reasons shall be at the discretion of the Departmental Director and General Manager.

The General Manager and Departmental Directors shall have the right to suspend or withdraw Councils support of any student in the event of 'unsatisfactory progress' in a course of study. 'Unsatisfactory Progress' shall mean repeated subject failures and/or failing to meet the requirements of the Registered Training Organisations (including tertiary institutions) for course continuation.

#### **Subject Failure**

No entitlements exist for any benefit or assistance where an employee is repeating subject(s) previously failed, unless authorised by the General Manager.

#### **Entitlements and Benefits**

The entitlements that apply within the four (4) categories, as shown below are outlined in Table 1.

## **Type and Level of Assistance**

Eligibility to receive Council assistance under this policy is divided into four (4) main Categories: -

### Category C – Special Purpose

#### Category C (i)

Where an employee applies to undertake a basic tertiary qualification that will enable that employee to obtain a higher standard in their profession, achieve a higher level of competence in their own position and equip them for future appointment to higher level positions.

#### Category C (ii)

Where an employee already possesses a basic tertiary qualification for the position occupied but where attainment of an additional or higher qualification or conversion course where applicable will enable that employee to obtain a higher standard in their profession, achieve a higher level of competence in their own position and equip them for future appointment to higher level positions.

### Category D – Staff Requested Training

Employees undertaking courses of study not directly related to their principle employment, but where such a course is considered by the Departmental Director and General Manager to be of mutual benefit to the Council and the employee through the attainment of the particular qualification.

### Category E – Attending external courses and/or blocks of training

Employees attending seminars, conferences or specific blocks of learning in accordance with the requirements of the RTO.

### Category F – Apprentices and Trainees

Traineeship/Apprenticeship or where the employee is directed by Council, on appointment, to undertake a particular course of study as a condition of employment.

Note: Category A – General Core and Category B – Job Specific Core, are areas of training that are covered by Councils Training Plan. They relate to essential areas of core competency training for all employees e.g. Teamwork, Communication, Workplace Health and Safety

### **Note:**

Council reserves the right to vary or revoke this policy.

**Table 1**

**Entitlements and Benefits**

Category	Exam/Pre-Exam Leave	Expenses	Fees	Residential Schools
C(i)	Special Leave will be approved for length of examination as well as reasonable travelling time (if applicable).	Travel equivalent to the cost of a Business Class Bus/Rail Ticket.	Nil.	As per Category F. Attendance at Residential Schools will not be approved if the subject is being repeated.
C(ii)	Special Leave will be approved for length of examination as well as reasonable travelling time (if applicable).	Nil.	Nil.	Nil.
D	Special Leave will be approved for length of examination as well as reasonable travelling time (if applicable).	. Reimbursement of reasonable travel and accommodation expenses, with prior approval of Departmental Director.	Nil.	Nil.
E	Special Leave will be approved for length of examination as well as reasonable travelling time (if applicable).	Assessed upon Application.	Assessed upon Application.	Assessed upon Application.
F	Special Leave will be approved for length of examination as well as reasonable travelling time (if applicable).	Reimbursement of reasonable travel and accommodation expenses, with prior approval of Departmental Director.	Course Fees.	Leave with pay to attend compulsory residential schools only. Leave granted dependent on number of subjects attempted.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Home Based Work**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

**20 October 2005      578/05  
28 August 2013      280/13**



**Introduction:**

**Policy:**

Tenterfield Shire Council may consider requests from staff to enter into a home based work arrangement in accordance with the provisions of this policy.

**Scope of Policy:**

This policy applies to permanent employees of Tenterfield Shire Council who may request to work from a home based worksite on a full-time or part-time basis over a mutually agreed period of time.

**Definitions:**

**Home based work:** Is work performed at an employee's residential address or other approved location for an agreed number of hours on a specific day or days, for an agreed period of time.

**Home based worksite:** The term "home based worksite" refers to the area designated within the employee's residence at which the employee will perform his / her Council duties when approved to do so under a home based work arrangement.

**Council designated workplace:** The term "Council designated workplace" refers to the usual place of work at which the employee performs his / her duties when not performing duties under provisions of a home based work arrangement.

**Urgent access:** "Urgent Access" is the necessity of the employee's supervisor / manager / or other designated employee to enter the employee's home based worksite without prior arrangement. Such access may be necessary on occasions detailed within this policy.

**Non-urgent access:** "Non-urgent Access" is the necessity of the employee's supervisor / manager / other designated employee to enter the employee's home based worksite after having provided 24 hours prior notice to the employee.

## **General Terms and Conditions to Apply:**

The terms and conditions contained in this Policy will apply to an employee who is approved to perform his / her ordinary hours of duties, or part thereof, at a home based worksite.

Home based work arrangements are not an entitlement, right or an obligation.

Home based work arrangements may be entered into on a short term basis between the General Manager and an employee of Tenterfield Shire Council.

Where an employee proposes a home based work arrangement, the General Manager has the right to refuse to consent to such a work arrangement.

An employee working under the provisions of a home based work arrangement is prohibited from contracting out his / her work.

Tenterfield Shire Council shall ensure that all employees working under the provisions of a home based work arrangement shall be offered the same opportunities for career development and training as employees working within Tenterfield Shire Council designated workplaces.

The status of employees working from home will be identical to all other Tenterfield Shire Council employees.

All existing agreements, awards, terms and conditions of employment, policies and procedures will apply to the employee while working off-site.

While off-site and during agreed hours of duty, the employee must be contactable and accessible.

## **Limitations on Home Based Work Arrangements:**

Each application for a home based work arrangement is to be considered on a case by case basis.

A home based work arrangement will generally not be considered when an employee is on a rehabilitation program as a result of a work related injury or illness.

