



**Working with Children and Vulnerable People
Discussion Paper**

**Section
PEOPLE IN THE TASMANIA**

8.0 VULNERABLE

Q1) Do you support the proposed definition of vulnerable adult? Are there any other types of definition that should be considered?

Comment:

We support the concept of linking the definition to the receipt of services, particularly given that the subject under discussion is the appropriate checking of people delivering services.

Section 9.0 WHO WILL BE CHECKED?

Q2) Are there any activities that should be included or excluded from Annex A? Do you have any comments specific to any of the listed categories?

Comment:

We are comfortable with all categories listed.

Q3) Are there any activities that should be included or excluded from Annex B? Do you have any comments specific to any of the listed categories?

Comment:

Under the category of Older Persons, should services be specified, e.g. services provided by volunteers who visit hostels and nursing homes on a regular basis to provide pastoral care under the auspices of religious organisations and the Lifeline Community Visitors Scheme?

Q4) Are there any engagement types that should be added or removed from the proposed list?

Comment:

No.

Q5) Are there any other forms of contact that should be included?

Comment:

No.

Q6) Do you have any comments on the checks that will be applied to supervision?

Comment:

We agree with the concept of checking both supervised and unsupervised positions.

Q7) Do you have comments on the general exemption for age?

Comment:

We agree with volunteers under the age of 18 being exempt from checking. In parishes in the Anglican Diocese we use volunteers under the age of 18 in children's programs but they are subject to close supervision and are required to undergo training.

Q8) Do you support the application of an exemption for people in contact with vulnerable people for infrequent or short periods? Do you support the proposed threshold of 7 days in any 12 month period?

Comment:

Seven days is a long time if the days are consecutive. We would prefer to change '7 days in any 12 month period' to '7 non consecutive days in any 12 month period'.

Q9) Do you support the application of an exemption for people who are 'closely related' to each (and every) vulnerable person they have contact with?

Comment:

Yes.

Q10) Do you support the application of an exemption for volunteers engaged in a regulated activity who are 'closely related' to a vulnerable person who ordinarily participates in that regulated activity?

Comment:

Yes.

Q11) Do you have any comments on excluding normal employee / employer relationships?

Comment:

No, other than acknowledging that there is an inherent risk in this exemption.

Q12) Are there any other exemptions that should be considered?

Comment:

No.

Section 10.0 : APPLICATIONS

Q13) Do you have any comments on the proposal that unregistered persons can be engaged in a position pending the outcome of their application?

Comment:

No, as long as the proviso that individual employees and organisations will be free to require that the results are known before a person may act in a position if this is appropriate. It is considered that most organisations would want to do a risk assessment prior to allowing an unregistered person to be engaged in a regulated activity.

Q14) Do you have any comments on the involvement of employers or organisations in the application process?

Comment:

No. We are comfortable with the involvement required and already have in place a system for verifying the volunteer status of volunteers with parishes in the Diocese.

Section : 11.0 WHAT WILL BE CHECKED?

Q15) Do you have any comment on the inclusion of other types of information such as Family Violence Orders, Child Protection Orders and past employment records in the checking process?

Comment:

We welcome the inclusion of these types of information and would be pleased to have checks that are more comprehensive than a NPCHC.

Q16) Do you have any comments on the proposal that applicants be required to provide a statutory declaration that they have not been convicted of certain types of offences outside of Australia?

Comment:

We would be happy with that requirement, given that all persons entering Australia are subject to a character test by the Australian Government.

We question whether there is an issue with Australian citizens who have been travelling overseas and re-enter Australia without a character check by the Australian Department of Immigration and Citizenship because they are Australian citizens. Is it necessary for Australian citizens, if they are applicants and have travelled overseas, to sign a statutory declaration?

Section 12.0 RISK ASSESSMENT PROCESS

Q17) Are there any additional risk assessment principles that should be applied?

Comment:

No.

Q18) Do you have comments on the proposed list of relevant criminal offences?

Comment:

We agree with the proposed list but suggest the addition of 'repeated driving offences involving alcohol and the loss of a licence'.

Q19) Do you have any comments on the list of questions to be considered as part of the risk assessment process?

Comment:

No.

Q20) Do you support the additional considerations applicable to non-conviction information? Are there any other considerations that should be included?

Comment:

Yes. We do not have additional considerations to propose.

Section I 3.0 ASSESSMENT OUTCOMES

Q21) Do you have any comments on the proposed registration period of five years?

