

CQ HOME ASSIST SECURE WORKER SCREENING POLICY MANAGEMENT DIRECTIVE



1 Scope

This policy applies to Rockhampton Regional Council employees, Councillors as responsible persons, and contractors who provide a service to the CQ Home Assist Secure Program.

2 Purpose

The purpose of this policy is to ensure:

- (a) Employees, responsible persons and contractors are suitable to provide services to clients of the CQ Home Assist Secure Program; and
- (b) Compliance with the Commonwealth Home Support Program and the Home Assist Secure Program requirements.

3 Related documents

3.1 Primary

Nil

3.2 Secondary

Aged Care Act 2024 (Cwth)

Aged Care Rules 2025 (Cwth)

Human Rights Act 2019

Local Government Act 2009

Code of Conduct

Commonwealth Home Support Program – Worker Screening Guidelines

Commonwealth of Australia Statutory Declaration

CQ Home Assist Secure Worker Screening Procedure

Discipline Procedure

Home Assist Secure Program Requirements

Pre-Employment Screening Policy and Procedure

Recordkeeping Policy

4 Definitions

To assist in interpretation, the following definitions apply:

Aged care worker	A person who delivers aged care services and is engaged, or contracted (including volunteers) by, or on behalf of an aged care provider.
CEO	Chief Executive Officer, a person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Client	Person applying for or accessing services through CQ Home Assist Secure.

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Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
NDIS	National disability insurance scheme
NDIS worker screening clearance	An assessment undertaken by a state or territory worker screening unit that checks a person's national criminal history and work misconduct history. The assessment also includes access to spent convictions and offences committed as a juvenile.
Police Certificate	National Police Certificate, a national criminal history check report prepared by the Australian Federal Police, a state or territory police service, or an Australian Criminal Intelligence Commission accredited agency that discloses evidence of whether a person: (a) Has been convicted of an offence; (b) Has been charged with and found guilty of an offence but discharged without conviction; and (c) Is the subject of any criminal charge still pending before a Court. The information on the certificate is drawn from all Australian jurisdictions and is subject to relevant state and territory spent conviction schemes.
Registered provider	An organisation responsible for the registration requirements, provider obligations and regulatory requirements according to their relevant registration category.
Responsible person	As defined in the <i>Aged Care Act 2024</i> , any person responsible for the executive decisions of the registered provider or any other person who has authority or responsibility for planning, directing or controlling the activities of the registered provider. This includes any person responsible for the executive decisions of a registered provider including members of the governing body of the provider.
Spent conviction	A criminal conviction that has lapsed after a period of time and are removed from a person's criminal record.
Worker screening	Includes NDIS worker screening clearance and police certificate.

5 Policy statement

CQ Home Assist Secure, a grant recipient under the Commonwealth Home Support Program and the Home Assist Secure Program, has a responsibility to ensure the following persons undergo worker screening checks:

- (a) Aged care workers; and
- (b) Responsible persons.

5.1 Employees and responsible persons

The worker screening requirement is outlined in position descriptions and appointment letters and must be obtained prior to appointment to a position, unless an exception in accordance with paragraph 5.3, and renewed in accordance with paragraph 5.6 Expiry of worker screening requirements for continued appointment to the position. Failure to comply with worker screening requirements may result in disciplinary action, including termination.

Preferred applicants are required to obtain the workers screening requirement during the recruitment process

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in accordance with the Pre-Employment Screening Procedure.

5.2 Contractors

Tender documents outline the worker screening requirements and proof must be provided before the successful tenderer is listed on the preferred supplier register. The Supervisor Home Assist prompts the renewal of worker screening requirements for contractors and their employees.

5.3 Exceptions for new employees and responsible persons

Whilst Council aims to ensure relevant new employees and responsible persons obtain the worker screening requirements before commencing work, the following exceptional circumstances enable new responsible persons and employees to commence work while their police certificate (or NDIS Screening Clearance) is pending:

- (a) The person must have applied for a police certificate or NDIS screening clearance;
- (b) Until the outcome of the police certificate or NDIS screening clearance is obtained, the person will be subject to appropriate supervision, and
- (c) The person makes a statutory declaration stating that they have never been convicted of the precluding offences.

5.4 Costs

Council covers the cost of worker screening requirements for employees and responsible persons.

Council does not apply or cover the cost of worker screening requirements for contractors.

5.5 Statutory Declarations

A statutory declaration is required if:

- (a) The employee or responsible person will commence in the role while their application for a police certificate (or NDIS work screening clearance) is still pending, and/or
- (b) The employee or responsible person has a police certificate and has been a citizen or permanent resident of another country after turning 16.

The statutory declaration must include a declaration from the employee or responsible person that they have never been convicted of the following precluding offences:

- (a) An offence involving the death of a person; or
- (b) In the past five years, a conviction and imprisonment sentence for one year or longer for:
 - (i) A sex related offence, including sexual assault (whether against an adult or child);
 - (ii) Child abuse material offences;
 - (iii) An indecent act involving a child; or
 - (iv) An offence involving dishonesty.

5.6 Expiry of worker screening requirements

Police certificates must be less than three years old, and a NDIS worker screening clearance are valid for five years. A new police certificate or NDIS worker screening clearance is required prior to expiration of the relevant period.

5.6.1 Notification of offences

In accordance with Council's obligations as a registered provider under the *Aged Care Act 1997*, if an aged care worker or a responsible person is convicted of a precluding offence, as listed in paragraph 5.5, the following notifications must be made:

- (i) Employees must notify their general manager;

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- (ii) Contractors must notify Council's nominated representative in accordance with the requirements of their contract; and
- (iii) Councillors, as responsible persons, must notify the CEO.

5.7 Police certificate assessments

When a police certificate is received indicating no criminal history, the recruitment and selection/appointment process proceeds or the employee, responsible person or contractor will continue in the current role.

Council must not allow a person to continue as an aged care worker or responsible person if the person has been convicted of one of the following offences:

- (a) A conviction for an offence involving the death of a person; or
- (b) In the past five years, a conviction and imprisonment sentence for one year or longer for:
 - (i) A sex related offence, including sexual assault (whether against an adult or child);
 - (ii) Child abuse material offences;
 - (iii) An indecent act involving a child; or
 - (iv) An offence involving dishonesty.

5.8 Terminating employment

Terminating employment based on criminal record is completed in accordance with the Discipline Procedure.

5.9 Recordkeeping responsibilities

In order to maintain the strictest confidence in the keeping of worker screening requirements and related documentation, Council ensures:

- (a) Records relating to worker screening are maintained in a secure environment; and
- (b) Under no circumstances should an applicant's worker screening records or information be disclosed to persons not directly involved in determining their suitability for employment. Disciplinary action may be taken against an employee allowing unauthorised access or disclosure of details of worker screening records.

5.10 Human rights

In creating this policy Council has considered all human rights protected under the *Human Rights Act 2019* in order to identify which human rights are relevant to this policy. As a result of this consideration, Council identified that the human right to privacy and reputation are relevant to this policy. Any limitation of human rights is reasonable and justified in the circumstances in accordance with section 13 of *Human Rights Act 2019*. When applying this policy, Council acts and makes decisions in a way that is compatible with human rights and gives proper consideration to a human right relevant to the decision in accordance with the *Human Rights Act 2019*.

6 Review timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

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7 Document management

Sponsor	Chief Executive Officer
Business Owner	General Manager Communities and Lifestyle
Policy Owner	Manager Communities and Culture
Policy Quality Control	Legal and Governance

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