## **Job Characteristics not Considered Appropriate for Home Based Work Arrangements:**

Employees performing the duties of a position where the position could be described as having at least one of the following characteristics will generally not be considered for home based work arrangements:

- The position requires a high degree of supervision or close scrutiny.
- The position requires direct client face to face contact at the Council designated workplace.



- The position has other characteristics that the General Manager identifies as unsuitable for home based work arrangements due to operational constraints.

### **Access to Home Based Worksite:**

Prior to approval of a home based work arrangement, the supervisor / manager and the employee are to agree upon arrangements to facilitate access by management, or other authorised employees of Tenterfield Shire Council, to the employee's home based worksite for work related purposes.

Such arrangements are to be documented within the Record of Home Based Work Arrangement and are to include as minimum access provisions:

The right of urgent access for:

- Maintenance of faulty equipment;
- Workplace health and safety purposes;
- Urgent security and audit purposes; and
- Other purposes agreed between management and the employee.

The right for non-urgent access for:

- Routine maintenance of equipment and supplies;
- Assessing and monitoring security arrangements of equipment and documents;
- Routine occupational health and safety assessments;
- Supervision; and
- Other purposes agreed between management and the employee.

### **Obligation of Employee to Attend Council Designated Workplace:**

Notwithstanding any agreement made within a Record of Home Based Work Arrangement, Tenterfield Shire Council may require the employee to attend a Council designated workplace during the normal working hours of the employee. Without limiting the scope of this requirement, the employee may be required to attend a Council designated workplace for reasons of training, employee counselling and work related activities.

Costs incurred in travelling between the employee's home based worksite and the Council designated workplace are to be borne by the employee.

### **Workers Compensation:**

Workers compensation arrangements apply to all injuries arising out of or in the course of employment, whether the injury occurred while the employee was working from a home based worksite or at the Council designated workplace.

Whether an employee injured at home was actually at work at the time of the injury will be determined using the usual sources of compensation evidence, such as reporting procedures and medical evidence.

### **Provision of Furniture, Equipment, Plant and Supplies:**

Unless otherwise agreed between the General Manager and the employee, when the employee requests a home based work arrangement, it is the employee's responsibility to provide furniture, equipment and plant necessary to perform the duties of the home based work activities. The maintenance, repair and depreciation costs of furniture, equipment and plant provided by the employee are to be the responsibility of the employee.

If a home based work arrangement is approved, Council will be responsible for:

- Provision of stationery and expendables to the employee at no cost to enable the employee to perform the duties of his / her home based work activities.
- Reimbursement of work related expenses as per the Local Government (State) Award.

Upon expiration of a home based work arrangement, all furniture, equipment, plant and supplies provided to the employee by Council are to be returned to Council.

### **Security of Council Documents, Information and Property:**

It is the responsibility of the employee working under a home based work arrangement to ensure that Council property, documents, information and records are properly secured and protected from unauthorised access and / or removal. Generally, the level of security should be that applying at the Council designated workplace.

All computers used in the course of Council business must be loaded with anti-virus software, irrespective of the computer's ownership. All employees working under a home based work arrangement using their own computer equipment must satisfy Council that their systems are comprehensively protected from virus infection. Due to the pace of change in all software, including anti-virus software, employees are advised to consult Council's Manager Finance / IT as to the current minimum acceptable anti-virus software required. In relation to copyright, Council is only responsible for software provided by Council.

### **Insurance:**

When a home based work arrangement is agreed to it is the employee's responsibility to contact their insurer to ensure that such arrangement does not jeopardise their household and / or contents insurance coverage. The cost of any additional premium charged is to be borne by the employee.

All equipment provided by Council and listed within the Record of Home Based Work Arrangement is insured under provisions of Council's insurances.

### **Public Liability:**

Council is not responsible for third parties that visit the home based worksite. Employees are responsible for the safety of visitors to their homes and are advised to take out public liability insurance.

### **Client / Customer Contact:**

Any work-related appointments with a non-employee of Council is to take place at the Council designated workplace or a site the subject of a development or construction certificate, which the officer is required to inspect in the course of work.

### **Leaseback Vehicles:**

Where the staff member has a leaseback vehicle there will be a business case assessment undertaken by the Departmental Director to confirm if the leased vehicle will be maintained as part of this arrangement.

### **Taxation:**

It may be possible under some circumstances to claim expenses for a home based work site. Employees should consult the Australian Taxation Office or seek independent advice on such matters.

### **Work Health and Safety:**

Under the Work Health and Safety Act, 2011 and Regulations Council must provide a safe and healthy workplace. Employees also have a responsibility under the Act to take reasonable care of their own health and safety as well as the health and safety of any persons visiting the home based worksite. The home based employee must cooperate with Council to ensure this, and may be required to undertake training as part of this process.

The home based worksite must be a suitable and safe place in which the employee can carry out their tasks. In due regard to the privacy of the employee, and by prior arrangement, the General Manager, or authorised representative, may inspect a home based worksite for suitability and occupational health and safety purposes.

Such an inspection is to be conducted prior to approval of the home based work arrangement and at any time during the term of the arrangement.

When a home based work arrangement is initiated by the employee, the employee is required to meet the cost of any modifications to the home based worksite that are necessary, in the opinion of Council, to ensure that the site meets all work health and safety requirements.

Except in the case of an accident / incident occurring in the home based worksite, the scheduling of such inspections shall be in accordance with the access arrangements detailed in the Record of Home Based Work Arrangement.

### **Accidents / Incidents within the Home Based Worksite:**

Any accident / incident at the home based worksite is to be reported to Council's Human Resources Manager (the Site Supervisor) as soon as possible and within twenty-four (24) hours of the accident / incident occurring.

In cases of such accidents / incidents occurring the General Manager or authorised delegate has the right to visit the employee and, in the company of the employee or his / her delegate, inspect the home based worksite for the purposes of conducting an accident / incident investigation.

