



## 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?

No comment.

### 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:

Annex A. p. 48 Clubs, Associations or Movements. It is not clear if the Tasmania Fire Service's (TFS) Junior and Cadet program is within the scope. TFS is not a club, association or 'movement'. Perhaps the cadet part of our program might fall within the current defined scope but the Junior program may not. This definition will need to be clearer.

It is appropriate that TFS' Junior and Cadet program should be within the scope of this proposal.

Annex A. p. 48 Overnight Camps (for children). It is appropriate that this should be within the scope of the proposal.

Annex A. Tasmania Fire Service allows young people who have been a part of our Cadet program to become volunteer 'Active Under-age Firefighters' from when they turn 17 years of age. If this role was to fall within the scope of this proposal then all adults associated with that volunteer brigade would need to apply for a WWCVP card. This would be impractical unless all TFS people (including over 4600 volunteers and about 470 staff) were required to apply, which would itself be impractical.

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:

Annex B. p. 52 Emergency Services personnel. It is not clear which people would be included in this definition. Would it include all people involved in emergency service

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organisations including administrative, finance and other support staff who are not likely to be in contact with vulnerable people? Similarly would it also include TFS staff who sell, check or install fire safety equipment and are also not likely to be in regular contact with vulnerable people.

Considering these points, this definition needs to be revised so that it only includes emergency services personnel who are likely to be in regular contact with vulnerable people.

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

No comment:

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

No comment

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

Comment:

### 8.3.3 Supervision p. 25

The Tasmania Fire Service Junior and Cadet (J&C) program is run in volunteer brigades. Typically this will involve two appointed volunteer coordinators (generally a male and a female) and 4 – 8 children getting together weekly or fortnightly. They may meet at the same time as when adult volunteers are also on the station for training. Under the current proposal all these other adult volunteers will also need to be checked despite the fact that their contact would be relatively limited (though regular) and that these adult volunteers would also be under direct supervision at these times.

In this context, it would be appropriate that the two J&C coordinators be checked as they will be with the children and they themselves may not be *directly* supervised.

However, the proposal as written does not make sufficient distinction between various levels of supervision; direct, indirect, and general.

Checking should probably not apply to people who only have contact with vulnerable people while they themselves are under *direct* supervision.

Further, as currently proposed, all elected volunteer officers of a brigade (Brigade Chief/ First Officer, Second Officer, Third Officer etc.) would need to be checked as they are responsible for supervising the J&C Coordinators. This would potentially create a significant barrier to the establishment and maintenance of Junior and Cadet groups in TFS.

This proposal should be redrafted to indicate that at *least some* of the people who are responsible for undertaking the supervision of people in contact with vulnerable people should be checked. Further, provision should be made to enable this include *general* supervision so that career staff that have been checked can carry out this role in relation to volunteer brigades.

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

Comment:

As proposed, checks would not be required for volunteers under 18 years of age yet would be required for paid employees. This is despite the fact that volunteers are generally more likely to be in contact with children than paid employees in the TFS.

Setting two differing age standards would potentially lead to inequities and to administrative difficulties.

If there is a sound case for checking people under 18 years of age then this requirement should apply to all under 18 y.o. in contact with vulnerable people; both volunteers and employees

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:

The proposed definition of this threshold is unclear. Does it mean 7 short contacts (e.g. 15 minutes each) on 7 days in any 12 month period (a total of one and three quarter hours), or does it mean 7 times 24 hours (i.e. 168 hours) in the same period? Further, it makes no distinction between people whose contact is unsupervised or who are under direct, indirect or general supervision.

The concept of an exception for people who have contact that is infrequent, or only for short periods, is supported. However the threshold as currently described is likely to be very difficult to apply in practice.

Any description of an exemption should include thresholds for frequency and hours in any 12 month period as well as the degree of supervision relating to these contacts.

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:

Would probably not make any practical difference in TFS setting.

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:

Would probably not make any practical difference in TFS setting.

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

No comment:

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

Comment:

8.4.2 p. 29

The exemption described in dot point 'people volunteering in State or National events' is not clear.

What is a State or National event? Is, for example, an AFL game a 'state event'?

For example would a Tasmania Fire Service state firefighting competition be regarded as a 'State' event? Similarly, if TFS hosted the National Cadet Firefighter Competition, would this be classified as a 'National' event?

## **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:

This question misses a crucial point.

Under the proposal the onus for carrying out the checking process is shifted from the recruiting organisation to each individual applicant. Further, under the proposed processes, the applicant will need to initiate the checking process, provide considerable evidence of identity as well as attend Service Tasmania office for photographing and processing. This is in contrast to our current process where the volunteer applicant signs a form and the TFS completes the remainder of the process.

As currently proposed, the application for checking process will form a significant disincentive for volunteer recruitment. In particular, people who volunteer to join a volunteer brigade in rural or remote areas will be particularly discouraged as they already find it difficult to access a Service Tasmania office.

The proposal that unregistered persons can be engaged in a position pending the outcome of their application is practical and acceptable. It is how TFS currently processes its volunteer applications.

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

Comment:

Under the proposal the onus for carrying out the checking process is shifted from the recruiting organisation to each individual applicant. Further, under the proposed processes, the applicant will need to initiate the checking process, provide considerable evidence of identity as well as attend Service Tasmania office for photographing and processing. Further, the applicant's form would need to be signed by a responsible person in the TFS and then returned to him/her in order for it to be lodged. This is in contrast to our current process where the volunteer applicant signs a form and the TFS completes the remainder of the process.

