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## Working with children checks

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### Victoria

#### Legislation

##### What are the screening requirements for sporting organisations?

The Victorian *Working With Children Check* is being phased in between April 2006 and June 2011. Sporting and recreation clubs and associations and movements will be required to apply for the WWC Check in the period 1 July 2008 to 30 June 2011. Consultation is currently underway to develop a more detailed implementation schedule for these groups.

##### Who has to apply?

If you're engaged in 'child-related work' and you meet the criteria described below, you must apply for and pass the *Working with Children (WWC) Check*:

- your work or volunteer duties involves contact with children in connection with one of the 20 listed child-related occupational fields (sporting and recreation organisations are identified as a child-related occupational field)
- you volunteer or do this work on a regular basis
- you have direct contact with children under 18 years of age and are not directly supervised
- you do not qualify for an exemption from the need for a WWC Check.

##### What are employer's requirements?

As an employer or volunteer organisation you **must**:

- ensure all employees or volunteers who are required to get a Check do so at the correct time, which is indicated in the phasing plan
- ensure your supervisor has a Check (where your employees or volunteers are not required to do so because their contact with children is directly supervised) unless an exemption applies (e.g. the supervisor may have current registration as a teacher with the Victorian Institute of Teaching, making them exempt)

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- ensure that employees or volunteers issued with a Negative Notice do not undertake child-related work as defined by the *Working With Children Act 2005*.

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

You are not required to obtain a Victorian *Working with Children Check* to travel to Victoria for short periods. However, you must comply with the background checking legislation in your own state.

### **Who cannot work with children?**

A person is not allowed to undertake 'child-related work' if they:

- are subject to the reporting obligations imposed by the *Sex Offenders Registration Act 2004*
- are subject to an extended supervision monitoring order under the *Serious Sex Offenders Monitoring Act 2005*
- are a holder of a Negative Notice (because they failed the WWC Check). A person cannot re-apply for a WWC Check until five years after the date of the Negative Notice (unless there has been a 'relevant change in circumstances')
- have not applied for a WWC Check by the required due date or prior to commencing 'child-related work' in an area that has been phased-in.

### **Are there penalties for not conducting the *Working with Children Check***

Yes. There are significant fines and gaol sentences for employers, employees and volunteers who fail to comply.

## **Action**

### **Where can I get a criminal history or police check done?**

The first step is to complete an application form. Forms can be obtained from and lodged through Australia Post outlets in Victoria. The Department of Justice will process the check and issue you with an Assessment Notice, Interim Negative Notice or Negative Notice. For more information and the required forms go to [Department of Justice – Working With Children Check](#).

## **Useful information**

As an employer or volunteer organisation you **should**:

- record your employee's and volunteer's unique Application Receipt Number received when they submit their application. The Act enables a person to continue or commence work while their application is pending
- confirm that your employees and volunteers have been issued with an Assessment Notice after Check applications have been assessed by the Department of Justice
- sight your employee's or volunteer's Working with Children Check Card and confirm the status of their Card Number to verify that they have passed the Check. You can do this online or by calling **1300 652 872** stating the person's name and unique card number

- record your employee's or volunteer's Card Number, which is their receipt number followed by a hyphen and two digits eg 00012345-01
- develop internal processes in the event of an existing employee or volunteer being issued with an Interim Negative Notice or Negative Notice
- ask new staff or volunteers to complete a change of personal details form, available on the WWC Check website, listing your organisation as a place of employment – this will ensure you receive copies of notices.

### **How much does it cost?**

Paid employees pay \$71.70 but there is no fee for volunteers.

### **Who is responsible for payment?**

The person applying for the WWC Check is responsible for payment.

### **What does a Working with Children Check or police check cover?**

The information obtained for the Victorian WWC Check includes:

- a national police records check
- a review of relevant findings from prescribed professional disciplinary bodies, currently Victorian Institute of Teaching
- monitoring of card holders for new charges, convictions or findings of guilt and new relevant professional disciplinary findings.

### **How long is it valid for?**

Five years (unless revoked due to a change in the cardholder's circumstances). If you're a card holder you must advise the Department of Justice of the following to maintain the card:

- any 'relevant change in circumstances', including if you change your name
- any change of address details
- any change of employer or volunteer organisation, including changes to their contact details.

### **Is it transferable to a different organisation?**

Yes.

### **Are there exemptions?**

The following are exempt from applying for a *Working with Children Check*.

- 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.

- 18- or 19-year-old student volunteers where the volunteer work is at, or has been organised by, the student’s educational institution
- 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) as they are already checked by a similar scheme
- teachers who have current registration with the Victorian Institute of Teaching.

## Resources

### Where can I get further information or resources?

Contact the Victorian [Department of Justice – Working With Children Check](#)  
GPO Box 1915  
Melbourne VIC 3001

Telephone: 1300 652 879

Email: [workingwithchildren@justice.vic.gov.au](mailto:workingwithchildren@justice.vic.gov.au)