



Australian Bahá'í Community

Submission by the Australian Bahá'í Community on the Working With Children Check

The Australian Bahá'í Community welcomes the opportunity to make this submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, in response to the Issues Paper on the Working with Children Check.

At the outset we wish to place on record our support for the Royal Commission and its important work. It is difficult to imagine a more reprehensible perversion of human conduct than the sexual abuse of children. It is a serious criminal act and entirely contrary to the laws of the Bahá'í Faith. We believe that children are the most precious treasure a community can possess, for in them are the promise and guarantee of the future. Children bear the seeds of the character of future society, which is largely shaped by what the adults constituting the community do or fail to do with respect to them. Accordingly, we welcome and fully support the establishment of this Royal Commission, and we offer any assistance we can provide to its work.

Australian Bahá'í Community

The Australian Bahá'í Community was established in 1920. As members of the Bahá'í Faith—an independent worldwide religion, founded over 160 years ago, with more than five million members around the globe—we work to promote and apply principles derived from Bahá'í teachings which are aimed at contributing to the development of a united, peaceful, just and sustainable global civilisation.

The Australian Bahá'í Community provides a wide range of programs that are intended to respond to the spiritual needs of children and young people from all backgrounds, and to empower them to contribute to the well-being of their communities and the world at large. These include, but are not limited to, Bahá'í children's classes, junior youth groups, study circles, camps, excursions, short-term residential schools, and occasional child care in connection with community gatherings or other events. The majority of these programs are provided by volunteers trained and authorised by the administrative institutions of the Bahá'í Community.

The Bahá'í Community is committed to making every effort to reduce the risk of abuse of children.

All Bahá'í institutions in Australia are required to be uncompromising and vigilant in their commitment to the protection of the children entrusted to their care. Accordingly, the National Spiritual Assembly of the Bahá'ís of Australia, the national governing body for the Bahá'í Faith, has put in place a national Policy for the Protection of Children which applies to all situations in which an individual is authorised by a Bahá'í institution or designated agency to teach, care for, or supervise children and youth under age 18 in Australia. The aim of this policy is to protect children and youth from the risk of sexual, physical or emotional abuse.

Under the national Bahá'í Policy for the Protection of Children, any person over the age of 15 authorised to teach, care for or supervise children at any activity or event under the aegis of any Bahá'í institution or agency must firstly fulfil all legal requirements required of people who work with children in their State or Territory. As these requirements vary between States, State Child Protection Officers are appointed under the policy with special responsibilities to assist in raising awareness of the legal and Bahá'í policy requirements for protection of children. Secondly, individuals must also undertake a

parallel Bahá'í screening procedure which includes a police check for employees and volunteers 18 years and over where an equivalent legal requirement is not in place, and compulsory training in the Policy for the Protection of Children.

This submission is based on our experience in administering this policy.

Should there be a national Working With Children Check?

The Australian Bahá'í Community strongly supports the proposal of a national Working With Children Check. We believe that a national WWCC would provide protection and consistency across all Australian jurisdictions, some of which currently lack a WWCC, and would minimise the risk of individuals slipping “between the cracks”.

A national WWCC would greatly assist national organisations in managing checks for their staff and volunteers across Australia. It is currently difficult for national organisations to put in place a centralised process to manage checks as the requirements and conditions vary significantly across States and Territories. A national process would also eliminate the need for individuals who move from one state to another to undergo multiple checks.

We see no reason why the requirements for a Working With Children Check should differ between the Australian States and Territories.

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

In the absence of a national Working With Children Check, a set of minimum requirements or standards for each State and Territory scheme would be the next best option. This would provide a degree of consistency and a minimum standard of protection across all jurisdictions – some of which, as noted above, currently lack a comprehensive WWCC. The Australian Bahá'í Community believes, however, that a national WWCC would be the preferable policy outcome.

How long should any clearance be granted for?

The Bahá'í Community does not have a fixed view on the length of time for which any clearance should be granted. A period that falls somewhere within the two- to five- year range of the existing State and Territory schemes would seem appropriate.

