



**muswellbrook
shire council**

Upper Hunter Student Accommodation

MANAGEMENT PLAN:

OPERATIONS

Version 2

March 2012

[illegible]

Table of Contents

Executive Summary	4
What Council Proposes.....	4
Roles and Responsibilities in Managing the Facility	5
Board of Management.....	5
Eligible Students.....	5
Integration of the facility within the TAFE Campus (Muswellbrook).....	6
Muswellbrook Shire Council	7
Financial Management.....	7
Operations Management.....	7
Asset Management.....	7
Legislative Requirements.....	8
Caretaker /Manager	9
Communal Living.....	11
Access.....	11
Social Gatherings.....	11
Operating Budget.....	12
Projections of demand	13
Facility Differentiation from other Accommodation.....	13
Plans for the Future	14
Risk Management Plan	15
Policy Background	15
Muswellbrook Shire Council	15
Hunter Institute of TAFE.....	15
Risk Assessment Procedures	16
Risk Management	16
Risk Assessment.....	16
Risk Treatments	16
Conclusions	17
Risk Register	18
Hunter TAFE Safety Management System.....	23
Monitoring and Review Procedures	24
Appendices.....	25
<i>Appendix A – Hunter Institute Safety Management System.....</i>	<i>25</i>
<i>Appendix B – TAFE Student Discipline Policy.....</i>	<i>29</i>
<i>Appendix C – Muswellbrook Shire Council – Legislative Requirements.....</i>	<i>48</i>

Executive Summary

What Council Proposes

Muswellbrook Shire Council, in partnership with TAFE NSW Hunter Institute (Hunter TAFE) and the Mining Industry and with funding from Regional Development Australia, **propose to provide affordable and supervised accommodation for students undertaking various forms of training and study in the Upper Hunter region.**

The accommodation will be available to a range of student candidates. This will include students of Hunter TAFE and other learning institutions with a presence in the Upper Hunter region, including university and vocational students temporarily located in the region while undertaking work placement or coursework related to their studies.

The facility will house up to sixty three (63) students in twenty one (21) semi-detached three bedroom units, a caretaker/manager's residence, an office and communal facilities. The facility will be located within the grounds of the Hunter TAFE (Muswellbrook Campus).

Each of the houses allows the students to live in a comfortable, 'share house' arrangement designed to minimise any negative effects of being away from home. The houses will be fully furnished with a communal laundry for the students to use. The buildings are located within a large open and well vegetated area, providing a pleasant campus environment.

While the project is being planned and delivered by Muswellbrook Shire Council, with support and active input from Hunter TAFE and private industry, Hunter TAFE (Department of Education) will be the owners of the facility. Hunter TAFE will make the facility available to Muswellbrook Shire Council as operators of the accommodation under a license agreement to allow the operation of the facility for an extended period of 20-30 years.

The student accommodation facility will be integrated within the broader Hunter TAFE campus at Muswellbrook. The policies and procedures of Hunter TAFE that govern across their Hunter campuses will also apply to the student accommodation.

Roles and Responsibilities in Managing the Facility

Board of Management

The facility will be guided by a *Board of Management* made up of representatives of Muswellbrook Shire Council, Hunter TAFE and the organisations that provide the industry contributions to the project.

A recurring role of the Board will be to determine the policy and process for allocation of the rooms amongst the competing demands for them. The facility is designed to meet a demand within the student community in the Upper Hunter Region and is anticipated places will need to be competitively allocated rather than filled on a 'first come, first served basis.'

The Board of Management will also be required to make recommendations to Muswellbrook Shire Council for:

- Repairs and renewal;
- Integration of the accommodation facility within the TAFE campus;
- Integration of TAFE policies and procedures within the facility; and
- Community engagement.

Eligible Students

Priority for tenancy of the rooms will be given to:

- Students aged between 18 and 25;
- Students enrolled at Hunter TAFE (Muswellbrook Campus) in mining related studies;
- Persons employed in the Mining Industry as apprentices; trainees and those employed in any similar work based training scheme;
- Other students enrolled at Hunter TAFE (Muswellbrook Campus);
- Other students enrolled at Hunter TAFE – (Scone and Singleton Campuses);
- Other students enrolled at other learning institutions with a presence in the Upper Hunter Region;
- University and Vocational students undertaking coursework or work placement in the Upper Hunter Region.

Students will be expected to sign an agreement, as with any longer term rental, however it would be understood that the room may be allocated to another student whenever it is vacant (over holidays etc.). Small bonds will be charged.

Integration of the facility within the TAFE Campus (Muswellbrook)

Hunter TAFE has a *Safety Management System* to manage the health and safety of employees and others undertaking work, and of students and visitors to schools, colleges and all other workplaces across its campuses, in accordance with statutory and regulatory obligations and corporate objectives. This document is attached as *Appendix A*. It is a comprehensive document with associated support material; sections of or the whole document can be made available upon request.

This *Safety System* will be the principal document/system that is deferred to for the management of all Persons Conducting a Business or Undertaking the (PCBU) at the student accommodation. For the particular management of student behaviour *TAFE Student Discipline Policy* and the related *Procedures* under that policy will be deferred to for all student behaviour matters. This document is attached as *Appendix B*. The definition of a 'breach of discipline' appears at 4.1.1 of the *Procedures* and provides coverage of student residential facilities.

The Student Discipline Policy allows the application of a broad range of penalties for students who breach the provisions of the policy. The possible penalties are identified at 4.8 of the *Procedures* and range from warnings/reprimands through to fines/recovery for damage (e.g. damage to student residences) and expulsion or exclusion from part or all TAFE premises (e.g. exclusions from residences).

A responsibility of the board will be to advise Muswellbrook Shire Council on effective implementation of Hunter TAFE's *Safety Management System* and *Student Discipline Policy* as operational issues arise.

Muswellbrook Shire Council

Muswellbrook Shire Council will be responsible for the operation and management of the facility. Muswellbrook Shire Council will receive the revenue derived from the facility and be responsible for the payment and funding of all expenses.

Key responsibilities include:

- Financial Management;
- Operations Management;
- Asset Management; and
- Legislative Compliance.

Financial Management

Muswellbrook Shire Council has agreed to bear the financial risk associated with the operations of this project. As such, the facility will continue to operate as student accommodation even in the event of occupancy rates not meeting expectations.

Operations Management

Council will ensure adherence to this Operations Management Plan and the integration of Hunter TAFE's Safety Management System.

Asset Management

An Asset Management Plan for the facility has been prepared and details the responsive management of assets (and services provided from assets), compliance with regulatory requirements, and systems to communicate funding required to provide the required levels of service.

The Asset Management plan for the facility forms part of Council's primary Buildings Asset Management Plan.

Legislative Requirements

Council has to meet many legislative requirements including Australian and State legislation and State regulations. These legislative requirements will extend to the management of the facility. A list is attached as *Appendix C*.

Caretaker /Manager

Muswellbrook Shire Council will employ a full time caretaker. A requirement of this position will be to undertake a Working with Children Check under the Commission for Children and Young Persons Act 1988.

Key Duties of the position will include:

- Rent collection and administration;
- Integration of Hunter TAFE's *Safety Management System* and *Student Discipline Policy*;
- Supervision of students;
- Ensure health and safety at the facility;
- Effective customer service to students, TAFE staff, and the general public;
- Ensure facility and grounds are maintained and are kept neat and tidy;
- Organised maintenance and renewal works; and
- Overall pastoral care of students.

A position description detailing relevant selection criteria will be developed by Council's Human Resources Department to meet the requirements of the role.

The employee who occupies this position will adhere to all Council policies, guidelines, procedures and Management directives including, but not restricted to:

- Code of Conduct;
- Equal Employment Opportunity;
- Harassment & Bullying; and
- Occupational Health & Safety.

The employee who occupies this position will also adhere to Hunter TAFE's *Safety Management System*. If operational issues arise or there is conflict between Council's policies and Hunter TAFE's policies then the advice of the *Board of Management* will be sought.

Council embraces the principles of risk management and expects that employees to comply with and adhere to the requirements of risk management.

The employee must comply with legislative requirements under the Work Health & Safety Act 2011 and abide by Council's Occupational Health and Safety (OHS) policies and procedures as described in Council's OHS Manual. The employee must participate in the completion of relevant safety documentation and take all reasonable practicable steps to protect their own, and others health & safety in the workplace.

All business conducted by the employee must be in an ethical, friendly, efficient and professional manner.

Communal Living

Student behaviour will be governed by Hunter TAFE's *Safety Management System* and *Student Discipline Policy*; the implementation of these will be supervised by the Caretaker/Manager. The student accommodation will be a home for students who reside there, and they can expect to have a reasonable level of privacy subject to the Health and Safety of other PCBUs.

Access

Students will be free to come and go from the accommodation facility as they choose. There are many reasons why students may need to come and go, including apprentices being engaged in employment. There needs to be flexibility to allow this access and no curfew will be set.

Hunter TAFE (Muswellbrook Campus) currently has locked gates after teaching hours at the main entry at the intersection of Bell St and Maitland St. These would be replaced with an automated system of gates that operate on programmed cards to allow students access to the campus after hours.

Access to the automated gates will also be provided to all emergency and security services. On the completion of construction of the Student Accommodation, an Emergency Management Plan of Operation will be adopted to work in collaboration with Hunter TAFE's current Emergency Management Plan for Muswellbrook campus. The Hunter TAFE document is made of two parts: *Part 1 – Emergency management plan* that includes an overview, preparation for emergencies, response to emergencies, and recovery strategies, and *Part 2 – Evacuation procedures and attachments*. The document includes a range of support documents relevant to this workplace (Muswellbrook Campus) and is available upon request.

Social Gatherings

The students have been given usable open space for recreation purposes at the front of their respective houses, however gatherings of four people or more would be encouraged to take place off campus at locations within easy walking distance of the facility. For this reason, no communal social area has been provided in the plans for student accommodation. There is an area identified near the caretaker's residence if the Board at a future date recommends that it is needed, however there are no plans to construct one.

Operating Budget

The budget below forecasts the expected operating revenues for the project's first five years. An allocation has been made for the minor ongoing maintenance of the facility and the replacement of minor items. The replacement of the facility as a whole and any major renewals required (re-carpeting, re-plumbing etc.) will be covered through the on-going depreciation allowance, while the replacement of the furniture and other fittings on a planned five year rotation is funded through a dedicated depreciation amount.

Revenue ('000s)	2013/14	2014/15	2015/16	2016/17	2017/18
Room rental ¹	\$393	\$405	\$417	\$430	\$442
Manager's residence	\$15	\$16	\$17	\$17	\$18
Total revenue	\$408	\$421	\$434	\$447	\$460
Expenses (000's)					
Depreciation building ²	\$41	\$43	\$45	\$47	\$48
Depreciation furnishings ³	\$29	\$29	\$29	\$29	\$29
Insurance building ⁴	\$24	\$25	\$25	\$26	\$27
Insurance contents ⁵	\$8	\$8	\$9	\$9	\$10
Waste collection ⁶	\$5	\$5	\$5	\$6	\$6
Electricity ⁷	\$46	\$49	\$51	\$53	\$56
Maintenance ⁸	\$40	\$40	\$40	\$40	\$40
Sewer charges ⁹	\$11	\$12	\$12	\$13	\$13
Water usage ¹⁰	\$13	\$14	\$14	\$14	\$15
Caretaker ¹¹	\$80	\$82	\$85	\$87	\$90
Total expenses	\$297	\$307	\$315	\$324	\$334

¹ \$150 per room per week at 80% occupancy with 3% indexation (63 rooms)

² Starts at \$4.1m over 100 years, increases at 5% in line with expected increase in replacement cost

³ Appliances at a value of \$145K over 5 years

⁴ Based on costs of insuring Muswellbrook Shire Council buildings

⁵ Need a quote once furniture value is obtained

⁶ Waste collection 21 houses at \$250 pa each

⁷ Estimate based on average household usage

⁸ Nominal figure allowed for minor repairs and replacements

⁹ 21 houses at \$535 each

¹⁰ Based on 1 kilolitre per house per day

¹¹ Manager at \$1,140 per week (plus on-cost)

Projections of demand

Upper Hunter TAFE (Muswellbrook campus) enrolments have been steadily increasing from 1371 in 2008 to 1710 in 2011. Of the 2011 enrolments, over half come from outside the Muswellbrook Shire LGA. It is anticipated that these students will alone provide sufficient demand, particularly as it is expected that the provision of onsite accommodation will allow the Muswellbrook campus to provide more 'Block' study options for their students.

Most significantly there are currently 43 students this year studying Mining Skills at Upper Hunter TAFE (Muswellbrook campus). Of these, thirty 30 travel to the local area from distances of greater than 25 kilometres. This is a growing commercial course and it is expected that the provision of the accommodation will remove blockages for mining companies to attract apprentices. It is assumed that if the accommodation was currently provided then approximately half the accommodation would be filled by these students for 12 months.

Council has also received advice that the Muswellbrook campus of Hunter TAFE will be accepting second and third year Heavy Vehicles Course students as the course currently operating at Kurri Kurri TAFE has reached its capacity. It is anticipated that demand for this course will now be directed towards the Muswellbrook campus.

In addition, Muswellbrook Shire Council has Voluntary Planning Agreements with mining companies in the Local Government Area; these require the employment of certain numbers of apprentices to reduce poaching across local industries. This will continue to create an increased demand for apprentices locally. While it is accepted that some of this demand for training and apprenticeships will be filled through local sources, thus requiring accommodation, a large number of these positions will need to be filled by people moving to the Upper Hunter Region.

Further, Muswellbrook is the convergence site of a national industrial and migratory road and rail network, strategically located within the mining districts of NSW. Both the existing mining district of Mudgee and the planned mining expansions around Gunnedah and Dunedoo are situated much closer to Muswellbrook than to the other mining related training facility in Kurri Kurri. All of this indicates that the Upper Hunter Region is becoming the key centre for mining and related education in NSW.

The operating budget for the facility is based on an 80% occupancy rate of the rooms. Based on the factors outlined in this section, it is expected that this rate should be readily achievable.

Facility Differentiation from other Accommodation

Students will be attracted to the facility by the following advantages:

- Competitive rent;
- Fully furnished room, with minor appliances and other necessities (cutlery, crockery etc.) provided;
- No need to organise utility connection;
- Utilities included in rental fee;
- Removes the need to locate housemates;
- Pastoral care and supervision provided on site;
- Ability to live amongst a supportive 'peer group'; and
- Proximity to TAFE and shopping districts minimises need for private or public transport.

Plans for the Future

Council plans to operate and maintain the student accommodation to achieve the following strategic objectives:

- Ensure the student accommodation is maintained at a safe and functional standard;
- Manage the facility in a sustainable and financially responsible manner, which will benefit current and future generations; and
- Allocate annual expenditure towards asset renewal and maintenance.

Risk Management Plan

The risk assessment for this project is a collaborative document incorporating policy, procedure and research from Muswellbrook Shire Council and Hunter TAFE.

The Muswellbrook Shire Council assessment focuses on corporate, financial and public risk in terms of the proposed project activity; the subsequent accommodation project is addressed through Hunter TAFE's *Safety Management System* and *Student Discipline Policy*, which address risks to young people on the premises.

Policy Background

Muswellbrook Shire Council

Muswellbrook Shire Council compiles its risk assessments and treatment actions according to the principles outlined in its Risk Management of Council Facilities Policy. This document requires that the relevant Council staff in each instance prepare and operate systems of procedures for use in the maintenance of safety in its public facilities. The systems shall be based on established Risk Management concepts and guidelines and shall include the following components:

1. Programs of inspection to suit each type of facility to cover periodic inspections as well as inspections in response to complaints/reports/service requests, etc.;
2. Sound, practical methods of risk assessment, control measures and prioritisation as well as the means of reporting for the whole asset type (e.g. roads, footpaths);
3. Using the results of the above in the effective allocation of available resources and the determination of appropriate levels of service;
4. Documentation of the application of the procedures and all associated activities.

Hunter Institute of TAFE

Hunter Institute is committed to the health and safety of employees and others undertaking work, students and visitors to schools, colleges and all other workplaces across its campuses, in accordance with statutory and regulatory obligations and corporate objectives.

A preventative and strategic approach is taken to the management of health and safety, with established measurable objectives and targets for health and safety to bring about improvements to the workplace.

Hunter TAFE uses a risk management approach to health and safety through identification and elimination or minimisation of risks arising from work.

The Safety Management System consists of a set of program elements which include policies, planning activities, responsibilities, practices and procedures, processes and resources.

