



KARTING AUSTRALIA MEMBER PROTECTION POLICY

Part B – Child Protection Requirements

Policy number	ES-007	Version	V2
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Responsible person	Kelvin O'Reilly	Scheduled review date	As Required
Status	Public		

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Background

Child Protection is about keeping Children safe from Abuse and protecting them from people who are unsuitable to work with Children. Child Abuse is illegal in all States and Territories of Australia, with each having their own Child protection laws that cover the reporting and investigation of cases of Child Abuse.

In New South Wales (**NSW**), Queensland, Western Australia, Victoria and South Australia laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work with Children, whether in a paid or volunteer capacity. This is done by checking certain criminal history and other matters. In some States this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.

Definitions

Terms used in this document are defined in the "Definition" section of Part A of the AKA Member Protection Policy.

Child Member Policy

Please be aware that State and Territory Child protection requirements may apply to individuals and organisations originating outside of the States and Territories with the legislation in place. For example, if one of AKA's State associations or affiliated clubs takes junior players into NSW for training camps, competition or other activities, those travelling with the teams must comply with the NSW legislative requirements.

Please note that the State specific Child protection requirements apply despite the existence or absence of our Member Policy.

As part of AKA's commitment to protecting the safety and welfare of Children and young people involved in AKA activities, AKA requires, where applicable, the measures set out in the following to be met:

- B1. Child Protection Requirements
- B2. Member Protection Declaration
- B3. QLD Blue Card Requirements
- B4. NSW Child Protection Requirements
- B5. WA Child Protection Requirements
- B6. VIC Child Protection Requirements
- B7. SA Child Protection Requirements.



Attachment 1: Child Protection Requirements

This attachment sets out the screening process for people who currently occupy or who apply for any work (paid or voluntary) in our organisation involves regular contact with Children.

Screening under this Policy is not a replacement for any other procedure required by law. If State or Territory legislation sets an equivalent or higher standard of screening, then those standards apply to the exclusion of those set out below.

Association/Club requirements

Under the Policy, AKA and it's Members are required to:

1. Identify positions (paid and voluntary) that involve working with Children.
2. Obtain a completed Member Protection Declaration (MPD) (Attachment B2) from all people who are bound by this Policy if they occupy or apply for a position that involves working with Children. The MPD will be kept in a secure place.

If a MPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the MPD (e.g. has a relevant criminal conviction), AKA will:

- provide an opportunity for the person to respond/provide an explanation; and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with Children.

If unsatisfied, then AKA and it's Members will:

- in the case of an existing Employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with Children. If this is not possible, then end the appointment. Note: legal advice should be obtained before the termination process begins; or
 - in the case of a someone applying for the position/role, not appoint them.
3. Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with Children for both paid and voluntary positions.
 4. Ask people applying for and people who currently occupy a position that involves regular contact with Children to **sign a consent form** for a national Police Check. (Information on Police Checks and forms can be found at www.ausport.gov.au/ethics/policechecks.asp).
 5. Request a national Police Check from our relevant police jurisdiction for people applying for and people who currently occupy, paid or paid and voluntary positions that involves regular contact with Children.

In most police jurisdictions a 'Part Exclusion' check for people working with Children can be requested. This check excludes irrelevant records.

If the Police Check indicates a relevant offence, AKA and it's Members will:

- provide an opportunity for the person to respond/provide an explanation; and
- make an assessment as to whether the person may pose a risk to or be unsuitable to work with Children.

If unsatisfied, then AKA and it's Members will:

- in the case of an existing Employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with Children. If this is not possible, then end the appointment. Note: legal advice should be obtained before the termination process begins; or
- in the case of a someone applying for the position/role, not appoint them.

If the person does not agree to a national Police Check after explaining why it is a requirement, AKA and its Members shall make an assessment as to whether the person may pose a risk to or be unsuitable to work with Children. If unsatisfied, AKA and its Members will:

- in the case of an existing Employee/volunteer, transfer the person to another role which does not require them to work directly and unsupervised with Children. If this is not possible, then end the appointment.



Note: legal advice should be obtained before the termination process begins; or

- in the case of a someone applying for the position/role, not appoint them.
6. Decide whether to offer the person the position or retain the person in the position, taking into account the result of the Police Check and any other information AKA has available. Where it is not practical to complete the Police Check prior to employment commencing, AKA must still complete the check as soon as possible. AKA will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
 7. Where a national Police Check is obtained under this Policy, another organisation which is also required to screen may obtain a copy of the national Police Check provided that the consent of the relevant person is obtained and the national Police Check was performed in the immediately preceding two years.
 8. Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed MPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.