### **First Aid:**

Council will provide the employee with a Class C First Aid Kit that is to be kept within the home based worksite. The employee's supervisor is to check the First Aid Kit when undertaking home based worksite visits.

### **Procedure for Approval and Recording of Home Based Work Arrangement:**

The procedure for approving and recording of home based work arrangements is as follows:

- (i) An employee requesting to enter into a home based work arrangement is to initiate action by submitting a written request to their immediate supervisor.
- (ii) The Supervisor is to arrange a suitable time to meet with the employee and discuss the proposal. The supervisor is to ensure the employee is provided with a copy of this policy prior to the meeting. Following the meeting between the supervisor and the employee, if the employee wishes to proceed with the proposal, the supervisor is to refer the matter to the appropriate manager.
- (iii) The manager is to meet with both the employee and the supervisor and discuss the proposal in detail. If the manager considers that the proposal is feasible and meets the criteria detailed within this policy the manager, in consultation with the employee, is to develop a 'Record of Home Based Work Arrangement'.
- (iv) The manager is to pass the 'Record of Home Based Work Arrangement' to the appropriate Director for recommendation to the General Manager.
- (v) If the Director considers the proposal feasible and meets the criteria detailed within this policy, the Director is to task a supervisor / manager from within the Department to conduct a home based worksite assessment and return the checklist to him / her upon completion.
- (vi) Having received and considered the outcomes of the home based worksite assessment the Director is to forward:
  - The Record of Home Based Work Arrangement;
  - The Home Based HWS Checklist; and
  - The Director's recommendation, to the General Manager for final determination.

- (vii) If approved, the signed original of the home based work arrangement is to be placed in the employee's Staff File and the file referred to the Payroll/Creditors Officer and the Human Resource Manager for notation. A copy of the agreement is to be given to the employee and another to the employee's supervisor / manager.

### **Conduct of Home Based Worksite Assessment:**

The supervisor / manager conducting the home based worksite assessment should utilise the applicable checklist.

The home based worksite assessment should:

- Identify and clearly record the location of the home based worksite.
- Establish whether the duties are suitable for work from home.
- Establish what, if any, equipment will be necessary for an employee to safely undertake home based work.
- Establish that the proposed working environment is healthy and safe.
- Establish that the person who will be working from home has the information and training necessary to do the work safely.

### **Form of Agreement for Implementing Home Based Work Arrangements:**

The following details are to be recorded in relation to each home based work agreement:

- The employee's name
- The employee's position indicating whether it is the employee's substantive position
- The name and position of the employee's supervisor
- The employee's Department / Branch / Section
- The address and phone number of the home based worksite
- A list of the duties to be performed
- The days and hours of duty at both the home based worksite and the Council designated workplace, the agreed procedures for recording work hours, including actual starting and finishing times.
- Duration of the agreement and agreed period of notice
- The method of disseminating personnel management information to the employee where access to that information may be reduced
- Methods of measuring work performance, provided that systems based automated work measurements will not be used as the sole means for determining or monitoring individual work performance

- Details of Tenterfield Shire Council assets and supplies to be used at the home based worksite, including maintenance and resupply arrangements
- Details of the employee's assets and supplies to be used at the home based worksite for official use, including maintenance and insurance coverage
- Details of accident notification procedures

### **Termination of Home Based Work Arrangements:**

A home based work arrangement expires at the end of the agreed period stated within the Record of Home Based Work Arrangement.

A home based work arrangement may also be terminated:

- By mutual agreement between Tenterfield Shire Council and the employee at any time.
- By either the Tenterfield Shire Council or the employee, serving on the other party written notice of intent to terminate the arrangement.
- By Tenterfield Shire Council if the employee is required to undertake a rehabilitation program following a work related injury or illness.

A home based work arrangement may be re-negotiated prior to its expiration. If either Tenterfield Shire Council or the employee wish to continue the home based work arrangement they are to notify the other party no less than one month prior to the expiration of the current arrangement.

# TENTERFIELD SHIRE COUNCIL

## POLICY STATEMENT

### HEADING:

**Immunisation Policy**

### MEETING ADOPTED AND RESOLUTION NO.:

**23 August 2017  
168/17**

### HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

**26 March 2014                      80/14**

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### **OBJECTIVE:**

To comply with workplace health and safety, best practice and Council's general duties under the *Work Health and Safety Act 2011* and the *WHS Regulation 2011* with regard to infectious diseases.

### **BACKGROUND:**

Tenterfield Shire Council has developed the Immunisation Policy in accordance with the 10<sup>th</sup> edition of the *Australian Immunisation Handbook 2013*, the Australian Governments Immunise Australia Program and *AS/NZS ISO 31000:2009 for Risk Management*.

### **RESPONSIBILITIES:**

#### **Tenterfield Shire Council**

Tenterfield Shire Council is responsible for having policies and procedures in place to manage the risk from infectious diseases.

*In particular Tenterfield Shire Council is to ensure the following:*

- Employees are informed about correct risk management procedures;
- Employees have access to inoculations as an appropriate risk control measure;
- Provision of medical assistance and support for employees who fall victim to a workplace related infection.

#### **Directors, Managers and Supervisors**

Directors, Managers and Supervisors are responsible for ensuring the following procedures are implemented within their workgroup.

*In particular Directors, Managers and Supervisors are to:*

- Ensure employees are aware of the hazards and risks associated with infectious diseases;

- Liaise with the WHS Risk Management Officer for employee's access to immunisation;
- Ensure risk control measures are in place to limit exposure and spread of infection;
- Monitor the risk management procedures as required;
- Monitor staff sick leave records as required.



## **Employees**

Employees are responsible for carrying out all activities in a safe manner in accordance with procedures and training undertaken.