Risk Assessment Procedures

Risk Management

A structured risk review was completed for the project with risk events identified by the Project Control Group in consultation with key stakeholders and including consideration of risks associated with the following Program activities:

- Planning and implementing the new student accommodation service arrangements;
- Planning and delivering the new assets to provide the student accommodation service (including design, procurement, construction, and commissioning);
- Managing stakeholders for the above activities, and the change processes involved in developing the facilities and service.

Risk Assessment

Identified risks were scored for likelihood and consequence. An overall risk score was used to rank individual risks based on the assessed likelihood and consequence of a particular event. High-ranked (unacceptable) risks are generally selected in accordance with the Pareto Principle i.e. the top 20% (or thereabouts) of risks constitute the top 80% of risk impacts. Special consideration must also be given to risks that are not in the top 20% but have been identified as having extreme consequences.

For this project, and with reference to the risk matrix, high ranked risks are considered as those with a risk ranking of 8 or higher. All remaining risk events were assessed as tolerable or acceptable and will be subject to management within normal project processes and ongoing monitoring by the project team.

Risk Treatments

Two types of treatments for high-ranked risks are possible:

- Specific actions to reduce the impacts of the identified risks (for example, by reducing the likelihood of the risk event occurring or reducing the consequences if it does occur);

- A 'watch list' to monitor the preconditions to a risk event occurring so that timely interventions or contingency readiness can be undertaken.

Proposed treatments are identified in the tables on the following pages.

Conclusions

Details of risks impacting the proposed project are shown in the following table.

No risks were identified that were so significant as to call into question the viability or progression of the project. Further the Project Control Group has confirmed that, after consideration of the nature of the high ranked risks and proposed risk management strategies, the proposed program should proceed as planned.

Treatments for all identified risks will continue to be identified and refined throughout the planning phase.

Risk Register

Risk Event	Consequence	Likelihood	Rating	Response Action	Proposed Treatment
Actual accommodation usage fails to meet projections due to reduction in TAFE training capacity – resulting in loss of revenue and inefficient service provision.	M	L	1	A	<ul style="list-style-type: none"> • Monitor TAFE Enrolments and changing demand. • Work with TAFE to facilitate expansion of training delivery in Muswellbrook. • Facilitate Higher Education student usage of facility.
Actual accommodation usage fails to meet projections due to a major decline in coal industry.	M	L	2	C	<ul style="list-style-type: none"> • The coal industry is cyclical, and at some point a contraction will occur, but the long terms pattern is for growth. The Accommodation facility also meets student accommodation needs for major infrastructure projects – likewise on a long term growth trend in the Hunter – with road, rail and energy infrastructure projects resulting in increased training demand. • Hunter TAFE monitors industry growth rates regularly. There is potential for training capacity to be reallocated for other training types – e.g. Training for agriculture and pastoral industry.
Difficulty staffing the facility – delaying full utilisation of new facilities, impacting reputation and reducing revenue.	H	H	6	C	<ul style="list-style-type: none"> • Utilisation of Council staff to fill gaps in staffing the facility. • Ensuring attractive package for Caretaker role, including accommodation on site. • Ongoing support for/monitoring of staff by Council. • Early development and implementation of recruitment strategy. • Implement staff retention plan. • Attract and retain older skilled workers.

Risk Event	Consequence	Likelihood	Rating	Response Action	Proposed Treatment
Change in technology and training requirements for the mining industry reduces training demand and renders the facility obsolete (i.e. negative impacts on service performance)	H	L	3	A	<ul style="list-style-type: none"> • Locate facility on TAFE Campus – to meet accommodation needs for training across multiple industry areas – mining; power generation; renewable energy; agriculture; equine; engineering; business management etc. • Engagement with Higher Education service providers.
New facilities fail to provide sufficient accommodation capacity to meet industry and community expectations, impacting performance and reputation.	M	M	4	R	<ul style="list-style-type: none"> • Monitoring industry growth – and close liaison with industry partners. • Research by Access Economics (training demand growth based on employment growth by ANZSCO) • Plan for future expansion of student accommodation in Muswellbrook
New facilities are not provided in the optimum location – impacting accessibility, utilisation, and revenue generation.	M	M	4	R	<ul style="list-style-type: none"> • Hunter TAFE is progressively renewing training facilities at the TAFE Campus - the proposed location. The new \$2.5m facility for Electro technology was opened in 2011. A \$1.5m expansion of Automotive is in progress. The combined impact of these works ensures the ongoing relevance of the site. • The Hunter Freeway project – now around 50% complete – will greatly reduce travel times to the Muswellbrook Campus.
New facilities are not effectively designed to provide the required functionality to meet industry and community service needs and performance expectations.	H	L	3	R	<ul style="list-style-type: none"> • Use of appropriately qualified design team – architect; engineering professionals; interior design professionals etc. • The design process will include detailed consultation with accommodation industry professionals and other industry partners, to ensure relevant, appropriate and highly functional facility design. • Involvement of TAFE and community members in design process. • Develop and implement strategies, policies and procedures that are inclusive, consultative and relevant.

Risk Event	Consequence	Likelihood	Rating	Response Action	Proposed Treatment
New facilities do not take sufficient account of safe design obligations and opportunities – with negative impacts on service performance.	H	L	3	R	<ul style="list-style-type: none"> • Detailed input from appropriate construction professionals. • Design and construction supervision by appropriately qualified Council staff. • Assessing and managing risks. • Ensuring legislative and procedural requirements are met. • Review other recent similar developments and adopt best practice from them.
Construction impacts (noise, dust, vibration, access) will result in significant disruption to current TAFE operations and training sessions – impacting performance of services.	M	H	6	R	<ul style="list-style-type: none"> • Schedule disruptive construction work to occur out of TAFE hours or outside of term. • Include requirements for low noise, low vibration equipment in the contract. • Ensure construction works do not impact on staff/student access to the facility. • Keep staff and students aware of planned works and potential safety and disruption risks.
Project delays (1 – 3 months) due to delay in development consent.	M	M	4	A	<ul style="list-style-type: none"> • Project proponent – Council – is the consent authority and has already assessed relevant issues. • Allow appropriate contingency.
Project delays (1 – 3 months) due to facility design requirements changing as a result of changing industry needs.	M	M	4	V	<ul style="list-style-type: none"> • Thorough investigation of industry needs as part of the business case and through design development. • Future-proof the design as far as possible. • Implement strict change request procedures and governance as part of project management process.
Project delays (1 – 3 months) due to latent conditions (e.g. ground conditions)	M	M	4	R	<ul style="list-style-type: none"> • Conduct geotechnical and services investigations to inform the design, and include appropriate project contingency. • Consider relocation/reorientation of facilities to avoid subsurface risks. • Allow appropriate contingency.
Project delays (1 – 3 months) due to procurement process (i.e. need to negotiate with tenders over scope, price, innovations, etc.)	M	H	6	R	<ul style="list-style-type: none"> • Allow sufficient contingency in procurement program.

Risk Event	Consequence	Likelihood	Rating	Response Action	Proposed Treatment
Project delays (3 – 6 months) due to delays in Furniture, Fittings and Equipment (FFE) procurement and project commissioning.	H	M	6	R	<ul style="list-style-type: none"> • Allocate sufficient and experienced resources for FF&E planning and procurement. • Develop commissioning plan in consultation with teaching staff and engineering and maintenance staff. • Allow appropriate contingency.
Project delays (> 6 months) due to delayed availability of Government funding.	C	M	8	R	<ul style="list-style-type: none"> • Maintain consultations with funding body. • Investigate opportunities to proceed with design and/or early works components while awaiting bulk of funding.
Project delays (< 1 month) due to staff industrial action.	L	L	1	R	<ul style="list-style-type: none"> • Maintain communications with staff. • Implement industrial relations management plan.
Cost escalation (high tender prices) due to lack of competition in market resulting from high levels of construction activity in the region.	H	M	6	V	<ul style="list-style-type: none"> • Implement further value management initiatives to constrain project budget within funding allocation. • Consider delaying or staging components of the project. • Seek additional funding. • Allow appropriate contingency.
Project capital budget overrun (>\$200,000) due to scope creep and design changes.	H	H	6	V	<ul style="list-style-type: none"> • Thorough investigation of industry needs as part of the business case and through design development. • Future-proof the design as far as possible. • Implement strict change request procedures and governance as part of project management process. • Prepare comprehensive Master Plan ahead of detailed design phase.
Project capital budget overrun (>\$200,000) due to latent conditions.	H	M	6	R	<ul style="list-style-type: none"> • Conduct geotechnical and services investigations to inform the design, and include appropriate project contingency. • Consider relocation/reorientation of facilities to avoid subsurface risks.

