

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 (WWCC) 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 a WWCC 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 **Dec 2019**. 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 and an ACT Legislative Review of the WWVP was undertaken in 2017. It aims to reduce the risk of harm or neglect to vulnerable people in the ACT and further recommendations were made to enhance the effectiveness of the scheme based on Government and community stakeholder feedback, across the following five themes:

- increasing protections for vulnerable people;
- strengthening information sharing capabilities;
- relieving administrative burden to employers and Access Canberra;
- strengthening compliance and monitoring; and
- risk assessment guidelines and definitions.

Based on the above recommendations there have been recent changes made to child abuse report laws. For further information please visit [www.act.gov.au/childabuseroyalcommission](http://www.act.gov.au/childabuseroyalcommission).

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 WWVP Background Check prior to commencing placement.

Candidates under 18 years of age must have their parent/guardian consent on the application for WWVP (Background Checking).

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## AUSTSWIM Teachers

A WWVP (Background Checking) is required for all AUSTSWIM Teachers.

Teachers under 18 years of age must have their parent/guardian consent on the application for WWVP (Background Checking).

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

## NEW SOUTH WALES

A WWCC 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 WWCC 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 WWCC 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 WWCC prior to commencing placement.

Candidates under 18 years of age cannot apply for a WWCC.

### AUSTSWIM Teachers

A WWCC is required for AUSTSWIM Teachers over the age of 18.

AUSTSWIM Teachers under 18 years of age cannot apply for a WWCC.

<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.

<https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>

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## QUEENSLAND

In Queensland, the WWCC 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.

### Registered School Teachers

For AUSTSWIM licensing requirements, registered teachers can provide a current Blue Card **OR** evidence of current Queensland College of Teachers (QCT) registration.

Note: Registered school teachers may require an Exemption Card if providing other regulated child-related services outside of their professional duties.

<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.

The Department of Human Services Unit has introduced a new process for Child-related clearances which is now recognised as a Working with Children Check. The outcome of the application will be advised via email from the department. Screening clearance certificates are no longer being issued for any check.

### AUSTSWIM Candidates

All candidates undertaking the workplace based training and assessment element of the course are required to apply for Working with Children Check through the Department of Human Services (DHS) Screening Unit.

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

### AUSTSWIM Teachers

A Working with Children Check through the DHS Screening Unit is required for all AUSTSWIM Teachers.

<https://screening.sa.gov.au/types-of-check/new-working-with-children-checks>

*\*Please note: This is different from 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*

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role. There is no such risk assessment with a police certificate, which is simply a record of a person's criminal conviction history.

## TASMANIA

Working with Vulnerable People (Children) Check is designed to reduce the likelihood of harm and create safer environments for all children and vulnerable people in Tasmania. The Registration to Work with Vulnerable People Act 2013 (the Act) makes it compulsory for many people who associate with children and other vulnerable people to be registered to work with vulnerable people.

There are a number of exemptions under the new law regarding situations where people engaged in regulated activities need not apply.

### AUSTSWIM Candidates

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

**Note:** *If the candidates are between 16 and 18 years of age, there is a portion on the form that must be signed by the parent or guardian.*

### AUSTSWIM Teachers

A Working with Vulnerable People (Children) registration is required for all AUSTSWIM Teachers.

<https://www.cbos.tas.gov.au/topics/licensing-and-registration/registrations/work-with-vulnerable-people/applications/apply>

## VICTORIA

The WWCC assists in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them are subject to a screening process.

The WWCC screens a person's criminal records and any reports about professional conduct by the bodies listed.

Unless you are exempt, you must obtain a WWCC to do child-related work. You are doing child-related work if you work within one or more of the occupational fields defined in the Act, and your contact with children is direct and part of your duties.

### 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 WWCC prior to commencing placement.

While not mandatory, candidates under 18 years of age can apply for a WWCC if required by their employer.

### AUSTSWIM Teachers

A WWCC is required for AUSTSWIM Teachers over the age of 18.

While not mandatory, AUSTSWIM Teachers under 18 years of age can apply for a WWCC if required by their employer.

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### Registered School Teachers

For AUSTSWIM licensing requirements, registered teachers can provide a current WWCC **OR** evidence of current Victorian Institute of Teachers (VIT) registration.

**Note:** VIT registered teachers and early childhood service workers continue to be exempt from holding a WWCC Check but from 1 September 2019, must notify Working with Children Check Victoria (WWCCV) of any child-related work they do outside of their school or early childhood service based position (whether paid or voluntary).

[www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au)

The WWCC and a Police Check are different checks. Under the Working with Children Act 2005 (the Act), if you are doing child-related work and are not exempt, you must have a WWCC even if you already have a Police Check.

For detailed information regarding the differences visit:

[www.workingwithchildren.vic.gov.au/home/about+the+check/how+is+a+police+check+different](http://www.workingwithchildren.vic.gov.au/home/about+the+check/how+is+a+police+check+different)

### WESTERN AUSTRALIA

The WWCC 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 WWCC 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 WWCC prior to commencing placement.

Candidates under 18 years of age doing volunteer work (unpaid) do not require a WWCC.

\*Please note candidate under the age of 18 with paid employment requires WWCC Check.

#### AUSTSWIM Teachers

A WWCC is required for all employed AUSTSWIM Teachers.

AUSTSWIM Teachers under the age of 18 do not need a WWCC if they are a volunteer.

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

### NEW ZEALAND

The Vulnerable Children Act (VCA) 2014 introduced new requirements for organisations that employ people to work with children. From 1 July 2019, Non-core Children’s worker are also required to apply for Children’s Worker Safety Check.

#### 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 Children’s Worker Safety Check prior to commencing placement.

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

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### AUSTSWIM Teachers

A Safety Check is required for all AUSTSWIM Teachers who are employed or involved in contractual work.

<https://cvcheck.com/nz/childrens-worker-safety-checks/>

### Summary Table (fees current as at Jan 2020)

STATE	REQUIRED FOR AUSTSWIM	VALID	ACT	FEE	CARD ISSUED
ACT	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	5 years	Working with Vulnerable People (Background Checking) Act 2011	Volunteer: Free Employee: \$135.00	Yes
NSW	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	5 years	Child Protection (Working With Children) Act 2012	Volunteer: Free Employee: \$80.00	No Letter Only
NT	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	2 years	Care and Protection of Children Act	Volunteer: \$7.00 Employee: \$72	Yes (Ochre Card) and Clearance Notice
QLD	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	3 years	Working With Children (Risk Management and Screening) Act 2000.	Volunteer: Free Employee: \$92.30	Yes
SA	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	3 years	Children's Protection Act 1993	Volunteer: Free Student: \$62.15 Employee: \$113.30	No Email Only
TAS	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	3 years	Registration to Work with Vulnerable People Act 2013	Volunteer: \$19.44 Employee: \$113.40	Yes
VIC	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	5 years	Working with Children Check Act 2005	Volunteer: Free Employee: \$121.40	Yes
WA	<ul style="list-style-type: none"> <li>• Candidate</li> <li>• Teacher</li> </ul>	3 years	Working With Children (Criminal Record Checking) Act 2004	Volunteer: \$11.00 Employee: \$87.00	Yes

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