*In particular employees are to:*

- Report to their supervisor, as soon as practical, any incidence of work related infectious disease.
- Undertake appropriate risk management procedures in the workplace.
- Employees will be asked what their current immunisation status is by completing the Councils Immunisation Status Questionnaire (*appendix 1*)

## **PROCEDURES:**

- Consult with staff about infectious disease and the control measures required.
- Complete a risk assessment for work activities/ workplaces that could be at risk;
- Provide voluntary immunisations of staff where appropriate, in line with recognized workplace health guidelines;
- Consider changed work arrangements (including restricted hours or removal from duties) for vulnerable employees or employees at risk of exposing others;
- Introduce, where practical, barrier protection practices (i.e. use of gloves, masks and appliances to avoid direct contact or open exposure);
- Provide information, instruction, training and supervision;
- Record information relating to the infectious diseases program;
- Review the infectious diseases program every three (3) years in line with Policy review.

## **PATHOLOGY**

All blood tests are to be arranged through Council's WHS Risk Management Officer and Human Resources Section in consultation with workplace supervisors.



## **IMMUNISATIONS**

All vaccine is administered by prior arrangement with Councils Human Resources Section. Arrangements are made by WHS Risk Management Officer in consultation with the workplace supervisors.

See *Table 1* for vaccinations available to Council employees at Council's expense.

## **NEW/RELOCATED STAFF**

As part of the staff orientation process, new and relocated staff members are requested to provide where practicable details of their present immunisation status, using the Councils Immunisation Status Questionnaire. See *Appendix 1*

## **RECORDS**

The WHS Risk Management Officer maintains records of staff immunisations and advises staff if and when further immunisations are required.

**Table 1**

**Vaccination provided for employees at Council's expense as follows;**

	FRQUENCY OF MEASUREMENT	PERSONS EXPOSED TO CHILDREN /LIBRARIANS	SALEYARD/ LIVESTOCK EXPOSURE	SEWAGE/ WASTE DISPOSAL	ENVIRONMENTAL PUBLIC HEALTH / SEPTIC / FOOD	CIVIL WORKERS/WORKSHOP STAFF,PARKS AND GARDENS	OFFICE STAFF	ON REQUEST or RANDOM
HEALTH SURVEILLANCE								
Pre-employment health assessment	Once	✓	✓	✓	✓	✓	✓	
Audiometric testing	2 year and pre-employment			✓		✓		✓
Spirometry testing	1 year or as required							✓
Drug and alcohol testing	As required	✓	✓	✓		✓		✓
Influenza		✓	✓		✓			✓
Q fever			✓					
Tetanus			✓	✓	✓	✓		
Hepatitis A. 2 doses				✓	✓			
Hepatitis B. 3 doses				✓	✓			
Measles. Mumps, Rubella MMR, <u>if not immune</u>		✓						
Chicken pox <u>if not immune</u>		✓						

This policy is not exhaustive and other factors and measures may need to be considered.

**APPENDIX 1 New/ Relocated Staff Vaccination Protocol Requirements**

**TENTERFIELD SHIRE COUNCIL**

**Immunisation Status Questionnaire**

1.) NAME:

2.) Date of birth:...../...../.....

3.) Have you had a Tetanus vaccination or booster? Yes No

(Name the year) \_\_\_\_\_

4.) Have you had a Hepatitis A Vaccination? Yes No  
Or had the Hepatitis A Virus? Yes No

5.) Have you had a 3 course of Hepatitis B Vaccinations? Yes No  
Or the Hepatitis B virus? Yes No

Date (Year) you were last checked: .....

6.) Have you ever had a positive Mantoux Test? Yes No  
And when did you have your last Mantoux Test? (name the year)

(Mantoux test is for presence of Tuberculosis antibodies)

Please tick the vaccinations you have had (most likely as a child):

	YEAR
Measles, Mumps & Rubella	
Varicella- Chicken Pox	

7.) Have you had a Q fever Vaccination Yes No

This information is collected for the purposes of your personal health status for employment with the Tenterfield Shire Council Water, Environmental Health, Waste, Parks & Gardens, Sale Yards and Fleet Departments.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Outdoor Staff Clothing**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>27 April 2000</b>	<b>334/00</b>
<b>24 May 2001</b>	<b>339/01</b>
<b>27 September 2001</b>	<b>678/01</b>
<b>21 April 2005</b>	<b>164/05</b>
<b>28 July 2005</b>	<b>365/10</b>
<b>27 October 2010</b>	<b>769/10</b>
<b>22 August 2012</b>	<b>324/12</b>
<b>22 April 2015</b>	<b>104/15</b>

**1. Introduction:**

Tenterfield Shire Council (TSC) as a PCBU under the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011, as amended, for the safety of all persons at Council work sites. This includes Council's own staff, its contractors or agents, volunteers and members of the public. Council staff also have a responsibility under this legislation to cooperate with Council to ensure their own safety and the safety of their work mates.

Council's operations require staff to work out of doors on a regular basis in a variety of locations and work situations. This Policy sets out the standards by which Council will fulfil its responsibility for all outdoors staff and those members of indoor staff regularly required to work in the field for the issue and wearing of work clothing.

