



# CHILD PROTECTION AND SPORT NATIONAL OVERVIEW

(as at April 2006)

Children have a fundamental right to be safe from any form of abuse or harm<sup>1</sup> while involved in sport or associated activities. This is a legal requirement as well as a moral obligation. Child protection requires a commitment from all levels of sport to ensure sporting environments are safe for all children. This includes an awareness of the requirements and risks, a commitment to protective and proactive practices that minimise the risk of a child being abused, and the ability to appropriately respond to allegations and incidents of child abuse.

The following information summarises many of these aspects of child protection. Please note that the term 'child' throughout this document refers to a person (junior, athlete, player, participant) under 18 years of age.

## WHAT IS CHILD ABUSE?

Child abuse relates to children at risk of harm, usually by adults and often by those they know and trust. It is usually a pattern or cycle of behaviour, not a one-off incident. Although definitions vary slightly from state to state and from country to country, child abuse is recognised as falling into four categories:

- sexual abuse/sexual misconduct – any sexual act or sexual threat imposed on a child including exposure to pornographic material, sexual touching, voyeurism and child prostitution. Sexual abuse often involves a progression in behaviour from fondling to intercourse.
- physical abuse – non-accidental injury to a child. This may include severe shaking, bruising, biting, scalding, throwing a child, injury caused by excessive discipline, poisoning, suffocation or strangulation.
- emotional abuse – behaviours that may psychologically harm a child. This behaviour tends to be a chronic behavioural pattern that undermines a child's self esteem or impairs a child's wellbeing or development. It may include constant criticism, rejection, withholding praise and affection, threats or unreasonable demands.
- neglect – where a child is harmed by the failure to provide them with the basic physical and emotional necessities of life. This may include inadequate supervision of young children for long periods, failure to provide adequate and proper food, clothing, personal hygiene or medical attention.

The most common characteristics of all forms of abuse against children are an abuse of power or authority, or a breach of trust.

## WHAT IS CHILD PROTECTION?

Child protection involves legislation, policies and practices to keep children safe from harm, to protect them from people who are unsuitable to supervise or work with children and to ensure that a child's wellbeing and best interests are paramount considerations.

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<sup>1</sup> Some states and territories are using the term 'harm' instead of 'abuse'.

## LEGAL REQUIREMENTS

Every child has a right to be safe from harm. To protect this right every person and organisation has a legal duty of care to ensure anyone who participates in the organisation's activities is given an adequate (reasonable) level of protection from all reasonably foreseeable risks of harm or injury.<sup>2</sup>

This duty of care is a common law responsibility that covers both action taken AND inaction. This means that committee members, managers, coaches, staff members and volunteers have a legal responsibility to provide children with a safe environment in which to participate.

In addition to this duty of care, there are responsibilities under child protection legislation in each state and territory for both organisations and individuals that work or have contact with children. These responsibilities, such as checking and screening processes, and the reporting and investigation of child abuse vary slightly from state to state.

Two aspects of child protection legislation that are most relevant to the sport industry are reporting and screening processes.

### Mandatory Reporting

Mandatory reporting is a legal requirement for specific persons (mandated person) to report reasonable suspicions of children being, or at risk of being, abused or neglected. It applies when that suspicion is formed during a person's work, regardless of whether it is paid or voluntary work, or in the carrying out of official duties. A mandated reporter must report suspicions irrespective of who is implicated (e.g. colleague, friend, manager, volunteer). It has been introduced on the grounds that children require the assistance of adults to advise child protection agencies that they are in need of protection.

In Northern Territory, everyone is considered a mandated reporter and must report to the relevant authority any suspected abuse or neglect of children as soon as practicable. In South Australia, new legislation will widen mandatory reporting to include anyone employed by or volunteering in organisations that provide sporting or recreational services wholly or partly for children.

Except for Western Australia, state and territory legislation also **allows** for anyone who reasonably suspects that a child is or has been abused or neglected to report this to the relevant authority (Department of Family Services and/or police).