Risk Event	Consequence	Likelihood	Rating	Response Action	Proposed Treatment
Project capital budget overrun (>\$200,000) due to FFE procurement costs.	H	M	6	R	<ul style="list-style-type: none"> • Effective user consultation to clearly define FFE requirements early in the design process. • Re-use existing FF&E. • Industry donations of specialist FFE. • Monitor prices and exchange rates to obtain optimal pricing for specialist FFE. • Consider transfer of selected Group 3 FFE to the contractor. • Allow appropriate contingency.
Competing interests from other agencies result in reduced funding and a need to significantly reduce the scope of the program.	H	L	3	R	<ul style="list-style-type: none"> • Ensure excellent Business Case, based on data, demonstrating value of the project to the NSW economy. • Keep Minister and staff informed. • Investigate deployment of partial or staged solutions.

<i>Likelihood / Impact</i>	
L Low	H High
M Medium	C Critical

<i>Response Action</i>		
A Accept	R Reduce	V Avoid
C Contain	T Transfer	

Hunter TAFE Safety Management System

The Hunter TAFE Safety Management System consists of a set of program elements which include policies, planning activities, responsibilities, practices and procedures, processes and resources. This document is attached as *Appendix A*.

Monitoring and Review Procedures

This Operations Management Plan will be reviewed during Muswellbrook Shire Council's annual budget preparation and amended to recognise any changes in service levels and/or resources available to provide those services as a result of the budget decision process. The plan has a life of 4 years and is due for revision and updating within 2 years of each Council election.

Appendices

Appendix A – Hunter Institute Safety Management System

Hunter Institute Safety Management System

Hunter Institute is committed to the health and safety of employees and others undertaking work, students and visitors to schools, colleges and all other workplaces across its campuses, in accordance with statutory and regulatory obligations and corporate objectives.

We take a preventative and strategic approach to the management of health and safety, having established measurable objectives and targets for health and safety to bring about improvements to the workplace.

We use a risk management approach to health and safety through identification and elimination or minimisation of risks arising from work.

The Safety Management System consists of a set of program elements which include policies, planning activities, responsibilities, practices and procedures, processes and resources.

The 16 policies are incorporated into the Safety Management System. They include:

1. Policy and commitment

- Policy
- Organisational commitment

2. Planning

- Objectives, plans and performance measures
- Responsibilities and accountabilities

3. Implementation

- Risk management - includes specific risks such as student behaviour, cash handling etc.
- Consultation and communication - includes guidance for OHS committees and representatives
- Training, instruction and supervision - includes links to OHS induction
- Emergency planning - includes advice on responding to emergencies
- Procurement, maintenance and repairs - includes state contracts and tagging of equipment
- Student, contractor and visitor safety - includes excursions, classroom and contractor safety
- Injury management, health and wellbeing - includes first aid and infection control
- Safety records management (PDF 27kB)
- Incident management - includes incident reporting, investigation and WorkCover notices

4. Risk management

A systematic approach to risk management is the key to ensuring workplace safety. It includes ongoing hazard identification, implementation of controls and monitoring of their effectiveness, and procedures for applying risk management to all safety related decisions.

The following advice and tools assist in applying risk management principles in the workplace.

- OHS risk management policy
- Safe working policy
- Management guidelines for safe working and learning
- Risk management procedure

5.1 Support materials

- Hazard report form
- Workplace inspection checklist
- Risk management plan proforma
- Guidance in completing the risk management plan proforma
- Sample risk management plan

5.2 Management of specific hazards and risks

- Anaphylaxis
- Bullying
- Cash handling
- Chemical safety
- Equipment safety
- Footwear guidelines
- Liquid petroleum gas (LPG) safety
- Manual handling
- Occupational stress
- Sharp objects
- Slips, trips and falls
- Sun safety
- Working alone

6. Emergency planning

- Emergency planning and response policy
- Emergency planning and response overview and key steps

6.1 Emergency Management Guidelines

- [A quick reference guide to emergency planning and response](#)
- [Emergency Management Guidelines](#)

6.2 Support materials

- [Emergency planning overview and checklist](#)
- [Risk assessment for emergencies - guidance and checklist](#)
- [Evaluating the emergency management plan](#)
- [Emergency control organisation](#)
- [Emergency training](#)
- [Emergency communications systems](#)
- [Assisting persons with a disability and disabilities](#)

7. [Procurement, maintenance and repairs](#)

- [Management guidelines for safe working and learning](#) (PDF 46kB)
- [Overview](#) (PDF 113kB) - includes key points for purchasing, maintenance and repairs and user guides for state contracts

7.1 Support materials

- [Purchasing equipment and materials: risk management analysis](#)
- [Tagging of equipment](#)

8. [Student, contractor and visitor safety](#)

- [Management guidelines for safe working and learning](#)
- [Engaging contractors](#)

9. [Injury management, health and wellbeing](#)

- [Workplace health and injury management policy](#)
- [Management guidelines for safe working and learning](#)

9.1 Key areas

- [First aid](#)
- [Infection control](#)
- [Injury management and return to work](#)

10. [Measurement and review](#)

- [Management guidelines for safe working and learning](#) (PDF 39kB)
- [Overview and key steps](#) (PDF 97kB)

10.1 Support materials

- [OHS Staff survey \(Ms word 64kB\)](#)
- [Executive and OHS Committee survey \(Ms word 68kB\)](#)
- [OHS self-assessment tool](#)

Our Intranet

NSW Department of Education & Training

TAFE policies & procedures

This section provides current Department of Education and Training policy and related documents.

Student Discipline Policy - TAFE NSW

- ✓ A policy for dealing with the conduct of a student that impairs the reasonable freedom of any person to pursue his or her studies, research, work or activities, or (b) the conduct of a student prejudicial to the management of the TAFE Commission or any part of it.

1. Objectives - Policy statement

- 1.1 That the TAFE Commission (TAFE NSW) may impose penalties (including pecuniary penalties) for breaches of discipline by students of TAFE NSW establishments.

2. Audience and applicability

- 2.1 The Student Discipline Policy applies throughout the TAFE Commission.
- 2.2 **A student commits a breach of discipline when the student engages in conduct that**
 - 2.2.1 impairs the reasonable freedom of any person (whether or not a student) to pursue his or her studies, research or work in TAFE NSW or on the premises of TAFE NSW or to participate in the activities of, or associated with, TAFE NSW, or
 - 2.2.2 is prejudicial to the management of TAFE NSW or any part of it.
- 2.3 **The Student Discipline Mandatory Procedures – TAFE NSW**
 - 2.3.1 provide examples of breaches of discipline by students and may include other statements clarifying the meaning of breach of discipline.
 - 2.3.2 set out the procedures by which TAFE NSW will deal with alleged breaches of discipline by students.

3. Context

- 3.1 As noted in point 1.1, section 7 (1) (f) of the of the Technical and Further Education Commission Act 1990 says that TAFE NSW

Implementation Date

- 01/09/2008

Reference No.

- PD/2002/0075/V03

Implementation documents

- [Student Discipline Mandatory Procedures – TAFE NSW](#)
- [Student Discipline \(Library Resource Materials\) Mandatory Procedure](#)

may impose penalties (including pecuniary penalties) for breaches of discipline by students of TAFE NSW establishments;

3.2 This policy exists in the context of other relevant legislation including:

- Student Rights and Responsibilities
- Technical and Further Education Commission Act 1990
- Crimes Act 1900
- Inclosed Lands Protection Act 1901
- Listening Devices Act 1984
- Occupational Health and Safety (OH&S) Act 2000
- Summary Offences Amendment (Public Safety Act) 2002
- Weapons Prohibition Act 1998
- Workplace Surveillance Act 2005

3.3 Document history and details

4. Responsibilities and delegations

4.1 TAFE Student Services is responsible for:

- 4.1.1 Providing support on the application of this policy and mandatory procedures.
- 4.1.2 Maintenance of this policy and mandatory procedures.

4.2 TAFE Institutes are responsible for:

- 4.2.1 the effective administration and implementation of this policy and mandatory procedures.

