



## Working with Children and Vulnerable People Discussion Paper

### HOW TO USE THIS FEEDBACK FORM

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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 [wwcvpconsultation@dhhs.tas.gov.au](mailto:wwcvpconsultation@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

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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.

<b>Full name</b>	Stuart Foster
<b>Job title</b> or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	Divisional Social Program Secretary
<b>Date</b>	12 <sup>th</sup> March 2010
<b>Company name/organisation</b> (if applicable):	The Salvation Army
<b>Address</b>	PO Box 50 New Town 27 Pirie Street, New Town TAS
<b>Postcode</b>	7008

**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 and consider it a positive inclusion.**

**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: **We believe that Religious Services & Representatives should be included in Annex B.**

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: **We believe this exclusion would be counterproductive to the intent of safety for Vulnerable people. Evidence from Child Abuse research highlights that grooming is a subtle and recurring process. Any exemption should be based on the level of contact not the length of time. An exempted person should never be 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: **There is a risk associated with this but believe there are other industrial and anti- discrimination laws to minimise some of this risk.**

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 able to make the decision not to engage people before a completed assessment.**

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: **Believe that this would have limited or no value. The statutory declaration could 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: **Satisfactory with the provision of self disclosure.**

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 WWCVS 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 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: **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: **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: **No objection to Screening Unit being sited interstate.**

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

Comment: **There is a significant cost impost incumbent within the proposed system. Current cost are employee check \$45 volunteers \$5. Further, the inclusion of vulnerable adults significantly broadens the regulated activities and therefore the numbers of staff and volunteers who require checks is increased.**

**This change in cost is a 1000% increase for a volunteer which will result in a loss of significant numbers of volunteers. If the costs are met by employers there will be commensurate oncosts to service provision.**

**The Salvation Army in Tasmania processed 102 volunteer and employee applications in the 2009 calendar year. The majority of these applications came from volunteers. With the expansion of the scope in this proposal, we would estimate that this would increase to between 250 and 300 applications per annum, equating to \$30,000 under this cost structure. It would be unfair to expect this cost to be met by a volunteer, especially as so many of our volunteers come from disadvantage backgrounds.**

**The Salvation Army is very concerned at the additional cost of processing. For NGOs, the ability to recoup this cost from program expenses eg government funding will be difficult. If the NGOs are required to carry the cost, services to clients will be adversely affected.**

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

Comment: **Seem unrealistic in light of current timeframes for national police checks.**

## **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: **There is a current screening process in place. Would suggest that volunteers and employees renew on expiry of existing check. All new applications to proceed under the new system when adopted**

**Current new applications for the Salvation Army run at an average of sixty per year?, there would be a projected threefold increase in volunteers and employees if the vulnerable adults were also included in this figure. (partly as a catch up but also as new volunteers or employees commenced)**

## **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/expected to be the only screening requirement for working with children and vulnerable adults rather than this being only one component of a best practice risk management model.**

**In fact it could be argued that a criminal history check is the least effective screening tool in the suite of procedures available for eliminating risk to children and vulnerable adults.**

### **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: **The inclusion of vulnerable adults is a welcomed however this has significant cost burdens to the Salvation Army. This would be an even more significant burden if the proposed cost structure is implemented.**

### **23.2 Employees and Volunteers**

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

Comment: **We believe that the proposed cost structure would significantly impact on our current capacity to attract volunteers unless this could be significantly subsidised. It is noted that South Australia and the ACT cover checking costs for volunteers.**

### **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: **The new system has some advantages in more clearly defining the roles and functions of people working with vulnerable adults. However, the**

**Salvation Army has invested significant resources and funds into implementing a comprehensive, nationally recognised risk management process for children 'Child Safe' which could be extended to include vulnerable adults. The proposed checking system would not greatly enhance our current practice.**

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Department of Health and Human Services

