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**Policy Steward:** Director, Hr Specialist Services

## Pre-Employment Procedure (MPF1158)

### GOVERNING POLICY

This procedure is made under the Recruitment and Appointment Policy.

### SCOPE

This procedure applies to all staff at the University, independent contractors, honorary appointments and University visitors.

### PROCEDURE

#### 1. Police records check

1.1 Where the occupant of a position is required by law, by the University or another organisation with which the position will interact, to satisfy a police records check as a condition of employment, the head of department or level 2 delegate will ensure the position description and the local HR representative will ensure the letter of offer states that a person appointed to the position must satisfy a police records check as a condition of his or her employment in that position. For example, the Department of Foreign Affairs and Trade requires persons undertaking child-related work funded by Australian aid to satisfy a police records check as set out in the [Child Protection for Australian Aid Projects Procedure \(MPF1266\)](#).

1.2 Where a police records check is required as a condition of employment in a position, the person to be employed in that position will:

- complete and submit a Consent to Check and Release National Policy Record form available from Victoria Police and pay the required fee
- forward the [National Police Certificate](#) to their supervisor or other specified level 1 or level 2 delegate.

Details about the information that is included on a National Police Certificate are available in the [Information Release Policy](#) of the Victorian Police.

1.3 The supervisor or other specified level 1 or level 2 delegate receiving a copy of the National Police Certificate will record the:

- reference number of the Certificate
- date the Certificate was issued
- date the Certificate was sighted
- name (and signature) of the person who sighted the Certificate.

1.4 A supervisor or other specified level 1 or level 2 delegate or any other person who receives a National Police Certificate or parts of a Certificate will securely destroy the Certificate once it has served its purpose.

## 2. Positions requiring a working with children (WWC) check

2.1 Staff are required to obtain a WWC check if:

- their position involves or is likely to involve child-related work in connection with one of the 20 listed child-related occupational fields
- they do this or are likely to do this on a regular basis
- they have or are likely to have direct contact with children and this contact is not directly supervised
- they do not qualify for an exemption.

2.2 Where a position involves or is likely to involve child-related work, the head of department or level 2 delegate will ensure the position description and the local Human Resources representative will ensure the letter of offer and associated documents include the following statement:

- “ *This offer is conditional upon receipt and maintenance of a satisfactory Working with Children Check* ”.

2.3 Where a Working with Children (WWC) check is required, the staff member or prospective staff member will:

- complete and submit an WWC check application and pay the required fee; and
- show the results in the form of an Assessment Notice and WWC Check Card to their supervisor or other specified level 1 or level 2 delegate and retain it in a safe place.

A staff member or prospective staff member completing a WWC check application must, under the section “Details of Organisation”, provide details of the organisational area and faculty or division in which they are or will be employed.

2.4 The University will require a staff member to obtain a WWC check prior to the commencement of work, however, a staff member or prospective staff member who has submitted a WWC check application and whose application is being processed may, in accordance with the [Working with Children Act 2005 \(Vic\)](#) ( Act ), show their application receipt to the head of budget division or level 3 delegate and:

- continue to perform child-related work
- apply to perform child-related work
- commence child-related work.

2.5 A staff member or prospective staff member will not commence or perform child-related work or apply to perform child-related work while their application is being processed if they:

- are subject to reporting obligations under the [Sex Offenders Registration Act 2004](#)
- are subject to an extended supervision order under the [Serious Sex Offenders Monitoring Act 2005](#)
- have previously received a Negative Notice without having subsequently received an Assessment Notice.

2.6 A staff member or prospective staff member whose position involves or may involve child-related work will undertake a WWC check even if they have already undertaken a police records check. The staff member will maintain a current WWC check during their period of employment.

## 3. Immigration

3.1 A head of department who wishes to bring prospective employees, independent contractors, honorary appointees or University visitors from overseas will contact the local Human Resources representative for advice on visa and immigration requirements to ensure that appropriate sponsorship, entry and resident visas are obtained and to ensure compliance with Commonwealth immigration policy and procedures.