5. Monitoring, evaluation and reporting requirements

5.1 TAFE Student Services will:

- 5.1.1 monitor the implementation of this policy according to the guidelines in "Policy Development for Statewide Implementation".

6. Contact

6.1 For TAFE NSW Students

Students should contact the nominated Student Discipline Delegate within their campus/institute of enrolment.

6.2 For TAFE NSW Staff

Institute inquiries regarding the implementation of this policy or its associated procedures should be directed to:

TAFE Customer Support Directorate
TAFE Student Operations
(02) 9244 5281

Document history and details

Approval date

11/02/2008

Approving officer

A/General Manager TAFE Operations

Implementation date

01/09/2000

Web publication date

11/05/2009

Superseded documents

This policy replaces Student Discipline Policy V1.

It is the responsibility of the user to verify that this is the current and complete version of this document, located at:
[https:// detwww.det.nsw.edu.au/ policies/ student_serv/ discipline/ stu_discip/ PD20020075_i.shtml](https://detwww.det.nsw.edu.au/policies/student_serv/discipline/stu_discip/PD20020075_i.shtml)



STUDENT DISCIPLINE MANDATORY PROCEDURES – TAFE NSW

Implementation Date: February 2008

© State of NSW, Department of Education and Training, TAFE Course and Student Services Unit
Copies of this document may be made for use in connection with DET activities on the condition that copies of the material shall be made without alteration and must retain acknowledgement of the copyright.
Any enquiries about alterations, or about reproduction for other purposes, including commercial purposes, should be directed to TAFE Customer Support on (02) 9244 5281 in the first instance.

Student Discipline - Mandatory Procedures – TAFE NSW

Contents

1	Document Information	3
2	Introduction.....	3
3	Definitions.....	3
4	Procedures and Standards	5
4.1	Defining breach of discipline	5
4.2	Identifying examples of breaches in discipline.....	5
4.3	Other considerations.....	7
4.4	Guidelines for reports and inquiries.....	7
4.5	Report of, and exclusion from establishment for, alleged breach of discipline.....	8
4.6	Procedure on receipt of report.....	8
4.7	Student may make submissions about alleged breach.....	8
4.8	Penalties and Conditions that may be imposed.....	9
4.9	Action on recommendations.....	10
4.10	Penalty notification.....	10
4.11	Appeals.....	11
4.12	Effect of appeal.....	11
4.13	Review Committee.....	12
4.14	Procedure at appeal.....	12
4.15	Determination by Review Committee	13
4.16	Effects of certain determinations	13
4.17	Recovery of penalties compensation from students	13
4.18	Service of notices.....	13
4.19	Savings and transitional provisions	14
4.20	Reporting Requirements	14
4.21	Student Status	14
5	Roles and Responsibilities	14
5.1	Exercise of functions of TAFE Commission concerning discipline	14
5.2	Designated Officers	14
6	Associated Documents and Forms	15
6.1	Relevant Legal Issues Bulletins	15
6.2	Relevant Policies and Procedures	15
7	For Further Information.....	16
7.1	For TAFE NSW Students.....	16
7.2	For TAFE NSW Staff.....	16

1 Document Information

This document is part of the	TAFE Student Discipline Policy
Implementation Date	1 February 2000
Version Number	2.1 (25 May 2011) Links updated
This document replaces	1.0 (1 February 2008)

2 Introduction

This manual sets out the procedures to be followed in implementing the [TAFE NSW Student Discipline Policy](#). Read together, the policy and these mandatory procedures describe a number of matters including:

- what is a breach of discipline,
- how an alleged breach of discipline is reported,
- how an alleged breach is investigated,
- what penalties may be imposed if a breach of discipline is found to have been committed by a student, and
- how that student may appeal against a finding of a breach of discipline and/or the penalty imposed.

3 Definitions

3.1 For the purpose of these mandatory procedures, the following terms are defined in the table:

Terms	Description
appeal	means an appeal lodged under section 4.11 .
Breach of discipline	is defined in section 4.1 , 4.2 & 4.3 .
Counselling	means advice provided to a student about their conduct or behaviour by an appropriate TAFE NSW member of staff.
Cyber bullying	Cyber bullying is a form of bullying using text or images posted on personal websites or sent by mobile phone or email. Depending on the nature of the material posted or transmitted people who engage in cyber bullying may commit criminal offences.
Designated Officer	of a TAFE NSW establishment means a person appointed under section 5.2 of these Procedures as the Designated Officer for the establishment, and includes any person acting as a Designated Officer for the establishment.
Employer report	means a document produced by or on behalf of the TAFE Commission for the purpose of advising the employer of a student of the student's results, level of attainment, competency or attendance in respect of a course or program or part of a course or program.
Executive Officer	of a TAFE establishment means the member of staff in charge of the establishment (whether under the title of College Director or Campus Manager or otherwise), and includes any person acting as the person in charge of the establishment.
Former Regulation	former Regulation means the Technical and Further Education Commission (Student Discipline) Regulation 1994 repealed under section 10 (2) of the Subordinate Legislation Act 1989 on 1 September 2000.
Institute	means a group of TAFE establishments within a single administrative unit and, in relation to a particular TAFE establishment, means the Institute (if any) to which the

	establishment belongs.
Institute Director or their delegate	means the person, in a TAFE establishment that forms part of an Institute, who holds office (or acts) as the Director of the Institute.
Managing Director	means the Managing Director of the TAFE Commission.
Member of staff	means a person employed under the Public Sector Employment and Management Act 2002 to work in a TAFE Commission workplace/establishment/facility.
Premises of the TAFE Commission	means land and premises occupied by the TAFE Commission or of which the TAFE Commission has control and management under Part 7 of the Act, and includes a campus of an Institute.
Property of the TAFE Commission	includes any property under the control and management of the TAFE Commission.
Result notice	means a document produced by or on behalf of the TAFE Commission that provides evidence of a student's results in a qualification or program or part of a qualification or program.
Review Committee	Review Committee means a committee appointed under section 5.13.
SCI	Student Course Information, the combined database of TAFE NSW's three main processing systems, the Course Information System (CIS), the Student Information System (SIS) and the Enrolment Fee System (EFS).
Service of notice	refer to section 4.18 for details regarding serving notices.
Student	a person enrolled in a qualification or program conducted by the TAFE Commission.
TAFEcard	TAFEcard is an identification card for both students and staff of TAFE colleges. TAFEcard displays a name, a photograph, a student (or staff) number and a library barcode and number.
TAFE Commission	means the New South Wales Technical and Further Education Commission constituted by the Technical and Further Education Commission Act 1990 .
TAFE establishment	means an institution providing technical and further education (as such expression is defined in the Act), being an institution established and maintained by the TAFE Commission.
Testamur	means a document (such as a transcript of academic record, diploma or certificate, record of successful study, statement of competencies achieved or report to employer) that evidences a student's record of attainment.
Timeframes	<p>unless otherwise indicated the timeframes set out in the procedures are indicative to assist prompt action. Where possible they should be adhered to but can be extended where there is good reason. That might include:</p> <ul style="list-style-type: none"> • Vacation periods • illness or misadventure of a relevant person, • consent by the student • complexity of the matter. <p>All parties should be advised promptly if there is a change in timeframes.</p>
the Act	means the Technical and Further Education Commission Act 1990 .

4 Procedures and Standards

4.1 Defining breach of discipline

4.1.1 In this procedure, breach of discipline includes:

- a) conduct that impairs the reasonable freedom of any person (whether or not a student) to pursue his or her studies, research or work in the TAFE Commission or on the premises of the TAFE Commission or to participate in the activities of, or associated with, the TAFE Commission, or
- b) conduct that is prejudicial to the management of the TAFE Commission or any part of it.
- c) conduct taking place outside of the premises of the TAFE Commission.
- d) matters that occurred as part of the enrolment process but before enrolment was completed.