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

We believe that it should be permissible for a person to commence work in a paid or voluntary position prior to completing a Working With Children Check, provided that such positions are made conditional upon successful completion of the WWCC as soon as possible after commencement. In our experience the WWCC process can take up to six weeks, and it can be impractical for an organisation to wait this long for a vacant position to be taken up by a successful applicant, or for an employee to wait before commencing work.

We have found the current process in Victoria to be effective. Under this system, an individual may commence working with children once he or she has obtained a receipt from the Post Office confirming the lodgement of their WWCC application. They may continue working for up to 60 days or until the WWCC has been received. We suggest consideration of a similar process for a national WWCC.

How should child-related work be defined?

We believe that child-related work should be defined to cover work where persons, as part of their position, are in regular, direct contact with children. The WWCC should not be mandatory for positions where contact with children is ancillary and may occur infrequently. In our experience, child-related work has, at times, been defined too broadly – for example, a person who has no

direct contact with children, but has access to records relating to children of an educational or legal nature, as in South Australia. We feel that such broad definitions impose an unnecessarily high administrative burden on organisations administering checks for their staff and volunteers.

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?**
- b. parent volunteers?**

The Australian Bahá'í Community believes that some exemptions are necessary in order to ensure a practical and effective WWCC process that does not impose unjustifiable administrative burdens. We note that, as with other aspects of the current State and Territory schemes, there is presently no uniformity in relation to exemptions. In our view, the following groups should be exempt from the WWCC:

- Parents or guardians who are present with their child without playing any role in the organisation and running of a program or activity.
- Parent or guardian volunteers who are present with their child, and are directly supervised by someone with a current WWCC. We note that most jurisdictions currently provide an exemption along these lines.
- Individuals who work with children on a one-off or ad hoc basis, where the program remains under the supervision of a person with a current WWCC. Possible examples include one-off presenters at a conference or educational program attended by people under the age of 18, or persons observing or assisting a program for a limited period as part of a learning experience. Some jurisdictions currently provide an exemption for a person who undertakes work for an event or activity for a period not exceeding a certain number of days in total, and/or for not more than a specified number of consecutive days in a certain period. While we support a limit to the number of times an individual can be so exempted, we have found that where there is no such provision, the WWCC process quickly becomes burdensome and difficult to administer.

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

The Australian Bahá'í Community encourages young people to serve the community by engaging in the provision of programs for youth and children. In our experience, younger members of the community, including those as young as 15 years, have tremendous capacity to work with children and youth younger than themselves, and such service contributes to their own intellectual and spiritual growth. We have found that it is currently not possible for juvenile volunteers in most jurisdictions to obtain a WWCC. As a large number of volunteers in our organisation are youth, we feel that it would be safer if the WWCC were available for all individuals, irrespective of age, who work directly with children.

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?

While the introduction of a national WWCC would reduce the risk of inappropriate behaviour by staff and volunteers who work with children, it would not eliminate it. The Australian Bahá'í Community believes that it remains the duty of all institutions working with children to uphold robust policies and procedures for dealing with issues of abuse and inappropriate behaviour, and to be uncompromising and vigilant in their commitment to the protection of the children entrusted to their care. While such policies would naturally accord with the structure and principles of each organisation, institutions could be assisted in fulfilling this obligation by the development of

national best practice guidelines. We believe that the Royal Commission could well take the lead in this area, based on the knowledge that it gains in the course of its inquiry in the years ahead. We further note that such guidelines should be principles-based, and should take into account the circumstances of volunteer organisations as well as those with paid employees.

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

The Australian Bahá'í Community has welcomed the appointment, in March 2013, of Australia's first National Children's Commissioner. We believe that this role, based in the Australian Human Rights Commission, has great potential in advocating for the rights and interests of children in Australia. Given its focus on the rights and interests of children and the laws, policies and programs that impact on them, and subject to the provision of appropriate resourcing, we feel that the National Children's Commissioner could well play a role in the ongoing monitoring and evaluation of a national Working With Children Check.

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The Australian Bahá'í Community thanks the Royal Commission for this opportunity to respond to the Issues Paper on the Working with Children Check. We wish the Royal Commission well as it continues its important work.

Australian Bahá'í Community
August 2013