

# Casual program staff employment package

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New employees

# Employment package

## Casual program staff – centre employees

Enclosed is all the information you need to apply for employment at a NSW Sport and Recreation Centre.

### What's in this package?

- Information about child-related employment
- Casual employment application
- Proof of identity
- Background check consent form
- Prohibited employment declaration
- Child protection policy and procedure
- Code of conduct
- Harassment and bullying policy
- Health declaration form
- Employee communications devices policy.

### More information

If you have any queries contact the relevant centre (see below)

### What you need to return to us

**You need to return ALL of the following documents to us:**

- Completed Employment application form
- Signed Prohibited employment declaration
- Signed Background check form
- Signed Child protection policy and procedure
- Signed Code of conduct
- Proof of identity
- Signed Harassment and bullying policy
- Signed Communication devices policy (as required)
- Health declaration form

Return to the sport and recreation centre from which employment is sought.

#### **Berry Sport and Recreation Centre**

660 Coolangatta Road (PO Box 185), Berry NSW 2535  
Telephone: (02) 4464 2258 Freecall: 1800 811 387  
Facsimile: (02) 4464 2270  
berry@dsr.nsw.gov.au

#### **Broken Bay Sport and Recreation Centre**

C/o Post Office, Brooklyn NSW 2083  
Telephone: (02) 4349 0600 Freecall: 1800 644 049  
Facsimile: (02) 4379 1201  
brokenbay@dsr.nsw.gov.au

#### **Borambola Sport and Recreation Centre**

1980 Sturt Hwy, Borambola via Wagga Wagga NSW 2650  
Telephone: (02) 6928 4300 Freecall: 1800 810 890  
Facsimile: (02) 6928 4384  
riverina@dsr.nsw.gov.au

#### **Jindabyne Sport and Recreation Centre**

207 The Barry Way (PO Box 514), Jindabyne NSW 2627  
Telephone: (02) 6450 0200  
Facsimile: (02) 6456 2917  
jindabyne@dsr.nsw.gov.au

#### **Lake Ainsworth Sport and Recreation Centre**

Pacific Parade (PO Box 121), Lennox Head NSW 2478  
Telephone: (02) 6687 7168 Freecall: 1800 655 248  
Facsimile: (02) 6687 7920  
ainsworth@dsr.nsw.gov.au

#### **Lake Burrendong Sport and Recreation Centre**

Tara Road, Lake Burrendong NSW 2820  
C/o Post Office, Mumbil NSW 2820  
Telephone: (02) 6846 7403 Freecall: 1800 815 892  
Facsimile: (02) 6846 7597  
burrendong@dsr.nsw.gov.au

#### **Lake Keepit Sport and Recreation Centre**

Fitness Camp Road (C/o Post Office), Gunnedah NSW 2380  
Telephone: (02) 6769 7603 Freecall: 1800 644 105  
Facsimile: (02) 6769 7585  
keepit@dsr.nsw.gov.au

#### **Milson Island Sport and Recreation Centre**

PMB 11, Brooklyn NSW 2083  
Telephone: (02) 9985 9261  
Facsimile: (02) 9985 9360  
milsonisland@dsr.nsw.gov.au

# Child-related employment

## for NSW Sport and Recreation vacancies

### Myuna Bay Sport and Recreation Centre

Main Road, Myuna Bay NSW 2264  
 PO Box 5037, Dora Creek NSW 2264  
 Telephone: (02) 4973 3301 Freecall: 1800 654 422  
 Facsimile: (02) 4970 5014  
[myunabay@dss.nsw.gov.au](mailto:myunabay@dss.nsw.gov.au)

### Sydney Academy of Sport and Recreation

Wakehurst Parkway (PO Box 57), Narrabeen NSW 2101  
 Telephone: (02) 9454 0222  
 Facsimile: (02) 9454 0133  
[sydneyacademy@dss.nsw.gov.au](mailto:sydneyacademy@dss.nsw.gov.au)

### Point Wolstoncroft Sport and Recreation Centre

Kanangra Drive (C/o Post Office), Gwandalan NSW 2259  
 Telephone: (02) 4976 1666 Freecall: 1800 819 244  
 Facsimile: (02) 4976 2705  
[ptwolstoncroft@dss.nsw.gov.au](mailto:ptwolstoncroft@dss.nsw.gov.au)

## Child-related employment

NSW Sport and Recreation is firmly committed to the safety, welfare and well being of children and young people. Further to this, we are obliged to observe the legislative requirements of the *Commission for Children and Young People Act 1998* and the *Child Protection (Offenders Registration) Act 2000* when undertaking recruitment action. As a potential applicant, you must comply with the requirements of this legislation.

The child protection employment legislation prohibits persons convicted of certain serious sex offences from working with children and requires a comprehensive screening process to be undertaken on all recommended applicants for child-related employment opportunities.

### What is child-related employment?

child-related employment is employment of any kind that involves, or primarily involves, direct contact with children where that contact is not directly supervised. Employment includes permanent, temporary or casual positions, sub-contract arrangements, and volunteer or work experience opportunities. This position is categorised as child-related employment.

When undertaking recruitment for child-related employment opportunities, we are required to do the following:

- Conduct background checking, including the Working with Children Check, on recommended applicants
- Obtain written consent from the recommended applicant/s to the background checking process
- Obtain a Prohibited employment declaration from job applicants for child-related vacancies that requires the applicant to declare that he/she is not a prohibited person under the legislation.

### Who is a prohibited person?

Under the *Commission for Children and Young People Act 1998*, a person who has been found guilty of certain offences against children will be known as a prohibited person. A prohibited person also includes a registrable person under the *Child Protection (Offenders Registration) Act 2000*.

A prohibited person is a person who is guilty of the following offences in NSW or elsewhere:

- serious sex offence
- child-related personal violence offence
- murder of a child
- indecency offences punishable by imprisonment of 12 months or more
- kidnapping (unless the offender is or has been the child's parent or carer)
- offences connected with child prostitution
- possession, distribution or publication of child pornography; or
- attempt, conspiracy or incitement to commit the above offences.

It is an offence for a prohibited person to apply for, undertake or remain in child-related employment. A person found guilty of any of these offences may be imprisoned for two years and/or fined.

Anyone who has been convicted of a serious sex offence or a registrable offence should seek their own legal advice about whether their offence makes them a prohibited person.

# Child-related employment

## for NSW Sport and Recreation vacancies

### What does background checking involve?

A Working with Children Check will be conducted on all prospective employees in order to determine suitability to work with children. The check will incorporate the following:

- A national **criminal record check** which will report sexual offences including child pornography and prostitution, and sexual assault charges which are proven but have not led to a conviction, have been dismissed, withdrawn or discharged by a court. Also recorded will be any charges relating to sexual assault or child abuse carrying a minimum penalty of 12 months or more imprisonment that may have not been heard or finalised by the court
- A check on all **apprehended violence orders** which have been made on application of a police officer or other public official for the protection of a child
- A check on **disciplinary proceedings** initiated by an employer that include matters involving child abuse, sexual misconduct or acts of violence committed by the employee in the course of employment where these acts involve children, are directed at children or take place in the presence of children.