Given some people involved in sport, such as coaches, will come into contact with a large number of young participants, it is highly possible that one or more of these participants may be a victim of child abuse. If a coach does suspect child abuse has or is occurring, they are encouraged to report it to the relevant authority.

A child or young person may also advise that they are being abused. It is extremely important that this disclosure is responded to appropriately and reported to the relevant authority and/or police. It is not acceptable to minimise, ignore or delay responding to such information.

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<sup>2</sup> What constitutes 'reasonable' will be determined objectively by a court and will depend on the individual circumstances of each case.

## **Working with Children Checks**

Fundamental to every child-safe environment is recruiting staff and volunteers who do not pose a risk to children. One way this is done is by 'screening' applicants who wish to work with children. The term 'screening' is used to refer to the process of conducting a criminal history check on an individual. In some states professional disciplinary records or investigative information held by police are included in the screening process.

This screening process is called a 'Working with Children Check' (WWCC) and is required of people who work with children under 18 years of age in particular businesses or categories of paid or voluntary employment. The WWCC aims to prevent people with inappropriate criminal and professional disciplinary records from working with children or volunteering in children's clubs and activities. Attachment 1 provides a summary of WWCC requirements under current and proposed state and territory legislation.

## **Other requirements**

Some state and territory legislation requires organisations to develop and implement policies and procedures that address child protection. For example, the new legislation in South Australia will require organisations to operate under uniform guidelines and processes that clearly outline effective and timely responses and steps for action when abuse and neglect occurs or is suspected; and the Queensland legislation requires people who carry on a regulated business or a person who employs someone else in regulated employment to develop and implement a risk management strategy to promote the wellbeing of children and protect them from harm.

The Australian Sports Commission and many state/territory departments of sport and recreation have also introduced funding criterion that requires sporting organisations to develop and implement policies and procedures to promote positive and respectful behaviours and to meet obligations relating to harassment, discrimination and child protection.

Increasingly, insurance companies are requiring comprehensive risk management plans that include policies and procedures for addressing harassment, discrimination and child protection.

It is important that people working in sport understand and comply with the legislative requirements and any other related requirements that their sporting organisation and/or government have put in place.

## **INDICATORS OF CHILD ABUSE**

People working with children in sport need to be aware of the indicators of abuse and have the confidence to respond to any indication that a child may have been abused. Some indicators of child abuse are:

- bruising, particularly in the face, head or neck region;
- multiple bruising or injuries e.g. burns, scalds, sprains, dislocations or fractures;
- injury left untreated;
- differing versions of how an injury occurred;
- child/relative advising of abuse;
- a child, referring to someone else being abused, may mean him/herself;
- sexual behaviour which is inappropriate for the age of the child;

- nightmares/bedwetting/going to bed fully clothed;
- a high level of distrust of other people;
- an inability to relate well with adults and/or children;
- extreme attention seeking behaviour, disruptive or aggressive behaviour and bullying;
- seeking indiscriminate or inappropriate adult affection;
- consistently dirty and unwashed;
- consistently inappropriately dressed for weather conditions;
- extremely anxious or depressed.

The presence of one indicator **does not** necessarily suggest that a child is the subject of abuse. The context in which the indicators are observed need to be considered and common sense applied. If in any doubt, always call Family Services and/or police in for advice.

### **RESPONDING TO A DISCLOSURE OF CHILD ABUSE**

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. If a child or young person advises that have or are being abused, the initial response to this disclosure is crucial to their well-being. It is important to:

- Not panic – do not react in a shocked or critical way;
- Listen to, be supportive and do not dispute what the child says;
- Reassure the child that what has occurred is not their fault and they have done the right thing in telling;
- Ensure the child is safe;
- Be honest with the child and explain that other people may need to be told in order to stop what is happening and you will only tell someone who will make them safe;
- Ensure that what the child says is quite clear but do not elicit detailed information about the abuse (only ask enough questions to confirm the need to report the matter). Avoid asking suggestive or leading questions, although you can ask and clarify basic details (if possible) such as:
  - child's name, age and address;
  - names of all people involved, including any witnesses.
- Immediately report the suspected abuse to the police and/or relevant government agency. It is not your role to investigate allegations of abuse.
- At the first opportunity, make detailed notes of what occurred including information such as:
  - Dates, times, location and who was present when the disclosure was made
  - Description of exactly what the child said using 'I said', 'they said' statements
  - The questions you asked
  - Any comments you made
  - Your actions after the disclosure
- Keep any reports or documentation on disclosures confidential and secure with access strictly limited and on a 'need to know' basis.

The relevant state or territory authority should be contacted for advice if there is **any** doubt about whether the complaint should be reported.

## PROTECTIVE PRACTICES

There are a range of practices that will assist those working with children to feel confident about meeting their responsibilities and to establish positive, respectful and safe relationships with children. These practices are basically common sense and many are probably already undertaken. It is important, however, to be reminded of these practices so that they become second nature and embedded in all interactions with children in sport.

One of the key practices is to establish and maintain clear professional boundaries with children.

### Establishing Boundaries

#### Communication boundaries

- be aware of your communication style and how what you say and do may be interpreted. Not all children will understand an action, request or behaviour in the same manner. One child may see an action as usual or acceptable behaviour while another may find it unacceptable. A child's interpretation of an action may also be influenced by cultural and religious differences, disability, gender and prior experiences.
- explain in front of all children (and parents, if possible) your method of instruction and when and where you will need to touch them, if at all.
- Use positive and age-appropriate language when talking to and in the presence of children.
- Ensure feedback is linked to performance and is not of a personal nature.

#### Physical contact boundaries

- Ensure any physical contact with children is relevant and appropriate to the development of the skills required for the activity.
- Seek permission to touch when doing the above.
- Be careful about which part of your body and how much of it is in contact with a child's body.
- Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years.

#### Location boundaries

- Avoid unaccompanied and unobserved activities (i.e. being alone with a child).
- Avoid entering change rooms. If you must enter, knock or announce that you will be coming in and try to have at least one other adult with you. Do not isolate yourself and a child from others in the change room.
- Avoid driving a child unaccompanied.
- Do not invite or encourage children to your home.

#### Knowledge boundaries

- Understand and comply with all relevant policies.
- Understand and comply with the child protection legislation in your state/territory.
- Seek out opportunities to enhance your knowledge on child protection.
- Keep coaching skills and accreditation up to date.
- Do not be afraid to ask questions and to seek advice.

#### Leadership boundaries

- Do not engage in or let others engage in:
  - Abusive initiation or team bonding activities;

- Rough physically hurtful or sexually provocative games; or
- Regular scapegoating, ridiculing or taking the 'mickey out' on a child.

### **Maintaining and Managing Boundaries**

The relationship between a coach (or other adults in sport) and a child is characterised by an imbalance of power based on a number of factors including age, authority, experience and gender. It is important that this power is not exploited and that clear professional boundaries, such as outlined above, are established and maintained with children. The following self-assessment questions may assist in determining whether professional boundaries are being applied and may help to clarify whether a behaviour or action is appropriate or not.

- Am I dealing in a different manner with a particular child than with others under the same circumstances?
- Is my dress/availability/language different from the usual with a particular child?
- Would I do or say this if a colleague were present?
- Would I condone my conduct if I observed it in another adult?
- Are the consequences of my actions likely to have negative outcomes for the participants?
- If I were a parent would I want an adult behaving this way towards my own children?

There may be times when a child actively seeks an inappropriate relationship with a coach or other adult in sport. The person concerned (e.g. coach) should advise their sporting organisation and if necessary seek advice from Family Services about how to manage the situation in a way that provides support for them and respects the emotional wellbeing of the child. Examples of behaviours that may be of concern are inappropriate social invitations, correspondence that suggests or invites an inappropriate relationship and flirtatious gestures and comments.

