



# NAMBUCCA VALLEY COUNCIL RECRUITMENT POLICY POLICY No G 32

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## *Our Vision*

Nambucca Valley ~ Living at its best

## *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

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### **1.0 Policy objective**

The main aim of the recruitment policy is to make sure that the best candidate is appointed.

### **2.0 Related legislation**

Local Government (State) Award 2017  
Local Government Act 1993  
NSW Discrimination Act 1977  
Commonwealth Sex Discrimination Act 1984  
Commonwealth Racial Discrimination Act 1975  
Commonwealth Disability Discrimination Act

### **3.0 Definitions**

#### **3.1 Casual staff**

A casual employee is one employed on a day-to-day basis where the length of engagement may vary from day to day or for periods less than one month. There is no expressed or implied continuity of work with the council. It is not to be used as a substitute for permanent or fixed-term employment.

The services of a casual employee terminate at the end of each day. In cases of misconduct, council can dismiss a casual employee instantly.

Casual staff can only be appointed to positions which are in Council's adopted organisation structure. They cannot be "additional" positions to those shown in the structure.

There is a discretion as to whether casual staff positions are advertised. A determination will be made following consideration of the requirements of the position; the required period of work; any known suitable casual staff as well as the costs and delays incurred through advertising.

#### **3.2 Temporary staff**

Section 351 of the Local Government Act provides that when a position within the organisation structure of the council is vacant or the incumbent is absent, the general manager may appoint a person to the position temporarily. Therefore temporary staff can only be appointed to positions which are in Council's adopted organisation structure. They cannot be "additional" positions to those shown in the structure.

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A person who is appointed to a position temporarily may not continue in that position for a period of more than 12 months. The Act does not specify a minimum term for temporary employment. However, Council's practice is to offer temporary employment for minimum periods of one month. For shorter periods Council uses casual employment.

There is a discretion as to whether temporary staff positions are advertised. A determination will be made following consideration of the requirements of the position; the required period of work; any known suitable casual staff as well as the costs and delays incurred through advertising.

### **3.3 Fixed term staff**

Fixed term employment is for a finite period, explicitly or implicitly (such as when the contract is due to expire upon a project's completion). At the time of appointment, the appointee knows that the position has a specified finite life and the contract contains no expectation of ongoing employment.

All fixed term appointments shall only be for positions shown on Council's adopted organisation structure and recruitment shall be subject to external advertising.

### **3.4 Permanent staff**

A permanent employee is one appointed to a permanent position within Council's organisation structure. The employment is on-going and can be full time or part time.

All permanent staff appointments shall only be for positions shown on Council's adopted organisation structure and recruitment shall be subject to external advertising.

### **3.5 Independent contractor**

The Australian Taxation Office provides a broad distinction between an employee and an independent contractor as follows:

*Generally, a worker is an employee if they:*

- *are paid for time worked*
- *receive paid leave (for example, sick, annual or long service leave)*
- *are not responsible for providing the materials or equipment required to do their job*
- *must perform the duties of their position*
- *agree to provide their personal services*
- *work hours set by an agreement or award*
- *are recognised as part and parcel of the payer's business, and*
- *take no commercial risks and cannot make a profit or loss from the work performed.*

*An independent contractor is an entity (such as an individual, partnership, trust or company) that agrees to produce a designated result for an agreed price. In most cases an independent contractor:*

- *is paid for results achieved*
- *provides all or most of the necessary materials and equipment to complete the work*
- *is free to delegate work to other entities*
- *has freedom in the way the work is done*
- *provides services to the general public and other businesses*
- *is free to accept or refuse work, and*
- *is in a position to make a profit or loss*

*Careful consideration must be given as to whether the required duties are such that the work can be practically undertaken by an independent contractor or whether they will be an employee.*

Independent contractors are not part of Council's adopted organisation structure and their appointment is subject to the contracting provisions in the Local Government Act 1993.

## **4.0 Policy statement**

### **4.1 Vacancy review**

Council will review all vacancies in order to:

- determine whether or not the position, in its current form or in a modified form, should continue - the decision should take into account known and projected workload, current staffing arrangements, budget status, known and projected changes in external influences such as outside funding, and comparative need elsewhere within the organisation or department
- ensure that the position description accurately describes duties and responsibilities
- ensure that the position is classified consistently with award provisions, and is correctly evaluated in accordance with council's job evaluation system
- ensure that the remuneration level is consistent with council's preferred position in the market

Recruitment action will not commence until the review is complete.

