

## **Government Submission**

### **Working With Children Check**

### **Response to the Regulatory Impact Statement**

**February 2006**

Criminal Law Policy  
Department of Justice  
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To Whom It May Concern:

Attached is a response to the Regulatory Impact Statement for the proposed Working with Children Regulations 2006 compiled by VicSport on behalf of the Victorian sport and recreation sector.

VicSport puts forward a number of concerns with both the proposed fee structure and application processes outlined in the RIS. A number of these issues were raised in VicSport's original response to the Working with Children Bill 2005 Discussion Paper and Exposure Draft submitted in February of 2005.

As the Peak for Sport in Victoria, VicSport represents sport and recreation's collective concerns. Over the past year I have received considerable support from the Department of Justice and the Office of the Premier in working through several significant WWC check issues and I look forward once again to the opportunity of further discussing important issues raised in the following pages with your Department on behalf of our sector.

Yours sincerely

Kate Roffey  
CEO  
VicSport – The Sports Federation of Victoria

## **1. Application Fee**

### ***a. Part-time low income earners.***

As outlined in VicSport's original response to the Working with Children Bill 2005 Discussion Paper and Exposure Draft, it is essential the cost of obtaining a WWC check was made free to all volunteers and on behalf of the Sport and Recreation sector VicSport thanks the Department for ensuring this is in fact the intention.

In our original submission to the Department the issue of a sliding fee scale for paid workers was raised and for our sector this is an issue that requires reconsideration.

Unlike more structured sectors such as child protection and child care, the sport and recreation sector has a large number of workers, particularly young people, who receive very minimal income in return for a few hours of coaching or administration support work each week.

As a case in point, the sport of gymnastics have a large number of youth aged 15-18 who work on occasion coaching younger gymnasts. These "workers" earn between \$8-\$12 per hour and are paid to work for a few hours a week. Their annual income is usually around \$500 or less from this activity.

In order to assist with this coaching they are required to register with Gymnastics Australia, which costs around \$200 and includes professional indemnity insurance cover. In addition they have to gain and then maintain their qualification, which costs in the vicinity of \$100 per year.

These costs alone have already eaten away the majority of their income. While many young people want to be involved in coaching, and may look to their junior level coaching as a pathway to a career in this area, the additional \$70 cost of completing a WWC check, while it may seem insignificant to a fully paid worker, may be enough to drive them out of the coaching field.

In order to ensure members of our sector who work only part-time for minimal income are not disadvantaged by the introduction of the WWC check, and are more importantly not discouraged entirely from working with children, it is suggested a subsidised fee payment be introduced for workers who work few hours for low incomes.

### ***b. Not for Profit Volunteer Run Organisations***

The issue of subsidised fees is also a matter that should be taken into consideration for small not for profit sport and recreation groups. As was raised in VicSport's original Exposure Draft response, according to the *Community Sport Counts* report published by Sport and Recreation Victoria, 53% of Victorian Sport

and Recreation organisations have an annual income of less than \$25,000 per year. For these groups basic existence is a financial struggle.

In general there is an expectation across most sectors that employers will either carry the cost for workers to attain a WWC check, or at the least subsidise these costs. Given the financial difficulties our small not-for-profit sport and recreation groups already face, helping employees by meeting or subsidising costs of the WWC is not a viable option, no matter how much they may wish to help their workers with costs.

These groups may find themselves in the unfortunate position of being unable to keep existing, or attract new staff as bigger organisations who can offer financial support increase their competitive advantage. In order to ensure our small not-for-profit sport and recreation organisations are not disadvantaged by the introduction of the WWC check it is recommended a subsidised fee be considered for those not-for-profit organisations who cannot afford to help their volunteers

## **2. Lodging an application**

### ***a. Proof of Identity Requirements***

Under the proof of identity outlines listed in the RIS, in the majority of cases an applicant will need to hold a photographic license to meet the proof of identity requirements. While provision has been made for applicants to present 3 pieces of evidence from category B (one of at least 40 points value) should they be unable to present an item from category A, looking at those items in category B it is very possible some applicants, particularly younger people, will not hold any document listed in the 40 or 70 point categories.

For these people attaining a full birth certificate may be their only realistic option should they not have appropriate photographic identification, however given the process of applying for a birth certificate uses a similar points check system it would be very difficult for an individual to attain a birth certificate without a photographic license of some description.

While it is not envisaged this will be a common problem as most individuals will hold some form of photographic identification, it is speculated there will be instances where persons are unable to adequately meet the 100 point check and provision to make alternative arrangements in such extenuating circumstances.

### ***b. In person Applications***

As has already been highlighted the financial costs attached to this legislation will become important factors for people making a decision to get involved in child-related activities.

Adding to this a process that is time consuming, difficult to understand, or requires people travelling to make an application in person will potentially drive both paid and volunteer workers away from our industry.

While it is understood there is a need to provide proof of identity which adds some complexity to the application process, there must be some provision made for those who cannot make an in person application.

A large proportion of the people who work or volunteer in our industry are from regional and remote areas. Adequate access to in-person application centres must be ensured, and in the case of extenuating circumstances, provision for a suitable alternative to an in-person application process must be available to avoid adding yet another burden to an already costly venture.

### ***c. Interstate Applications***

A number of sport and recreation clubs and organisations running activities or events in townships near to the New South Wales and South Australia borders regularly use interstate persons as part of their workforce.

As an example the Victorian Aquatic Recreation Council run a range of learn to swim programs over the summer and in the case of schools operating in Wangaratta for example, use persons resident in Albury as part of their staff.

In a similar situation a provider of summer coaching clinics for children in Victoria has used university students from New Zealand and the United Kingdom in the past to provide specialist coaching support.

Under the current RIS guidelines there does not appear to be adequate provision made to cope with such situations. Further consideration needs to be given to this matter and clear guidelines for the procedures for having such person's appropriately checked need to be determined.

### **3. Other Police checks**

As has been highlighted in VicSport's original response to the WWC Check Exposure Draft, many sports for a variety of reasons already conduct some form of police check.

Basketball and Netball Victoria for example, already utilise police checks as part of their stringent process of screening those who will be engaged in child-related work in their organisation. While in these cases the WWC check may fully cover the needs of these organisations, others who require checks for offences outside of those specifically checked under the WWC system may potentially be placed in the unenviable situation of having to conduct both a police check and a WWC check.

As an example, members participating in the shooting sports in Victoria already undergo extensive police checks prior to obtaining a firearms license in line with the Firearms Act 1996. To require these people to undergo and pay for two separate checks will without doubt add an unnecessary financial and administrative burden to both the individual and the organisation.

As is recommended in the RIS the Department should “explore further if there could be better coordination” in cases where there is overlap and this recommendation is fully supported by VicSport.

It is recommended the Victorian Government take steps to incorporate a criminal history check in to the working with children checking process in a similar way to that which operates in Queensland. Under the Queensland scheme an extended criminal history check can be requested and is incorporated into the Blue Card Check.

At worst, if a person is required to complete the WWC check and also provide supporting evidence of no other criminal history, the additional criminal history background check should be completed free of charge.

## **Summary**

On behalf of the Sport and Recreation sector VicSport fully supports the inclusion of free WWC checks for volunteers and thanks the Department for taking steps to ensure the protection of our essential volunteer supporter base.

As outlined above however there are a number of issues of concern regarding both the application fee for paid workers and the application process which we believe require further consideration if they are not to have negative impact on sector.