There may also be times when it is necessary to coach a child on a one-to-one situation. In these circumstances it is important that it occurs as an 'authorised' sporting activity and that parental consent/knowledge is obtained and that the location is preferably a visible, public and busy one.

In some circumstances a coach may need to discourage children from unnecessary reliance on touching such as holding hands or wanting to have hugs or cuddles. This should be done gently and without embarrassment or offence to the child.

### **Coaching children with special needs**

Coaching or working with children with special needs may require more frequent physical contact and touch as a means of meeting the duty of care to them. Touch may be an agreed form of communication between a child, their parent and coach where the child has a communication disability. A coach and others may need to be more vigilant and thoughtful in their physical interactions and different approaches may be required. However, the basic practices and information outlined previously remain applicable to all children. Sporting organisations, coaches and others have a duty of care to protect children from physical and emotional harm and, while the ways of meeting this duty may differ for different groups, the duty itself remains unqualified. Everyone expected to meet this duty should do so in a manner that respects the dignity of all children as well as their vulnerabilities. For more information on coaching children with special needs visit [www.ausport.gov.au/dsu/index.asp](http://www.ausport.gov.au/dsu/index.asp)

## Cultural considerations

Different cultures have different attitudes and traditions surrounding the concept of appropriate touch. It is important that coaches and others appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone. Where children (and families) are known or suspected to have escaped traumatic circumstances, considerable diplomacy, care and effort in early interactions will need to be taken. Many culturally based community organisations are very keen to address other groups, including sporting groups, about the values of their culture and to establish understanding and respect – it may help to invite or seek their advice so that sport personnel become more familiar with the values of the cultural groups of the children participating in their sport.

## Organisational Practices

Protective practices for organisations include:

- openly communicating the risk of child abuse and the organisation's commitment to reducing the risk of child abuse to members.
- developing and implementing a policy on child protection. This can be a separate policy or incorporated into a broader anti-harassment and abuse policy, such as a member protection policy. It is important that the organisation's constitution, regulations and by-laws support the policy and allow it to be enforced.
- codes of conduct for all staff, members and parents so that everyone is clear on what is and is not acceptable behaviour. Ensure the codes adequately address child protection and require everyone to sign the code.
- adopting thorough recruitment practices such as having job descriptions for all delivery roles (paid or voluntary); interviewing applicants, conducting police checks and checking references for paid and voluntary positions.
- appointing a contact officer (member protection officer) who should be the first point of contact for issues, concerns and complaints. This person should be appropriately trained and their contact details and role should be well advertised within the organisation.
- using accredited coaches and officials and checking that their accreditation is current.
- promoting child protection to affiliated associations, encouraging a culture of awareness and action, and ensuring associations understand reporting requirements (to government authorities and to the national sporting organisation).
- providing information to coaches and others working with children about how to recognise child abuse and giving them directions on what to do if abuse is reported or suspected.
- ensuring all personnel and affiliated associations understand and comply with legal requirements.
- managing suspected incidents of child abuse including any allegation or complaint.
- documenting risk management processes including strategies and plans for high-risk and special events; complaint registers and forms to ensure consistent handling on incidents.<sup>3</sup>
- knowing where to go for further advice.

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<sup>3</sup> The Queensland Commission for Children and Young People and Child Guardian and Child Wise (Victoria) have information on risk management plans and processes. The South Australian Government is developing risk management process and guidelines (standards) and The Australian Council for Children and Youth Organisations has an accreditation process for organisations.