In addition to the Working with Children Check, prospective employees will also be the subject of a broader criminal records check for non sex-related offences.

Applicants will also be asked to provide the names of two current referees who can comment on the applicant's work performance and good character. One referee should be a current supervisor, unless there is an acceptable reason for not nominating that person.

### What do I need to do to be further considered for this position?

- Complete the attached Prohibited employment declaration form
- Complete the Background check consent form
- Complete the Temporary employment application form, nominating two referees.

Please contact NSW Sport and Recreation's Manager of Employment Screening on (02) 9006 3773 if you have any questions regarding the prohibited employment declaration or the Working with Children Check process.

### Privacy information statement

NSW Sport and Recreation supports the Information Protection Principles enshrined in the *Privacy and Personal Information Protection Act 1998*. Our responsibilities under this legislation include the collection, storage, use and dissemination of personal information. NSW Sport and Recreation collects this information to enable processing and assessment of applications for employment. You are not obliged to provide the information but if the information is not provided, we will be unable to process your application. Any information provided by you to NSW Sport and Recreation can be accessed by you during standard office hours and updated by writing to us or calling on (02) 9006 3700. All information provided on these forms and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

We will observe privacy and treat all information gained with the utmost confidentiality. It is an offence under the *Commission for Children and Young People Act 1998* to inappropriately obtain or disclose information gathered during the screening process.

Should NSW Sport and Recreation decide not to employ you as a consequence of information obtained and assessed through the Working with Children Check the Commission for Children and Young People will be notified. The Commission will use this information for monitoring and auditing purposes only.

# Employment application

## Casual program staff – new employees

(All personal information being collected will be dealt with in accordance with the *Privacy and Personal Information Protection Act 1998*.)

### Position details

Position applied for

Preferred locations – while we make every effort to place you at your preferred locations it is our policy to place our vacation staff across the state to gain a broader understanding and experience of all centres.

- |  |                                     |  |  |   |
|--|-------------------------------------|--|--|---|
| <input type="checkbox"/> All                                       | <input type="checkbox"/> Berry      | <input type="checkbox"/> Jindabyne       | <input type="checkbox"/> Lake Keepit   | <input type="checkbox"/> Narrabeen          |
| (or please number in<br>preference – you must<br>number all boxes) | <input type="checkbox"/> Borambola  | <input type="checkbox"/> Lake Ainsworth  | <input type="checkbox"/> Milson Island | <input type="checkbox"/> Point Wolstoncroft |
|  | <input type="checkbox"/> Broken Bay | <input type="checkbox"/> Lake Burrendong | <input type="checkbox"/> Myuna Bay     |   |

### Applicant details

Surname

Given name(s)

Residential address

  


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Postcode

Home phone

Mobile phone

Email

Indigenous background

- Yes  No

### Declaration

Any statement on your application that is found to be deliberately misleading could make you, if employed, liable for dismissal.

Signature

Date

### Referee checks

Please nominate two referees who can comment on your relationship with children and provide details of employment (eg. employer, organisation, teacher, lecturer, client etc). Employment cannot be offered until referee checks have been completed.

(1) Name

Contact number

(2) Name

Contact number

# Employment application

## Casual program staff – new employees

### Emergency Contact

Surname

Given name(s)

Residential address

  

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Postcode

Home phone

Mobile phone

### NSW Government Employment

Previous NSW Government Service

Previous/Current Serial Number

### Financial Details

Bank Name

Branch/BSB number

Account Number

Account Name

Employer funded superannuation contributions will be 9% of your base salary. Your superannuation will be deposited into the First State Super Fund. <http://www.firststatesuper.com.au>

If you currently a member of First State Super, please provide member number

Member Number

Tax File Number

### Checklist

I have supplied Certified copies of the following documents:

- Certified copy of your Birth Certificate or Passport
- Driver Licence
- Other proof of ID - Medicare card, Bank card/s, Student Id
- Signed all documents in the Casual Program Staff Employment package
- A copy of appropriate qualifications, where applicable
- Proof of change of name, where applicable
- Evidence of permanent resident status or naturalisation certificate, where applicable
- Tax File Declaration Form Completed

# Proof of identity

## What is appropriate documentation for proof of identity?

Before a background check can be conducted, you must provide documentation to support your identity. This must include original or certified documents adding up to a minimum of 100 points as required by the 100 Point Check under the *Financial Transaction Reports Act 1988*.

**You must provide identification from Category A and sufficient items from Category B to equal 100 points.**

### Category A (70 points)

One document from this list:

- Birth Certificate
- Birth Card issued by the NSW Registry of Births, Deaths and Marriages
- Citizenship Certificate
- Current Australian passport
- Expired Australian passport which has not been cancelled and was current within the preceding 2 years
- Current passport from another country or diplomatic documents.

For a preferred applicant under 18 years, one document from the above list, or the following, is sufficient:

- Identity of the applicant verified by an educational institution, either on a student card or a letter signed by the principal, deputy principal, head teacher, deputy head teacher or enrolment officer, confirming that the applicant currently attends the institution.

### Category B

#### 40 points

Name and photograph/signature of preferred applicant verified from one of the following (more than one document can be counted):

- Current driver photo licence issued by an Australian state or territory
- Identification card issued to a public employee
- Identification card issued by the Australian or any state government as evidence of a person's entitlement to a financial benefit
- Identification card issued to a student at a tertiary education institution.

#### 35 points

Name and address of preferred applicant verified from any of the following (more than one document can be counted):

- Document held by a cash dealer giving security over property
- A mortgage or other instrument of security held by a financial body
- Council rates notice
- Document from current employer or previous employer within the last two years
- Land Titles Office record
- Document from the Credit Reference Association of Australia.

#### 25 points

Name of preferred applicant verified from any of the following (more than one document can be counted):

- Current credit card or account card from a bank, building society or credit union
- Current telephone, water, gas or electricity bill
- Foreign driver's licence
- Medicare Card
- Electoral roll compiled by the Australian Electoral Commission
- Lease/rent agreement

## What is a certified copy?

A photocopy of the original witnessed by a qualified witness. The original and photocopy must be presented to the witness who notarises the photocopy with "I certify that this is a true copy of the original which I have sighted"). **We must receive the photocopy with the original signature of the witness.**

#### Qualified Witnesses

- Justice of the Peace
- Barrister/Solicitor
- Commissioner for Affidavits
- Notary Public
- Officers at the NSW Registry of Births Deaths & Marriages

**NB** Alternatively, the employing officer of the Department may sight the original document, take a copy and sign the copy certifying that it is a true copy.

## Further Information

Please contact NSW Sport and Recreation's Manager of Employment Screening on (02) 9006 3773 if you have any questions regarding the Prohibited Employment Declaration or the Working with Children Check process.

# Background check consent form

All fields must be completed. Please use block letters.

Family name

Given name(s)

Previous names/aliases

Date of birth

 / 

Male

Female

Place of birth (city, state, country)

Residential address

Suburb/Town

State

Postcode

Identifying document type (eg. passport, birth certificate)

Identifying document number

Position applied for

Contact phone number

Contact email

## Type of position

Paid employee

Volunteer

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for employment, several checking processes may be undertaken to ascertain my suitability. A general criminal records check will be undertaken on recommended applicants for all vacant positions.

