

FAIR USE POLICY – WORKPLACE ADVICE LINE

1. PURPOSE OF THIS DOCUMENT

- 1.1 This Policy is designed to:
- 1.2 Ensure all of our Customers can access our Workplace Advice Line services and do not use those services unreasonably or unacceptably;
- 1.3 Promote fair and equal access to our Workplace Advice Line for all Customers; and
- 1.4 Protect those who might be affected by the few Customers who may use our Workplace Advice Line services for activities other than their intended use.
- 1.5 To the extent permitted by law we reserve the right at any time to vary the terms of this Policy and/or the nature and/or extent (including exclusions and inclusions) of the Workplace Advice Line services. Any such changes will appear on the Platform.

2. WORKPLACE ADVICE LINE

- 2.1 The Workplace Advice Line is a workplace relations solution comprising of high level telephone based advice on general workplace issues which we will provide to you. This does not include advice concerning matters of tax, migration, accountancy or other specialist subject-matter which is incidental to general workplace issues. Further details are available upon request.
- 2.2 Only Customers' authorised officers, employees or representatives are entitled to access the Workplace Advice Line on behalf of the Customer (**Authorised Users**).
- 2.3 You will be entitled to access, by telephone, the Workplace Advice Line for genuine workplace related issues within the workplace.
- 2.4 The number of calls you are entitled to make to the Workplace Advice Line in any given period is governed by your agreement with us.
- 2.5 During Business Hours, all calls to the Workplace Advice Line will be answered or (where the caller has left a message requesting a call back and containing a call back number) returned promptly.
- 2.6 Our Workplace Advice Line staff are workplace relations experts who provide general guidance on workplace issues.
- 2.7 The Workplace Advice Line is not a substitute for legal advice by a suitably qualified lawyer or other professional tailored for your particular circumstances. It provides general guidance only.
- 2.8 If further advice is required that we consider in our absolute discretion is outside the scope of your Workplace Advice Line services and within the expertise of a lawyer, you will be referred to a lawyer for further advice and assistance. Such legal services will be on a fee for service basis and will be discussed and agreed with you at the relevant time.

3. GENERAL + CONTACT INFORMATION

- 3.1 By using our Workplace Advice Line services you accept the terms of this Policy.
- 3.2 You can contact us by telephone on 13 29 59.
- 3.3 You may only use our Workplace Advice Line services in relation to the relevant Customer. You acknowledge that this access to and use of the Workplace Advice Line is not transferable or for personal or individual use except to the extent specified in any relevant policy or under the Customer's agreement with us.
- 3.4 You must at all times be polite, professional and courteous when dealing with our Workplace Advice Line and other staff.
- 3.5 You may not use our Workplace Advice Line services in a manner which is 'unreasonable' or 'unacceptable', as described in clauses 4 and 5.

4. UNREASONABLE USE

4.1 Your use will be considered unreasonable if you use it in a manner which is other than we intend.

4.2 Your use will be unreasonable if it adversely affects the Workplace Advice Line services or otherwise adversely affects the use by other users of the Workplace Advice Line.

4.3 The following (non-exhaustive) list, is considered to be 'unreasonable use' for the purpose of this Policy:

4.3.1 if the use could not be reasonably regarded as ordinary and genuine business use;

4.3.2 using our services for fraudulent purposes;

4.3.3 abnormal, excessive or unreasonably high use as reasonably determined by us in all the circumstances;

4.3.4 seeking advice for the benefit of an individual not employed by the Customer; and

4.3.5 using our services for the benefit of a third party.

5. UNACCEPTABLE USE

5.1 You must not:

5.1.1 use our Workplace Advice Line services in a manner which interferes with the use of our Workplace Advice Line by other Customers;

5.1.2 provide us with false information in order to use our Workplace Advice Line services;

5.1.3 use our Workplace Advice Line services to defame, harass or abuse anyone or violate their privacy;

5.1.4 contravene any applicable laws when using our Workplace Advice Line services;

5.1.5 infringe anyone's Intellectual Property Rights including confidential information; or

5.1.6 use our Workplace Advice Line services in a manner designed to compromise or interfere with the operation of our Workplace Advice Line or our other services.

6. BREACH

6.1 Subject to clause 6.3, if you breach any part of this Policy we may request that you modify your use of our Workplace Advice Line services.

6.2 If you do not modify your use of our Workplace Advice Line services in accordance with our request under clause 6.1, we may suspend your access to our Workplace Advice Line immediately and without notice to you.

6.3 If your use is illegal or considered to be unreasonable or unacceptable or otherwise in breach of this Policy, we reserve the right to suspend or cancel some or all of your rights to use our Workplace Advice Line services immediately and without notice to you.

7. DEFINITIONS

7.1 In this Policy, unless the context otherwise requires or provides:

Business Day means a day that is not a Saturday, Sunday or public holiday in New South Wales.

Business Hours means the hours of 8:30am to 5.00pm on a Business Day.

Customer means any client or member of ours that we have agreed, under an agreement with that client or member, may, subject to the terms of that agreement, access the

Workplace Advice Line.

Intellectual Property Rights means all present and future intellectual and industrial property rights subsisting in any and all media and materials (whether now known or created in the future), conferred by statute, at common law or in equity and wherever existing.

Platform means businessaustralia.com.

Workplace Advice Line means the *Workplace Advice Line* which provides telephone based workplace related advice, run by Australian Business Lawyers & Advisors and/or its related or affiliated entities (as the case may be) from time to time.

we, us or **our** refers to NSW Business Chamber Ltd ABN 63 000 014 504 (whether trading as Business Australia, Business NSW or another trading name) and its wholly owned subsidiary, Australian Business Lawyers & Advisors Pty Ltd jointly and separately and includes their respective assignees or successors in title;

you or **your** refers to the Customer and its Authorised Users.

7.2 In this Policy, a reference to time is to Sydney time.