## USEFUL WEBSITES & RESOURCES

[www.playbytherules.net.au](http://www.playbytherules.net.au) (Play by the Rules)  
[www.ausport.gov.au/ethics/index.asp](http://www.ausport.gov.au/ethics/index.asp) (Australian Sports Commission - Sports Ethics Unit)  
[www.ausport.gov.au/dsu/index.asp](http://www.ausport.gov.au/dsu/index.asp) (ASC - Disability Sport Unit)  
[www.ausport.gov.au/coachofficial/index.asp](http://www.ausport.gov.au/coachofficial/index.asp) (ASC - Coaching and Officiating Unit)  
[www.ausport.gov.au/junior/index.asp](http://www.ausport.gov.au/junior/index.asp) (ASC - Junior Sport Unit)  
[www.dsr.nsw.gov.au/children/index.asp](http://www.dsr.nsw.gov.au/children/index.asp) (NSW Department of Sport and Recreation)  
[www.childwise.net](http://www.childwise.net) (Child Wise)  
[www.accyo.org.au](http://www.accyo.org.au) (Australian Council for Children and Youth Organisations)  
[www.napcan.org.au](http://www.napcan.org.au) (National Association for the Prevention of Child Abuse & Neglect)

## **Attachment 1: REPORTING SUSPECTED CHILD ABUSE – AGENCY CONTACTS**

### **Australian Capital Territory**

Office for Children, Youth and Family Services

[www.det.act.gov.au/services/pdf/OCYFS\\_CP\\_Reporting\\_Child\\_Abuse.pdf](http://www.det.act.gov.au/services/pdf/OCYFS_CP_Reporting_Child_Abuse.pdf)

Mandated Reporters 1300 556 728

General Public Reports 1300 556 729

### **Northern Territory**

Family and Children's Services Office, Child and Family Services

[www.health.nt.gov.au](http://www.health.nt.gov.au)

General Enquiries 08 89992400

Reports 1800 700 250.

### **New South Wales**

Department of Community Services

[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

General Enquiries 02 97162222

24 hour Community Line 132 111

Mandated Reporters 133 627

### **Tasmania**

Child Protection Advice and Referral Service  
(operated by Division of Children and Families)

[www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

General Enquiries 02 6233 4520

Advice and Referral Service 1300 737 639

### **Victoria**

Department of Human Services (Community Care)

<http://www.office-for-children.vic.gov.au>

General Enquiries 03 9616 8842

Child Protection Crisis Line 03 9843 6391 or 1300 360 391 (Business Hours)

After hours Crisis Line: 131 278

### **Western Australia**

Department for Community Development

<http://community.wa.gov.au>

General Enquiries 08 9222 2555

Crisis Care Line 08 9222 3111 or 1800 199 088

### **Queensland**

Department of Child Safety

[www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au)

General Enquiries 07 3224 8045

24 hour Crisis Care Line 07 3235 9999 or 1800 177 135

### **South Australia**

Department of Families and Communities (Children, Youth and Family Services)

[www.dfc.sa.gov.au](http://www.dfc.sa.gov.au)

General Enquiries 08 8226 8800

Child Abuse Report Line 131 478

24 hour Crisis Care Line 131 611

## **Attachment 2: WORKING WITH CHILDREN CHECK AGENCY CONTACTS**

QLD Commission for Children & Young People & Child Guardian 1800 113 611  
[www.ccyipcq.qld.gov.au](http://www.ccyipcq.qld.gov.au)  
[www.bluecard.qld.gov.au](http://www.bluecard.qld.gov.au)

NSW Commission for Children & Young People 02 9286 7219  
[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Tasmania - Office of the Commissioner for Children 03 6233 4520  
[www.childcomm.tas.gov.au](http://www.childcomm.tas.gov.au)

WA Department of Community Development 1800 883 979  
[www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Working with Children Check Unit 1300 652 879  
Justice Department of Victoria  
[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

SA Department for Families and Communities 08 8226 8800  
[www.familiesandcommunities.sa.gov.au](http://www.familiesandcommunities.sa.gov.au)

### Attachment 3: WORKING WITH CHILDREN CHECK SUMMARY TABLES

The following tables summarise Working with Children Checks under existing (NSW and QLD), new (WA and VIC) and proposed (NT and TAS) child protection legislation. Information under the new SA legislation, where applicable, has been included. The ACT has yet to develop new legislation. The information presented is subject to change so please check the relevant state or territory website to ensure you have the most up to date information.