**2. Clothing:**

**2.1 Initial Issue**

All permanent outdoor staff, permanent indoor staff regularly required to work in the field and temporary / volunteer outdoor staff appointed for periods exceeding 6 months, shall be issued with the following clothing by Council upon commencement:

<b>ITEM</b>	<b>ISSUE QTY</b>	<b>DESCRIPTION</b>	<b>SUN PROTECTION REQUIREMENTS</b>
Hero Air Flow Canvas Cargo Pants 260grm Middle weight Cotton Duck Weave	3 pair	Navy Blue Stylish, relaxed and casual look and feel. Multiple features King Gee or equivalent	Loose fitting, UPF 40+ - 50+complies with AS/NZS 4399:1997 100% cotton, Air Vents, Anti Static complying with BS5958.2:1991

**Policy Statement No. 4.153**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Outdoor Staff Clothing

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

Knee length work shorts/ Cargo shorts	Max 2 pair in lieu of long pants	Navy blue light weight cotton drill or permanent press, King Gee or equivalent	UPF 40+ - 50+complies with AS/NZS4399:1997 100% cotton, Air Vents, Anti Static complying with BS5958.2:1991
Hi Vis Two Tone Cotton Drill Shirt or Hi Vis 3 way Cool Breeze Cotton Shirt - Long Sleeve	5 ea	100% cotton, Hi Visibility two tone cotton Drill Shirt colour, King Gee or equivalent: or 155gsm Lightweight cotton with under arm & back cotton mesh vents. Fashion twin flap pocket with Velcro.	UPF factor 40+ - 50+ Complies with AS/NZS 4399:1997, Class D Hi Vis, 100% cotton, Cool Breeze Air Flow Vents, Anti Static complying with BS5958.2:1991
Hi Vis Contrast Panel ½ Zip Polar Fleece	2 ea	Hi Visibility 100% anti pill polar fleece 2 sides internal pockets King Gee or equivalent	Complies with AS/NZS 4399:1997, Class D Hi Vis
Hi Vis Two Tone Flying Jacket	1 ea	300 D Polyester/PU, Seam-sealed, waterproof outer shell, Quilt- lined concealed hood	Complies with AS/NZS 4399:1997, Class D Hi Vis, Water Proof
Hi Vis Two Tone Lightweight Rain Jacket and trousers with 3M Reflective Tape	1 ea	190D Polyester/PU, Waterproof, two flap side pockets and phone pocket, Foldaway hood, Storm cuffs 3M #8906, ¾ Length	Complies with AS/NZS 4399:1997, Class D Hi Vis, Water Proof, light weight, 3M Scotchlite Australian Supply
Hi Vis Cool Breeze Tow Tone Light weight Cotton Coverall*	1 pair	190gsm Cotton, plastic press studs, Flap Cargo Pocket lower leg	Complies with AS/NZS 4399:1997, Class D Hi Vis, 100% cotton, Cool Breeze Air Flow Vents, Anti Static complying with BS5958.2:1991
Gum boots*	1 pr	Steel toe capped (AS 2210), black	

\* To be authorised by supervising ganger

Additional items of clothing may be issued to staff performing special duties, such as weed spraying, bitumen emulsion spraying, etc. The issue of these additional items shall be at the discretion of the appropriate Director.

Each item of clothing, with the exception of gum boots, shorts and long trousers, shall have a red TSC logo attached.

Where staff cannot wear a particular item of clothing issued by Council, such as shirts, shorts, etc, details (medical certificate, size, etc) are to be provided to the appropriate Director for consideration. Where approved, alternative arrangements will be made for the issue of substitute clothing.

## 2.2 Replacement of Clothing

The replacement of issued clothing will generally be made on a needs basis when the old item is worn out, faded, damaged or can no longer perform its required function. The old item must be presented to the Storekeeper who will arrange replacement. Replacement of clothing may be varied with the approval of the appropriate Director.

### **2.3 Maintenance of Clothing**

Staff is expected to regularly wash and generally maintain clothing issued to them to get the maximum life from the item. No allowance will be paid for washing or maintenance of clothing. However, the cost of this can be claimed as a tax deduction.

### **2.4 Wearing of Clothing**

Outdoor Staff shall wear issued clothing at all times while at work. It is expected that staff shall present themselves for work in a neat and tidy manner.

## **3. Staff Responsibility:**

Wilful damage or misuse, and the failure to comply with the above requirements for the wearing and maintenance of issued work clothing will constitute a breach of the employee's responsibility under the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011. This breach may result in a personal fine from WorkCover Authority and the loss of protection afforded by this legislation.

Staff found to have damaged or misused clothing and/or failing to comply with the requirements of this policy, will also be subject to disciplinary action being taken by Council in accordance with of the Local Government (State) Award.

## **4. Contractors and Casuals (less than 6 months employment):**

All contractors and casuals (less than 6 months employment) employed by Council and required to work out of doors must provide suitable clothing meeting the item requirements only and to an acceptable standard as detailed in Table 2 above. Staff employed by Contractors shall wear this uniform in accordance with clause 2.4 above and be subject to the requirements of clause 3.

Contractors and casuals (less than 6 months employment) will not be issued with Council clothing.

# **TENTERFIELD SHIRE COUNCIL**

## **POLICY STATEMENT**

### **HEADING:**

**Corporate Uniform and Dress Code**

### **MEETING AMENDED**

**23 August 2017**

### **AND RESOLUTION NO.:**

**168/17**

### **HISTORY OF DOCUMENT**

#### **PREVIOUSLY ADOPTED:**

**27 April 2000                      334/00**

**28 January 2009                24/09**

**19 December 2012        537/12**

**22 April 2015                    101/15**

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### **Introduction:**

All corporate staff are required to project a professional image of themselves and of Council by presenting to work dressed in corporate appropriate and business like attire.

The Corporate Uniform and Dress Code Policy aims to outline a standard dress code for Council's corporate staff. Corporate staff may choose to purchase corporate clothing, ie corporate uniform with the LG logo or choose to wear other suitable attire that is corporate appropriate.