4.2 Identifying examples of breaches in discipline

Without limiting section [4.1](#), a breach of discipline may include:

- 4.2.1 Assaults or threats to assault any person or inciting another person to assault or threaten any person.
- 4.2.2 Preparing, writing, distributing or having in their possession material targeting individuals or particular groups.
- 4.2.3 Generating graffiti targeting individuals or particular groups.
- 4.2.4 Writing or sending SMS or text messages targeting, harassing or bullying individuals or particular groups.
- 4.2.5 Postings on internet sites or in e-mail, targeting, harassing or bullying individuals or particular groups.
- 4.2.6 Making inappropriate videos, photographs or sound recordings (including videos and sound recordings made without the permission of the person photographed or recorded) and/or sharing or posting them on websites. It is irrelevant whether TAFE NSW equipment was used to take this action.
- 4.2.7 Aggressive behaviour which is non-contact in nature and persistently aggressive or abusive language directed to staff, students or others.
- 4.2.8 Illegal sexual behaviour that could cause physical or psychological harm.
- 4.2.9 Engaging in any offensive conduct or any unlawful activity.
- 4.2.10 Providing false or inaccurate information at the time of enrolment including a failure to give full and accurate particulars of citizenship or residency status.
- 4.2.11 Failing to advise the Campus Manager, a TAFE Counsellor or Head Teacher prior to attending the student's first class that he or she has a history of violent behaviour that could pose a current risk to staff or students.
- 4.2.12 Consumption of alcohol otherwise than in an area where it is permitted.
- 4.2.13 Smoking otherwise than in an area where it is permitted.
- 4.2.14 Removing, damaging or using any property of the TAFE Commission without the authority of the TAFE Commission or a member of staff.

- 4.2.15 Obstructing a member of staff in the performance of the member's duties.
- 4.2.16 Refusing to give full and accurate particulars of their identity in response to a direction to do so by a member of staff.
- 4.2.17 Misuse of TAFEcard.
- 4.2.18 Failing to produce evidence of the student's residency status if required to do so by the TAFE Commission.
- 4.2.19 Failing to give full accurate particulars of any change in the student's residency status within 14 days of any such change.
- 4.2.20 Disobeying or disregarding an instruction, order or direction of a member of staff, including an instruction, order or direction made by the staff member to ensure the health, safety or welfare of any person including the student.
- 4.2.21 Encouraging another student to disobey or disregard an instruction, order or direction of a member of staff, including an instruction, order or direction may be the staff member to ensure the health, safety or welfare of any person including the student.
- 4.2.22 Entering the premises of the TAFE Commission, or failing to leave a part of premises of the TAFE Commission, contrary to a direction given by a member of staff.
- 4.2.23 Committing or engaging in any dishonest or unfair act, including plagiarism, in relation to an examination or other form of academic assessment.
- 4.2.24 Falsifying, or attempting to falsify, a testamur, result notice, employer report or any record relating to the results of an examination or other form of academic assessment (refer to section [4.20](#) Reporting Requirements for further details).
- 4.2.25 Unlawfully discriminating against a person on the grounds of the person's age, race, sex, homosexuality, transgender, marital status, disability, or religion.
- 4.2.26 Inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of the age, race, sex, homosexuality, transgender, marital status, disability, or religion of the person or members of the group.
- 4.2.27 Failing to pay any mandatory fee, charge or penalty owing to the TAFE Commission.
- 4.2.28 Failing to return a book or material borrowed from a library of the TAFE Commission after at least 2 notices directing the student to return the book or material within a specified time have been served on the student, failure to return any equipment or resource within the specified period or time.
- 4.2.29 Failing to comply with a code of conduct relating to student discipline, as approved by the TAFE Commission and in force from time to time.
- 4.2.30 Failing to return any TAFE NSW equipment or resource within the specified period or time.
- 4.2.31 Failing to comply with a provision of this policy or with an order or direction given under such a provision.

4.3 Other considerations

There must be a direct and relevant connection between the conduct that has given rise to the breach of discipline and the operations of TAFE NSW.

- 4.3.1 Conduct does not cease to be a breach of discipline merely because it takes place elsewhere than on the premises of the TAFE Commission.
- 4.3.2 Conduct does not cease to be a breach of discipline merely because it took place before enrolment of a student was completed.
- 4.3.3 Without limiting this clause, a student is taken to have discriminated against, or incited hatred towards, serious contempt for, or severe ridicule of, a person or group of persons if a finding is made about the student's conduct or a failure of the TAFE Commission to deal with that conduct under the [Anti-Discrimination Act 1977](#) or Commonwealth discrimination legislation.
- 4.3.4 For the avoidance of doubt, a breach of discipline may be committed by an act that involves:
 - a) a communication in person or in writing or by telephone or other telephonic or electronic means including posting on a website or an entry on a blog or other form of electronic diary, or
 - b) a transaction using telephonic or electronic means.
- 4.3.5 Staff members who suspect that a student's breach of discipline results from a disability are advised to discuss intervention strategies and/or disciplinary actions with a teacher/consultant for students with a disability or a TAFE counsellor. The staff member may also refer to the [Students with Disabilities - TAFE NSW Policy](#).
- 4.3.6 Offensive conduct may include any of the following, but is not limited to:
 - a) spitting,
 - b) littering,
 - c) using offensive language,
 - d) being under the influence of alcohol,
 - e) being under the influence of a drug (other than medication that has been prescribed by, and taken in accordance with the instructions of, a registered medical practitioner).
- 4.3.7 Unlawful activity includes any of the following, but is not limited to:
 - a) using, possessing or supplying any prohibited drug, substance or weapon,
 - b) stalking
 - c) stealing the property of another person.

4.4 Guidelines for reports and inquiries

- 4.4.1 The Institute Director or their delegate of a TAFE NSW establishment may issue guidelines for the establishment for:
 - a) the manner in which reports of alleged breaches of discipline are to be made; and
 - b) the manner in which inquiries into alleged breaches of discipline are to be conducted.

4.5 Report of, and exclusion from establishment for, alleged breach of discipline

- 4.5.1 A member of staff (refer to [Definitions](#)) who believes that a student has committed a breach of discipline:
- a) must, as soon as practicable, report the alleged breach to a Designated Officer, and
 - b) may exclude the student from attendance at the TAFE NSW establishment for the remainder of the day on which the alleged breach occurred.
- 4.5.2 The exclusion of a student from a TAFE NSW establishment under this section does not prevent the taking of further action under this procedure against the student in respect of the same behaviour.

4.6 Procedure on receipt of report

- 4.6.1 In receiving a report under section [4.5](#) concerning an alleged breach of discipline by a student, the Designated Officer:
- a) must consider the report, and
 - b) may make such inquiries into the alleged breach of discipline as he or she considers appropriate.
- 4.6.2 If the Designated Officer having taking the steps outlined in [4.6.1](#) is satisfied that the matter does not need to proceed no further action is to be taken.
- 4.6.3 Pending the making of any inquiries under section [4.6.1](#) and the taking of further action under section [4.7](#) - [4.10](#), the Designated Officer may, with the approval of the Institute Director or their delegate or the Managing Director, exclude the student from attending the whole or any part of the TAFE NSW establishment for an interim period or periods totalling not more than 21 days. This decision is to be reviewed prior to the expiration of the exclusion period.

4.7 Student may make submissions about alleged breach

- 4.7.1 If the Designated Officer is satisfied on the basis of the report, and any inquiries made, that the matter should proceed, the Designated Officer:
- a) must cause notice to be served on the student concerned as to the breach of discipline that is alleged to have occurred, and
 - b) must allow the student to make submissions (written and/or oral) to the Designated Officer about the alleged breach.
- 4.7.2 The notice must specify the date (not less than 3 days after the notice is served) by which the submissions must be made.
- 4.7.3 Ideally this notice should be served on the student, within 28 days, after the date of the alleged breach of discipline. There may be circumstances which result in an extension of this period of time including:
- a) vacation periods
 - b) illness or misadventure involving relevant members of staff
 - c) the complexity of the enquiry.

4.8 Penalties and Conditions that may be imposed

4.8.1 If, after considering any submissions duly made by the student, the Designated Officer is satisfied that the student has committed the alleged breach of discipline, the Designated Officer may do any one or more of the following:

- a) take no action
- b) warn or reprimand the student;
- c) order the student to attend at a specified time and place for counselling,
- d) order the student:
 - (i) to pay compensation to the TAFE Commission for any damage to property of the TAFE Commission, or loss of any property of the TAFE Commission that was taken and/or retained by the student without authority and not returned to the TAFE Commission, or
 - (ii) to take reasonable steps to personally make good any such damage caused by the student,
- e) order that, for a specified period not exceeding 12 months, the student attend classes or use specified facilities or equipment only in accordance with certain conditions,
- f) order the exclusion (for a period of up to 30 days or 80 hours of actual class time, whichever is the greater) of the student from the whole or any part of the establishment,
- g) order that the student be excluded from one or more specified examinations (refer to section [4.8.2](#) (b) for further details),
- h) order that the student be denied the right to borrow any Library Resource from any or all of the libraries operated by the TAFE Commission (including any library in respect of which the TAFE Commission has reciprocal rights) for a specified period of time (including until such time as any fine imposed in respect of a breach of discipline as referred to in section [4.2.28](#) has been paid),
- i) order that the issue of a testamur, result notice or employer report to, or in respect of, the student be delayed until the student complies with any order given to the student under this clause.
- j) order the student to pay, within a specified time, a fine not exceeding \$200.