**TABLE 1: Inclusions under Working with Children Checks**

OFFENCES	VIC	NSW	QLD	WA	TAS	SA	NT
Convictions/findings of guilt for <b>serious sexual offences</b>	•	•	•	•	•	•	•
Convictions/findings of guilt for <b>serious offences related to children</b>	•	•	•	•	•	•	•
<b>Pending charges</b> for serious sexual or other serious child-related offences	•	•	•	•	•	•	•
Relevant professional disciplinary / employment proceedings	•	•	• 1		• 2	•	• 3
Relevant Apprehended Violence Orders or Restraint Orders		•		Breaches of Orders will be checked	•		
Conviction of the person of an offence involving the use of violence under any law in force in Australia or another country					• only Australia	•	•
Spent criminal convictions	•	• 4	•	•	•	•	•
Juvenile criminal convictions	•	•	• 5	•	•	•	•

- 1 From certain professional organisations for teachers, child care service providers, foster carers, nurses, midwives, and certain health practitioners.
- 2 Includes information regarding professional de-registration and child-related complaints against the person in previous employment.
- 3 From national teaching and childcare service provider registers only.
- 4 Sexual offences can never be considered spent for the purposes of an application for child-related employment in NSW.
- 5 Some charges as well as convictions are checked.

**TABLE 2: Who is required to have a Working with Children Check**

**Note: Only the categories of child-related work considered relevant to the sport and recreation industry have been summarised. A full list of the categories is available from each relevant state and territory agency's website.**

VIC	<p>Any person who works in, or in connection with, in a paid or voluntary capacity, any of the 20 child-related occupational fields listed in the Act. This work must also usually involve (or be likely to involve) regular, direct contact with a child where that contact is not directly supervised. Categories of occupations/work relevant to sport include :</p> <ul style="list-style-type: none"> <li>• Clubs, associations or movements that provide services or conduct activities for or directed at children or whose membership is mainly comprised of children</li> <li>• Coaching or private tuition services of any kind for children</li> <li>• Overnight camps for children</li> <li>• Direct commercial provision (and not incidental or in support of other business activities) of gym or play facilities specifically for children.</li> </ul>
NSW	<p>Anyone employed or seeking employment, paid or unpaid, in a position that involves direct and unsupervised contact with children in several types of areas such as:</p> <ul style="list-style-type: none"> <li>• sporting and recreation clubs and associations that have a significant child membership</li> <li>• involvement or involving the private tuition of children.</li> </ul>
QLD	<p>Anyone who works with children under 18 years of age in either a paid or volunteer basis and who is caught by one of the specific categories of employment or business regulated by the Act requires screening. Relevant categories of regulated businesses or employment which may capture participants of the sport and recreation industry include:</p> <ul style="list-style-type: none"> <li>• Private teaching, coaching or tutoring</li> <li>• Sport and active recreation</li> <li>• Churches, clubs and associations involving children</li> <li>• Child accommodation services (which incorporates billets)</li> <li>• Schools – employees other than teachers and parents</li> </ul>
WA	<p>People who carry-out work where the usual duties of the work involves or is likely to involve contact with a child in connection with:</p> <ul style="list-style-type: none"> <li>• A coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;</li> <li>• A club, association or movement (including recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children, but not including an informal arrangement entered into for private or domestic purposes;</li> <li>• An overnight camp</li> </ul>
TAS	<p>Anyone in child-related employment. This is paid or voluntary work in government and non-government organisations and includes work in the following areas:</p> <ul style="list-style-type: none"> <li>• A coaching or private tuition service;</li> <li>• A club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children but, not including an informal arrangement entered into for private or domestic purposes; or</li> <li>• An overnight camp, regardless of the type of accommodation or how many children are involved.</li> </ul>
SA	<p>Employees and volunteers in <i>prescribed positions</i> that provide services for the government or engaged by a non-government organisation that provides services for the government. <i>Prescribed position</i> means a position that requires/involves:</p> <ul style="list-style-type: none"> <li>• Regular contact with children or working in close proximity to children on a regular basis; or</li> <li>• Supervision or management of persons who have regular contact with children or who work in close proximity to children on a regular basis; or</li> <li>• Access to records relating to children; or</li> <li>• The performance of functions or the undertaking of activities of a type prescribed by regulation.</li> </ul> <p>Legislation requires:</p> <ul style="list-style-type: none"> <li>• organisations to implement a risk management plan; and</li> <li>• persons employed by or volunteering in organisations that provide sporting or recreational services for children, to be mandated reporters.</li> </ul>
NT	<p>Anyone in child related employment. This is paid or voluntary work involving contact with children and includes work in the following areas.</p> <ul style="list-style-type: none"> <li>• clubs, associations or movements (including those that are of a cultural, recreational or sporting nature) with significant child membership or involvement;</li> <li>• private tuition services of any kind for children; or</li> <li>• overnight camps regardless of the type of accommodation or of how many children are involved.</li> </ul>