#### **1. Optional Corporate Uniform**

- Council has agreed to provide a one off subsidy of \$350 to new permanent staff who choose to purchase items of corporate clothing through the LG issued catalogue following their successful three (3) month probationary period.
- Council will buy all items required in bulk and sundry debtor staff with the costs of these items.
- Council will allow any balance owing after the subsidy is paid to be met by means of a payroll deduction of minimum payments of \$25.00 per pay period per employee provided that payments are not terminated before the debt is satisfied, and that it be repaid within a twelve (12) month period after delivery of wardrobe items.
- Subsequent purchases will be permitted only after the initial or any previous purchases are finalised.
- An employee leaving Council's services shall at that time satisfy any amounts outstanding.
- Staff participation in the Corporate Dress scheme is voluntary.
- Laundry and repair of corporate uniform is the responsibility of the participating staff member.

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**Policy Statement No. 4.032**

**Date of Effect:** 23 August 2017

**Name of Policy:** Corporate Uniform & Dress Code

**Review Date:**

August 2020

**Responsible Officer:**

HR & Workforce Manager

## **2. Dress Code for Staff Who Choose Not to Purchase Corporate Uniforms**

Staff who choose not to purchase corporate uniform items are required to wear clothing that is business appropriate. Staff must maintain a neat and professional image.

## **3. Inappropriate Attire**

- Clothing with personal/political/commercial/religious messages;
- Jeans or denim pants, except to accommodate work demands, and the Council supported "Jeans for Genes Day" and other fundraising days approved by the General Manager;
- Bike pants, gym wear or tracksuit pants.

## **4. Appropriate Footwear**

Staff are to wear work site appropriate footwear. Shoes/sandals with an open toe may be worn in the office environment. Thongs, or excessively high heels, are considered unsafe and therefore not appropriate at any Council work site.

## **5. Breaches of Council's Dress Code**

Staff are required to adhere to Council's Corporate Uniform and Dress Code Policy. Managers have a responsibility to enforce the Policy with their staff and repeated breaches of the Policy requirements will attract disciplinary action.

## **6. Corporate Uniform Out of Hours**

Council acknowledges that staff may choose to wear corporate uniform outside of normal working hours if a staff member is representing Council in an official capacity.

Council further acknowledges that staff members may stop at local shops or business houses on their way to and from work while wearing their corporate uniform. Council does not approve the wearing of corporate uniforms to personal and/or social events held in a public place of business outside of normal Council operational hours.



## **TENTERFIELD SHIRE COUNCIL**

### **POLICY STATEMENT**

#### **HEADING:**

**Recognition for Services**

#### **MEETING ADOPTED AND RESOLUTION NO.:**

**23 August 2017  
168/17**

#### **HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:**

<b>23 March, 2000</b>	<b>200/00</b>
<b>28 November 2012</b>	<b>482/12</b>
<b>20 May 2015</b>	<b>134/15</b>

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#### **Introduction:**

This Policy serves to itemise levels of recognition for years of service to the Tenterfield Shire Council for both Councillors and staff.

The presentations to be made on resignation of employment, retirement, or at the annual combined Councillors and staff Christmas Party.

#### **Policy:**

##### **Tenterfield Shire Council Staff**

- Five (5) Years: Certificate of Service
- Ten (10) Years: Certificate of Service – Framed
- Fifteen (15) Years: Engraved Pewter Mug
- Twenty (20) Years: Engraved Good Quality Watch
  
- Any employee retiring with more than twenty (20) years service is to be invited to a Council meeting and presented with a medallion indicating the years of service.

##### **Tenterfield Shire Councillors**

Testimonial Dinner to be held within six (6) months following the end of term of Council with the following recognitions:

- Certificate of Appreciation (framed) for retiring/unelected Councillors for two (2) terms or less.
- Medallion indicating years of service for retiring/unelected Councillors for more than three (3) terms.

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**Policy Statement No. 4.180**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Recognition for Services

**Review Date:**  
August 2020

**Responsible Officer:**  
Chief Executive

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Secondary Employment**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>26 March 2008</b>	<b>157/08</b>
<b>27 March 2013</b>	<b>77/13</b>
<b>22 April 2015</b>	<b>106/15</b>

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**Introduction:**

This policy statement is prepared to ensure all employees of the Tenterfield Shire Council are aware of their responsibilities in accordance with the Local Government Act 1993 in regard to secondary employment.

**Policy:**

**Background**

People who seek secondary employment often get jobs in areas in which they have experience and expertise. The result is often people are exposed to conflicts of interest because they are working in sectors that they regulate or about which they make decisions.

The objectives of Tenterfield Shire Council's Secondary Employment Policy is to ensure that any member of staff's secondary employment does not result in such conflicts by ensuring that: -

- Council has a policy to manage secondary employment;
- The policy complies with the provisions of Section 353 of the Local Government Act 1993;
- All staff are aware of the policy through distribution of information and posting on the Council Website;
- Council has a standard form for all staff to complete;
- Council has developed procedures for approving requests for secondary employment;
- All approvals are appropriately recorded in a register.

**Sourcing of Policy**

The Secondary Employment Policy is listed on the Council Website under Policies.

## Legislative Provisions of the Policy

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

### Section 353 of the Local Government Act 1993.

Details of the provisions of *Other Work* requirements.

The provisions of section 353 of the Local Government Act 1993 state:-

- (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 sub-section (3).

## Benefits of the Policy

The policy provides the framework for providing information to staff on its importance to the good governance of the Council.

All staff must ensure that from both a probity and public perception point of view that their secondary employment does not result in a conflict of interest. Secondary employment is required to be controlled, as it assists in managing the potential misuse of Council information, assets or equipment outside of the business of Council.

## Policy Approval Processes

A member of staff who obtains a second job for which they receive the payment of a wage, salary or provision of services, must before they accept that position, seek approval from the General Manager by using the approved form if: -

- The position relates to the business of Council; or
- The position might conflict with the member's council duties.
- If the member of staff has any doubt, whether they need to seek approval from the General Manager, then they should discuss the matter with their Supervisor or Manager. If the matter is still unresolved, then it should be referred to their Director.

If a member of staff proposes to undertake a secondary employment position and requires approval from the General Manager, then they must complete the appropriate form.