## Child-related employment

In addition to the general criminal records check, recommended applicants to child-related employment vacancies are subject to:

1. A national criminal record check for charges and/or convictions (including spent convictions) for:
  - any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge)
  - any child-related personal violence offence
  - any assault, ill treatment or neglect of, or psychological harm to a child and
  - any registrable offence punishable by imprisonment for 12 months or more.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court
- are proven but have not led to a conviction or
- have been dismissed, withdrawn or discharged by a court.

# Background check consent form

2. A check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren and
3. A check for relevant employment proceedings involving an act of violence committed in the course of employment and in the presence of children or reportable conduct. Reportable conduct means any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), any child-related personal violence offence, or any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

I understand that a conviction for a serious sex offence (including, but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) or child-related personal violence offence (including but not limited to, intentionally wounding or causing grievous bodily harm to a child) will automatically prohibit me from child-related employment. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a "Registrable Person" under the *Child Protection (Registrable Offenders) Act, 2000*, I am prohibited from child-related employment.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed estimate of risk.

## Declaration

I acknowledge that:

- the above information and any information obtained during the Working With Children background check may be collected and used by/or disclosed to the Commission for Children and Young People or any Approved Screening Agency for the purposes of the Working With Children Check
- the Commission for Children and Young People or any Approved Screening Agency may share the information obtained during the Working With Children background check with each other to support further estimates of risk arising from additional Working With Children background checks

- the outcome of an estimate of risk conducted with information obtained through the Working with Children Check by the Approved Screening Agency may be provided to my current or prospective employers or an employer-related body (where applicable) only for background checking purposes
- details of my relevant records will not be released to my current or prospective employers
- any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences and
- the information provided may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

I consent to information obtained as part of this process being kept on a departmental database for possible future employment. In addition, I consent to relevant personal details being kept on this database. I acknowledge that authorised personnel of the department can access this information. This information will be used for employment related purposes only.

Name (block letters)

Signature

Date

**Note:** This form is to be kept by the employer.

# Prohibited employment declaration

The *Commission for Children and Young People Act 1998* makes it an offence for a prohibited person (a person convicted of a serious sex offence, the murder of a child or a child-related personal violence offence, as well as a “registrable person” under the *Child Protection (Offenders Registration) Act 2000*) to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment. It does not apply if an order from the Industrial Relations Commission, Administrative Decisions Tribunal or Commission for Children and Young People, declares that the Act does not apply to a person in respect of a specific offence.

For further information on what is child-related employment, see the Working With Children Employers Guidelines at [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au).

Section 33B of the *Commission for Children and Young People Act 1998* defines a serious sex offence as:

- an offence involving sexual activity or acts of indecency committed in New South Wales and that was punishable by penal servitude or imprisonment for 12 months or more or
- an offence involving sexual activity or acts of indecency committed elsewhere and that would have been an offence punishable by penal servitude or imprisonment for 12 months or more, if it had been committed in New South Wales or
- an offence under section 80D or 80E (sexual servitude) of the *Crimes Act 1900*, committed against a child or
- an offence under Sections 91D-91G (child prostitution, other than if committed by a child prostitute) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales or
- an offence under Section 91H, 578B or 578C (2A) (child pornography) of the *Crimes Act 1900* or a similar offence under a law other than a law of New South Wales or
- an offence of attempting, or of conspiracy or incitement, to commit an offence referred to in the preceding paragraphs or
- any other offence, whether under the law of New South Wales or elsewhere, prescribed by the regulations.

**Note:** A conviction for carnal knowledge is classified as a serious sex offence under this legislation.

Section 33B of the *Commission for Children and Young People Act 1998* defines a child-related personal violence offence as an offence committed by an adult:

- involving intentionally wounding or causing grievous bodily harm to a child or
- of attempting, or of conspiracy or incitement, to commit such an offence.

Under the *Commission for Children and Young People Act 1998*:

- it is an offence for a Prohibited Person to apply for, or otherwise attempt to obtain, undertake or remain in child-related employment
- employers must ask existing employees, both paid and unpaid, and preferred applicants for child-related employment to declare if they are a Prohibited Person or not
- all people in child-related employment must inform their employers if they are a Prohibited Person or remove themselves from child-related employment and
- penalties are imposed for non compliance.

# Prohibited employment declaration

## Declaration

I am aware that I am ineligible to apply for or otherwise attempt to obtain, undertake or remain in, child-related employment if I have been convicted of a serious sex offence or child-related personal violence offence as defined in the *Commission for Children and Young People Act 1998*, or if I am a Registrable Person under the *Child Protection (Offenders Registration) Act 2000*.

I have read and understood the above information in relation to the *Commission for Children and Young People Act 1998*. I am aware that it is an offence to make a false statement on this form.

I consent to a check of my relevant criminal records, to verify the statements I have made here, being undertaken by the NSW Commission for Children and Young People for monitoring and auditing purposes in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

I declare that I am not a person prohibited by the Act from seeking, obtaining, undertaking or remaining in child-related employment.

I understand that this information may be referred to the Commission for Children and Young People and/or to NSW Police for law enforcement purposes and for monitoring and auditing compliance with the procedures and standards for the Working With Children Check in accordance with Section 36 (1) (f) of the *Commission for Children and Young People Act 1998*.

All fields must be completed. Please use block letters.

Name (block letters)

Previous names/aliases

Date of birth

Signature

Date

Contact phone number

Email

**Note:** Seek legal advice if you are unsure of your status as a Prohibited Person.

**Note:** This form is to be returned to your employer.

# Child protection policy and procedure

## Policy statement

NSW Sport and Recreation is firmly committed to the protection of children and young people. In accordance with NSW Government legislation and principles for child protection and intervention, we aim to promote a safe environment for all children to assist all staff in recognising and reporting child abuse.

## Roles and responsibilities

All staff employed by NSW Sport and Recreation on a permanent, temporary, part-time or casual basis have responsibilities in relation to child protection and intervention.

## Key responsibilities include:

- the obligation to report all allegations against someone external to NSW Sport and Recreation as well as departmental employees
- awareness of the magnitude and importance of the issue of child protection in a sport and recreation environment
- awareness of the definitions and indicators of child abuse
- the ability to recognise an abusive situation
- awareness and understanding of our organisation's child protection policy guidelines and responsibilities arising from it
- recognition that as an employee in a child-related role, you are in a position of power and influence over children and young people in your care, and must behave in an appropriate manner to ensure that their safety and well being is maintained.

## Defining child abuse

Child abuse is any action, physical or verbal, that puts a child at risk of harm and exploits or damages a child's physical, emotional or psychological well being.

There are differing types and degrees of child abuse that can create serious setbacks to a child's enjoyment of, and participation in, sport and recreation activities.

### Physical abuse

Physical abuse is the non-accidental injury to a child by a parent, care giver or another person responsible for the child.

### Sexual abuse

Child sexual abuse is any sexual act or sexual threat imposed upon a child. Adults who commit child sexual abuse exploit the dependency and immaturity of children.

Pressure, either physical or psychological, is almost always present in child sexual assault.

### Emotional abuse

Emotional abuse encompasses a range of behaviours that can destroy the confidence of a child and result in significant emotional deprivation or trauma. Emotional abuse involves the impairment of a child's social, emotional, cognitive and intellectual development and/or disturbance of a child's behaviour.

### Neglect

Neglect occurs when a child is harmed by the failure of a parent or care giver to provide them with the basic physical and emotional necessities of life, eg. food, clothing, shelter, emotional security, affectional attachments, medical care and adequate supervision. Neglect is characterised as a continuum of omissions in care giving.

### Domestic violence

Domestic violence is violence, abuse and intimidatory behaviour perpetrated by one person against another in a personal, intimate relationship causing fear, physical and or psychological harm. Domestic violence has a profound effect on children and constitutes a form of child abuse.

# Child protection policy and procedure

## Indicators of child abuse

Due to the nature of certain sport and recreation activities, several injuries which appear on the list of common indicators of abuse, may in fact be a common occurrence in certain activities eg. sprains, bruising, dislocations.

Possible indicators of child abuse which staff and volunteers should take note of include:

- bruising, particularly in the face, head or neck region
- multiple bruising or injuries, eg. burns, scalds, sprains, dislocations or fractures
- injury left untreated
- differing versions of how injury occurred
- child/relative may actually tell of the abuse
- a child, by referring to someone else being abused, may mean him/herself
- sexual behaviour which is inappropriate for the age of the child
- nightmare/bedwetting/going to bed fully clothed
- a high level of distrust of other people
- an inability to relate well with adults and/or children
- extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying
- seeking indiscriminate or inappropriate adult affection.

**Note:** Staff should be aware that the presence of one indicator alone does not necessarily mean that a child has been the victim of abuse. Other factors that may have resulted in any of the above injuries must be taken into consideration, along with the context in which these indicators are observed.

## Children with a disability

Child abuse may occur to children and young people with a disability. Some children with a disability are at a higher risk of abuse due to the nature of their disability, such as mobility constraints. Limitations created by the disability may make them more dependent on others to stop the abuse from occurring.

Staff should be aware not to discount indicators of child abuse in people with a disability as being related to the disability. If a significant change in a child's behaviour is accompanied by a range of indicators, possibly with a sexual component, serious consideration should be given to whether there are reasonable grounds to suspect child abuse.

## Background checking

Background checking for relevant criminal history, relevant apprehended violence orders and completed disciplinary hearings is a legislative requirement for all child-related employees of NSW Sport and Recreation. Prior to employment, all prospective employees of NSW Sport and Recreation must sign a Prohibited employment declaration and consent to a Working with Children Check.

## *Commission for Children and Young People Act 1998*

The *Commission for Children and Young People Act 1998* makes it an offence for anyone found guilty of a serious sex offence to apply for, or remain in, child-related employment (positions which have direct, unsupervised contact with children).

Under this Act, all employees are required to inform their employers if they are a prohibited person (someone who has been convicted of a serious sex crime). Work performed as a volunteer for an organisation is classified as employment under this Act.

Detailed information in relation to child protection and intervention is contained in our Child Protection and Intervention Policy and Guidelines. Copies of this document can be obtained by contacting 13 13 02.

# Child protection policy and procedure

## Notification procedures

All staff members with reasonable grounds to suspect that a child participating in a departmental program has been abused in any way, either during or prior to the program or is at risk of harm, must report the matter immediately.

Consideration should be given to the fact that minor allegations may reveal more serious misconduct or a pattern of behaviour which requires further scrutiny.

### Reporting procedures:

1. Staff must report all incidents of child abuse to their manager immediately and must not undertake investigations themselves.
2. Managers must obtain full details of the incident and immediately advise:
  - a) Regional Director
  - b) NSW Department of Community Services helpline
  - c) NSW Police Service where relevant.
3. The Regional Director must immediately advise the Director-General of any actions taken to date.

Details to provide when reporting:

- the child's name, date of birth, contact details
- gender
- when the child was last seen
- whether the child has any siblings
- whether the child is an Aboriginal or Torres Strait Islander, or from a culturally and linguistically diverse background and may require an interpreter
- if the child has a disability
- details of events, conversations or observations which led to the report
- name of the person making the report and contact details.

## Confidentiality

All staff should be conscious of the need for confidentiality and discretion when reporting allegations. Reports to DOCS are strictly confidential. The confidentiality of all parties must be considered ie: victim/s, individual/s making the allegation and the alleged offender/s.

## Declaration

I,

working as a child-related employee at various centres across NSW acknowledge that I have read and understood the contents of NSW Sport and Recreation's child protection policy and procedures and am willing to fulfil my obligations as an employee of NSW Sport and Recreation, to carry out the procedures as outlined and notify NSW Sport and Recreation through my supervisor if I suspect that a child has been a victim of child abuse or is at risk of harm.

I understand that for child-related positions, employment will involve the completion of:

1. a Prohibited employment declaration
2. a Working with Children Check
3. structured referee checks.

Signature

Date

For more information please call  
Child Protection Infoline: 1300 366 407

**Email:** [workingwithchildrencheck@dss.nsw.gov.au](mailto:workingwithchildrencheck@dss.nsw.gov.au)

# Code of conduct

## Role and vision of NSW of Sport and Recreation

To provide and facilitate a diverse range of sport and recreation services which will improve the quality of life for the people of NSW. To be recognised as an industry leader, effective partner and the provider of quality customer focussed, culturally diverse, sport and recreation services.

### Overview

Your role at NSW Sport and Recreation is an important one. You need to understand the organisation's goals and values and the vital role that you play in making them a reality. Your attitude and professionalism are important factors in your selection. It is your continued responsibility to carry out all duties diligently, fairly, conscientiously and to the best of your abilities.

This code of conduct has been developed, in consultation with staff and management, to establish standards of conduct, and challenges you to reflect on your behaviour. The emphasis is on taking personal responsibility for your actions and using the code as a guide to assist you when you are faced with unfamiliar or ambiguous situations.

You should familiarise yourself with this code of conduct so that it serves as the framework upon which your day-to-day duties are undertaken.

### General principles

As a representative of NSW Sport and Recreation you should at all times, be aware of the:

- organisation's values and your expected commitment to them
- importance of your personal and professional behaviour
- potential for conflicts of interest to occur
- risks in accepting gifts and benefits
- need to be fair and have respect for all people
- importance of ensuring effective and efficient use of public resources
- need to respect security and confidentiality of official information
- appropriateness of public comment
- conditions for accepting outside employment
- appropriateness of political and community participation
- importance of reporting behaviour that does not support the organisation's values
- need to act at all times in the public interest.

## Personal and professional behaviour

You should ensure that your behaviour reflects the following principles as well as the organisation's values.

- Be professional in the manner in which you carry out duties and take personal pride in your work and presentation
- Be familiar with the organisation's values, as these should guide your behaviour
- Maintain the integrity of NSW Sport and Recreation by displaying the highest standards of honesty and avoiding situations that could result in a conflict between your personal interest and public duty
- Follow all Government and departmental policies and procedures
- Take responsibility for the decisions you make and be prepared to account for them.

### Conflicts of interest

We must perform our duties in a fair and unbiased way, and not allow self-interest or personal gain to affect us.

A conflict of interest is any situation that allows your personal interests to interfere with the performance of your duties.