**TABLE 3: Result of Working with Children Check**

NSW	VIC	QLD	WA	TAS	NT
<p>Screening Agency provides the employer with a screening clearance or an assessment of the level of risk that employee presents. Decision to employ the person is the employer's.</p> <p>Valid until the person applies for another child related position within same or another organisation.</p>	<p>Assessment Notice &amp; ID card.</p> <p>Valid 5 years</p>	<p>Positive Notice &amp; Blue Card</p> <p>Valid 2 years</p>	<p>Assessment Notice &amp; ID card.</p> <p>Valid 3 years</p>	<p>Positive Notice &amp; card ('Tascard').</p> <p>Valid 3 years</p>	<p>Clearance Notice &amp; card.</p> <p>Valid 2 years</p>
	<b>OR</b>	<b>OR</b>	<b>OR</b>	<b>OR</b>	<b>OR</b>
	<p>Interim Negative Notice</p> <p>Valid 28 days</p> <p>Or</p> <p>Negative Notice</p> <p>Valid 5 years</p>	<p>Negative notice</p> <p>Valid indefinitely</p> <p>(unless applicant successfully applies to have the notice cancelled after 2 years)</p>	<p>Negative Notice or Interim Negative Notice</p> <p>Valid indefinitely</p>	<p>Negative Notice</p> <p>Valid indefinitely</p>	<p>Letter saying applicant is not suitable &amp; reasons for decision.</p> <p>Timeframe not stated.</p>

**TABLE 4: Exemptions from Working with Children Checks**

<b>VIC</b>	<ul style="list-style-type: none"> <li>Individuals aged under 18</li> <li>Individuals volunteering in an activity in which own child ordinarily participates</li> <li>Individuals working only with children who are close family relations</li> <li>Secondary school students aged under 20 performing volunteer work arranged through the school where they are studying</li> <li>Sworn members of Victoria Police</li> <li>Teachers registered with the Victorian Institute of Teaching</li> <li>Visitors to Victoria who do not ordinarily reside and perform child-related work in Victoria</li> </ul>
<b>NSW</b>	<ul style="list-style-type: none"> <li>Volunteers currently do not require a police check (although they do need to sign a Prohibited Employment Declaration). Check with NSW Sport &amp; Recreation for up to date information.</li> </ul>
<b>QLD</b>	<ul style="list-style-type: none"> <li>Exemptions differ across each of the various categories of regulated employment and business. Please refer to <a href="http://www.bluecard.qld.gov.au">www.bluecard.qld.gov.au</a> for information on the exemptions.</li> <li>As a general rule, children under 18 who are volunteers (except students required to work in regulated employment as part of their studies) are exempt from having a Working with Children Check.</li> </ul>
<b>WA</b>	<ul style="list-style-type: none"> <li>Volunteers under 18 years;</li> <li>Employers of and fellow employees working with young people, so long as they are not otherwise in child-related work;</li> <li>Parents volunteering where their child is also involved (This exemption does not apply to parents volunteering in connection with overnight camps).;</li> <li>Short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period;</li> <li>People who carry out child-related work on no more than 5 days in a calendar year (except those working in child care services).</li> </ul> <p>There are also some specific exemptions that relate to certain categories of child-related work. Refer to <a href="http://www.checkwvc.wa.gov.au">www.checkwvc.wa.gov.au</a>.</p>

