



Royal Commission into Institutional Responses to Child Sexual Abuse: *Issue Paper 1*

The ACT Council of Parents & Citizens Associations (Council) would like to thank the Royal Commission for the opportunity to comment on the proposal for a national working with children check (WWCC). Such programs require a skilful balance between protecting children whilst not being overly burdensome on organisations, especially volunteer organisations.

Council has responded to a number of the Commissions' questions based on the opinion of parents in the ACT and our experience thus far with the working with vulnerable people checks (WWVPC). Where Council hasn't responded an N/A has been written.

1. Should there be a national WWCC?

Council supports the establishment of a national WWCC. From 2010 to 2011 337,900 Australians moved interstate. As Australians increasingly move throughout Australia the need for a nationally consisted and recognised WWCC becomes apparent.

Parents and those who volunteer their time, or work with P&Cs who may need a WWCC are likely to continue these roles with new P&Cs if they move states. By ensuring there is a nationally consisted and recognised WWCC such parents, volunteers and workers and the P&Cs who they represent have a level of certainty that they are in compliance with the law and able to work with children. Adopting such a policy will also ensure parents and those that work with P&Cs do not have go through a new WWCC should they move interstate and wish to continue with a similar role.

2. What features should be included in any national scheme

It is Council's experience that many parents will from time to time volunteer in roles that see them working with children, whether it be helping to run a school fete or disco or occasionally volunteering in the school canteen. In such isolated circumstances Council feels it is inappropriate to require the individual to undergo a WWCC.

The ACT has recognised this situation and does not require individuals to obtain a WWVPC if they work with such people for 7 days or less over a year and no more than 3 days in any given week.

If a national scheme were to be adopted some flexibility, similar to the ACT, must be build into it. Failing to do so will have an adverse impact on many volunteer organisations that work with children such as P&Cs.

3. If there is no national scheme should there be minimum requirements for each state and territory scheme?

N/A

4. How long should clearance be granted for?

In the ACT a working with Vulnerable People Check is valid for three years. Council supports the granting of WWCC for a period of three years. This length of time strikes an appropriate balance between keeping the check up to date and not being overly burdensome on the individual to continually get the WWCC renewed.

5. Should a person be able to commence work before the check is completed?

Under the ACT scheme people can commence work with vulnerable people prior to being granted a WWVPC provided certain conditions have been met. These conditions include the person having applied for a WWVPC, the named employer on the application approving the persons work and the person working under appropriate supervision until the WWVPC is granted.

Additionally, there should be a quick turnaround time between a person applying for a WWCC and receiving approval. Council believes a person should be able to commence work prior to the check being completed provided the above criteria are met. Should a person prove unsuccessful in being granted a WWCC and want to appeal the decision they should be prohibited from working with children until the original decision has been overturned.

6. How should child-related work be defined?

N/A

7. How should child-related sectors and roles be defined?

N/A

8. Are current exemptions for a WWCC adequate or appropriate – in particular, should a WWCC apply to those:

a. living in the homes of children in out-of-home care?

N/A

b. parent volunteers?

As discussed above parent volunteers play a crucial role in P&Cs and from time to time will be in a role that requires them to work with children temporarily. In these instances requiring parents to undergo a WWCC can

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for Parent & Citizen Associations in the ACT.

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prove overly burdensome and lead to a reduction in parent volunteers for future events.

Because of this Council feels it appropriate to include an exemption in a national WWCC that allows volunteers to work with children provided such volunteering is on an infrequent basis (i.e. 7 days a year or less) and there is appropriate supervision of the activity by someone with a WWCC.

9. What records should be included in the check? For example, should the check include juvenile records?

N/A

10. How should an appeal process operate?

Should a person not be granted a WWCC they should have a right to appeal the decision. This appeal should go through a suitable body or tribunal. In the ACT appeals currently go through the ACT Civil and Administrative Tribunal. Should a national scheme be introduced, the review process should be run through the Australian Administrative Tribunal (AAT). This will enable consistency in decisions across all the states and territories. The legislation creating the national WWCC should give the AAT jurisdiction to hear such appeals.

11. What issues arise from the current regime of records that result in automatic barring of a person from working with children?

N/A

12. The adequacy of the risk assessment process.

N/A

13. To what degree should the WWCC minimise the need for institutions to establish clear processes for responding to inappropriate behaviour of staff in child-related positions?

N/A

14. How should the effectiveness of any existing or proposed WWCC be evaluated and / or monitored?

N/A

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