

Child protection is about keeping children safe from harm/abuse. AUSTSWIM provides an open, welcoming and safe environment in training, professional development and industry services.

Working with Children Check legislation aims to prevent people who pose a risk from working with children as paid employees or volunteers.

There is no single national framework setting out requirements for obtaining Working With Children Checks or Police Checks. Every state, territory and country implements their own procedures in relation to child protection. It is therefore imperative that individuals working in specific jurisdictions adopt the requirements of that particular state and/or territory.

Set out below is a summary for AUSTSWIM Candidates and Teachers to ensure they comply with appropriate legislation.

The information is current as of **August 2016**. Updated information should be referenced through state based websites as listed below.

ACT

The *Working with Vulnerable People (Background Checking) Act 2011* (the WWVP Act) commenced on 8 November 2012. It aims to reduce the risk of harm or neglect to vulnerable people in the ACT.

The WWVP Act requires those who work or volunteer with vulnerable people to have a background check and be registered.

The premise of background checking is that the past behaviour of an individual can provide an indication of the possible future behaviour of that individual. Examples or patterns of abusive or inappropriate behaviour can sometimes be evident in information available for assessment, which includes an individual's criminal record.

The ACT Government considers that the creation of a checking system with appropriate safeguards for people who work with, or who want to work with vulnerable people is consistent with section 28 of the *Human Rights Act 2004*.

AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for a Background Check prior to commencing placement.

Candidates under 18 years of age must have their parent's/guardian's consent on the application for Working with Vulnerable People (Background Checking).

AUSTSWIM Teachers

A Working with Vulnerable People (Background Checking) is required for all AUSTSWIM Teachers.

Teachers under 18 years of age must have their parent's/guardian's consent on the application for Working with Vulnerable People (Background Checking).

<http://www.accesscanberra.act.gov.au>

NEW SOUTH WALES

A Working With Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.

The result of a Working With Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

The Working With Children Check is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

AUSTSWIM Candidates

Candidates over the age of 18 undertaking the workplace based training and assessment element of the course are required to apply for a Working With Children Check prior to commencing placement.

Candidates under 18 years of age cannot apply for a Working With Children Check.

AUSTSWIM Teachers

A Working With Children Check is required for AUSTSWIM Teachers over the age of 18.

AUSTSWIM Teachers under 18 years of age cannot apply for a Working With Children Check.

<https://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>

NORTHERN TERRITORY

You must by law apply for a Working with Children Clearance, also called an Ochre Card, to work or volunteer with children in the Northern Territory.

Everyone who is issued with a Working with Children Clearance Notice will also receive an Ochre Card. The Ochre Card should be carried as proof of holding a Working with Children Clearance Notice.

AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for a Working with Children Clearance Notice prior to commencing placement.

AUSTSWIM Teachers

A Working with Children Clearance Notice is required for all AUSTSWIM Teachers.

www.workingwithchildren.nt.gov.au/

QUEENSLAND

In QLD the Working With Children Check is referred to as the Blue Card. The purpose of the blue card system is to contribute to the creation of safe and supportive environments for children and young people when receiving services and participating in activities which are essential to their development and wellbeing, such as child care, education, sport, and cultural activities.

AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for a Blue Card prior to commencing placement.

Candidates under the age of 18 will need to apply for a *student* Blue Card.

AUSTSWIM Teachers

A Blue Card is required for all AUSTSWIM Teachers.

<https://www.bluecard.qld.gov.au/>

SOUTH AUSTRALIA

Child protection laws in South Australia make it mandatory for certain organisations to ensure particular employees and volunteers have met specific screening requirements. The relevant legislation, where the assessment relates to the care and protection of children, is the Children's Protection Act 1993 (SA) and Children's Protection Regulations 2010.

AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for Child-related Employment Screening through the DCSI Screening Unit.

Candidates under 18 years of age must have their parent's/guardian's consent on the application for Child-related Employment Screening through the DCSI Screening Unit.

AUSTSWIM Teachers

A Child-related Employment Screening through the DCSI Screening Unit is required for all AUSTSWIM Teachers.

<https://screening.dcsi.sa.gov.au/>

**Please note: This is different to a National Police Check. Screening by the DCSI Screening Unit additionally involves a risk assessment specifically focused on assessing an applicant's risk for a particular role. There is no such risk assessment with a police certificate, which is simply a record of a person's criminal conviction history.*

TASMANIA

A Working with Children Registration is a compulsory national criminal history record check for people who engage in child-related work in Tasmania. The check is carried out to identify individuals who may pose a risk of harm to children. Those individuals, who are deemed unsuitable, will be prohibited from working with children in certain high risk roles.

AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for a Working with Children Registration prior to commencing placement.

AUSTSWIM Teachers

A Working with Children registration is required for all AUSTSWIM Teachers.

http://www.justice.tas.gov.au/working_with_children

VICTORIA

The Working with Children Check (WWC Check) helps protect children from physical and sexual harm. It does this by screening people's criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from working with or caring for them. Under the Working with Children Act 2005 (the Act), only people who are doing child-related work and who are not exempt need a WWC Check. This applies to both paid and volunteer workers.

AUSTSWIM Candidates

Candidates over the age of 18 undertaking the workplace based training and assessment element of the course are required to apply for a Working with Children Check prior to commencing placement.

While not mandatory candidates under 18 years of age can apply for a Working with Children Check if required by their employer.

AUSTSWIM Teachers

A Working with Children Check is required for AUSTSWIM Teachers over the age of 18.

While not mandatory AUSTSWIM Teachers under 18 years of age can apply for a Working with Children Check if required by their employer.

www.workingwithchildren.vic.gov.au/

Please note Under *the Working with Children Act 2005* (the Act) if you are engaged in *child-related work* and not exempt, you must have a Working with Children Check even if you have undergone a Police Check. For detailed information regarding the differences visit:

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/how+is+a+police+check+different/how+is+a+police+check+different>

WESTERN AUSTRALIA

The Working With Children Check (WWC Check) is a compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands for people who engage in certain paid or unpaid work with children, described as "child-related work" under the Working with Children (Criminal Record Checking) Act 2004.

The WWC Check includes a National Police History Check, but is different from a National Police Certificate because it involves the ongoing collection and assessment of information that is relevant to whether a child may be exposed to a risk of harm should a person engage in child-related work.

AUSTSWIM Candidates

Candidates over the age of 18 undertaking the workplace based training and assessment element of the course are required to apply for a Working With Children Check prior to commencing placement.

Candidates under 18 years of age do not require a Working With Children Check.

AUSTSWIM Teachers

A Working with Children Check is required for all employed AUSTSWIM Teachers.

AUSTSWIM Teachers under the age of 18 do not need a Working with Children Check if they are a volunteer.

<https://workingwithchildren.wa.gov.au/>

NEW ZEALAND

Vulnerable Children Act (VCA) 2014 introduced new requirements for organisations that employ people to work with children.

The changes will be implemented over a 3 year period.

AUSTSWIM Candidates

Candidates over the age of 18 undertaking the workplace based training and assessment element of the course are required to apply for a Safety Check prior to commencing placement.

Candidates under 18 years of age do not require a Safety Check.

AUSTSWIM Teachers

A Safety Check is required for all AUSTSWIM Teachers starting a new job or contract.

By 1 July 2018 all existing AUSTSWIM Teachers (those currently employed or contracted) must have been safety checked.

<http://www.childrensactionplan.govt.nz/childrens-workforce/>

Summary Table *(fees current as of August 2016)*

State	Required for AUSTSWIM	Valid	Act	Fee	Card issued
ACT	<ul style="list-style-type: none"> • Candidate • Teacher 	3 years	Working with Vulnerable People (Background Checking) Act 2011	Volunteer: Free Employee: \$79.00	Yes
NSW	<ul style="list-style-type: none"> • Candidate • Teacher 	5 years	Child Protection (Working With Children) Act 2012	Volunteer: Free Employee: \$80.00	No Letter Only
NT	<ul style="list-style-type: none"> • Candidate • Teacher 	2 years	Care and Protection of Children Act	Volunteer: \$5.00 Employee: \$57	Yes (Ochre Card) & Clearance Notice
QLD	<ul style="list-style-type: none"> • Candidate • Teacher 	3 years	Working With Children (Risk Management and Screening) Act 2000.	Volunteer: Free Employee: \$84.25	Yes
SA	<ul style="list-style-type: none"> • Candidate • Teacher 	3 years	Children's Protection Act 1993	Volunteer: \$57.20 Employee: \$103.40	No Letter Only
TAS	<ul style="list-style-type: none"> • Candidate • Teacher 	3 years	Registration to Work With Vulnerable People Act 2013	Volunteer: \$18.36 Employee: \$107.10	Yes
VIC	<ul style="list-style-type: none"> • Candidate • Teacher 	5 years	Working With Children Act 2005	Volunteer: Free Employee: \$119	Yes
WA	<ul style="list-style-type: none"> • Candidate • Teacher 	3 years	Working With Children (Criminal Record Checking) Act 2004	Volunteer: \$11.00 Employee: \$83.00	Yes