You must be aware of the potential for conflicts of interest, and know how to deal with them when they occur.

Always advise your supervisor where there is a potential conflict of interest. Between you, you can determine the most appropriate action.

We're all responsible for maintaining NSW Sport and Recreation's reputation and providing the best service we can.

### Accepting gifts or benefits

You must use integrity, judgement and common sense when offered any gift or benefit.

Do not accept a gift if you feel it is being offered as a way of influencing your performance (or could be perceived by others as such). If this happens you must notify your supervisor.

Where the gift is not being offered to influence your performance, you may accept a 'token' gift.

If you are uncertain whether or not to accept a gift, discuss the matter with your supervisor.

# Code of conduct

## Fairness

We need to take the lead in fairness in our business activities and in the way we deal with each other.

Everyone likes to be treated fairly, with courtesy, consideration and dignity. Your personal feelings, bias or friendships should never influence your work behaviour.

Where possible, try to do something to stop unfair or discriminatory behaviour that you witness, and report all unfair behaviour to your supervisor.

## Child protection and intervention

We need to lead the way in child protection and intervention by providing a safe environment for all children and by recognising and reporting child abuse and neglect. You should have a good understanding of the organisation's Child Protection and Intervention Policy and ensure your behaviour is consistent with it at all times.

## Use of public resources

You have a responsibility to ensure that all public resources are used efficiently, economically and without unnecessary extravagance or waste. Resources should only be used for work purposes. There are some reasonable exceptions to this rule. You may use general departmental equipment and facilities for private purposes provided it is not at the expense of public or client use, it is in your own time and has the support of your supervisor. If these privileges are abused they may be taken away.

## Use of confidential information

To maintain a reputation for integrity and credibility you must be able to keep information secure and only use it for its required purpose. You should not disclose confidential information gained at work unless you have your supervisor's approval. You must never use confidential information for your own private gain.

## Public comment

As a community member you are free to make public comment, however, you should make it clear that the comment is your own view and not the organisation's.

You must not make personal public comment if it could be perceived that you are expressing views of the organisation or if the comment is defamatory.

Before making comment on behalf of NSW Sport and Recreation you must have your supervisor's approval.

When speaking for the organisation your comments should be positive and supportive and enhance the organisation's image.

## Political and community participation

You should ensure that your participation does not conflict with your professional responsibilities and that it is quite separate from your employment here. You must notify your supervisor if you become aware that a potential conflict has arisen.

## Reporting inappropriate behaviour

Reporting inappropriate behaviour is encouraged, as our reputation depends on us all conducting ourselves in an ethical manner.

We have a specific mechanism for reporting corrupt conduct under the *Protected Disclosures Act*, which is detailed fully in our Fraud Control Strategy.

Instances of less serious inappropriate behaviour, although not protected by this legislation, should be reported. We are committed to protecting all disclosures made in good faith.

If you are unsure about any aspects of this code, or require further information, please speak to your supervisor or staff in Employee Services.

## Declaration

I, \_\_\_\_\_  
working as an employee in the

\_\_\_\_\_ sector acknowledge that I have read and understood the contents of NSW Sport and Recreation's code of conduct. I understand that the code sets out standards of behaviour expected of me as an employee of NSW Sport and Recreation.

Signature

\_\_\_\_\_

Date

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

If you have any questions regarding this code please speak to your supervisor or staff in Human Resources. Phone: (02) 9995 0300

# Harassment and bullying policy

NSW Sport and Recreation is committed to ensuring that all staff and clients are treated fairly and equitably and that the workplace environment is productive and free from all forms of harassment and bullying. Any form of harassment or bullying is unacceptable behaviour and will not be tolerated. Instances of such behaviour will be dealt with promptly.

Staff have a responsibility to treat others fairly, with respect and sensitivity and in a way that does not constitute harassment or bullying.

All harassment which is based on sex, race or ethno-religious background or relates to a person's marital status, carer's responsibilities, disability, age, pregnancy, homosexuality or transgender status, is discriminatory. Most types of harassment are against state and federal anti-discrimination laws and may also be an offence under the *Crimes Act*. Harassment and bullying are also against our EEO and OH&S policies.

Harassment and bullying complaints will be treated seriously, sympathetically, quickly and privately by the organisation. In line with our responsibility to our staff, complaints will be settled within the workplace wherever possible. We will not tolerate the victimisation of people who make complaints.

## What is harassment and bullying?

Harassment is any behaviour that:

- the other person does not want and does not return and/or
- offends, embarrasses, or scares them and/or
- is sexual and/or
- targets them because of their race, sex, pregnancy, marital status, carer's responsibilities, transgender status, homosexuality, disability or age.

Harassment can occur at any level and can be experienced by anyone. This behaviour may be conducted verbally, physically, in written form or through electronic material. What is important is how the behaviour affects the staff member it is directed towards.

Harassment often happens when people use power wrongly. The power may be related to:

- abuse of authority (eg. a supervisor over someone they are in charge of)
- culture (eg. related to race, ethnicity or gender, particularly where the culture of one group is dominant).

Staff need to conduct themselves with sensitivity in their dealings with each other, and with clients. Acts or behaviour which do not hurt or offend one person may hurt or offend another. A workplace without harassment is a workplace where people respect, tolerate and understand the rights and differences of others.

Bullying is harassing behaviour which makes a staff member feel intimidated, belittled or humiliated. It is not necessarily limited to the grounds outlined in the *Anti-Discrimination Act 1977* (sex, pregnancy, race, marital status, carer's responsibilities, disability, homosexuality, transgender status or age).

## Impact of harassment and bullying

Harassment and bullying can create an intimidating and hostile work environment for everyone. This can cause poor work performance, increased stress levels and higher rates of sick leave and absenteeism, lower staff morale and productivity, a decrease in the quality of work and breakdowns in communication and trust between managers, supervisors and staff. They can result in lengthy and expensive discrimination or industrial court cases.

## Examples of harassment and bullying

Harassment and bullying in the workplace can take many forms. It can be overt (obvious) or subtle, direct or indirect (for example, where a hostile feeling/environment is created without any direct attacks being made on a person). It can arise out of one incident, or can result from several incidents, which, taken together, create a pattern of harassment.

Some examples of harassment are:

- sexual or suggestive remarks
- unwelcome propositions (sexual invitations)
- spreading rumours
- repeated unwelcome invitations
- offensive jokes
- threats or insults
- the use of language that is not suitable in the workplace
- putting sexually suggestive, offensive, degrading or insulting material on walls, computer screen savers, email, fax and so on
- offensive gestures
- initiation rites for new employees

# Harassment and bullying policy

- suggestive looks or leers
- unwelcome practical jokes
- displaying or circulating racist cartoons or literature
- following someone home from work
- making offensive hand or body gestures
- unnecessarily leaning over someone
- wolf whistling
- continually and inappropriately ignoring or dismissing someone's contribution in a meeting or discussion
- unnecessary physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging against a person's will)
- intrusive questions about sexual activity
- indecent or sexual assault or attempted assault (also crimes under the *Crimes Act*)
- pushing, shoving or jostling.

