

Name of Policy	Visitors on University Premises at Invitation of Staff Policy
Description of Policy	This policy provides for the management of the issuing of invitations by staff members for persons to visit University premises, together with the management of the presence of invited visitors on University premises.
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Description of Revision	

Human Resources Directorate

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1. Background Information

1.1 The University's Statutory Obligations

- **Occupational Health and Safety Legislation:** ACU is a Limited Company with workplaces located in the States of New South Wales, Victoria and Queensland and in the Australian Capital Territory, each of which have enacted legislation imposing strict obligations in relation to health and safety in the workplace.

Common to all jurisdictions is the University's obligation, as an employer, to ensure the health, safety and welfare at work of all its employees and that people other than its employees are not exposed to risk to their health or safety while they are in a University workplace. Also common is the obligation imposed on all University employees, while at work, to take reasonable care for the health and safety of people who are at their place of work and who may be affected by the employee's acts or omissions at work.

- **The Corporations Law:** Because ACU is a Company Limited by Guarantee, those who serve the University in the Ministry of Governance and those who serve as its operational officers are subject to the strict obligations and accountabilities imposed on Directors and Officers of corporations by the Corporations Law in the performance of their respective duties. Foremost amongst those obligations is that they act with due diligence in undertaking the activities of the corporation and in protecting its interests.

1.2 Other Legal Obligations

- **The Common Law:** The common law requires that a person, whether a natural person or a corporation, must take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour; that is, injure a person so closely and directly affected by the act or omission that they should be in contemplation as affected when the mind is turned to the particular act or omission.

A failure to observe this duty which leads to a person's neighbour sustaining actual damage may lead to the person's neighbour instituting proceedings seeking damages for negligence. In the case of ACU, such proceedings may be instituted against the corporation, the person whose act or omission is said to have caused the particular damage, or both.

1.3 Effective Management of Risk:

Both prudent governance and management practices and due diligence on the part of Directors and Officers require that the University identify and effectively manage risks. Effective management of identified risks requires not only insurance against the consequences of the realisation of particular risks, but also the adoption, implementation and ongoing review of the effectiveness of appropriate policies.

1.4 Statutory Rights of Entry

Certain Commonwealth, State and Territory statutes contain provisions which confer a right of entry to ACU workplaces upon Government officers and authorised officers or employees of Federal registered organisation of employees or of a State registered Union. Particulars of the latter statutes, together with information as to the purpose for which the right of entry granted by each and the limitations upon its exercise, are set out in the Management of Statutory Right of Entry by Union Officials Policy.

1.5 Balance within the ethos of Australian Universities

Notwithstanding the significant differences between the governance structures and accountabilities of ACU and those of other public universities and the unique Catholicity of its Mission in that context, the University operates as a university which reflects the Australian ethos of university. Although it is not static, that ethos continues to include an openness of University premises to appropriate public access, balanced against duties of care imposed by statute and emerging from the common law. This balance is reflected in the different approaches to management of access required in the case of the learning - working environment to that adopted in relation to other areas of a campus.

2. Policy Statement

- 2.1** The University, at its absolute discretion, will determine the basis upon which any person may be invited to visit, visit and remain on any premises under its control.
- 2.2** A staff member must not invite a person to visit any part of University premises which is a learning - working environment without approval first being granted in accordance with this Policy.
- 2.3** A person must not enter any part of University premises which is a learning - working environment without approval first being granted in accordance with this Policy.

Unless varied at the absolute discretion of the University in a particular case, the terms of any such approval will be those of this Policy.

- 2.4** A person who does not observe the terms of an approval granted pursuant to this Policy may, at the absolute discretion of the University, be removed from University premises at any time and be excluded from future entry, either generally or subject to such conditions as the University may determine.
- 2.5** A staff member must not invite a person to visit any part of University premises if that person has been excluded from future entry to University premises, unless the staff member is expressly authorised to do so by a condition of the person's exclusion.

3. Policy Purpose

This Policy provides for the management of the issuing of invitations by staff members for persons to visit University premises in circumstances which would result in invited persons being present in any part of University premises which is a learning - working environment and to do so in a manner consistent with sound risk management practice.

The Policy is also directed to managing the presence of invited visitors in any parts of University premises which are a learning - working environment; having regard to the statutory and other legal obligations of the University and those of its employees, particularly those employees who may issue invitations to visitors.

