



Working with Vulnerable People Checks (children and vulnerable adults)

Australian Capital Territory

Legislation

What are the background checking requirements for sporting organisations?

The *Working with Vulnerable People (Background Checking) Act 2011* (the Act) commenced operation in November 2012.

The Act introduces a requirement for people who have contact with vulnerable people (children and vulnerable adults) in the course of engaging in certain regulated activities and services to be registered with the Office of Regulatory Services (ORS).

The Act introduces a phased approach for registrations over a 6-year period, meaning that different regulated activities and services are captured each year.

Clubs, associations and movements, (including sporting clubs) are captured in year 3 of the scheme's operation. People who engage in regulated activities and services as part of a club, association or movement will be required to obtain a registration between **8 November 2014 and 7 November 2015** (a 12 month window for registration).

The Background Checking system will impact on the sport and recreation sector as sporting and recreational bodies with significant membership or involvement by children will be captured. However, the Background Checking will apply a consistent risk assessment framework and decision making process.

Applicants who pose low or no ongoing risk to vulnerable people will be registered for up to 3 years. Excluding those who are exempt, people who are not registered will be prohibited from working with vulnerable people in the ACT.

Sporting organisations should also note the following two points.

1. Under the legislation any employee or volunteer that meets the requirements of registration and is involved in activities or services involving an overnight stay with vulnerable people in the ACT (such as a children's overnight camp or sports trip) must obtain their registration within the first year (8 Nov 2012 – 7 November 2013).
2. Any employee or volunteer that meets the requirements of registration and is picked by under the legislation prior to 8 November 2014 because of their work in another role (e.g. a teacher that coaches her daughter's netball team) must obtain their registration within the timeframe provided under the legislation.

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Sporting organisations and individuals need to consider whether they require a WWVP Registration. If an individual meets the requirements explained above in points 1 or 2, then they are required to obtain a WWVP Check. If there is not a legal requirement for individuals to obtain a WWVP Check it is highly recommended that a National Police Check is obtained by the sporting organisation for people that work with children. This will assist your organisation meet its duty of care towards children, and other members of your organisation.

Are there penalties for not obtaining a Working with Vulnerable People registration?

It is an offence to work with vulnerable people without a registration. Offences apply to the person and in certain circumstances, the employer.

Action

Where can I apply?

People will be able to submit a completed application for registration at any Canberra Connect shopfront throughout the ACT or the ORS shopfront in Fyshwick.

The Working with Vulnerable People Application for Registration is available at:

- ORS shopfront – Fyshwick; and
- Online at:
www.ors.act.gov.au/community/working_with_vulnerable_people/working_with_vulnerable_people_application_lodgement

Who has to apply?

Anyone who has contact with children or vulnerable adults in the course of engaging in a regulated activity or service (i.e. children's sporting coaches, managers, scorers etc.).

Useful information

How much does it cost?

An application fee of \$73 applies to people who are employed to work with vulnerable people.

Registration is free for volunteers, however, applicants who volunteer in a regulated activity and also work in another will be required to pay the \$73 application fee.

Who is responsible for payment?

In accordance with the Act, the individual is responsible for the payment of the fee at the time of application.

What does the Background History Check cover?

ORS will conduct a risk assessment in accordance with the Risk Assessment Guidelines. The Guidelines define how relevant information will be treated in determining a person's application.

The risk assessment process includes a review of the individuals criminal history including any conviction of, or finding of guilt against the person for a *relevant offence* e.g.

- convictions for sexual offences;
- offences against a person;
- offences involving violence;
- offences involving dishonesty or fraud;
- offences relating to property;

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- offences involving possession of or trafficking in a drug of dependence or a controlled drug;
- offences against an animal; and driving offences.

The criminal history review includes spent and unspent convictions.

Resources

Further information about the WWVP Background Checking scheme can be found at:

- <http://www.playbytherules.net.au/legal-stuff/child-protection/child-protection-laws-explained/screening>
- www.ors.act.gov.au or by contacting ORS: telephone: (02) 6207 3000; email: wwvp@act.gov.au.