Some examples of bullying are:

- constant criticism
- criticism without justification
- personal criticism
- browbeating
- threats
- unreasonably withholding entitlements, eg. increments
- being required to work unreasonable hours
- loud and aggressive tactics including yelling abuse
- isolating workers from normal work interaction
- setting impossible workloads
- withholding information and resources needed to do the job.

Managers are required to supervise and coordinate the activities of staff within work units. Where required, this will include providing feedback on performance. This feedback should be timely, accurate and delivered in a non-threatening and positive fashion, even where performance may be less than expected or required. Where this framework has been applied, managers and staff could reasonably expect that harassment or bullying has not occurred.

## What to do if you are harassed or bullied

If you can, tell the person(s) to stop. You should also tell them that you do not like what they are doing and that it is not OK with you or with management.

If they do not stop, or if you cannot tell them to stop, you should tell your supervisor if you can. Your supervisor should take action to prevent further harassment or bullying. You may also go to a Grievance Handler, who will help you with your complaint and take up the matter as a grievance. This is particularly important if your supervisor is part of the problem. For more information on who to contact and how they can help you, see the section in this document headed Where to go for more information as well as our policy on Grievance Handling.

Keep a note of any harassment or bullying that happens with dates, times, witnesses if any, what happened and what you said, did or felt.

If you have a complaint against the Director-General, your complaint should be directed to the Office of the Director of Equal Opportunity in Public Employment.

You can also get confidential advice from your Union or the Anti-Discrimination Board.

## Managers and supervisors – responsibilities

Managers and supervisors are responsible for ensuring the workplace is free of harassment and bullying by:

- ensuring their behaviour provides a model of the high standards required of personal behaviour in the workplace
- ensuring that all staff members in their branch or unit are aware of the standards of behaviour required, that harassment and bullying will not be tolerated and complaints will be treated seriously
- ensuring staff members are aware of the organisation's Grievance Handling Policy and Procedures and any other relevant policies and procedures
- taking appropriate action in circumstances where they become aware of harassment and bullying whether a complaint has been lodged or not
- ensuring that staff members are not victimised or penalised for making a complaint about harassment or bullying.

# Harassment and bullying policy

Legally, the organisation is responsible for what happens in the workplace. However, managers cannot fulfil their responsibility in this regard unless they are made aware of breaches of NSW Sport and Recreation's policy. Staff should tell them immediately if any harassment or bullying is going on. If a manager feels that they are not the best person to be handling the complaint, they will refer the matter to an officer who can better help.

Managers also need to be on the lookout for instances of harassment and bullying. Case law judgements have made it clear that an employee did not have to verbalise that the action was unwelcome, since power relationships may mean that workers feel that they are unable to voice their concerns.

At all times, management will endeavour to ensure that complete privacy is maintained. The names of anyone involved in a complaint will not be discussed with others except those immediately involved in the complaint.

## Staff responsibilities

It is the responsibility of all staff to respect the rights of others and never get involved in or encourage harassment or bullying. This involves being careful about the language and tone we use in dealing with others, throw away comments, sexual or stereotyping jokes, pictures, touching, standing too close, gestures, sexual behaviour of any sort, isolating or segregating others or participating in initiation rites.

If you become aware that your behaviour is offensive to someone else, you should stop it and apologise.

If you become aware that someone you work with is being harassed or bullied, you must help prevent it by:

- refusing to join in the harassment or bullying
- referring them to this policy
- telling them you are willing to act as a witness if they decide to lodge a complaint
- supporting them
- accompanying them to see a grievance handler if necessary.

It is not your responsibility to say anything to the person about whom they are complaining. It is your responsibility not to spread rumours. If you participate in spreading rumours you may be subject to a defamation action.

## Where to go for more information

Manager, Employee Services  
NSW Sport and Recreation (02) 9995 0300

Public Service Association (02) 9290 1555

Anti-Discrimination Board (02) 9268 5555  
(TTY) 9310 2376

Employers Advisory Service (02) 9268 5544 or  
(toll free outside Sydney) 1800 670 812  
[www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)

Human Rights and Equal Opportunity Commission  
(02) 9284 9600

## Interpreters

Community Relations Commission (02) 9716 2244

Translating and Interpreting Service 131 450

Deaf Sign Interpreter Service (02) 9716 2248

The Anti-Discrimination Board provides advice and complaint handling. This policy and guidelines were prepared with the assistance of the Board's Harassment in the Workplace Guidelines: Guidelines for Managers.

## Declaration

I, \_\_\_\_\_  
working as an employee in the

\_\_\_\_\_ region acknowledge that I have read and understood the contents of NSW Sport and Recreation's harassment and bullying policy. I am willing to fulfil my obligations as an employee of NSW Sport and Recreation to carry out the procedures as outlined.

Signature

\_\_\_\_\_

Date

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

# Health declaration form

Name

Position

I understand the inherent job requirements and job demands for the position and these requirements have been explained to me and provided to me in a position description. Based on this information, I have ticked the appropriate statement below:

- I am not aware of any health condition that might interfere with my ability to perform the inherent job requirements and job demands of this position.
- I have a health condition (detailed below) that may require the employer to provide me with services or facilities (adjustments) so that I can successfully carry out the inherent job requirements and job demands of the position.
- I understand that adjustments to the workplace can be made to assist employees with disabilities in carrying out the inherent job requirements and job demands of the position. Any adjustments I need have been discussed with the organisation prior to completing this health declaration.
- I no longer wish to be considered for this position.

**Health condition details:**

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**Possible adjustments to enable inherent requirements and demands of position to be carried out:**

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**Declaration**

I am aware that any false or misleading statements may threaten my appointment or continued employment.

Signature

Date

# Employee communications devices policy

## 1. Policy statement

The NSW Government expects its officials to be efficient, economical and ethical in their use and management of public resources. This expectation is detailed in the Policy and Guidelines for the use by staff of Employer Communications Devices (Premier's Department, January 1999).

## 2. Policy principles

This policy recognises that:

- Communication devices in NSW public sector agencies are provided for business use
- Every employee has a responsibility to be ethical and efficient in their official or private use of public property and services
- Every employee has a responsibility to be productive in their use of work time
- Employees are also private citizens with individual personal needs and obligations
- Employees may need to make use of communication devices for personal purposes
- There is a reasonable limit to which employer communication devices may be used for personal purposes, and
- Employees should be provided with guidelines that clearly outline their rights on the use of communication devices.

## 3. Communication devices

The circular is mainly concerned with the following devices:

- Telephones
- Mobile phones
- Facsimiles
- Internet
- Intranet
- Electronic mail (email)
- Pagers
- Two way radios.

## 4. Mobile phones

### 4.1 Use of mobile phones

Mobile telephones should be provided to staff only in circumstances where there is a demonstrated business need.

Individuals are accountable for all calls from any mobile phone assigned to them, and are required to certify all calls made.

The use of a hand held mobile telephone while driving is an offence under the *Road Transport (General) Act 1999*. Employees must pull off the road and park before using a hand held mobile phone. We will not be responsible for any fines incurred by employees improperly using hand held mobile phones. Involvement in an accident while using a hand held mobile phone could negate any insurance claim.

The installation of hands-free mobile phone kits should be arranged where there is a demonstrated operational need. In some circumstances, the use of a portable hand-free kit may be appropriate.

Employees who are users or custodians of mobile phones should understand that mobile phone calls can be intercepted and that mobile phones are easily stolen. Appropriate steps should be taken to ensure the security of a mobile phone in your possession (one option: activate the phone's in-built security features; another option: do not leave phones in vehicles or unattended).

### 4.2 Economic use

Mobile phones incur substantially higher call charges than ordinary telephone services because calls from and to mobile phones are time charged. Users of mobile phones are expected to keep all calls as short as possible.

Staff should use standard desk telephones where they are available in preference to mobile phones.

There are circumstances where the use of a pager could be both more convenient and economical than the use of a mobile phone.

# Employee communications devices policy

## 4.3 Security

Staff should be alert to the possibility that any messages conveyed through communication devices can be intercepted, traced or recorded. Although such practices are illegal, users cannot have an expectation of privacy.

A password or personal identity number should be used on all mobile devices (eg. mobile phones, laptop computers).

Mobile phone accounts and calls are subject to random audit to assess the use of departmental mobile phones for improper and inappropriate use. The organisation may do this by:

- spot checks
- inspection of accounts over a certain amount
- inspection of accounts that vary from month to month.

## 4.4 Ownership of information

Business communications sent electronically become official records, and as such are subject to statutory record keeping requirements. Because it is difficult to retain records of Short Message Services (SMS) messages, the use of such messages should be avoided unless they are generated or received in a way that allows their ready recording.

## 4.5 Unlawful use

The use of any telecommunications system to make or send fraudulent, unlawful, or abusive information, calls or messages is prohibited. Staff who receive such electronic messages should immediately report the incident to their manager or the Manager, Information Technology.

Any staff member who initiates fraudulent, unlawful or abusive calls or messages may be subject to disciplinary action and possible criminal prosecution.

The use of a hand held mobile phone while driving is an offence under the *Road Transport (General) Act 1999*.

## 4.6 Personal use

The Government is committed to the development of a responsive and flexible public sector, and acknowledges that family and community responsibilities impact on work. It therefore accepts that its communication devices need to be used for personal reasons. Such use should be infrequent and brief, and should not involve activities that might be questionable, controversial or offensive.

This includes gambling, accessing chat lines, inappropriate jokes, and sending junk programs or mail.

There should be no access to services that charge fees (eg. 1900 or 0055 telephone numbers), unless there is a compelling business need and authorisation has been obtained from your supervisor. All requests and decisions relating to the authorising of such access must be documented and retained to facilitate scrutiny or audit.

Staff should not facilitate or permit the use of employer communication devices by persons not authorised by the Department, unless urgent business or personal circumstances would reasonably require such use.

Personal use does not extend to the sending of non-business related written material to any political organisation. Personal use of departmental communication devices is not considered private, and staff using such devices do not have the same personal privacy rights as they would when using private or public (eg. coin or card operated telephone) communication devices. Employees reasonably suspected of abusing personal use of employer communication devices might be asked to explain such use (which may be monitored as part of the organisation's responsibility to implement appropriate control mechanisms).

### 4.6.1. Payment for private use of mobile phones

Mobile phones are provided solely to assist with meeting the organisation's objectives. This includes providing mobile phones for selected officers for use in emergencies, for remaining in contact with key staff when they are away from their usual place of work, and for being on call. These phones are not a perk of office or an entitlement. They are solely for use on official departmental business.

However, it is recognised that there may be some circumstances where the use of a phone for other than departmental business may be necessary. In such circumstances, staff members who use mobile phones for private purposes should keep calls brief and pay for their private use. (Note: Calls to an officer's home when delayed on work related business are exempt from payment eg. the family expects an officer home at a particular time and a meeting finishes late; limited personal use when communicating changes to itinerary or safe arrivals is permissible).

# Employee communications devices policy

## 4.6.2 Procedures for payment

- Each month a staff member allocated use of a mobile phone will receive a copy of the account.
- The staff member must verify that the account is an accurate record of their mobile phone usage.
- The staff member must identify private calls on that account by signing adjacent to the call, and forward the amount (by cash or cheque) to the relevant administrative officer.

Rather than drawing cheques for amounts of only a couple of dollars, there is the option of small amounts being accumulated but these must be paid once the amount reaches \$10 or the debt reaches three months in age.

## Role of Supervisors

- It is expected that supervisors will review accounts to ensure that mobile phone usage is not excessive, and that the phones have been used for departmental purposes
- Private calls must be identified clearly, by the officer's signature adjacent to the call
- Lengthy calls, calls outside of the local STD zone and outside normal working hours might be reviewed more closely.

## 4.7 Health and safety

The health and safety effects arising from the use of mobile phones have been the subject of a number of research studies. Whilst these studies do not provide conclusive evidence about the ill-effects of mobile phone use, all staff are cautioned to exercise due diligence and care in their use of mobile phones.

## 5. Internet, intranet and electronic mail

### 5.1 Use of internet, intranet and email

Computer equipped workstations and the services accessible on them are provided to employees for business use to carry out tasks related to their job. Services include internet, intranet and electronic mail.

Limited and reasonable private use of the Internet and email is a privilege and such use needs to be balanced in terms of business use. Use of the internet must be appropriate, lawful, efficient, proper and ethical.

Email is not to be intentionally used for chain letters.

Participation in "chat rooms" for private use is not allowed.

No form of computer hacking (illegally accessing other computers) is allowed. Employees provided with access to the internet must confirm in writing that they have read and understand NSW Sport and Recreation's policy and guidelines. For existing employees, the signing of the attached Employee communications devices policy declaration is necessary. This form is to be signed and submitted to your supervisor. For new employees, this confirmation will be obtained during their induction.

Authorised union activities and email communication with accredited trade union delegates is permissible.

### 5.2 Inappropriate use

It is not acceptable to intentionally create, send or access information that could damage the organisation's reputation, be misleading or deceptive, result in victimisation or harassment, lead to criminal penalty or civil liability, or be reasonably found to be offensive, obscene, threatening, abusive or defamatory.

Inappropriate use includes, but is not limited to, any use of departmental equipment or services for intentionally transmitting, communicating or accessing pornographic or sexually explicit material, images, text or other offensive material.

It is inappropriate to transmit, communicate or access any material which may discriminate against, harass or vilify colleagues or any member of the public on the grounds of sex, pregnancy, age, race (including colour), nationality, descent or ethnic background, religious background, marital status, disability, HIV/AIDS, and homosexuality or transgender status.

Staff may be individually liable if they aid and abet others who discriminate against, harass or vilify colleagues or any member of the public. Harassment will be treated in accordance with existing harassment procedures and may result in disciplinary action.

Staff may not intentionally create, transmit, distribute, or store any offensive information, data, or material that violates Australia or State regulations or laws. We reserve the right to audit and remove illegal material from its computer resources without notice.

# Employee communications devices policy

Where inappropriate use is identified, NSW Sport and Recreation has a responsibility to:

- Notify the Independent Commission Against Corruption (ICAC) if there are reasonable grounds for believing the matter concerns corrupt conduct
- Notify the Police if it is reasonably believed that a criminal offence has been committed.

