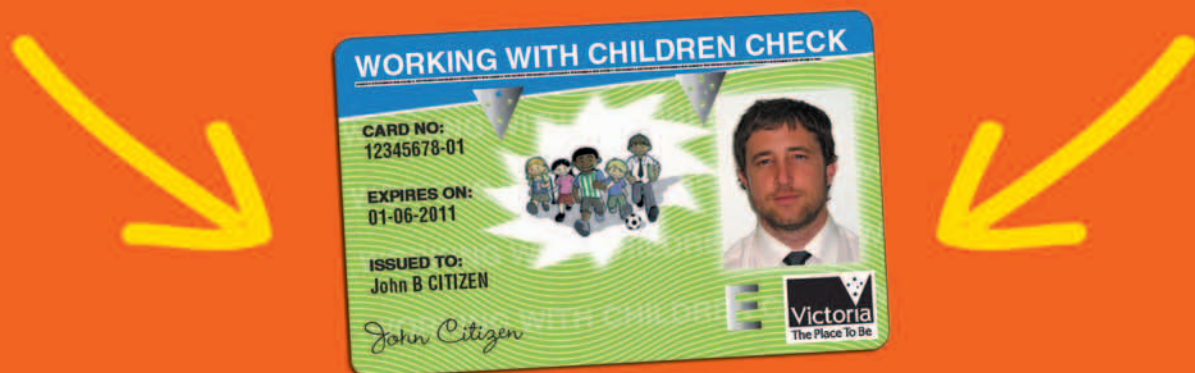


Do you work or volunteer with children?

You may now need a
Working with Children Check



The Working with Children Check is a checking system that will affect many adults who work or volunteer in child-related industries. The check is different from a police check and is continually monitored for new relevant offences and findings. It's another way we're protecting Victoria's children.

To find out how and when it affects you visit:

www.justice.vic.gov.au/workingwithchildren or call 1300 652 879.

Application forms can be collected and lodged at participating Australia Post outlets.

Working with Children Check





Working with Children Check

General Information Sheet

What is the Check?

The Working with Children (WWC) Check is designed to help keep children safe. The Check was introduced in Victoria in 2006 and aims to prevent people who may pose a risk to the safety of children from working with them.

People who work or volunteer in connection with certain services, bodies, places or activities are required to apply for a WWC Check. Check the phasing-in plan for a list of these. Detailed information about the WWC Check and application process is available on the Department of Justice web site or by phoning the Information Line on 1300 652 879.

How is the WWC Check different from a police records check?

Unlike a police records check, the WWC Check considers certain offences and is valid for five years (unless revoked). During this period, cardholders continue to be checked for new offences or disciplinary findings by prescribed professional bodies.

A new WWC Check is not required when you change your employer or volunteer organisation.

You may still need to apply for a WWC Check even if you have already had a police records check.

Do I need a WWC Check?

You may need a WWC Check if:

- you are working in paid or unpaid (volunteer) work, **and**
- your work is in connection with one of the services, bodies, places or activities listed in the phasing-in plan, **and**
- your work usually involves, or is likely to usually involve, regular and direct contact with a child where the contact is not directly supervised by another person.

If you answer "Yes" to each of the statements above, you are doing 'child-related work'. Some exemptions apply. It is your responsibility to find out if you need a WWC Check.

When do I need to apply?

Each year, certain services, bodies, activities and places are phased-in. The WWC Check is being phased in until 2011.

If you need to apply you should check the phasing-in plan to find out when you need to apply. If you fall into more than one category, you should apply by the earliest date.

What if I don't apply?

It is a criminal offence for you to start or continue 'child-related work' without having applied for a WWC Check if the service, body, place or activity that your work is in connection with, has been phased-in.

It will also be an offence for your employer or volunteer organisation to engage you in 'child-related work'.

How do I apply?

1. Obtain an Application Guide and Form from a participating Australia Post outlet (visit www.auspost.com.au for your nearest outlet)
2. Complete the Application Form attached to the Application Guide
3. Submit your application, together with your proof of identity documents, a passport-sized photo, and the application fee (if required) to a participating Australia Post outlet.

You can start or continue 'child-related work' once you have lodged your application. You will need to show your receipt to your employer or volunteer organisation as proof you have applied for a WWC Check.

How much will it cost?

Applying for a WWC Check is free for volunteers and \$76.10 for paid workers*. A volunteer WWC Check cannot be used for paid 'child-related work'. An employee WWC Check can be used for both paid and volunteer 'child-related work'.