3.2 The visas typically required for the different relationship categories with the University are set out in Table 1.

**Table 1. Visas typically required for different relationship categories**

Relationship category	Visa requirement of overseas individuals
<b>Employee</b>  (on a continuing, fixed term or casual basis)	Business visa or  Employer sponsorship
<b>Independent contractor</b>  (providing academic services)	Business visa
<b>Independent contractor</b>  (providing non-academic services)	Business visa
<b>Academic visitor</b>	Visiting academic visa
<b>Non-Academic visitor</b>	Visiting academic visa
<b>Honorary appointment</b>	Visiting academic visa

- More detailed information is available at [http://www.immi.gov.au/skilled/specialist-entry/\\_pdf/419-visa-pathways.pdf](http://www.immi.gov.au/skilled/specialist-entry/_pdf/419-visa-pathways.pdf)

## 4. Health assessment

4.1 For the purposes of this procedure, the following persons are Category A and are exempt from completing a [Health and Hazard Assessment Questionnaire](#) (HHAQ):

- a person taking up casual employment who is employed to deliver single lectures or tutorials or whose work will not expose them to known occupational hazards specified in part C of the HHAQ
- a person taking up an honorary appointment or a University visitor whose appointment will not expose them to known occupational hazards specified in part C of the HHAQ.

4.2 Prior to the employment of a Category A person, the supervisor will ensure that there is an appropriate match between the work environment, the prospective staff member and the tasks they will be required to perform.

4.3 For the purposes of this procedure, the following persons are Category B and are required to complete a HHAQ prior to commencing work at the University:

- a person taking up continuing and fixed-term appointments
- a person who is or who is taking up casual employment, an honorary appointment or a University visit or and whose work will expose them to known occupational hazards specified in Part C of the HHAQ.

4.4 At the commencement of the recruitment process of a Category B person, the supervisor must complete parts B and C of the HHAQ detailing the potential hazards of the position to be filled and forward the completed form to local Human Resources.

4.5 Local Human Resources, on completion of the recruitment process, will send the partly completed HHAQ form to the Category B person with the letter of offer.

4.6 The Category B person will complete parts A and D of the HHAQ and lodge the completed HHAQ with the [Occupational Health Nurse](#) prior to commencing his or her employment with the University.

4.7 A supervisor or head of department who is aware of potential hazards of a position must ensure that the HHAQ of a person recruited to that position is evaluated by the Occupational Health Nurse prior to the person commencing work at the University.

4.8 The Occupational Health Nurse will evaluate a completed HHAQ lodged with it and, if it determines that a health assessment is required, will:

- advise the supervisor or head of department that a health assessment is required
- make an appointment for the prospective or current staff member to attend the Occupational Health Service for further assessment within timeframes prescribed in the [Occupational Health and Safety Regulations](#)
- arrange relevant screening tests
- advise the head of the department or supervisor if there are any concerns about the proposed appointment.

4.9 A Category B person who is recruited from overseas or interstate is required to complete and lodge an HHAQ with the Occupational Health Nurse which will be evaluated by the Occupational Health Nurse in accordance with section 4.8.

4.10 Where the overseas or interstate Category B person has already undergone a medical examination as part of the process of obtaining an Australian visa, they will not normally be required to undertake any further medical examination.

4.11 Where the overseas or interstate Category B person:

- has not undergone a medical examination as part of the process of obtaining an Australian visa
- the evaluation of the Occupational Health Nurse under section 4.8 is that a health assessment is required,

the Category B person may be examined by their own physician. The Occupational Health Nurse will email information to the Category B person detailing the type of health assessment required.

4.12 A current staff member will complete and lodge an HHAQ with the Occupational Health Nurse whenever they change position or when the level of risk associated with a position changes.

4.13 All information collected on the HHAQ and in any further health assessment or medical examination remains confidential and will be filed in the office of the Occupational Health Service.

## **5. Security sensitive biological agents**

5.1 The Deputy Vice-Chancellor (Research) is the Accountable Officer under the [National Health Security Act 2007 \(Cth\)](#) (NHS Act).

5.2 The Deputy Vice-Chancellor (Research) will appoint a Responsible Officer and a Deputy Responsible Officer.

5.3 The Responsible Officer or a Deputy Responsible Officer must each be an Authorised Person.

5.4 The Responsible Officer has operational responsibility for overseeing the University's system for the management of Security Sensitive Biological Agents (SSBAs).