4.8.2 Alternatively, the Designated Officer may make any one or more of the following recommendations to the Institute Director or their delegate:

- a) a recommendation that one or more of the penalties specified in section [4.8.1](#) be imposed on the student,
- b) a recommendation that the student be taken to have failed one or more specified examinations or other forms of assessment,
- c) a recommendation that the student be excluded (for a period of up to 12 months or 960 hours of actual class time, whichever is the greater) from the whole or any part of the TAFE NSW establishment, or of any other TAFE establishment within the Institute;

- d) a recommendation that specified conditions or penalties (being either alternative or additional to those recommended under this subclause) be imposed on the student,
 - e) a recommendation that the student be expelled from the TAFE NSW establishment, the Institute or all premises of the TAFE Commission.
- 4.8.3 In the case of a TAFE NSW establishment that does not form part of an Institute a Designated Officer may impose the penalties referred to in section [4.8.2](#) (b) – (d) as if those penalties were listed in section [4.8.1](#).
- 4.8.4 The amount of compensation referred to in section [4.8.1](#) (d) must not exceed the actual cost of repairing or replacing the property concerned.
- 4.9 Action on recommendations
 - 4.9.1 The person to whom a recommendation is referred under section [4.8.2](#) (a - d):
 - a) may seek further information, or
 - b) may take the action recommended, or
 - c) may determine that any other action of a kind referred to in section [4.8.2](#) (a – d) be taken, or
 - d) may decide to take no action on the recommendation.
 - 4.9.2 The person to whom a recommendation is referred under section [4.8.2](#) (e):
 - a) may recommend to the Managing Director that the student be expelled, or
 - b) may determine that any other action of a kind referred to in section [4.8.2](#) (a - d) be taken, or
 - c) may decide to take no action on the recommendation.
 - 4.9.3 If a recommendation referred to in section [4.8.2](#) (e) is made to the Managing Director, the Managing Director:
 - a) may seek further information, or
 - b) may take the action recommended, or
 - c) may determine that any other action of a kind referred to in section [4.8.2](#) (a - d) be taken, or
 - d) may exclude the student for any specified period of time from the whole or any part of the TAFE NSW establishment, the Institute or any other premises of the TAFE Commission, or
 - e) may decide to take no action on the recommendation.
 - 4.9.4 The person making the decision on a recommendation must notify the Designated Officer of the action taken and of the reasons for that action.
- 4.10 Penalty notification
 - 4.10.1 A written notice should be served on the student concerned within 21 days after the date specified in the notice under section [4.7](#). There may be circumstances which result in an extension of this period of time including:
 - a) vacation periods
 - b) illness or misadventure involving relevant members of staff
 - c) complexity of the enquiry.

- 4.10.2 A notice under this clause must include:
- a) the Designated Officer's finding in relation to the breach of discipline, and
 - b) details of any decision, and the reasons for that decision, notified to the Designated Officer under section [4.9.4](#), and
 - c) details of any penalty imposed on the student, and
 - d) a brief summary of the reasons for the finding and for the imposition of the penalty concerned, and
 - e) a statement to the effect that the student has a right of appeal against the finding and penalty, and
 - f) a brief summary of the appeal procedure.
- 4.10.3 A penalty imposed under this part takes effect on the day following the day on which the notice is served on the student, except as provided by section [4.12](#).
- 4.11 Appeals
- 4.11.1 A student may lodge an appeal against either or both of the following:
- a) a finding that the student is guilty of a breach of discipline,
 - b) a penalty imposed on the student in respect of the breach.
- 4.11.2 The appeal must be lodged within 21 days after the date on which the notice under section [4.10](#) is served on the student.
- 4.11.3 A student lodges an appeal by giving written notice of the appeal to the Institute Director or their delegate of the TAFE NSW establishment concerned.
- 4.11.4 The notice must be signed by the student and must specify:
- a) the finding or penalty against which the appeal is lodged, and
 - b) the grounds of the appeal, and
 - c) the student's residential address.
- 4.11.5 The notice may, if the student wishes, nominate a person for the purposes of section [4.13.3](#) (a) to sit on the Review Committee.
- 4.11.6 Within 21 days after a student has lodged a notice of appeal, the Designated Officer must cause the student to be notified in writing of the place, date and time for the hearing of the appeal.
- 4.12 Effect of appeal
- 4.12.1 The lodging of an appeal suspends any penalty:
- a) against which the appeal is made, or
 - b) arising from the finding against which the appeal is made.
- 4.12.2 The suspension of the penalty takes effect:
- a) except as provided by paragraph (b) – when the appeal is lodged, or
 - b) in the case of the exclusion of a student from an examination or from the whole or part of a TAFE NSW establishment – at the end of 28 days after the date on which the appeal is lodged.

- 4.12.3 The suspension of a penalty ceases to have effect if the appeal is withdrawn or determined.

4.13 Review Committee

- 4.13.1 The TAFE Commission must convene a Review Committee to hear and determine an appeal within 28 days after the student lodges an appeal.
- 4.13.2 A Review Committee is to be constituted by 3 members.
- 4.13.3 One of the members of the Review Committee is to be:
- a) a member of staff of the TAFE NSW establishment concerned nominated by the student in the notice of appeal, or
 - b) if no such nomination is made or if the nominated person refuses to sit on the Review Committee, a member of staff of the TAFE NSW establishment concerned nominated by the Institute Director or their delegate for the TAFE establishment.
- 4.13.4 One of the members of the Review Committee is to be a person nominated by the senior body responsible for the operational management of the Institute for the TAFE NSW establishment concerned or, if there is no such body, by the Designated Officer.
- 4.13.5 One of the members of the Review Committee is to be a person independent from the disciplinary matter nominated by the Institute Director or delegate.
- 4.13.6 None of the following persons is to be a member of a Review Committee:
- a) the Designated Officer who made the finding in respect of which the appeal was lodged, or
 - b) a member of staff who was supervising or had charge of the student concerned when the alleged breach of discipline occurred, or
 - c) an Institute Director or their delegate to whom a recommendation was made under section [4.8.2](#) or [4.8.3](#) in relation to the appellant.

4.14 Procedure at appeal

- 4.14.1 A Review Committee may determine:
- a) the procedure to be followed by the Committee, and
 - b) the persons who may be present during proceedings before the Committee, and
 - c) the witnesses (if any) who may be called before the Committee.
- 4.14.2 No person is entitled to call witnesses to appear or be cross-examined at a determination of an appeal.
- 4.14.3 However, the student concerned and the Designated Officer may each nominate a person to represent him or her before the Review Committee making the determination.
- 4.14.4 A Review Committee must give the student concerned or the student's nominee (if any) and the Designated Officer or that Officer's nominee (if any) an opportunity to be heard.
- 4.14.5 A Review Committee is not bound by the rules or practice as to evidence and may inform itself on any matter in such manner it considers appropriate.

Note: If the incident conflicts with other matters please refer to [4.20](#) for external reporting requirements.

- 4.14.6 A record must be kept of the Review Committee's proceedings in such form as the Institute determines and a copy of the record must be furnished by the Review Committee to the student concerned at his or her request without charge.
- 4.14.7 The Review Committee may determine an appeal even if there is no appearance before the Committee by or on behalf of a party to the appeal.

4.15 Determination by Review Committee

- 4.15.1 Review Committee may, in relation to an appeal:
 - a) uphold the appeal, or
 - b) dismiss the appeal, or
 - c) alter a penalty or condition imposed.
- 4.15.2 The decision of a Review Committee is final.
- 4.15.3 Written notice of the Review Committee's decision must be served on the student concerned as soon as is reasonably practicable (refer to section [4.18.1](#)).

