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## Workplace Relations

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**Memorandum No:** 351/2006  
**To:** Principals  
**For the Attention of:** Principals, Governing Body Members, Business Managers, Human Resource Managers  
**From:** Workplace Relations  
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**Date:** 14 December 2006  
**Subject:** **Working with Children Checks – Guidelines for Implementation**

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On 3 April 2006, the *Working with Children Act 2005* (Vic.) ('the Act') became operational with Working with Children Checks being phased-in over a period of five years.

The Act requires a person employed by an educational institution, including an independent school:

- where the work involves (or is likely to involve) *regular* and *direct contact* with a child, and
- where that contact is not *directly supervised* by another person, who is in receipt of current registration with the Victorian Institute of Teaching or has an Assessment Notice from a Working with Children Check,

to apply for a Working with Children Check by **30 December 2007**. However, for persons involved in overnight camps, outside school hours care (before/after school and holiday programs) and school crossing services, compliance is required by **30 June 2007**. Teachers and principals registered with the Victorian Institute of Teaching are exempted from obtaining a Working with Children Check.

In determining whether a person is required to apply for a Working with Children Check, it is relevant to consider the meanings of the terms:

- *regular* has its everyday meaning;
- *direct contact* is any contact with a child that involves:
  - physical contact,
  - talking face to face, or
  - being within eyeshot (i.e., physically able to see the child),
 but is not considered to include telephone, e-mail or internet contact with a child;
- *direct supervision* must be undertaken by a person who has the role of supervising the person's contact with children, and must be immediate and personal. It does not require a constant physical presence. For example, a person who is directly supervising an employee may leave the room to make a telephone call.

The Act defines child-related work as work undertaken in the following capacities, including:

- an employee;
- a volunteer;
- an independent contractor (self-employed person);
- a minister of religion or person performing duties of a religious vocation;
- an officer of a body corporate;
- a member of a committee of management (of an unincorporated body or association) or partnership; or

- a person doing practical training as part of an educational or vocational course (for example as a student teacher) but this does not include the exemption for an 18 or 19 student involved in practical training arrangements.

There are some exemptions available under the Act.

It is recommended that Member Schools give consideration to the processes needed to implement Working with Children Checks considerably in advance of the compliance date/s.

AISV held briefings in July and August this year and has developed some guidelines in response to these briefings.

Resources currently available to Member Schools include:

**1. AISV website:**

**1.1 Compliance Framework**

*Working with Children Check – Employee and Volunteer Obligations*

<http://www.ais.vic.edu.au/compliance/index.php> and then selecting 'workplace relations', 'working with children checks'

**1.2 Workplace Relations**

*Sample WWC Check Guidelines – Non-Teaching Employees*

*Sample WWC Check Guidelines – Volunteers*

*Sample Volunteer Register*

*Sample Volunteer Activity Record*

<http://www.ais.vic.edu.au> and then selecting 'for schools', 'workplace relations', 'working with children checks'

**2. Department of Justice website**

Full details are available, including by telephone on the WWC Check Information Line at 1300 652 879.

<http://www.justice.vic.gov.au/workingwithchildren>

**3. Australia Post website**

Australia Post outlets where Working with Children Check applications may be made

<http://www.auspost.com.au/workingwithchildren/vic.asp>

Member Schools with questions about the Guidelines for Implementation or any other matter associated with implementing Working with Children Checks may contact a Workplace Relations staff member. Some inquiries, particularly those relating to the coverage of particular classes of employees or volunteers, may need to be referred to the WWC Check Information Line.