*Fees change annually on 1 July. Please check the website or contact the Information Line for the current fee.

What is checked?

- Broadly, applications will be checked for serious sexual, serious violent and serious drug-related offences. A checklist of offences is available on the web site or by calling the Information Line.
- Currently professional disciplinary findings from the Victorian Institute of Teaching (VIT) and Suitability Panel are also considered. In future, other professional bodies may be considered.

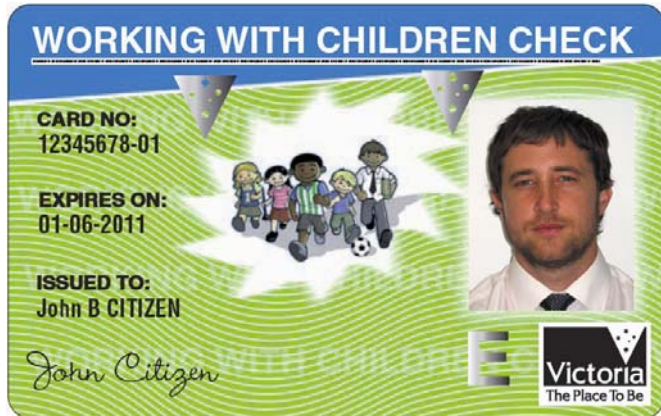
If you do not have a criminal record, and no professional disciplinary findings have been made against you, you will pass the WWC Check.

How will I know that I have passed the WWC Check?

People who pass the WWC Check will be sent an Assessment Notice from the Department of Justice and a WWC Check Card will be sent separately in the mail.

Your employer or volunteer organisation must make sure you have passed the WWC Check and may ask to see your Assessment Notice or WWC Check Card as proof.

A sample WWC Check Card is shown below:



Further information

Additional information is available from:

Website www.justice.vic.gov.au/workingwithchildren

Email workingwithchildren@justice.vic.gov.au

Information Line 1300 652 879

8:30am–5pm (EST) Monday–Friday
(excluding public holidays)

Can I still pass the WWC Check if I have a criminal history or a professional disciplinary finding?

The outcome will depend on the type of finding made or the offence, and the circumstances surrounding it. Not all offences and findings are considered to indicate a risk to the safety of children. You may wish to contact the Information Line to discuss your personal circumstances.

People who are subject to sex offender reporting requirements are not permitted to work with children or apply for a WWC Check.

What happens if I don't pass the WWC Check?

Before the Department of Justice makes a final decision to refuse a WWC Check, you will be given an opportunity to make a submission explaining why you believe you should pass the Check. Your submission will then be considered by the Department of Justice.

If you do not pass the WWC Check after your submission has been considered, you will then be issued with a Negative Notice. If you are issued with a Negative Notice you cannot perform child-related work. In most cases you may apply to Victorian Civil and Administrative Tribunal (VCAT) for an Assessment Notice to be granted.

How will my privacy be protected?

The Department of Justice, employers and volunteer organisations are bound by privacy and confidentiality laws.

Your employer or volunteer organisation (where known) will be notified of the outcome of your application, and if your WWC Check is revoked.

The details of any criminal records or findings from a professional disciplinary body will not be provided to your employer or volunteer organisation.

You can find out more on the web site or via the Information Line.

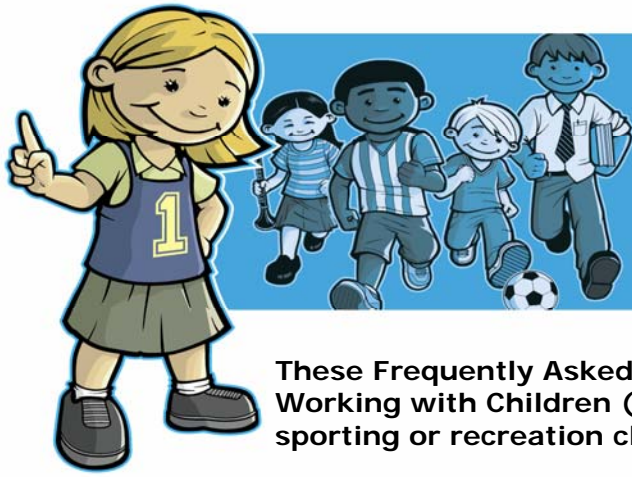


If you need an interpreter, please call the Translating and Interpreting Service on 13 1450 and have them contact the WWC Check Information Line.