Attachment 2: Member Protection Declaration

AKA has a duty of care to its Members and to the general public who interact with its Employees, volunteers, Members and others involved with AKA activities. As part of this duty of care and as a requirement of the AKA' Member Protection Policy, AKA and its Members must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves regular contact with children.

I, _____ (Name)
of _____ (address),
Born on ____ / ____ / _____

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children; acts of violence, or drug related offences;
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. To my knowledge there is no other matter that AKA may consider to constitute a risk to its Members, Employees, volunteers, athletes or reputation by engaging me.
5. I will notify the CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 5 above has changed for whatever reason.

Declared in the State / Territory of _____ on ____ / ____ / _____ (date)
Signed: _____ Print Name: _____

Parent/Guardian Consent (in respect of Child)

I have read and understood the declaration provided by my Child. I confirm and warrant that the contents of the declaration provided by my Child are true and correct in every particular.

Name: _____
Signature: _____
Date: _____

Attachment 3: Queensland Blue Card Requirements

In Queensland the *Commission for Children and Young People and Child Guardian Act 2000* requires people who work with Children in certain categories of employment regulated by the Act, and people carrying on certain categories of business regulated by the Act to hold a "Blue Card" (**Blue Card**), unless specifically exempt.

When a person applies for a Blue Card the Commission conducts a Working with Children Check which is an assessment of a person's eligibility to work with Children based on their criminal history, certain disciplinary information (if any) and investigative information (if any) held by the police commissioner. If a person is eligible for a Blue Card, the Commission issues a positive notice letter and a Blue Card which remains current for a period of 2 years.

Association/club requirements

Queensland State Office and affiliated clubs are responsible for applying for a Blue Card on behalf of their paid Employees and volunteers where the nature of their work falls under one of the categories regulated by the Act.

Interstate sporting organisations, associations and clubs visiting Queensland for sporting training camps, competition or other activities taking place in Queensland may also need to apply for a Blue Card if the nature of their activities falls under one of the categories in the Act.

People carrying on a regulated business are responsible for applying for a Blue Card if the activities of the business are regulated under one of the categories in the Act.

Application forms

Blue Card application forms for a paid Employee, volunteer, or person carrying on a regulated business can be downloaded from <https://www.bluecard.qld.gov.au/index.html>. Volunteer applications are processed free of charge; there is a processing fee for paid Employees and business applications. This fee is to be paid by the organisation.

Change in criminal history

If AKA knows or reasonably suspects that an Employee who commenced employment prior to 1 May 2001 and therefore does not require a Blue Card, has a criminal history relevant to their work with Children or young people, the AKA can apply for a Blue Card for that person. In such a case, the relevant application form to submit is a 'current Employee Blue Card application form'.

This requirement also applies to interstate AKA Members that visit Queensland and apply to the Commission for a Working with Children Check.

Risk management

The Act requires organisations engaging paid Employees or volunteers that need a Blue Card, and persons or organisations carrying on a business for which a Blue Card is required, to develop and implement annually, a risk management strategy to promote the well-being of Children in their care and protect them from harm.

The key elements an organisation needs to consider in creating a risk management strategy includes:

- a Child protection Policy, which outlines:
 - a Code of Conduct;
 - recruitment, training and management procedures for staff;
 - reporting guidelines and directions for handling disclosures or suspicions of harm; and
 - consequences to staff for non-compliance with the Policy.
- communication and support strategies, such as:
 - information sheets for staff, volunteers and parents about policies, procedures and Codes of Conduct; and
 - training materials and communication strategies which help staff, volunteers and parents identify risks of harm.



- documentation of risk management processes including:
 - registers of staff;
 - strategies and plans for high-risk and special events;
 - Complaints registers; and
 - forms to ensure consistent handling of incidents, disclosures of harm, permissions and approvals for related activities

SUMMARY INFORMATION

Queensland

The Queensland Blue Card system is administered by the Public Safety Business Agency.

Phone: (07) 3211 6999

Email: Not available

Website: www.bluecard.qld.gov.au

Address: PO Box 12671, Brisbane Qld 4003

Attachment 4: New South Wales Requirements to check people Working with Children

All NSW clubs and associations who engage/employ people in Child-related activities (in a paid or voluntary capacity) must meet the requirements of the Working With Children Check (**WWCC**). This is a legal requirement. Interstate clubs and organisations that visit NSW and engage/employ people in Child-related activities (in a paid or voluntary capacity) may also be required to complete a WWCC with the NSW Commission for Children and Young People. We are required to:

- Register with the NSW Office of the Children’s Guardian;
- Identify positions (paid and voluntary) which are **Child-related positions**;
- Obtain a Working With Children Check (WWCC).
- WWCC forms can be downloaded from <http://www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check>
- If the person is a **prohibited person** we must remove him/her from the Child-related employment;
- Ask preferred applicants for paid Child-related positions to sign a Consent Form for a background check;
- Include advice about the WWCC in information being provided about Child-related positions (e.g. coach of junior team);
- Request a background check for preferred applicants for paid Child-related employment before they start work;
- Decide whether to offer the applicant the position, taking into account the result of the WWCC and any other information we have available;
- Where it is not practical to complete the background check prior to employment commencing, we must still complete the check as soon as possible. We must advise Employees that their ongoing employment is conditional upon the satisfactory outcome of the check;
- Notify the NSW Office of the Children’s Guardian of any person whose application for Child-related employment has been rejected primarily because of a risk assessment in the WWCC. We must do this even if we offer the person an alternative position;
- Advise the person if their application was rejected primarily because of an adverse risk assessment in the WWCC;
- Notify the NSW Commission for Children and Young People of any person against whom **relevant employment proceedings** have been completed; and
- Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process.

Child-related employment is any work (paid or unpaid) that involves direct and unsupervised contact with Children in several types of areas such as sporting and recreation clubs and associations that have a significant Child Membership or involvement.

Employment includes work done:

- under a contract of employment;
- as a sub-contractor;
- as a volunteer for an organisation;
- as a minister of religion (whether or not ordained); and
- undertaking practical training as part of an educational or vocational course.

Prohibited person is a person convicted of committing a serious sex offence or is a registrable person.

Registrable person is someone who has been found guilty of the following offences against Children:

- murder;
- Sexual Offences;
- indecency offences;
- kidnapping;
- Child prostitution; or
- Child pornography.

Relevant employment proceedings are disciplinary proceedings completed in NSW, or elsewhere, where an employer or professional body that supervises the conduct of the Employee has found that **‘reportable conduct’** or an act of



violence occurred, or there is some evidence that it occurred. An act of violence will be relevant only if it was committed by an Employee in the course of employment and in the presence of a Child.

Reportable conduct is:

- any Sexual Offence, or sexual misconduct, committed against, with or in the presence of a Child (including a Child pornography offence);
- any assault, ill treatment or neglect of a Child; or
- any behaviour that causes psychological harm to a Child

SUMMARY INFORMATION

New South Wales

The New South Wales Working with Children Check is administered by the Office of the Children's Guardian.

Phone: (02) 9286 7219

Email: check@kidsguardian.nsw.gov.au

Website: www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check

Address: Suite 1, Level 13, 418A Elizabeth Street, Surry Hills NSW 2010

Australian Capital Territory

The Australian Capital Territory *Working with Vulnerable People (Background Checking) Act 2011* is administered by Access Canberra.

Phone: (02) 6207 3000

Email: wwvp@act.gov.au

Website: www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804

Address: GPO Box 158, Canberra City ACT 2601



Attachment 5: Western Australian Child Protection Requirements

Certain people working with Children in Western Australia are required to have a Working with Children Check (WWCC) – a national criminal history check and assessment of any record that appears as part of this check. The Check is compulsory under the *Working With Children (Criminal Record Checking) Act 2004*.

The WWCC takes into account convictions for any offence and charges for serious sexual and violent offences. The fees in relation to the WWCC will be paid by the organisation.

Applicants whose check is “successful” will be issued with either an “assessment notice” in the form of an ID card which allows that person to work or volunteer with Children across different types of ‘Child-related work’. Applicants whose Check is “unsuccessful” will be issued with a ‘negative notice’, which prohibits any Child-related work. In some cases an Interim Negative Notice may be issued while the screening process is completed. This means that you must not start or continue that person in ‘Child-related work’ while the notice is current, and you can only start or continue that person in Child-related work if they are later issued an Assessment Notice.

The Screening Unit must notify the employer, where known, of the outcome of applications for a Check.

Assessment notices will be valid for three years, unless the person has a “relevant change” in criminal record. If this occurs, the person is required to report this to their employer, who must then inform the Screening Unit, and a reassessment of the record takes place. The Police may also inform the Screening Unit where a person in Child-related work has had a relevant change in criminal record.

Who needs to apply for a Check

People doing **Child-related work** must have a WWCC. The definition of **Child-related work**, under Section 6 of the *Working with Children (Criminal Record Checking) Act 2004* includes:

Work is **Child-related work** if the **usual duties** of the work involve, or are likely to involve, contact with a Child in connection with:

- an educational institution for Children;
- a coaching or private tuition service of any kind, but not including an informal arrangement entered into for private or domestic purposes;
- a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant Membership or involvement of Children, but not including an informal arrangement entered into for private or domestic purposes; or
- an overnight camp.