### **4.2 Advertising vacancies**

#### **Advertising**

Permanent and fixed term staff appointments shall only be made to positions shown on Council's adopted organisation structure. They shall be subject to external advertising to:

- Ensure the position is advertised in a manner sufficient to enable suitably qualified persons to apply for the position as required by the legislation
- Ensure the position is adequately contested in the market
- Minimise the potential for challenge and complaint against Council in its recruitment practices

Care will be taken to ensure that advertisements do not contravene any anti-discrimination/EEO legislation.

All positions advertised externally will also be advertised internally, either immediately before or at the same time as the external advertisement is placed.

#### **Closing date and receipt of applications**

All advertisements for vacant positions will specify a closing date for receipt of applications.

All applications will be receipt-stamped so that there is no confusion as to when they were received.

Applications will be accepted after the closing date providing that a written advice of intention to apply was received before the closing time and the formal application is received within five working days of the closing time.

#### **Using registered employment agents**

The General Manager may decide to use the services of registered recruitment agencies. Advertising will be at least equivalent to Council's normal requirements.

### **4.3 Confidentiality**

All inquiries and applications will be treated with the utmost confidentiality.

Council will ensure that information recorded is protected against loss, unauthorised access, disclosure or other misuse.

Unsuccessful applications will be destroyed after six months.

### **4.4 Selection panels**

#### **Composition**

Ideally, selection panels will comprise three members, with a minimum of two members and a maximum of four members being acceptable in special circumstances. The panel should contain two members who are familiar with the requirements of the position to be filled, including the supervisor. It should also contain one independent representative who comes from another part of the organisation and is familiar with the general skills required for the position. Where possible, this representative will be Council's Manager Human Resources.

Factors to be considered in deciding who should be on a panel include:

- the nature of the position
- skills, training and experience
- gender balance
- availability
- professional expertise

The General Manager may vary the composition of selection panels to cater for special circumstances - for example, Council may wish to have external participation on a panel for a key position or for one requiring special expertise.

#### **Gender balance**

Gender balance will be reflected in the membership of selection panels, given available expertise and relevance. It may be appropriate to consider external representation in certain circumstances.

#### **Role of the selection panel**

A selection panel is the main mechanism Council has for fulfilling its staff-recruitment obligations under the Local Government Act and other employment-related legislation.

The role of the selection panel is to identify and recommend, by using the stated selection criteria, the applicant who has the greatest merit for appointment.

#### **Responsibilities of the panel and its members**

Through the convenor, the selection panel is answerable to the General Manager (or relevant Assistant General Manager). The convenor is responsible for liaising with the General Manager (or relevant Assistant General Manager). Members are responsible individually for advising the convenor of real and potential conflicts of interest or of any other matter which may affect their full participation on the panel.

## **4.5 Selection criteria**

### **The merit principle**

The Local Government Act and the Award stipulate that appointments to vacant positions will be made on the basis of merit. This means that councils must assess, based on relevant selection criteria, the relative merits of applicants to satisfy the requirements of a position.

The merit principle is fundamental to the success of an equal employment opportunity plan which is a provision of the Local Government Act.

### **Developing selection criteria is compulsory**

Selection criteria will be developed for all vacant positions which are subject to recruitment action.

All actions and decisions taken by Council and on behalf of Council in the area of recruitment must be justifiable and able to withstand external scrutiny. The development and correct use of selection criteria, essential to a fair recruitment process, minimises the possibility of error, challenge and complaint.

### **Using selection criteria in the selection process**

The main purpose of the selection process is to decide which applications best match the selection criteria.

### **Disseminating selection criteria**

Selection criteria will be included in position descriptions. Written selection criteria will be available to all applicants, prospective applicants and the public. All candidates for interview must be made aware of the relevant selection criteria.

### **Selection criteria cannot be changed during the selection process**

Once the selection criteria for a particular vacant position have been set, they cannot be changed or ignored. No appointment to the vacancy can be made unless the candidate satisfies all essential selection criteria.