If you would like to receive this publication in an accessible format, such as large print or audio, email workingwithchildren@justice.vic.gov.au or call the Information Line 1300 652 879, the **National relay telephone service** (TTY) 13 36 77.

This information is intended as a general guide only. It is not intended to be given as legal advice and should not be relied upon as such. It is recommended that you obtain legal advice relevant to your particular circumstances.

CD/09/177956 July 2009



WORKING WITH CHILDREN CHECK

Frequently Asked Questions Sporting or Recreation Clubs and Associations

These Frequently Asked Questions (FAQs) provide general answers about the Working with Children (WWC) Check for people who work or volunteer in sporting or recreation clubs and associations.

You can find detailed information on each of these topics and more FAQs at www.justice.vic.gov.au/workingwithchildren.

1. I work/volunteer for a sporting/recreation club or association. Do I need a WWC Check?

People engaged in 'child-related work' are required to apply for a WWC Check. Under the *Working with Children Act 2005* (the Act), you are considered to be engaged in 'child-related work' if you:

- work or volunteer in connection with one of the 20 child-related occupational fields (including sporting or recreational clubs and associations); **and**
- have regular direct contact with children under 18; **and**
- that contact is not directly supervised; **and**
- do not qualify for an exemption (e.g. parent volunteer, VIT registration, sworn police officer).

If **all** of the above statements apply to you, you are doing 'child-related work', and you need to submit a WWC Check application by the relevant due date (please consult the phasing-in plan for due dates).

2. How can I find out when I need to apply?

If you are engaged in 'child-related work' in connection with clubs, associations and movements relating to athletics (including Little Athletics), basketball, cricket, football (Australian Rules), football (soccer), gymnastics (including trampolining), martial arts, netball, swimming (including lifesaving) and tennis, you should have already applied for the check as the application deadline for these sports was 30 June 2009. Those planning to become engaged in 'child-related work' in connection with these 10 sports will need to apply for a WWC Check before commencing that work.

If you are engaged in 'child-related work' in connection with clubs, associations and movements relating to **all other recreational or sporting groups**, you need to apply by **30 June 2010**.

3. I don't require a WWC Check, but the club/association at which I volunteer still wants me to apply for one. Can the club/association make me do this?

FAQ 1 sets out who is required by law to have a WWC Check. The Act does not prevent other people being asked to apply by their employer or volunteer organisations. If you have concerns about the policy of a particular organisation in this regard, you should raise them directly with the organisation.

4. Do parents who volunteer at a club/association need to have a WWC Check – e.g. when they help out at training or on match days, or attend overnight camps with their child?

Under the Act, a parent who volunteers in relation to an activity in which their child ordinarily participates is exempt from a WWC Check in respect of that work.

For example, a parent who coaches their child's football team is exempt from a WWC Check, even if their child is not present on a particular day due to illness. However, a parent who coaches a team and whose child plays in a different team at the club is not exempt. This parent would need to refer to FAQ 1 to determine if a WWC Check is required.

A full list of exemptions is available on the Working with Children Check website.

5. Each week I drop off and/or pick up my child from training, and watch them play matches. I have regular, direct and not directly supervised contact with children. Do I need a WWC Check?

Parents who pick up or drop off their own children at training, or watch them compete, or who have arranged for a relative or a friend to do this for them, are not working as defined by the Act and so do not require a WWC Check. The WWC Check is for when parents entrust the care of their children to others, outside of normal domestic arrangements.

6. I play/participate in a team/activity with people who are under the age of 18 years. Do I need a WWC Check?

If you are only participating in an activity with a child on the same basis as the child, you are not undertaking 'child-related work' and therefore do not require a WWC Check. For example, an adult playing in a cricket team alongside a child is not engaging in 'child-related work'.

7. I'm an umpire/referee. Do I require a WWC Check?

If all 4 statements in FAQ 1 apply to you, your work is considered 'child-related work' and you need to apply for and pass a WWC Check.

8. I volunteer in the club canteen. Do I require a WWC Check?

If all 4 statements in FAQ 1 apply to you, your work is considered 'child-related work' and you need to apply for and pass a WWC Check.

