



Working with Children and Vulnerable People Discussion Paper

HOW TO USE THIS FEEDBACK FORM

The question numbers below relate to those in the Discussion Paper. Please include your response in the area relevant to your question.

Any or all of the questions can be answered.

If you decide not to use this form, please include the number of the question you are answering, as it appears in the discussion paper in your submission.

SUBMISSION OF RESPONSES

Responses can be emailed to wwwcvpconsultation@dhhs.tas.gov.au or posted to the following address: -

WWCVP Consultation
Department of Health and Human Services
GPO Box 125
HOBART TAS 7001

Any telephone enquiries about the review can be made to Bruce Kemp on 6233 2259 during office hours.

Deadline for submissions:

Please provide all submissions by close of business Friday 12 March 2010.

FEEDBACK AFTER CONSULTATION AND USE OF INFORMATION

A paper will be published and available on the DHHS website which will provide an overview of the feedback received through consultation. If you would like to place your name on a register to receive a copy of the feedback paper please complete the form below.

The use of personal information

The personal information you provide will be used for the purpose of notifying you when the public feedback paper (prepared after the close of the consultation period) is available.

De-identified information may be used in an analysis of all responses, eg, the geographical area from where responses are received.

The use of comments you provide

The comments you provide in response to the paper will be used to inform the Legislative reform required to support the establishment Screening Unit. **Quotes from your submission may be used in public documents however no identifying details will be associated with the quotations.**

The Freedom of Information Act 1991

Your submissions may be accessible under normal FOI provisions.

Full name	Ruth Pinkerton
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	CEO
Date	11.3.2010
Company name/organisation (if applicable):	Scripture Union Tasmania Inc
Address	23 Clarence Street Bellerive
Postcode	7018

**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 definition.**

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: **No**

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: **No**

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: **No**

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

Comment: **No**

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: **No. Evidence from Child Abuse research would indicate that brief access can give opportunity to commence the grooming process. Exemption should be based on the *level of contact*, not the *length of time*. We also believe that an exempted person should not be left unsupervised.**

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**

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: **As long as this is not a requirement and that organisations are free to make the decision not to engage people before an assessment is completed.**

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

Comment: **This is consistent with our current practice.**

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: **This would be useful additional information.**

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 believe that this would have limited value and would be an added burden.**

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.**

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: **Appears adequate**

Section 13.0 ASSESSMENT OUTCOMES

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

Comment: **We believe five years to be too long. Our organisational procedures will include more frequent risk assessment. We would welcome the introduction of ongoing monitoring.**

Q22) Do you support the proposal for the WWCVS 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 14.0 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: **No**

Section 15.0 REVIEW AND APPEAL

Q25) Do you have any comments on the proposed right of internal review by the WWCVCP 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: **No**

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: **We have some concerns about the specific issue of penalising people or organisations where a valid assessment is not applied for. There will always be some grey areas as to the definition of a regulated activity in different contexts.**

What are the repercussions for an organisation where something is not recognised as a regulated activity or where it is mistakenly believed that an application has been made?

Also what are the repercussions for an individual who takes part in a regulated activity which was not recognised as such?

Section 17.0 COMPLIANCE CHECKS

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

Comment: **No**

Section 18.0 THE WWCVP SCREENING UNIT

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

Comment: **No**

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

Comment: **There is a significant additional cost within the proposed system. Current costs are employee check \$45 and volunteers \$5.**

If the increased cost is to be borne by the volunteers, it will result in a loss of significant numbers of volunteers. Many of our volunteers are young adults/students or retired people.

If the costs are to be met by the organisation, there is no way an organisation such as ours could afford to pay costs for all of our volunteers. It would be highly detrimental to vulnerable Tasmanians to pass the administrative costs of this scheme on to volunteers and organisations providing important and underfunded services to them.

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

Comment: **This would be more than acceptable if it can be achieved.**

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: **We already have a current screening process in place so would suggest that volunteers and employees renew on expiry of their existing check. All new applications could proceed under the new system when adopted.**

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 are concerned that the WWCVP Check will be perceived to be the only screening requirement for working with children and vulnerable adults rather than this being only one component of an effective checking system.**

We would suggest that a criminal history check is the *least effective* screening tool for eliminating risk to children and vulnerable adults. We would like to see an *emphasis* on encouraging organisations to 1) establish appropriate policies and procedures with an identified code of conduct and a culture of safe practices and accountability, 2) to provide effective training and supervision and 3) to use other screening tools such as referee checks and interviews.

We would also urge the establishment of an ongoing reference group with representatives from a range of stakeholders (including not-for-profit organisations and volunteers).

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:

23.2 Employees and Volunteers

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

Comment:

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: