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## Working with Children Checks

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### Victoria

#### Legislation

In 2006, the Victorian Government introduced a new screening system to help protect children from physical or sexual harm. The system, established under the *Working with Children Act 2005* (the Act), was phased in between April 2006 and June 2011. It has now been fully implemented.

The Working with Children Check (the Check) helps protect children from physical and sexual harm. It does this by screening people's criminal records and professional conduct and preventing those who pose an unjustifiable risk to children from working with or caring for them.

#### Who has to apply?

Not everyone who has contact with children needs a Check.

Under the Act, people need a Check if they are doing child-related work and are not exempt from needing one (see below). This applies to both paid and volunteer workers. Ministers of religion, who more than occasionally, have direct contact with children and religious leaders with children in their congregation, must also hold a Check.

To find out if you need a Check, or if you are exempt, you will need to answer a few questions. Go to this link to find out if you need a check -

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/who+needs+a+check/do+i+need+a+check>

#### What are employer's requirements?

Organisations need to:

- determine which paid and volunteer workers require a Check
- ensure workers have a valid Check

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- ensure new starters apply for a Check before commencing child-related work.

The Check is just a starting point. It screens a person's criminal records and any reports about professional conduct by the bodies listed in

<http://www.workingwithchildren.vic.gov.au/home/applications/the+application+process/whats+checked>

The Check does not assess a person's suitability to work with or care for children in a particular role. It is the responsibility of organisations to assess if a person is suitable to work with children and to continue monitoring their workers' behaviour around children.

Organisations should be vigilant at all times by doing thorough reference checks and establishing sound, ongoing supervision practices so that children are safe from harm. This forms part of an organisation's obligation to meet the Child Safe Standards established under the *Child Wellbeing and Safety Act 2005*, which will apply to organisations providing sport and recreation services to children from 1 January 2017. The requirements for a Check remain the same under the Child Safe Standards. For more information go to <http://ccyp.vic.gov.au>.

### What are the requirements for visitors from other states/territories?

To learn about Check requirements across states and territories you can download this document - [http://play-by-the-rules.s3.amazonaws.com/working\\_across\\_states\\_VIC\\_Jan\\_2016.pdf](http://play-by-the-rules.s3.amazonaws.com/working_across_states_VIC_Jan_2016.pdf)

### Exemptions

There are several situations listed in the Act where people doing **child-related work** are exempt and do not need a Check.

The exemptions in the Act are

- Children – if you are under 18 years of age you are exempt from a Check
- Some student volunteers – if you are a student who is 18 or 19 years of age, you are exempt from the Check for volunteer work organized by or held at your educational institution
- Parents volunteering in an activity with their child - if you are a parent volunteering in an activity in which your child participates, or normally participates, you are exempt and do not need a Check.
- Family members and people who are closely related to the child
- Registered Teachers
- Sworn police officers
- Interstate visitors can do child-related work in Victoria without a Victorian Check for a period of up to 30 days in the same calendar year for:
  - several events or occasions with a Check from their state or territory, or
  - only one event or occasion without a Check from their state or territory.

You may find that you are exempt for the purposes of one type of work but not another, so you may still need a Check.

## Are there penalties for not conducting the Working with Children Check?

Yes. There are significant fines and prison sentences for employers, employees and volunteers who fail to comply with the legislation.

## Action

### How do I get a Working with Children Check done?

The first step is to complete an application form online by going to [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au).

Applicants for new Checks can print out their application summary receipt and take it to an Australia Post outlet where they verify their identification, photo and signature.

People renewing their Checks can complete the process online.

## Useful information

- The Check is different to a Police Check as the Check includes ongoing monitoring of criminal offences. If you are doing child-related work and are not exempt, you must have a Check even if you have had a Police Check. To find out more visit:  
<http://www.workingwithchildren.vic.gov.au/home/about+the+check/how+is+a+police+check+different/>
- when you get a Check card you must show your card to every organisation that engages you in child-related work
- By law, if you change from volunteer to paid child-related work you must apply for an Employee Check, as it is an offence to do paid child-related work with a Volunteer Check
- If you start child-related work with another organisation you must show the new organisation your Check card and add your organisation to your Check details within 21 days of starting with the new organisation.
- You can check the status of your applications and update your details here - <https://online.justice.vic.gov.au/wwccu/login.doj?next=mycheck>
- You can check the status of applications and whether they can, under the Act, work with children by entering the applicant's surname and application number into the Status Check at <https://online.justice.vic.gov.au/wwccu/checkstatus.doj>

### How much does it cost?

Paid employees pay \$119 for a new application (\$88.10 to renew your Check after 5 years) but there is no fee for volunteers.

## Who is responsible for payment?

The person applying for the Check is responsible for payment.

## What is checked?

The Check examines relevant information from your national criminal records and, in some cases, reports by some professional bodies about your professional conduct.

## How long is it valid for?

Five years, unless revoked or cancelled due to a change in the Check holder's circumstances. If you're a Check holder you must advise the Department of Justice and Regulation of the following to maintain the Check :

- any 'relevant change in circumstances', including if you change your name
- any change of address details
- any change of employer or volunteer organisation, including changes to their contact details.

## Is it transferable to a different organisation?

Yes.

## Where can I get further information or resources?

For resources - <http://www.workingwithchildren.vic.gov.au/home/resources/>

Working with Children Check Unit  
Department of Justice & Regulation  
GPO Box 1915  
Melbourne VIC 3001  
Telephone: 1300 652 879  
Email: [workingwithchildren@justice.vic.gov.au](mailto:workingwithchildren@justice.vic.gov.au)