



Working with children checks

South Australia

Legislation

What are the screening requirements for sporting organisations?

Under section 8B of the *Children's Protection Act 1993*, government organisations and all schools (including their agents, contractors and subcontractors) are required to obtain the criminal history reports of employees and volunteers who work (in close proximity or who have regular contact) with children or their records and people who supervise others doing such work. Other organisations may choose to implement criminal history checks as a key step in establishing and maintaining child safe environments but are not required to do so by law.

Therefore, a sporting organisation is not mandated to obtain criminal history reports unless it is a contractor, subcontractor or agent of a government organisation or school. However, under section 8C of the *Children's Protection Act 1993*, a sporting organisation is required to establish and maintain a child safe environment. This includes choosing suitable employees and volunteers.

Are there penalties for not obtaining a criminal history report?

No, there is no legislative requirement for a sporting organisation to obtain a criminal history report on employees or volunteers unless they are engaged by a government organisation or a school.

However, under section 8C of the *Children's Protection Act 1993*, sporting organisations may be fined up to \$10,000 if they do not take reasonable steps to establish and maintain child safe environments. This includes choosing suitable employees and volunteers. Further information can be obtained from the 'Child Safe Environments' webpage:

www.families.sa.gov.au.

What are the requirements for visitors from other states/territories?

As it is generally optional for sporting and recreation organisations to seek a background check on employees, visitors from other states should ensure they comply with the background checking legislation in their own state.

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All visitors to SA who are employees/volunteers in organisations that provide sporting and recreational services wholly or partly for children **are identified as Mandated Notifiers of children at risk of harm**. Information on this requirement should be provided to your employees prior to their attending an event in SA. See *Play by the Rules* [Mandatory Reporting](#) section for further information.

Action

Where to get a criminal history or police check done?

In South Australia a National Police Check is available from SA Police or through a CrimTrac accredited agency.

The Screening Unit has been established within the Department for Families and Communities (DFC) to provide a centralised, consistent and confidential approach when obtaining and assessing criminal history reports of employees and volunteers who work (in close proximity or who have regular contact) with children or their records and people who supervise others doing such work. The service is available to all government departments and agencies, non government organisations and volunteer groups for the assessment of employees, contractors and volunteers. The Branch is a CrimTrac Accredited agency and can conduct and assess the majority of criminal history checks within 72 hours.

For more information contact the Screening Unit, Department for Families and Communities on **1300 321 592**.

Relevant information

Who has responsibility to apply?

If a National Police Check is sought through SA Police, it is the responsibility of the individual to apply. The individual will be provided with a National Police Certificate.

Organisations may apply to become a CrimTrac Accredited Agency and request a National Police Check on the applicant's behalf. The applicant completes a CrimTrac Application Form and the organisation electronically submits the details to the CrimTrac National Police Checking Service Support System (NSS).

How much does it cost?

To obtain a National Police Check through SA Police, it costs

- \$51.50 for a paid individual
- \$37.25 concession for a paid individual
- \$33.25 for a volunteer.
- Organisations meeting the specific criteria may apply for a Volunteer Organisation Authorisation Number (VOAN) or the State Body can apply and the VOAN will be available for use by all clubs affiliated with this larger organisation (eg: VOAN applied for by SA Netball can be used by Wudinna Netball Club for its volunteers. This must be done through SA Police.

DFC Screening Unit costs are

- \$57.20 (GST inc.) for a paid individual
- \$37.50 (GST inc) for a volunteer.

This cost includes conducting the criminal history check, background information check, a confidential and comprehensive assessment and clearance letters to each individual applicant.

Who is responsible for payment?

This depends on the policy of the organisation requesting the criminal history report. The organisation should advise you whether you must provide payment for the report to be obtained.

If the organisation has a VOAN, obtaining a National Police Certificate through SA Police is free.

What does the criminal history report contain?

Offender history information:

- charges with the court, outcome of the charge(s) together with the dates, court and any sentence or penalty imposed
- any pending matters
- outstanding warrants
- purpose of the police check

Who can help with interpreting criminal history information?

Interpreting criminal history information to make an employment decision is difficult and you may require guidance to help you in your decision on whether to employ that individual in the role for which they have applied.

For information on interpreting criminal history information see the *Child Safe Environments: Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children*. This information can be obtained from the 'Child Safe Environments' webpage at www.families.sa.gov.au.

Alternatively the DFC Screening Unit can obtain and assess the criminal history report for your organisation. The Branch is also available to provide advice on assessment guidelines. For more information contact the Screening Unit, Department for Families and Communities on 1300 321 592 or visit the website at www.dfc.sa.gov.au/pub/screening.

How long is it valid for?

Under the *Child Safe Environments: Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children*, an organisation must obtain criminal history reports on all persons undertaking prescribed functions at agency-defined intervals up to a maximum validity period of three years.

Is it transferable to a different organisation?

In some situations the organisation may accept the following types of evidence, obtained within the last three years, when assessing criminal history information:

- letters of clearance (or other written evidence) from South Australian CrimTrac-accredited agencies
- National Police Certificates (under certain circumstances)
- criminal history record checks undertaken and clearances provided in other Australian jurisdictions i.e. the Blue Card (Qld), Working with Children Check (Vic, WA)
- statutory declarations from individuals who have lived in countries other than Australia.

In accepting other evidence, there must be compatibility between the roles of the organisation (based on a risk assessment) and the criminal history reports obtained (i.e. a check to work with children).

For more information about the transferability of criminal history assessments see the *Child Safe Environments: Standards when dealing with information obtained about the criminal history of employees and volunteers who work with children* which can be obtained from the 'Child Safe Environments' webpage at www.families.sa.gov.au.

Resources

- South Australia Police – Police Checks
- [Families SA Child Safe Environments](http://www.families.sa.gov.au) webpage
- Department for Families and Communities Screening Unit **1300 321 592**