

Name of Policy	Entry to Workplaces by Statutory Officers Policy	
Description of Policy	This policy provides for the management of circumstances where an officer of the Commonwealth, a State or a Territory Government or Government Agency enters ACU premises in exercise of a power conferred by a statute with application to the employment relationship.	
<input type="checkbox"/> New Policy		<input type="checkbox"/> Revision
Description of Revision		

Human Resources Directorate

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1. Background Information

1.1 Powers of Entry

Certain Commonwealth, State and Territory statutes which have application to the employment relationship contain provisions which confer on appointed officers of the Crown, or of a Government Agency, a power to enter premises and workplaces for the purpose of ensuring compliance with the statute and with the regulations and statutory instruments made pursuant to the statute, or for the purpose of investigating instances or incidents of possible non-compliance.

The most common of the statutes which have application to the employment relationship are as follows:

- 1.1.1 **All Workplaces:** Workplace Relations Act 1996 (Cth)
Taxation Administration Act 1953 (Cth)
- 1.1.2 **ACT Workplaces:** Occupation Health and Safety Act 1989 (ACT)
- 1.1.3 **NSW Workplaces:** Occupation Health and Safety Act 2000 (NSW)
- 1.1.4 **Queensland Workplaces:** Workplace Health and Safety Act 1995 (Qld)
- 1.1.5 **Victorian Workplaces:** Occupation Health and Safety Act 2004 (Vic)

1.2 Bodies administering statutes

Each of the foregoing enactments establishes a statutory body for the administration of its terms. The statutes also provide for the appointment of certain officers of the administering body who may exercise a power to enter premises for the purposes of auditing compliance, investigating suspected breaches and, in some instances, enforcement by penalty notice.

Brief particulars are as follows:

- 1.2.1 **All Workplaces:**
- 1.2.2 Workplace Relations Act 1996 (Cth)
 - Administration:*
 - The Workplace Ombudsman
 - Appointed Officers:*
 - Workplace Inspectors
 - Instrument of Authority:*
 - Identity Card

Taxation Administration Act 1953

Administration:

The Commissioner of Taxation

Appointed Officers:

Delegated Officer

Instrument of Authority:

Identity Card

1.2.3 ACT Workplaces:

Occupation Health and Safety Act 1989 (ACT)

Administration:

ACT WorkCover

Appointed Officers:

Inspectors

Instrument of Authority:

Identity Card

1.2.3 NSW Workplaces:

Occupation Health and Safety Act 2000 (NSW)

Administration:

The WorkCover Authority

Appointed Officers:

Inspectors

Instrument of Authority:

Identification Card

1.2.4 Queensland Workplaces:

Workplace Health and Safety Act 1995 (Qld)

Administration:

The Workplace Health and Safety Board

Appointed Officers:

Inspectors

Instrument of Authority:

Identity Card.

Victorian Workplaces:

Occupation Health and Safety Act 2004 (Vic)

Administration:

The Victorian Workcover Authority

Appointed Officers:

Inspectors

Instrument of Authority:

Identity Card

2. Policy Statement

Where an officer of the Crown, or of a Government Agency, enters ACU premises in exercise of a power conferred for the purpose of ensuring compliance with a Commonwealth, State or Territory statute which has application to the employment relationship, or for the purpose of investigating suspected instances or incidents of possible non-compliance with such a statute, the presence of that person in the premises is to be managed so as to facilitate a valid exercise of the particular statutory power.

3. Policy Purpose

The Policy recognises that, because ACU is a university with premises located in the States of New South Wales, Victoria and Queensland and in the Australian Capital Territory, the particular statutes conferring a power of entry upon officer of the Crown, or of a Government Agency, vary from workplace to workplace. The Policy is directed to ensuring an appropriate management response in each of the varied circumstances in which a statutory power of entry to University premises for purposes related to the employment relationship may be exercised.

4. Application of Policy – All Staff

4.1 This Policy applies to all staff members.

4.2 This Policy does not apply where an officer of the Crown, or of a Government Agency, enters ACU premises for purposes unrelated to the employment relationship in exercise of a power conferred by a Commonwealth, State or Territory statute. Examples of the classes of person who may exercise such powers include officers of a Police Force or other law enforcement agency; officers of an Australian security service; officers of the Customs service and officers of the Immigration service.

4.3 Where a staff member is approached by a person present in an ACU workplace or premises and the person produces an instrument of authority establishing her or him to be an officer of the Crown, or of a Government Agency, authorised to exercise a power of entry by a Commonwealth, State or Territory statute which has application to the employment relationship, the staff member must facilitate the valid exercise of the particular power by firstly satisfying her/him self that the person is authorised under the particular statute and by informing the person of the staff member's delegated authority as recorded in the University's Staffing Delegations Register and providing the person with access to the Register.

4.4 If the staff member is required to provide the person with access to any documents or electronic files, including employment records, which are not under the control of the staff member in accordance with her or his delegated authority in the University's Staffing Delegations Register, the staff member must facilitate the valid exercise of the particular power by directing the person to the staff member most likely to have the necessary delegated authority.

4.5 Where a person produces an instrument of authority establishing the person to be an officer of the Crown, or of a Government Agency, authorised to exercise a power of entry by a Commonwealth, State or Territory statute, the staff member must, as soon as practicable, notify her or his immediate supervisor. Where the immediate supervisor is unavailable or cannot be readily located at the time, the staff member must notify the next more senior responsible officer found to be available at the time.

4.6 Where a supervisor or a Senior Officer is approached by, or becomes aware of, or is informed of a person present in an ACU workplace or premises on the basis that the person is an officer of the Crown, or of a Government Agency, authorised to exercise a power of entry by a Commonwealth, State or Territory statute which has application to

the employment relationship, the supervisor or the Senior Officer must notify the Manager, Employee Relations. Where the Manager, Employee Relations is unavailable or cannot be readily located at the time, the supervisor or Senior Officer must notify the Director, Human Resources.

- 4.7 A staff member, including a supervisor or a Senior Officer, must record the details of the events associated with any and each instance in which this Policy is applied and must do so as contemporaneously with the events as is practicable. A copy of the record must be provided to the Manager, Employee Relations.

5. Delegations

A staff member must not provide a person present in an ACU workplace on the basis that the person is an officer of the Crown, or of a Government Agency, authorised to exercise a power of entry by a Commonwealth, State or Territory statute which has application to the employment relationship, with access to any documents or electronic files, including employment records, otherwise than in accordance with the staff member's delegated authority in the University's Staffing Delegations Register. The valid exercise of the particular power is to be facilitated by directing the person to the staff member most likely to have the necessary delegated authority.

6. Policy Review

The University may make changes to this policy from time to time. In this regard, any staff member who wishes to make any comments about this Policy may forward her/his suggestions to the Director, Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation this Policy in their work area. Should further advice be needed, they should contact the Human Resources Consultant responsible for their campus.