4.16 Effects of certain determinations

- 4.16.1 This clause applies to a student whose appeal is upheld, if the appeal was against an order excluding the student from:
 - a) an examination (if the examination concerned was held before the order was suspended but after the lodgement of the appeal), or
 - b) the whole or any part of a TAFE NSW establishment (if an effect of the order was to prevent the student from sitting for an examination).
- 4.16.2 The student must be permitted to sit for an alternative examination in the subject concerned as soon as is reasonably practicable after the determination of the appeal.
- 4.16.3 For the purposes of this clause, an appeal against an order referred to in section [4.16.1](#) (b) is taken to have been upheld if a penalty imposed by the order is altered in such a way that the penalty (as altered) would not have prevented the student concerned from sitting for the examination.

4.17 Recovery of penalties compensation from students

- 4.17.1 Any penalty that a student is ordered to pay under this procedure (whether by way of penalty or compensation) may be recovered by the TAFE Commission as a debt in a court of competent jurisdiction.

4.18 Service of notices

- 4.18.1 Any notice required by this procedure to be served on a student may be served:
 - a) by it being given to the student in person, or
 - b) by it being sent by prepaid post to the address shown on the student's record of enrolment (or, if no such record is held by the TAFE Commission, to the student's address last known to the TAFE Commission).
- 4.18.2 A notice served as provided in section [4.19.1](#) (b) is taken to have been served on the second day after it was posted.

4.19 Savings and transitional provisions

- 4.19.1 Any act, matter or thing that, immediately before the issue of the procedures had effect under the former procedures is taken to have effect under these procedures.
- 4.19.2 This policy shall apply to a breach of discipline notwithstanding that such breach was committed before to the extent that an act, matter or thing may be done under this policy on or after if, at the relevant time, such act, matter or thing could have been done under the former regulation had the former regulation not been repealed.

4.20 Reporting Requirements

- 4.20.1 Should, in the process of a student disciplinary matter, the Designated Officer discover a testamur which apparently does not accurately reflect a student's TAFE NSW record the procedures set out in the [Student Administration Management - False and Fraudulent Student Result Documents Procedure](#) are to be followed.
- 4.20.2 The TAFE Commission and/or its members of staff are under a legislative requirement to report certain matters to the NSW Ombudsman, the Department of Community Services, the Police (if the allegations potentially constitute a criminal offence) and the Independent Commission Against Corruption (ICAC).
- Certain external reporting requirements are outlined in Protecting and Supporting Children and Young People – Revised Procedures (December 2000).
- Generally external notification needs to be made when any action is taken to investigate matters that have been subject of allegations involving the following matters:
- risk of harm to children or young people;
 - sexual misconduct that involves children, is directed at children, or takes place in the presence of children;
 - certain criminal offences, including fraud;
 - corrupt conduct.

4.21 Student Status

- 4.21.1 Should it be deemed appropriate by the Institute Director or their delegate, a Student Status exclusion code is to be recorded on the student's record in the TAFE NSW SCI system in status records attached to the student. The exclusion status enables TAFE NSW to enforce exclusion policies and provide for consistent, TAFE NSW-wide treatment of the student.

5 Roles and Responsibilities

5.1 Exercise of functions of TAFE Commission concerning discipline

- 5.1.1 Under section 7 (1) (f) of the Act the TAFE Commission may impose penalties (including pecuniary penalties) for breaches of discipline by students of TAFE establishments.

5.2 Designated Officers

- 5.2.1 Each establishment is to have at least one Designated Officer.
- 5.2.2 A Designated Officer in respect of a TAFE establishment is to be a member of the staff of the TAFE NSW establishment appointed by, or in accordance with the written directives of, the Managing Director.

6 Associated Documents and Forms

6.1 Relevant Legal Issues Bulletins

[No. 2 - Possession of knives and offensive behaviour on or near Departmental premises](#)

[No. 22 - Possession of knives and power of search](#)

[No. 3 - Procedural Fairness in the Department of Education and Training](#)

[No 6 – Protection of students and staff in schools and Institutes from violent behaviour](#)

[No 16 – Searches in schools and TAFE NSW](#)

[No 30 – Amendments to the Crimes Act 1900 in relation to the lawful correction of children](#)

[No. 31 - Unauthorised Entry onto Departmental Premises – Update](#)

[No 33 – Good practice when conducting difficult interviews and related issues](#)

[No. 35 - The use of Mobile Phones, Portable Computer Games, Tape Recorders and Cameras In Schools and TAFE NSW Institutes](#)

[No. 37 - The Occupational Health and Safety Act, 2000 - A Summary of the Key Features](#)

[No. 40 - Collection, use and disclosure of information about students with a history of violence](#)

[No. 40a - Collection, use and disclosure of information about TAFE NSW students with a history of violence](#)

[No. 42 - Legal Issues Arising for Staff Subject to Cyber Bullying and Related Behaviour](#)

6.2 Relevant Policies and Procedures

[Student Discipline Policy](#)

[Student Discipline \(Library Resource Materials\) Mandatory Procedure](#)

[Violent Behaviour, Identification of History and Management Policy - TAFE NSW](#)

[Outstanding Fees Policy](#)

[Student Status Maintenance Manual](#)

[Students with Disabilities - TAFE NSW Policy](#)

[False and Fraudulent Student Result Documents Procedure](#)

[Online Communication Service – Acceptable Usage Policy - TAFE NSW](#)

[Online Communication Services – TAFE NSW Code of Expected User Behaviour](#)

[Prevention of Bullying in the Workplace Policy](#)

7 For Further Information

7.1 For TAFE NSW Students

Students should contact the nominated Student Discipline Delegate within their campus/institute of enrolment.

7.2 For TAFE NSW Staff

Matters concerning the contents of these procedures should be referred to:

TAFE Customer Support Directorate

TAFE Student Operations

(02) 9244 5281

Or

Signed on behalf of the TAFE Commission pursuant to section 14 of the [Technical and Further Education Commission Act 1990](#).

Appendix C – Muswellbrook Shire Council – Legislative Requirements

Muswellbrook Shire Council - Legislative Requirements

Legislation	Requirement
Local Government Act	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by asset management plans for sustainable service delivery.
Occupation Health, Safety and Welfare Act & Regulations	Sets out roles and responsibilities to secure the health, safety and welfare of persons at work.
Australian Accounting Standards	The Australian Accounting Standards Board Standard, AASB 116 Property Plant & Equipment, requires that assets be valued, and reported in the annual accounts, which also includes depreciation value (i.e. how fast are these assets wearing out).
Disability Discrimination Act 1992	<p>(a) to eliminate, as far as possible, discrimination against persons to the ground of disability in the areas of:</p> <p>(i) work, accommodation, education, access to premises, clubs, and sport;</p> <p>(ii) the provision of goods, facilities, services and land;</p> <p>(iii) existing laws; and</p> <p>(iv) the administration of Commonwealth laws and programs; and</p> <p>(b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and</p> <p>To promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.</p>
Environmental Planning & Assessment Act 1979	Encourages the proper management, development and conservation of natural and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment
Aboriginal Heritage Act 1998	Aims to protect objects of significance according to Aboriginal tradition or to Aboriginal archaeology, anthropology or history.
Native Vegetation Act 2003	Protects Vegetation of high conservation value.
Heritage Act, 1977	An Act to conserve the environmental heritage of the State.

	Several properties are listed under the terms of the Act and attract a high level of maintenance cost, approval and monitoring.
AS 1742 (Traffic)	Specifies minimum design standards to meet safety requirements and potential demand by all road users.
Building Code of Australia	The goal of the BCA is to enable the achievement of nationally consistent, minimum necessary standards of relevant, health, safety, (including structural safety and safety from fire), amenity and sustainability objectives efficiently.
Building Fire and Safety Regulation, 1991	This Act sets out the regulations for things such as means of escape, limitation of people in buildings, fire and evacuation plans and testing of special fire services and installations.
Electrical Safety Act, 2002	This Act sets out the installation, reporting and safe use with electricity.
Environmental Planning and Assessment Act, 1979 (POPE)	This Act sets out requirements in respect to planning legislation.
Building Regulation, 2003	This Act sets out requirements in respect to Building Requirements.
Plumbing and Drainage Act, 2002	This Act sets out Plumbing Requirements.
Plant Protection Act, 1989	This Act sets out the requirements in respect to Flora protection.
Public Records Act, 2002	This Act sets out the requirements in respect to maintaining public records.