As currently proposed, the suggested application for checking process will form a significant disincentive for volunteer recruitment. In particular, people who volunteer to join a volunteer brigade in rural or remote areas will be particularly discouraged as they already find it difficult to access Service Tasmania offices.

Employers/organisations should be able to continue to initiate and carry out key steps of the process.

The concept of a phased in implementation process is supported. However, the workload and cost will be significant. Under the current proposal all emergency personnel would need to be checked (Annex B). TFS has about 5000 members of which about 4600 are volunteers. In a typical year TFS can expect about 500 new volunteers. This implies that during the phase in period TFS would need to process at least 1400 checking processes each year. Further, if the WWCVP card is only valid for five years then this workload and associated costs will continue in perpetuity.

If WWCVP operates on a suggested full cost recovery of about \$ 100 per application, this will cost TFS an additional sum of about \$ 140,000 per year plus significant additional administrative costs. However, if this cost is passed on to the volunteer applicants it will constitute another very significant disincentive.

**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?

No comment:

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?

The proposal to require the applicant to provide a statutory declaration that they have not been convicted of certain types of offences outside of Australia is supported.

The proposal that registered people will be required by law to immediately self-disclose and relevant changes to their criminal record is also supported. However, it would be preferable for the WWCVP Screening Unit to carry out ongoing monitoring of criminal records of registered people as this is more likely to be both more reliable and more timely. Any failure of the screening system is likely to expose vulnerable people to harm and potentially undermine public and organisational confidence in the system.

**Section 12.0 RISK ASSESSMENT PROCESS**

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

No comment.

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

The proposed list of relevant criminal offences is supported.

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

No comment.

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

No comment.

### **Section 13.0 ASSESSMENT OUTCOMES**

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

Comment:

The proposed registration period of five years is supported. However, positive initiatives are needed to address the likely cost.

TFS has about 5000 members of which about 4600 are volunteers. Under the current proposal all emergency personnel would need to be checked (Annex B). In a typical year TFS can expect about 500 new volunteers. This implies that during the 5-year phase in period TFS would need to process at least 1400 checking processes each year. Further, if the WWCVP card is only valid for five years then this workload and associated costs will continue in perpetuity.

If WWCVP operates on a suggested full cost recovery of about \$ 100 per application, this will cost TFS an additional sum of about \$ 140,000 per year plus significant additional administrative costs. If this cost is passed on the volunteer applicants it will constitute another very significant disincentive. Further, as in the current proposal the volunteer would be required to initiate the re-checking process as well, this could become a further disincentive and significantly reduce the retention.

The proposed requirement for volunteer applicants to attend Service Tasmania offices for photographs and processing is likely to be a significant disincentive, particularly for volunteer firefighters in rural and remote location where it is difficult to access Service Tasmania offices. Further, approximately 60% of volunteers are in employment. This is likely to also limit their capacity to attend Service Tasmania offices and be a disincentive to applying.

Any process available to organisations/employers to check the validity of WWCVP Cards must be easy to access, quick to complete and cheap. More practically, the TFS could be recognised as the 'sponsoring' organisation and would be directly notified of the applicants' outcomes by the WWCVP Screening Unit. This would then obviate the need to TFS to require the successful applicants to present their cards for verification.

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

This proposal is supported.

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

This proposal is supported.

#### **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?

No comment.

#### **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?

The proposals for review and appeal processes are supported.

#### **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:

p. 41. What is meant by 'failure by employer or organisation to validate WWCVS card?' How does this validation process relate to the proposals as described in the Discussion Paper?

#### **Section 17.0 COMPLIANCE CHECKS**

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

No comment.

## **Section 18.0 THE WWCVP SCREENING UNIT**

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

To maintain an independent capacity to review the activities of the unit it should not be located in the Office for the Commissioner of Children.

Locating the screening unit in another state may make it particularly difficult to ensure that it responsive to client needs and accountable for any delays, errors or escalation of costs.

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

Comment:

Volunteer applicants should not be charged a fee for a WWCVP check. If this cost is passed on the volunteer applicants it will constitute a very significant disincentive. Further, as is currently proposed, the volunteer would be also required to initiate the 5-year re-checking process; this could become a further disincentive and significantly reduce volunteer retention.

TFS has about 5000 members of which about 4600 are volunteers. Under the current proposal all emergency personnel would need to be checked (Annex B). In a typical year TFS can expect about 500 new volunteers. This implies that during the 5-year phase-in period TFS would need to process at least 1400 checking processes each year. Further, if the WWCVP card is only valid for five years then this workload and associated costs will continue in perpetuity.

If WWCVP operates on a suggested full cost recovery of about \$ 100 per application, this will cost TFS an additional sum of about \$ 140,000 per year plus significant additional administrative costs. Processing each person will require the TFS to carry out multiple steps and contacts. Assuming that the total time required to process each person is only one hour, this administrative cost would be approximately an additional \$ 28,000 each year.

Organisations that use volunteers should not be charged for checks carried out on volunteer applications.

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

Comment:

The suggested 2-day turn-around time for the 87% of volunteers who have no criminal history seems appropriate. What this does not recognise is the additional days that will also be required for the applicant to be advised, locate his/her identification documents, go to a Service Tasmania office (assuming they can access this nearby) and then present her/his card to the volunteering organisation. It's this additional time that is likely to be more significant in the impact that it may have on the volunteer.

## **Section 21.0 IMPLEMENTATION PLAN**

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

No comment.

## **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 comment.

## **23.0 ADDITIONAL QUESTIONS**

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

No comment.

### **23.1 Vulnerable People and the Community**

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

No comment.

### **23.2 Employees and Volunteers**

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

No 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?

No comment.