4. Application of Policy

- 4.1** This policy does not apply to the representation of a staff member or members in bargaining with University representatives under the *Workplace Relations Act 1996* by a bargaining agent appointed under that Act or by an officer or employee of a registered organisation of employees.
- 4.2** This policy does not apply where a person seeks to enter, enters, or is requested by a staff member to enter an ACU workplace on the basis that the person is an officer or employee of a registered organisation of employees authorised to exercise a right of entry by a Commonwealth, State or Territory statute.

- 4.3** This policy does not apply where a person seeks to enter or enters an ACU workplace on the basis that the person is an officer or employee of a registered organisation of employees who has been granted an exemption in accordance with the Workplace Assistance and Representation of Staff and Registered Organisation Business Policy.
- 4.4** This policy does not apply where a person seeks to enter, enters, or is requested by a staff member to enter an ACU workplace on the basis that the person is an officer of a Commonwealth, State or Territory Government or Government Agency who is duly authorised by statute to exercise powers which include powers of entry.
- 4.5** This policy does not apply to children in the circumstances dealt with by the Children on University Premises Policy.
- 4.6** This policy does not apply where a student is present in a learning – working environment for the purpose of routine consultation with an academic staff member who is the student’s academic supervisor or who has responsibility for a course unit in which the student is enrolled.
- 4.7** For the purpose of this policy:
- *“Learning - working environment”* means any premises or other location under the control of the University (whether or not on its premises, eg the location of a field trip) where an employee works or where a student receives or engages in education, study or tutoring (whether individually or with other students) but does not include areas which are publicly accessible at the particular time, such as gardens, courtyards, cafes, cafeterias, chapels, reflection rooms, foyers and lobbies;
 - *“Premises”* includes all University campuses, buildings, grounds, vehicles, commercial and other locations or places where university activities are conducted under the University’s management and control
 - *“Person”* includes a staff member;

4.8 Visitors to University Premises

- 4.8.1** A staff member wishing to invite a person into any part of University premises which is a learning - working environment must apply for approval to do so not less than one complete working day before the time at which the proposed visit is to occur, or, where the circumstances do not permit such a period, as soon as practicable after issuing an invitation.
- 4.8.2** The application must be made by email and be addressed to the Approving Officer. The application must state the identity of the proposed visitor, the location to be visited, the proposed date and time of the visit and whether or not the visit is for the purpose of conducting University business.

Where it is proposed that the person be invited to visit the same or other locations to conduct the same University business on more than one occasion, a single application specifying all dates, times and locations may be made.

To avoid doubt, the purposes referred to in sub-sections 4.1, 4.2 and 4.3 do not constitute University business for the purpose of this Policy.

- 4.8.3** Prior to reaching a decision on an application, the Approving Officer may make such enquiries as appear appropriate and may require the provision of photo-identification by the proposed visitor, normally in digital form.

- 4.8.4** The Approving Officer's decision on an application must be conveyed to the applicant by email as soon as practicable. Any approval may set out such conditions of the visitor's presence in the parts of University premises which is a learning - working environment as the Approving Officer may find reasonably necessary in the particular circumstances.
- 4.8.5** It is a condition of an approval under this Policy that the person to whom the approval applies complies with all directions which may be given by University staff members in relation to the security, safety and learning and development needs of the University's staff, students and visitors and for the effective functioning of the learning – working environment.
- 4.8.6** Where a visit is not for the purpose of conducting University business it is a further condition of an approval under this Policy that, should the University's insurer so require, the staff member who applied for approval and the person to whom the approval applies indemnify the University against any loss, damages, or penalties arising from their joint or several negligent acts or from their joint or several non-compliance with any Commonwealth, State or Territory statute relating to occupational health and safety in workplaces during any approved visit.

5. Approvals

- 5.1** For the purpose of this Policy the *Approving Officer* is the applicant's nominated supervisor, or, if the supervisor is unavailable, the next more senior officer.
- 5.2** The Approving Officer may approve the inviting of a person into a part of University premises which is a learning - working environment or direct the removal of a person from University premises as provided for in sub-section 2.4.
- 5.3** Any approval to the inviting of a person into a part of University premises which is a learning - working environment must state that the approval is given pursuant to this Policy.
- 5.4** Where the Approving Officer directs the removal of a person from University premises, the Approving Officer may recommend to the Vice-Chancellor or nominee that the person be excluded from future entry to University premises.
- 5.5** The Vice-Chancellor or nominee may approve the exclusion of a person from future entry to University premises either generally or subject to such conditions as may be determined.

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.