9. There are always parents watching the games and training sessions. Does that mean the coach won't need a WWC Check?

If a person's contact with children is directly supervised they are not engaged in 'child-related work'. Direct supervision requires *immediate and personal* supervision, by someone who has the role of supervising the worker/volunteer's contact with children. Therefore, for a parent to provide direct supervision of the coach, all parties would need to understand that this was the parent/s' role.

10. When does a supervisor need a WWC Check?

If the supervisor is engaged in 'child-related work', they will require a WWC Check unless an exemption applies (see FAQ 1).

11. I've already had a police check. Why do I need a WWC Check?

The WWC Check is different from a police check. Not all offences are of concern to the WWC Check. Broadly, the WWC Check considers serious sexual, violent and drug offences. WWC Check card-holders are also subject to ongoing monitoring for the five years in which the WWC Check card is valid (unless revoked). A police check gives a one-off "snapshot" of a person's criminal record up to the date of the check. Your club/association might also require you to provide a police check based on other legislation or club/association policy.

12. How much does the WWC Check cost?

The WWC Check is free for volunteers, and an application fee applies for paid employees and self-employed (the fee is currently \$76.10, but will increase every year on the 1st of July). A person is considered to be a volunteer if they only receive reimbursement for out-of-pocket expenses. It is an offence to use a volunteer WWC Check for 'child-related work' for profit or gain.

13. What if I don't apply by the relevant deadline?

If you are required to apply for a WWC Check and you have not done so by the relevant deadline, it will be an offence for you to commence or continue to perform 'child-related work'. It will also be an offence for the club or association to engage you in 'child-related work'. Offences include a substantial fine and/or up to 2 years imprisonment.

14. What if my usual work for the club/association is also in connection with another occupational field that has already been phased in, for example an overnight camp?

If you are undertaking 'child-related work' that is in connection with more than one occupational field, you must apply for a WWC Check by the due date for the field that is phased in first. For example, the due date for overnight camps was 30 June 2007. If you are involved in 'child-related work' for a club/association in connection with an overnight camp you must apply for a WWC Check before beginning that work, or you and the club/association may be subject to criminal penalties.

This FAQ sheet is a guide only and is not a substitute for legal advice or the relevant legislation.

Further Information

Website:

www.justice.vic.gov.au/workingwithchildren

Information Line:

1300 652 879

Working with Children Check

When you need to apply for a WWC Check



The WWC Check is being phased-in over a five year period. A person who is performing 'child-related work' as defined by the *Working with Children Act 2005* is required to apply for a Check. When you need to apply depends on the period of time your occupational category is being phased-in. To work out when it is time to apply, check the phasing-in plan below. If you fall into more than one occupational category, you should apply under whichever category comes first.

The following categories have already been phased-in between 3 April 2006 to 30 June 2009	
<ul style="list-style-type: none"> • Child protection services • Youth Justice • Fostering children • Community services • Family day care • School crossing services • Overnight camps • Outside school hours care • Educational institutions • Child Care Services • Kindergartens / preschools • Counselling or other support services • Transport services • Refuges or other residential facilities • Religious Organisations 	<ul style="list-style-type: none"> • Commercial babysitting or childminding services • Paediatric wards • Clubs, associations or movements in connection with the following sport or recreation: <ul style="list-style-type: none"> - athletics (including Little Athletics) - basketball - cricket - football (Australian Rules) - football (soccer) - gymnastics (including trampolining) - martial arts - netball - swimming (including lifesaving) - tennis
<p>People working in connection with the above occupational categories must apply for a Working with Children Check before commencing such work. Failure to do so may result in penalties.</p>	
The following categories are still to be phased-in	When to Apply
<ul style="list-style-type: none"> • Clubs, associations or movements of a recreational or sporting nature in connection with <i>all remaining</i> sport and recreation groups not previously phased-in that: <ul style="list-style-type: none"> - provide services or conduct activities for, or directed at, children, or - whose membership is mainly comprised of children (Code number 72) • Coaching or tuition services of any kind for children (Code number 28) 	<p>Year 4</p> <p>1 July 2009 to 30 June 2010</p>
<ul style="list-style-type: none"> • Clubs, associations or movements of a cultural nature that: <ul style="list-style-type: none"> - provide services or conduct activities for, or directed at, children, or - whose membership is mainly comprised of children (Code number 74) • Commercial entertainment or party services for children, unless they are merely incidental to or in support of other business activities (Code number 30) • Commercial gym or play facilities for children unless they are merely incidental to or in support of other business activities (Code number 32) <i>For example, the provision of play facilities for children by a fast-food business may be merely incidental to the business of providing food</i> • Commercial photography services specifically for children unless they are merely incidental to or in support of other business activities (Code number 34) • Commercial talent or beauty competitions for children unless they are merely incidental to or in support of other business activities. (Code number 36) 	<p>Year 5</p> <p>1 July 2010 to 30 June 2011</p>

Exemptions from Applying for a Working with Children Check

An exemption means that you do not need to apply for a Working with Children (WWC) Check, even if you undertake 'child-related work'. If an exemption applies, a person is not prevented from applying for a WWC Check.