5.5 The Deputy Responsible Officer will assume the responsibilities of the Responsible Officer where required.

5.6 A staff member will not:

- handle SSBA's
- access facilities where SSBA's are handled
- access sensitive information related to SSBA's

unless they are an Authorised Person.

5.7 The Responsible Officer, head of department or level 2 delegate may approve a staff member or prospective staff member to be an Authorised Person if they:

- are trained in the compliance requirements of the NHS Act, the NHS Regulations and SSBA Standards
- have signed, dated and provided a record of this training to his or her department or to the responsible officer
- have not been excluded from handling SSBA's by the University or directed not to handle SSBA's by the Secretary of the Department of Health and Ageing
- are aged 18 years or over
- have undergone an Identity Check
- are required under the SSBA Standards, has undergone a National Health Security Check (NHS check) and holds a current "eligible" or "qualified" NHS check result.

5.8 A staff member or prospective staff member who is required to undergo an Identity Check will provide proof of identity in documentation that shows:

- evidence of commencement of identity in Australia
- linkage between identity and the staff member
- evidence of the identity operating in the community
- evidence of the staff member's residential address.

5.9 A staff member or prospective staff member is required to undergo an [NHS check](#) if the person is or may be required to:

- handle [Tier 1 SSBA's](#)
- access facilities where Tier 1 SSBA's are handled
- access sensitive information related to Tier 1 SSBA's.

5.10 A staff member or prospective staff member is required to undergo an NHS check where the Responsible Officer, head of department or level 2 delegate deems it necessary if the person is or may be required to:

- handle [Tier 2 SSBA's](#)
- access facilities where Tier 2 SSBA's are handled
- access sensitive information related to Tier 2 SSBA's,

5.11 Where a staff member or prospective staff member is required to undergo an NHS check and has a valid NHS check result from another organisation, the Responsible Officer, head of department or level 2 delegate may:

- verify the result of the NHS check with AusCheck with the prior consent of the staff member or prospective staff member
- require the staff member or prospective staff member to undertake a further NHS check.

5.12 Where a staff member or prospective staff member is required to undergo an NHS check, the Responsible Officer, head of department or level 2 delegate will arrange for a photograph of the staff member or prospective staff member to be taken and provided to AusCheck.

5.13 Where a staff member or prospective staff member undergoes an NHS check and receives the result “not eligible”:

- the Responsible Officer, head of department or level 2 delegate will not authorise the staff member or prospective staff member
- they were recruited subject to a satisfactory outcome of the NHS check, the offer of employment will be rescinded.
- they are an existing staff member, the staff member is prohibited from handling SSBAs or accessing facilities where SSBAs are handled or accessing sensitive information relating to SSBAs and the University may take such other action in relation to the staff member as is available under the University’s policies and procedures.

5.14 Where a staff member or prospective staff member undergoes an NHS check and receives the result “eligible” the Responsible Officer, head of department or level 2 delegate may authorise the staff member or prospective staff member.

5.15 Where a staff member or prospective staff member undergoes an NHS check and receives the result “qualified” the Responsible Officer, head of department or level 2 delegate will review the extract of the health security relevant offences provided by AusCheck and determine whether to authorise the staff member or prospective staff member.

5.16 If the Responsible Officer, head of department or level 2 delegate determines not to authorise the staff member or prospective staff member who receives an NHS check result of “qualified” and:

- they were recruited subject to a satisfactory outcome of the NHS check, the offer of employment will be rescinded
- they are an existing staff member, the staff member is prohibited from handling SSBAs or accessing facilities where SSBAs are handled or accessing sensitive information relating to SSBAs and the University may take such other action in relation to the staff member as is available under the University’s policies and procedures.

5.17 The Selection Panel Chair will ensure the position description includes such information and information about the requirement for Identity and [NHS Checks](#) where a new position requires or is likely to require a staff member to:

- handle SSBAs
- access facilities where SSBAs are handled
- access sensitive information related to SSBAs.

