

Issue Area 3 : Exemptions

A number of exemptions were proposed in the discussion paper.

Volunteers under the age of 18.

Three respondents supported this exemption, a further ten did not. There was a strong view that employees and volunteers should be treated equally. Some respondents suggested an exemption for all volunteers and employees under the age of 15.

Is an age based exemption supported, if so what is an appropriate age?

The QLD check requires all employees in regulated activities to be screened regardless of age. Volunteers under 18 are exempt unless they are trainee students completing a placement as part of their studies. We would strongly advocate that employees and volunteers are treated equally regardless of age and would therefore not be exempt if they are involved in a regulated activity.

Secondary school students on work experience.

A general exemption was proposed. Concern was raised in relation to mature age secondary students, and the inappropriateness of the exemption in some industries (Child Care Industry)

Should all secondary students on work experience participating in regulated activities be screened?

Yes, we support this proposal as it is consistent with our position that all people involved in regulated activities are screened. We would strongly advocate that no exemptions should be considered for the child care industry.

(Consider UK case of child-care centre in Newcastle upon Tyne, where Jason Dabbs a student on placement, was convicted and jailed for multiple sexual assaults on children at the centre, - commencing when he was 19 yrs old.)

Volunteers at State and National Events.

In the discussion paper it was proposed to exempt volunteers at State and National events.

This stimulated extensive comment. Three respondents were not supportive, five respondents requested further information on the definition of State and National events and an explanation of the logic; two respondents were supportive with one of these suggesting that both employees and volunteers be exempted. Clarification was sought on the nature of events, with specific consideration of whether events included overnight activities. One respondent suggested that interstate visitors for events should be exempt if they have been checked in their home State or Territory suggesting that the model include provisions for mutual recognition;

What criteria could be used to determine whether exemption of volunteers at State or National events is appropriate?

Need clarification on what these events are?

Professional Registration and Accreditation Schemes.

Allied health professionals are moving towards a National Registration and Accreditation Scheme. This scheme will require participants to undertake background checks and risk assessments at a standard equivalent to those required nationally for working with children.

Should Allied Health Professionals registered or accredited through the National scheme be exempt from a state based risk assessment?

Are there other professional registration and accreditation schemes that should be considered for exemption?

Providing the registration and accreditation schemes apply the same or greater standards, then it would be appropriate to exempt them from the state scheme.

Exemption for people in contact with people or infrequent or short periods.

In the discussion paper it was proposed that checking will not be required for people who undertake regulated activities in Tasmania on no more than 7 days in any 12 month period.

22 comments were received, 18 respondents supported the need for a provision such as this.

A number of respondents indicated that consecutive days should be excluded. Respondents also suggested that the exemption should not apply to high risk activities such as overnight camps. Wide views were presented on the total number of days, with some arguing for an increase to 10 days, others a reduction to three non consecutive days a year.

Should the number of non consecutive days allowed to undertake regulated activities without a WWCVP Check remain as proposed?

Vulnerability is vulnerability, we believe that any contact with children or yp should be screened.

Are there additional criteria that should be met?

Family Members

In the discussion paper it is indicated that was not intended that the WWCVP Checking System will apply to family relationships. It was proposed that checking would not be required for:

- people who are 'closely related' to each (and every) vulnerable person they have contact with; and
- volunteers engaged in a regulated activity who are 'closely related' to a vulnerable person who ordinarily participates in that regulated activity.

There were 19 comments. Fourteen respondents broadly supported the proposal.

Twelve respondents, whilst broadly supportive, expressed concern as to how to ensure that the exempted person would not also have contact with other non related children and vulnerable people.

Some respondents expressed concern that definition of closely related persons was too broad, and should be restricted to immediate family members.

Similar concerns were also expressed relating to the proposed exemption of volunteers engaged in regulated activities with a closely related person.

One respondent suggested that an exemption should not apply where the activity is funded, or organised by an independent organisation.

Should family members be exempt from screening requirements when they are only providing support to closely related family members? What criteria should be applied to determine appropriateness of the exemption?