The form must be signed by the relevant Director.

All applications are reviewed by the General Manager, who will advise the member of staff of the outcome of the application. If the application is rejected, the General Manager will advise the member of staff of the reasons for the rejection.

The application form is then referred to the Human Resources Section for entering approval information onto the Records Management System and filing of both approved and non-approved applications onto the member of staff's personal file.

### **Contravention of Policy**

Section 353(4) of the Local Government Act states that 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 sub-section (3).

If the General Manager is advised that a member of staff has a second employment position and upon investigation the position does relate to the business of Council or might conflict with the member's council duties, the member of staff will be requested to lodge an application for secondary employment and discuss the matter with the General Manager.

If the General Manager prohibits the member of staff from undertaking the secondary employment position and the member of staff continues to act in that position, the General Manager will enact the provisions of the Local Government Act against that member of staff.

### **Use of Resources**

A member of staff will not be permitted to use any of Council's resources or information if granted approval for or seeking secondary employment

## Secondary Employment Application Form

### TENTERFIELD SHIRE COUNCIL

### SECONDARY EMPLOYMENT APPLICATION FORM

A member of staff, who has, obtains or is seeking a second job for which they receive the payment of a wage, salary or provision of services, must, before they accept that position, seek approval from the General Manager if:

- The position relates to the business of Council; or
- The position might conflict with the member's council duties.

To seek approval complete the following application form and present to the General Manager for consideration.

Name:	Employee Number:
Address:	
Phone Number:	

Please list date of intended employment (From - To): \_\_\_\_\_

Company/Organisation:
Phone Number:
Address:
Brief job description:

***My signature on this written statement certifies that I understand and agree to comply with the provisions of section 353 of the Local Government Act 1993 and Council's Policy Statement No. 4.194 - Secondary Employment.***

.....  
Employee's signature

.....  
Date

.....  
Director's signature

.....  
Date

.....  
General Manager's signature

.....  
Date

**APPROVED**

**NOT APPROVED**

**Human Resources Office Use Only**

**Filed** .....

**Policy Statement No. 4.194**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Secondary Employment

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**

**HEADING:**

**Nine Day Fortnight**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>17 December 2008</b>	<b>717/08</b>
<b>24 April 2013</b>	<b>116/13</b>
<b>23 April 2014</b>	<b>119/14</b>
<b>25 March 2015</b>	<b>71/15</b>
<b>26 August 2015</b>	<b>268/15</b>

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**Introduction**

This policy deals with the Nine Day Fortnight pattern of working hours to be worked by all staff at Tenterfield Shire Council. Despite operating on a nine day fortnight basis, Council intends to maintain a high standard of efficiency in so far as service delivery and production at an organisational level, while ensuring a system of fairness and equity at an individual level.

**Scope**

This policy will apply to all staff at Tenterfield Shire Council, both administrative (indoor) and works (outdoor) staff for whom approval has been granted by the General Manager to a Nine Day Fortnight arrangement.

**Policy Intent**

The Nine Day Fortnight is expected to operate in the mutual benefit of Council, its customers and its employees.

The nine day fortnight contributes to Council's commitment to foster more flexible working arrangements, while improving individual performance and service delivery.

The nine day fortnight accounts for the operational needs and client service delivery of all Council departments and effectively enables employees to better balance work, personal life and family commitments.

The Nine Day Fortnight is based on honesty and trust, and is considered to be a privilege not a right. Employees are requested to adhere to the terms of the policy by not engaging in the following actions which all constitute fraud:

- Deliberately falsifying attendance records (which may be considered fraudulent)
- Recording incorrect times of commencement and/or completion of duties
- Commence duties after the nominated starting time on a regular basis
- Cease duties without authority before finishing time

- Breach the terms of this arrangement in any way.

## Conditions

The Nine Day Fortnight is subject to the following conditions:

1. The nine day fortnight is dependent upon the approval of the General Manager, and will be approved where working hours are feasible and non detrimental to council operations. There will be no reduction of services provided by Council as a result of staff working a nine day fortnight.
2. Flexibility of rostered days off should be agreed upon between the employee and the director/supervisor to enable maximum service during peak periods and staff absences.
3. It is expected that staff will attend to personal/family matters on their rostered day off where possible.
4. Administrative (indoor) staff will work a total of seven (7) hours and forty seven (47) minutes per day, while Works (outdoor) staff will work a total of 8.5 hours per day except Friday 8 hours with every second Friday as an RDO.
5. For Administrative staff (indoor) the Nine Day Fortnight will operate on a 'rolling rostered day off' system. This system will ensure that days off are flexible enough to meet staff needs while taking into account the operational needs of council. To ensure all functions are covered five (5) days per week, Administration staff are expected to assist each other across roles and functions as part of their normal duties.
6. Employees are expected to consider reasonable requests to accrue one (1) rostered day where operational demands dictate. No more than a maximum of one (1) rostered day off shall be accrued at any one time. Any days accrued in excess of one (1) day will be forfeited. In effect this means that only two (2) Rostered Days Off can be taken in a row, or in any one pay period. Weekends are not counted so for example, a staff member cannot take two (2) rostered days off on a Thursday and Friday in one pay period and then the following Monday in the next pay period as this means three (3) days off in a row. This is not permitted. Staff are to utilise Annual Leave for more than two (2) days leave.
7. Should an employee fall ill on their rostered day off, that day will not be replaced or accrued, regardless of the presentation of a medical certificate.
8. For consistency and fairness, a paid morning tea break of 10 minutes will be available for all staff.

Where annual leave is paid at seven (7) hours and forty seven (47) minutes (indoor) or eight and a half (8 1/2) hours (outdoor), rostered days within the period of annual leave are retained.