If an alleged inappropriate use of the Internet or email is notified as a protected disclosure under the *Protected Disclosures Act 1994*, normal departmental procedures for protected disclosures will be followed (refer to departmental policy – Internal Reporting Policy and Procedures).

Any identified use of equipment or services thought to be inconsistent with departmental policies will be investigated. Inappropriate use may be subject to disciplinary action and a range of penalties including termination of employment and/or criminal prosecution.

Where a genuine business reason exists that requires access to information or undertake activities via the Internet which would be normally regarded as inappropriate, the authorisation of the Director-General for Central Office staff and the Deputy Director-General, Operations for regional staff is required.

## 5.3 Record keeping

It is important to remember that electronic messages are official documents that are subject to the same laws as any other form of correspondence. They are subject to statutory record keeping requirements and can be subpoenaed or “discovered” during legal processes. They can also be required when there is an application under the *Freedom of Information Act 1989*.

Staff have obligations under the *State Records Act (NSW) 1998* to attach documents relating to substantive departmental business to departmental files.

Business communications sent electronically (eg. email messages) become official records, subject to statutory record keeping requirements. Electronic records are subject to the same standards of record keeping that apply to paper records. Some electronic records cannot be maintained in hard copy form without loss of content or meaning and are best maintained in electronic form. Care should be taken before deleting any electronic business communication. Such messages should be stored, and not unnecessarily deleted.

NSW Sport and Recreation’s email is backed up each night and there is no limitation on the size of the individual mailbox. However, since email messages are not currently captured for filing in their electronic format, the policy is that email messages should be printed and placed on the appropriate file.

## 5.4 Vulnerability of Internet and email

Messages conveyed by email and through the Internet are capable of being intercepted, traced, or recorded by others. Although such practices may be illegal, staff should not have an expectation of privacy and must take care with confidential documents.

## 5.5 Security of access

The use of your computer is monitored through a “user id” and access rights governed by a password personal to you. Do not divulge your password to others because you could be held responsible for their actions.

Caution must be exercised when entering into on-line purchasing arrangements. As with telephone orders, proper authorisation for purchases must be first obtained. On-line purchases normally involve the use of credit or charge cards, and due regard must be had to conditions regulating their use.

## 5.6 Personal use

Limited personal use of the Internet does not extend to intentionally downloading unauthorised software, lengthy files containing picture images, live pictures or graphics. This includes computer games, music files and the accessing of radio or television stations broadcasting via the Internet. Downloading of such files increases the load on the network and could degrade the service to other staff with a genuine business need to use the Internet. Such files should not be emailed to others.

Participation in “chat rooms” for private use is not allowed.

# Employee communications devices policy

## 5.7 Departmental monitoring

All information, data or files created by staff while employed by NSW Sport and Recreation are subject to scrutiny. Staff should be aware that the organisation may monitor, copy, access or disclose any information or files that are stored, processed or transmitted using departmental equipment and services.

We may monitor internet usage and email activity to:

- ensure compliance with departmental policies
- investigate conduct that may be illegal or adversely affect the department or its employees
- prevent inappropriate or excessive personal use of departmental property.

NSW Sport and Recreation has put into place procedures to ensure that internet usage and email activity is adequately monitored. These procedures take into account:

- the need to observe information protection principles relating to personal information (refer Data Protection Principles in the Personnel Handbook and the *Privacy and Personal Information Protection Act 1998*)
- the need to be able to link Internet sites accessed with the user identification
- the need to generate reports that link Internet sites with the user identification
- the appointment of designated officers to review these reports.

These procedures are comprised of the following:

### 5.7.1 Internet usage

NSW Sport and Recreation's Internet Service Provider (ISP) is the Australian Sports Commission (ASC). The ASC maintains logs of all Internet sites accessed by staff within this organisation. These log files are reviewed each week by ASC staff to determine if there have been any inappropriate websites visited and by whom. Any such breaches are reported to the Manager, Information Technology.

Within the organisation itself a web access tool called WebBoy is used to monitor Internet usage. While not as accurate as the Firewall log files, WebBoy provides reports on websites visited and by which staff member as well as the heavy users of the Internet based on the amount of traffic. These reports are reviewed monthly.

### 5.7.2 Email

The ASC staff monitor inappropriate use of email by reviewing firewall log files. These reviews target any large files that are sent via email over the Internet.

Internally the organisation uses a product called Mail essentials to monitor the usage of email. Mail essentials provides email security, content checking and an anti-virus gateway for the organisation's Exchange email systems.

Mail essentials acts as an email firewall and protects our users from viruses, as well as email attacks targeted at the organisation. In addition, Mail essentials adds important key features to the organisation's email system such as anti-spam, email encryption, email archiving, disclaimers and personalised auto responders.

Employees are encouraged to report breaches of this policy to their supervisor or an appropriate senior officer or executive. Internet and email use should be consistent with the organisation's code of conduct, which also has guidance on reporting misuse of public resources.

### 5.8 Software installation

NSW Sport and Recreation has installed software on each computer, eg. MS Office to assist staff to perform their duties. No unauthorised software is to be loaded onto a departmental computer (either by downloading from the internet, purchasing software, or bringing copies from home). Where clarification is required about the status of any software, advice should be sought from the Manager, Information Technology.

Access to the internet should be via officially approved mechanisms only (normally through the organisation's firewall). The connection of stand-alone modems to individual personal computers must be authorised on a case by case basis.

Attached to this circular are procedures for the purchase and use of mobile phones.

# Employee communications devices policy

The advances taking place in information technology are rapidly changing our professional and personal lives. As public sector employees, we have a responsibility to ensure that departmental communication devices are used efficiently, economically and ethically. This circular has set out the departmental policy, practice and procedure.

The circular has the following benefits:

- Staff benefit by being provided with enough flexibility to meet their immediate personal requirements
- The community as a whole benefits from our effective use of departmental resources
- NSW Sport and Recreation benefits through the use by staff of communication devices for departmental business
- NSW Sport and Recreation also benefits through appropriate controls on the costs of communication devices usage.

## Declaration

I, \_\_\_\_\_  
working as an employee at various centres across NSW region acknowledge that I have read NSW Sport and Recreation's Employee communication devices policy. I also acknowledge that I have the opportunity to clarify with my supervisor any aspect of the policy.

I therefore

- accept the terms, responsibilities and conditions of use of the organisation's communication devices, including the internet and email
- will report breaches of system security as soon as I become aware of such breaches
- will immediately report any unauthorised use of my account as soon as I become aware of such use
- accept that some of the documents, information and/or content of the Internet may contain controversial and/or offensive material over which the organisation has no control and for which it cannot be held responsible and for which users cannot hold the organisation responsible
- consent to monitoring as outlined in this document to take place
- will use the resources provided to me in accordance with this policy.

I acknowledge that any breach of this policy could amount to a breach of discipline within the meaning of Section 66 of the *Public Sector Management Act 1988* and that the provisions of Section 75 of the *Public Sector Management Act 1988* may be applied. Section 75 specifies punishment of officers for breaches of discipline, including demotion and dismissal.

I also acknowledge that certain breaches may require the organisation to notify the Independent Commission Against Corruption (ICAC) and/or the Police if it is reasonably believed a criminal offence has been committed.

Signature

Date