Comment:

We acknowledge the cost of the provision of these comprehensive checks and therefore the rationale for the proposal of a five year registration period. The Diocese's current process of endorsement for people working with children and young people is three years and there has already been some discussion about this being too frequent and the recommendation from some people that it be extended to five years.

If there was a requirement for self-disclosure of any new criminal offence, we could accept the five year registration period, especially as the WWCVCP cards would result in more comprehensive screening and a process recognised more widely.

Q22) Do you support the proposal for the WWCVCP Screening Unit to contact the employer or organisation to advise of the issuance of an interim negative notice or in the other circumstances proposed?

Comment:

Yes

Q23) Do you support the application of a five year prohibition on re-applying for a WWCVCP Check unless there has been a material change in the information upon which the negative notice was issued? If not, why not?

Comment:

Yes.

Section I 4.0 PROHIBITED PEOPLE

Q24) Do you have any comments on the inclusion of a mechanism for courts to make orders barring people from applying for or holding an approval to work with vulnerable people for specified periods of time?

Comment:

Agree.

Section 15.0 REVIEW AND APPEAL

Q25) Do you have any comments on the proposed right of internal review by the WWCVS Screening Unit and the right of external merits review by the Administrative Appeals Division of the Magistrates Court and the proposed grounds for merits review?

Comment:

Agree

Section 16.0 PENALTIES

Q26) Do you have any comments on the proposed list of offences and the application of penalties for the proposed offences?

Comment:

No.

Section 17.0 COMPLIANCE CHECKS

Q27) Do you have any comments on the proposed compliance activities?

Comment:

No.

Section 18.0 THE WWCVS SCREENING UNIT

Q28) Do you have a view of where the WWCVS unit should be located?

Comment:

In Tasmania, in an independently established and located Office and administratively within a government agency.

Q29) Do you have any comments on employees or volunteers being charged a fee for a WWCVS check?

Comment:

If the estimated cost is \$100 per person screened and the full cost was passed on to the employee or volunteer, there could be anticipated a level of resistance to the implementation of the WWCVS

card. Similarly an increase in the cost of services could be expected if the employer/organisation was expected to meet the full cost.

In the Diocese volunteers now pay \$5.00 for the NPCHC and clergy/employees pay \$45.00. This is accepted.

The paper notes that if there are different costs/subsidies for people in paid employment and volunteer work, transferability of registration will be more administratively cumbersome. Would this be alleviated if the new charge derived by a change in status was applied only when the check was renewed?

Q30) Do you have any comments on the estimated processing times for the risk assessment process?

Comment:

If the estimated processing times stated in the paper were met, they are acceptable. However, the proviso that total turnaround time will be subject to the time taken to receive the national criminal history check makes total processing time unclear. Currently we are waiting for 4-6 weeks for applications for a NPCHC to be processed.

Section 21.0 IMPLEMENTATION PLAN

Q31) Are there other factors that should be considered when determining the priority in which checks are phased in?

Comment:

In the Diocese of Tasmania all clergy, all volunteers working with children and/or young people and all volunteers involved one on one with vulnerable adults require a NPCHC, renewable every three years.

Once the WWCVP card is implemented we would like those people to be able apply for the card as their NPCHC comes up for renewal.

Section 22.0 ACCOUNTABILITY

Q32) Are there any other mechanisms to improve accountability that should be considered in this section or elsewhere in this discussion paper?

No.

23.0 ADDITIONAL QUESTIONS

Q33) Are there any other issues you wish to raise that have not been addressed in this discussion paper?

Comment:

We note in the Foreword to the Discussion paper that checking systems for people working with children have been established or currently are under development in all Australian jurisdictions.

Ideally checks would be valid across jurisdictions, given the movement of people across States and Territories to take up work in employment requiring checks and consideration of effective and efficient use of resources.

Has any thought been given to common frameworks, principles and categories of checking across jurisdictions to ensure portability of checks?

Are other jurisdictions considering or open to considering the inclusion of other vulnerable people?

23.1 Vulnerable People and the Community

Q34) Do you have any specific comments which you wish to raise about the proposed checking system?

Comment:

No.

23.2 Employees and Volunteers

Q35) Do you have any specific comments which you wish to raise about the proposed checking system?

Comment:

No.

23.3 Employers and Organisations

Q36) Do you have any specific comments on the proposed role of employers or organisations in the application process?

Comment:

No.

We welcome the opportunity to comment and strongly support the introduction of a WWCVP card in Tasmania and the opportunity to come in line with processes operating in other States and Territories of Australia.