## **4.6 Shortlisting**

A shortlist will be prepared for all vacancies, after assessing each applicant against the selection criteria. All irrelevant information will be disregarded.

The purpose of shortlisting is to exclude those applicants who, on the basis of their application:

- are ineligible to apply
- do not satisfy the essential requirements of the advertisement
- show evidence that their qualifications and experience are not competitive with those of other applicants.

The shortlist will be used to determine which applicants are invited for an interview.

Applicants who indicate on the online application form that they identify as a current or former member of the Australian Defence Force AND are suitably qualified ie meet the essential selection criteria, will be given the opportunity for an interview.

## **4.7 Interviews**

Council will ensure all interviews are consistent and structured.

The content of the interview will only relate to the stated selection criteria. Any information, gathered during the interview, which does not address the selection criteria is not relevant for assessment purposes.

#### **4.8 Interview expenses**

Council does not reimburse interview expenses.

#### **4.9 Referee reports**

Reference checking will only be used for applicants who have been interviewed and are considered to be the main contenders for the position.

Council will only approach the referees nominated by the applicant and will obtain the applicant's consent first.

Referees will be advised of the position for which the applicant is being considered and be asked questions which relate to the selection criteria.

All evidence will be recorded on the standard form.

#### **4.10 Supplementary selection tools**

Other selection tools may be used by Council, with discretion and provided that they relate clearly to the selection criteria and do not represent, and cannot be interpreted as, some form of unlawful discrimination. These selection tools include:

- in-tray exercises, such as report-writing and problem solving
- work samples
- keyboard/stenographic tests
- computer literacy and skills
- simulated field exercises
- brief presentations, where this skill relates directly to the duties of the position
- literacy and numeracy tests

Tests are to be conducted only by someone competent in the skill.

#### **4.11 Final recommendation (selection panel report)**

The selection report is a record of the process used by the panel to reach its conclusions and recommendations. It identifies the selection criteria and how each applicant was assessed accordingly.

If appropriate, the report will include provision for a default appointment.

If a member of the selection panel is not satisfied with any aspect of the selection process and does not support the final recommendation, then that member may submit a minority report.

The minority report should identify any irregularities or inconsistencies not resolved by the panel.

#### **4.12 Offer of appointment**

Offers of appointment shall be regarded as contract documents. An offer must follow the standard format and only be made by the General Manager or relevant Assistant General Manager.

An offer of appointment will not be made until pre-employment screening (ie referee checks, pre-employment assessment and drug and alcohol test etc) is finalised.

#### 4.13 Internal applicants

In accordance with the Award, Council shall provide internal applicants with reasons in writing for not being appointed.

#### 4.14 Security clearances and character checks (Police and Working with Children)

Council may require certain categories of positions to be subject to security clearances.

The intention to seek a security clearance will be made known to an applicant and permission sought.

Where appointment requires a security clearance, an offer of employment will not be made until the clearance is obtained.

#### 4.15 Pre-employment assessment

The following tests are part of the pre-employment assessment conducted by Council's provider:

- Drug and alcohol – mandatory for all positions; must be taken under observation
- Functional assessment – this assessment will relate exclusively and directly to the particular duties of the position
- Hearing test – as required for employees working in noisy environments.

#### 4.16 Verifying credentials

As a condition of employment, Council requires formal evidence of an appointee's qualifications. An offer of employment may be withdrawn, or actual employment terminated, if the evidence is not provided upon request or does not support the appointee's claims.

#### 4.17 Citizenship, visas, work permits

Evidence of citizenship, residential status (visa) or details of work permits may required if this information is critical to, or prejudicial to, an offer of employment.

### 5. History

<b>Department:</b>	Governance	<b>Last Reviewed</b>	<b>Resolution Number</b>
<b>Policy Category</b>	Organisation	17 August 2006	
<b>Endorsed By:</b>	General Manager	By AGMCS 10 October 2019	N/A
<b>Approval Authority</b>	General Manager	MANEX A 27/05/2020	
<b>Policy Owner</b>	MHR		
<b>Contact Officer</b>	MHR		
<b>Document No.</b>	6980/2006		
<b>First Adopted</b>	7 May 1998		
<b>Resolution No:</b>	??		
<b>Review Date:</b>	October 2021		

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