

WORKING WITH CHILDREN CHECKS



There is no co-ordinated national Working With Children or Working With Vulnerable People system in Australia.

Each State and Territory has their own certification and system of checks, and in general these arrangements are not well suited to remote, digital work that is delivered across state borders.

Most jurisdictions have reciprocal arrangements in place for people working with children outside of their “home state”, under which provisions IRL Hub Presenters can present Workshops digitally, compliant with the legislation in each case.

All IRL Hub Presenters either have current Victorian or NSW WWC Checks in place, (depending on their state of residence).

IRL Hub has sought specific advice from the Office of the Children’s Guardian in New South Wales, and Access Canberra on working with children across state borders, and we are in the process of seeking advice regarding presenting in Queensland.

Working With Children in New South Wales

From the Child Protection (Working With Children) Regulation 2013, as referenced on the OFCG website:

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/employer/who-needs-a-working-with-children-check>

<https://www.legislation.nsw.gov.au/#/view/regulation/2013/156/part4>

20. Exemption from Act for specified workers and employers

...

(n) a worker who is working in and visiting New South Wales from outside the State for the purposes of child-related work (other than a worker referred to in paragraph (l) or (m)), if the worker is the holder of an interstate working with children check in the jurisdiction in which the person ordinarily resides, or is exempt from the requirement to have such a check in that jurisdiction, and the period of the child-related work in New South Wales does not exceed a total of 30 days in any calendar year,...

Note: this exemption was confirmed with regard to IRL Hub’s specific activities, in conversation with the OCG, 14 April, 2020.



It is not possible for someone working with children to apply for a NSW check from outside the state.

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Working With Children in the Australian Capital Territory

The ACT's regulating body Access Canberra recognises WWC Checks from other states. Under ACT laws, a person is only required to hold an ACT-specific WWC Check if he or she has exceeded 28 days of activities with children or vulnerable people in the Territory. For any activities that occur prior to those 28 days, Access Canberra advises that a WWC Check from a different Australian state or territory is sufficient.



On 06/04/2020 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject
WWVP - Information requested

Message

Response By Email (Nyrrelle) (09/04/2020 01:33 PM)

Good afternoon Toby,

Thank you for your enquiry, you employees will be required to have an ACT registration if they exceed the 28 days, please see managers response below,

In accordance with the *Working with Vulnerable People (Background Checking) Act 2011* (The Act), the description of the activities being provided to children fall under 'Child Education Services'. As a result, the service providers may require a WWVP registration if they exceed the minimum engagement periods as set out in section 12(2).

As the service provide is registered under a corresponding law and has a Victorian WWCC, section section 12(2) (c) may apply if they are registered to provide some sort of child education service in Victorian:

The applicants will need to apply online then mail their signed consent along with 3 forms of certified identification (one of these must be primary ID) and 2 passport quality photos one of which also needs to be certified as a true picture of themselves. I have attached a link to our website for any further information you may require & to obtain the online application form.

Part 3 Requirement for registration

12 When is a person required to be registered?

(1) A person is required to be registered to engage in a regulated activity.

(2) However, a person is not required to be registered to engage in a regulated activity if the person is—

- (a) under 16 years old; or
- (b) engaged in the activity (other than an overnight camp for children) for not more than—
 - (i) 3 days in any 4-week period; and
 - (ii) 7 days in any 12-month period; or
- (c) registered under a corresponding law and—
 - (i) the activity is substantially similar to a regulated activity the person is allowed to engage in under the corresponding law; and
 - (ii) the person is engaged in the activity for not more than 28 days in any 12-month period; or

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~working-with-vulnerable-people-%28wwvp%29-registration

Don't hesitate to contact us if you require anything further;