**TABLE 5: When legislation is enacted and becomes effective**

<b>NSW</b>	July 2000 Commission for Children and Young People Amendment Act 2005 will become effective sometime during 2006 (once it is proclaimed)
<b>QLD</b>	May 2001
<b>WA</b>	Phased-in over five years for different groups, commencing from 1 January 2006: 2006 Volunteers working with children 0 –7 years in any category of child-related work; self-employed people*; paid employees who are not public sector employees who commence child-related work after 1 Jan 2006 in coaching or clubs & associations with a significant child membership 2007 Volunteers working with children 8-12 years 2008 Volunteers working with children 13-17 years 2009 Continuing paid employees who have remained in the same child-related work they were in before 1 January 2006 and are still in that position.  * self-employed people in connection with all categories of child-related work EXCEPT childcare licensees, registered teachers, persons with an F or T drivers licence who carry out a transport service for children, people providing coaching or private tuition services for a TAFE or a Registered Training Organisation.
<b>VIC</b>	Phased in over five years commencing from 1 April 2006. the type of child-related work determines when people need to apply for a check. At this stage it is anticipated that the sport and recreation sector will be phased in 2008/09. More information on the phasing-in of Checks is available from <a href="http://www.justice.vic.gov.au/workingwithchildren">www.justice.vic.gov.au/workingwithchildren</a>
<b>NT</b>	Not known at this stage
<b>TAS</b>	Not known at this stage
<b>SA</b>	Parts of the legislation affecting sport and recreation will be phased in through 2006.

**TABLE 6: Cost of Checks**

	Existing National Police Checks	Under New/Proposed legislation	
		Paid / Self Employed	Volunteers
<b>NSW</b>	See next columns	Free	\$40.00
<b>QLD</b>	See next columns	\$40.00	Free
<b>WA</b>	\$44.00	\$50.00	\$10.00
<b>NT</b>	\$36.00	TBA	
<b>TAS</b>	\$45.00	TBA	
<b>VIC</b>	\$27.60	Approximately \$70.00	Free
<b>ACT</b>	\$36.00	TBA	
<b>SA</b>	\$42.00	TBA	

**TABLE 7: Child Protection Legislation**

<b>State/Territory</b>	<b>Title</b>
NSW	<ul style="list-style-type: none"><li>• Commission for Children and Young People Act 1998</li><li>• Child Protection (Prohibited Employment) Act 1998</li><li>• Child Protection (Offenders Registration) Act 2000</li><li>• Child Protection Legislation Amendment Act 2003</li><li>• Commission for Children and Young People Amendment Act 2005</li></ul>
QLD	<ul style="list-style-type: none"><li>• Child Protection Act 1999</li><li>• Commission for Children and Young People and Child Guardian Act 2000</li></ul>
WA	<ul style="list-style-type: none"><li>• Working with Children (Criminal Record Checking) Act 2004</li></ul>
VIC	<ul style="list-style-type: none"><li>• Working with Children Bill 2005</li></ul>
NT	<ul style="list-style-type: none"><li>• Community Welfare Act</li><li>• Community Welfare Regulations</li><li>• Exposure Bill – Care and Protection of Children and Young People 2005</li></ul>
ACT	<ul style="list-style-type: none"><li>• Children and Young People Act 1999</li></ul>
SA	<ul style="list-style-type: none"><li>• Children’s Protection Act 1993</li><li>• Children’s Protection (Miscellaneous) Amendment Act 2005</li></ul>
TAS	<ul style="list-style-type: none"><li>• Children, Young Person and their Families Act 1997</li></ul>