Note that categories of work not relevant to the activities of our sport have not been listed above. A full list of the categories of Child-related work is available on the Working with Children website (www.checkwwc.wa.gov.au) or by calling the Screening Unit on (08) 6217 8100.

SUMMARY INFORMATION

Western Australia

The Western Australian Working with Children Check is carried out by the Department for Child Protection and Family Support.

Phone: (08) 6217 8100

Email: checkquery@cpfs.wa.gov.au

Website: www.checkwwc.wa.gov.au

Address: PO Box 1262, West Perth WA 6872

Attachment 6: Victoria Child Protection Requirements

The Working With Children Check (WWCC) creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWCC. The WWCC involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies. There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no relevant criminal or professional disciplinary history will be granted an assessment notice. That notice will entitle the person to undertake Child-related work for a period of five years (unless revoked). A person deemed unsuitable to work or volunteer with Children will be given a negative notice and cannot work in Child-related work. A negative notice can be appealed to Victorian Civil and Administrative Tribunal (VCAT) provided the individual is not listed on the Sex Offenders Register or subject to an extended supervision order.

Amendments to the Working with Children Act 2005 (the Act) come into effect on 1 August 2017

The Royal Commission into Institutional Responses to Child Sexual Abuse made several recommendations aimed at strengthening the protection children receive through Working with Children Checks. The following amendments to the Act implement these recommendations:

Expand the definition of 'direct contact' in the Act. The definition of direct contact now includes oral, written or electronic communication as well as face-to-face and physical contact.

Remove references to 'supervision' from the Act. This means that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working with Children Check (Check).

Create a new occupational category of 'child-related work', known as 'kinship care'. Family members or other persons of significance caring for a child placed by Child Protection under the Children, Youth and Families Act 2005 are required to obtain a Check.

Ensure that non-conviction charges (charges that have been finally dealt with other than by a conviction or finding of guilt) for serious sexual, violent or drug offences are considered as part of Check assessments and re-assessments.

Enable the Secretary to the Department of Justice and Regulation to compel the production of certain information for the purposes of compliance monitoring.

In addition, various other miscellaneous and technical amendments have been made to improve the Act's operation and administration.

General information about the Act can be found here:

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/purpose/changes+to+legislation/>

To determine if you need a working with children check in Victoria click here:

<http://www.workingwithchildren.vic.gov.au/home/about+the+check/who+needs+a+check/>

For details on how to lodge an application (note that the Working with Children Check can be obtained free of charge) click here: <http://www.workingwithchildren.vic.gov.au/home/applications/lodging+your+application/>

Interstate visitors can do child-related work in Victoria without a Victorian Check for a period of up to 30 days in the same calendar year for:

- Several events or occasions with a Check from their state or territory, or
- Only one event or occasion without a Check from their state or territory.



Attachment 7: South Australian Child Protection Requirements

Provisions under the *Children's Protection (Miscellaneous) Amendment Act 2005* apply to non-government and volunteer organisations that are entrusted with the care of children or who regularly come into contact with children. These provisions require organisations to have strategies in place to prevent and minimise opportunities for abuse and to appropriately respond when abuse occurs or is suspected, and to implement guidelines and processes that clearly outline effective and timely responses to child protection issues and steps of action.

Be aware that criminal history reports are likely to be introduced and mandatory for some positions in sporting organisations from 2010/2011.

Mandatory reporting is currently a requirement by law in South Australia. Mandatory reporting means that staff and volunteers must report reasonable suspicions of Child Abuse or neglect.

SUMMARY INFORMATION

South Australia

In South Australia, Child Safety is the responsibility of the Department for Education and Child Development.

Phone: (08) 8463 6468

Email: DECDCChildSafe@sa.gov.au

Website: www.families.sa.gov.au/pages/protectingchildren/CSEHome/

Address: GPO Box 1152, Adelaide SA 5001



Attachment 8: Northern Territory Child Protection Requirements

All persons employed in Child related work, either paid or as a volunteer, must hold a valid clearance notice issued by the SAFE NT Screening Authority. There are penalties for failure to comply. Sports coaches, trainers, team administrators, officials and volunteers of Sporting Organisations that deal with Children are caught.

Clearance notices are valid for two years from the date of issue unless revoked, and are transferable within employment fields. As part of the assessment process, SAFE NT will consider the applicant's criminal history record and other relevant information.

SUMMARY INFORMATION

Northern Territory

The Northern Territory Working with Children Clearance Notice (Ochre Card) is administered by SAFE NT, a unit of the Northern Territory Police.

Phone: 1800 SAFE NT (1800 72 33 68)

Email: safent.police@nt.gov.au

Website: nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance

Address: PO Box 39764, Winnellie NT 0821

Policy Manager

CEO – Kelvin O'Reilly

Department: Administration