The WWC Check exemptions are:

- **people under the age of 18 years**
- **parent volunteers whose child ordinarily participates in that activity**

This exemption only applies to volunteer parents who participate in their children's activities.

For example: Brett is a volunteer coach for a school football team on which his son Joshua ordinarily plays. Brett does not have to apply for and pass the WWC Check to do this even if Joshua does not attend some of the practice sessions or games.

- **people 'closely related' to each child they have contact with in their 'child-related work'**

'Closely related' means you are the child's: parent, spouse, step-parent, mother-in-law or father-in-law, grandparent, uncle or aunt, brother or sister (including half-siblings and step siblings, brother-in-law or sister-in-law). 'Closely related' also includes de facto relationships. 'Spouse' includes domestic partners, as defined in the *Crimes (Family Violence) Act 1987*.

For example: Karen does not need a WWC Check in order to home school her daughter and her nephew as she is closely related to both of the children.

- **18- or 19-year-old student volunteers where the volunteer work is at or has been organised by the student's educational institution**

For example: Khalil, 18, is a student at Happy Valley Secondary College. He has been asked to lead a peer support group of Year 7 students. As this activity has been organised by his school, he does not need to apply for a WWC Check to do this.

- **visiting workers who do not ordinarily live and perform 'child-related work' in Victoria**

For example: Keith lives in New South Wales and coaches a baseball team that is selected to play in a one-off competition to be held in Victoria. Because Keith does not ordinarily live and perform 'child-related work' in Victoria and will only be in Victoria for a few days, he does not need to apply for a WWC Check.

- **sworn police officers (who are not suspended from duty)**

Sworn police officers are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme.

- **teachers who have current registration with the Victorian Institute of Teaching**

Teachers with current registration with the Victorian Institute of Teaching are exempt from needing a WWC Check for any 'child-related work' as they are already checked by a similar scheme.

Contacts: Working with Children Check Information Line **Tel: 1300 652 879**

Instructions for Bulk Lodgement of Working with Children Check Applications at Australia Post

Bulk Lodgement of Working with Children (WWC) Check Applications is available for organisations to assist their employees and volunteers. Organisations need to make arrangements directly with participating Australia Post outlets and are able to pay on behalf of their employees.

To locate your nearest participating outlet for application lodgement, phone **13 13 18** or visit the Australia Post website: **www.auspost.com.au**

Organisations are requested to take the following steps to facilitate Bulk Lodgements at Australia Post:

1. Contact the Postal Manager at your preferred participating Australia Post outlet to request a Bulk Lodgement of WWC Check Applications.
2. Advise the total number of applicants to be processed from your organisation.
3. Schedule appointment times for each Bulk Lodgement. A limit of 5 applicants per appointment is suggested, greater numbers may be accepted at the discretion of Postal Managers at each outlet.
4. Advise the Postal Manager of the payment arrangement to be used from the following alternatives:
 - (a) Each applicant to pay for his or her own application using cash, EFTPOS, MasterCard or Visa* (Employers may choose to subsequently reimburse employees)
 - (b) Pre-payment to be made by the employer on behalf of a set number of employees using cash, MasterCard, Visa, Bank Cheque or organisation issued cheque*

* Personal Cheques are not an accepted payment method for WWC Checks. Bank Cheque or organisation issued cheques are accepted.

Pre-payments by Employers

Organisations using the pre-payment option are required to provide the Australia Post outlet with both the pre-payment and a list of applicant names prior to the first appointment. As employees apply for WWC Checks, names will be marked off the list and each application fee will be deducted from the pre-payment amount. Where all of the pre-payment funds are not used, employers will be refunded the balance.

Australia Post Enquiries

To arrange a bulk lodgement, contact Australia Post and ask to speak to the manager of your local participating outlet:

Australia Post Customer Service 13 13 18

Department of Justice

Working with Children Check Information Line 1300 652 879