**Note: This Policy will be reviewed annually by the General Manager.**

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Work Closedown**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>20 December 2006</b>	<b>805/06</b>
<b>26 September 2012</b>	<b>402/12</b>
<b>22 April 2015</b>	<b>107/15</b>

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**1. Introduction**

Council engages in an annual closedown period in December – January. In accordance with the Local Government (State) Award 2014, Part A, Clause 21 D Annual Leave Sub Clause (v) (b), Council may direct an employee to take annual leave by giving at least four (4) weeks prior notification to cover a period of annual close down of up to and including four (4) weeks.

Council needs to manage the availability of staff to maximise its productivity. Council is also mindful of the needs of staff for taking annual leave such as commitment to school holidays, etc.

This policy for annual closedown has been developed following consultation with staff. The policy applies to both indoor and outdoor staff. Some staff will be required during the close-down period to provide on-call duties or to provide round the year services.

**2. Leave During Closedown**

This policy provides that where a staff member is not entitled to annual leave to cover the close-down period then:-

- The staff member may take accrued Rostered Days Off (RDO) and agree to take leave without pay, or by agreement with Council may take annual leave in advance of the entitlement provided that in the event of the staff member leaving employment before the entitlement becomes due, such annual leave shall be repaid by a deduction from the staff member's termination pay.
- In the event that leave without pay is taken, such leave shall be regarded as service for the purpose of the accrual of employee leave entitlements and Council service.

**3. Closedown Period**

The following close-down periods and arrangements will apply:-



## **Outdoor Staff**

- Christmas – New Year, ten (10) days annual leave excluding public holidays (three (3) days) and RDOs.
- The remaining annual leave may be taken by staff at their discretion subject to mutual convenience between the staff member and Council.
- Dates for the closedown period will be agreed annually in consultation with staff.

## **Indoor Staff** (includes Library & Museum/Cinema)

- During office closure between Christmas & New Year Public Holidays, all indoor staff are required to take any accumulated - up to a maximum of two (2) - RDOs or annual leave as applicable.

## **4. Staffing During Closedown Period**

It will be necessary for some staff to work through the closedown period to provide for emergencies, to provide on-call duties or to provide round the year services. Staff (minimum number required in brackets) will be required from Sections as follows:-

### **Works**

- Supervisor (1).
- To form a gravel road maintenance gang (2) based at Tenterfield (grader & water cart operators).
- To form a general road maintenance gang (3) based at Tenterfield (Backhoe operator).
- To form a general road maintenance gang (2) based at Legume/Urbenville (backhoe operator).

### **Parks & Gardens**

- Parks maintenance including toilet cleaning (2).

### **Services**

- Supervisor (1).
- Tenterfield Water Treatment Plant (1).
- Tenterfield Sewerage Treatment Works (1).
- Urbenville Sewerage Treatment Works (1).

### **Workshop**

- Supervisor.
- Plant Mechanics (2).

## **Waste**

- Tenterfield Transfer Station (1).
- Garbage trucks (2).

## **Store**

- Storekeeper (1).

## **Regulatory**

- Ranger (1).



Variations to the above requirements, due to particular requirements, breakdowns, etc may be made by relevant section managers provided that notice is given to staff within each section in accordance with this policy.

Staff wishing to be considered for working through the closedown period will be required to nominate formally at least eight (8) weeks prior to the close-down period. Staff selected to work through the close-down will be given at least four (4) weeks notice.

## **5. Call Back To Work**

From time to time, Council may require staff to return to work from the close-down for specific purposes such as emergencies (bush fires, floods, etc) or critical works. Such return to work will be voluntary.

Annual leave not used because of the return to work will be credited to the leave balance of staff. This re-credited annual leave may be taken by staff at their discretion subject to mutual convenience between the staff member and Council.

## **6. Variations**

Council is mindful that the circumstances for individual staff leave may change. Variations to the above policy for individual staff may be approved by the applicable Director upon written application with reasons for the proposed variations.

**TENTERFIELD SHIRE COUNCIL**

**POLICY STATEMENT**



**HEADING:**

**Exit Interview**

**MEETING ADOPTED  
AND RESOLUTION NO.:**

**23 August 2017  
168/17**

**HISTORY OF DOCUMENT  
PREVIOUSLY ADOPTED:**

<b>26 March 2008</b>	<b>159/08</b>
<b>27 March 2013</b>	<b>75/13</b>
<b>23 March 2016</b>	<b>53/16</b>

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**Introduction:**

Feedback from employees leaving Tenterfield Shire Council can provide valuable information on their perception of the organisation and the way it is managed. This information may include organisational culture, staff morale, and training development, current workplace practices and organisational resources; workforce and operational planning, and issues relating to EEO.

The Exit Interview provides the opportunity for an employee to express their views and opinions relating to their time with Tenterfield Shire Council, as well as put forward any suggestions aimed at organisational improvement.

Information elicited from an Exit Interview provides the employer with essential data which can be successfully applied in developing strategies aimed at continuous improvement at all organisational levels, including better managing its human resources.

**Policy Objective:**

The primary objective of the Exit Interview is to gather relevant information pertaining to Council's day to day operations that will assist the organisation:-

- Develop strategies to better manage short and long term workforce planning
- Devise effective strategies to better manage its human resources
- Improve training and development opportunities to ensure the maintenance of a skilled and diverse labour workforce for the purpose of long term sustainability
- Examine strategies to improve the existing workplace culture and staff morale
- Develop best practice management strategies with a focus on continuous improvement.

Documents which make up Exit Review Procedures are;

- Exit Interview Procedure;
- Exit Review;
- Checklist for exiting Staff.

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**Policy Statement No. 4.053**  
**Date of Effect:** 23 August 2017  
**Name of Policy:** Exit Interview

**Review Date:**  
August 2020

**Responsible Officer:**  
HR & Workforce Manager