5.18 Local Human Resources will ensure the letter of offer and associated documents for a new position which requires or is likely to require a staff member to:

- handle SSBAs
- access facilities where SSBAs are handled
- access sensitive information related to SSBAs

will include the following statement: *This offer of employment is conditional upon obtaining a satisfactory outcome on a [National Health Safety Check](#) as defined in the Commonwealth Government’s “Security Sensitive Biological Agents (SSBAs) Standards.”*

5.19 The Responsible Officer, head of department or level 2 delegate will ensure that suitable monitoring procedures are in place so that NHS checks for staff members occur:

- every two years, if the result of the staff member’s NHS check was “eligible”
- every 12 months, if the result of the staff member’s NHS check was “qualified” and the Responsible Officer, head of department or level 2 delegate determined to authorise the staff member.

5.20 Where a staff member who was required to undertake an NHS check is convicted of a health security relevant offence, they will report the conviction to the Responsible Officer within two working

days of being informed of the conviction.

#### 5.21 The Responsible Officer:

- will inform AusCheck of the conviction within two working days of being informed by a staff member
- will suspend the staff member's Authorised Person status
- may take such other action available under the University's policies and procedures.

5.22 A staff member whose Authorised Person status is suspended will not handle SSBA's, access facilities where SSBA's are handled or access sensitive information relating to SSBA's pending the outcome of a new NHS check.

5.23 The Responsible Officer may grant access to SSBA's or an SSBA facility to an Approved Person.

5.24 The Responsible Officer, head of department or level 2 delegate will maintain records of all Authorised Persons and will revoke a staff member's authorisation if they are no longer required to handle SSBA's, access facilities where SSBA's are handled or access sensitive information relating to SSBA's.

5.25 The Responsible Officer, head of department or level 2 delegate will maintain records of all Approved Persons.

## RELATED DOCUMENTS

- [Accident Compensation Act 1985 \(Vic\)](#)
- [Migration Act 1958 \(Cth\)](#)
- [National Health Security Act 2007 \(Cth\)](#)
- [National Health Security Regulations 2008 \(Cth\)](#)
- [Occupational Health and Safety Act 2004 \(Vic\)](#)
- [Occupational Health and Safety Regulations 2007 \(Vic\)](#)
- [Serious Sex Offenders Monitoring Act 2005](#)
- [Sex Offenders Registration Act 2004](#)
- [Working with Children Act 2005 \(Vic\)](#)
- Vice-Chancellor's Delegations Manual
- [Department of Immigration and Border Protection](#) visa information
- [AusCheck](#)
- [Working with Children Check Victoria website](#)
- A Consent to Check and Release National Policy Record from [Victoria Police](#)
- Information Release Policy - National Police Certificate Victoria Police

## DEFINITIONS

<b>Act</b>	Means the <i>Working with Children Act 2005 (Vic)</i> .
<b>Approved persons</b>	Suppliers, students, contractors and visitors
<b>AusCheck</b>	a branch of the National Security Law and Policy Division within the Australian Attorney-General's Department, undertakes background checking services for the Aviation Security Identification Card (ASIC), Maritime Security Identification Card (MSIC), and National Health Security (NHS) Check regimes.

<b>child or children</b>	In accordance with the United Nations Convention on the Rights of the Child, 'child' means every human being under the age of 18 unless under the law applicable to the child, majority is attained earlier. For the purposes of this Policy, the University considers a child to be a person under the age of 18 years.
<b>child-related work</b>	Working on an activity or in a position that involves or is likely to involve contact with children, either under the position description or due to the nature of the work environment.
<b>police record check</b>	A check of an individual's criminal history record. In Australia, national criminal record checks are available through state and territory police departments.
<b>Tier 1 Security sensitive biological agents</b>	Agents that pose the highest level bio-security risk.
<b>Tier 2 Security sensitive biological agents</b>	Agents that pose a moderate level bio-security risk.

## RESPONSIBLE OFFICER

The Executive Director, Human Resources & OHS is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

## IMPLEMENTATION OFFICER

The Director, Employee Relations and Engagement is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the Implementation Officer.

## REVIEW

This procedure to be reviewed by 28 February 2015.

## VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Senior Vice Principal	21 August 2012	21 August 2012	New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.



2	Vice-Principal Administration & Finance	19 January 2016	21 January 2016	Updated reference to police records checks and certificates in sections 1 and 2. Update Related Documents section, Responsible Officer and Implementation Officer and insert new definitions for child, child-related and Working with Children Act.
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