



Q&A – Working with Children Check (WWCC) for Netball Victoria Affiliates

Updated 15 May 2017

What has changed with the WWCC?

Netball Victoria has introduced a new regulation within its Constitution. This regulation is made under rule 35 of the Netball Victoria Constitution. It is made in the interests of all members (and particularly junior members) and made in addition to the requirements of the Netball Australia Member Protection Policy. It will also set a higher standard than what is currently required under law in regard to working with children. This regulation is subject to the Constitution and is to be interpreted in accordance with the Constitution. Details regarding this regulation can be found in the Netball Victoria Child Safety in Netball Policy - dated 15 May 2017.

Further the Working with Children Amendment Act 2016 (Vic) comes into force on 1 August 2017. As such the NV regulation has been amended to align to the requirements of this new act.

What is the Netball Victoria Regulation?

"NV Regulations - Working with Children Check Victoria Requirements

All Netball Victoria Associations, Leagues and Clubs must at all times:

1. ensure that each adult (18 years and older) who **seeks to hold, or currently holds,** a position of responsibility or authority with children (under 18 years of age) has **direct contact** with children or who is otherwise required by law to maintain a valid Working with Children Check must seek and maintain a valid working with children check. "A person in a position of responsibility or authority" includes; directors or committee members of the Association, League and Club, coaches, umpires, officials (whether accredited or not), team managers and other senior positions (paid or unpaid), appointed or ad hoc, whether supervised or not.
2. keep a register of all members or persons within the Association, League and Club who hold a working with children check.

Where an adult **seeks, or** is in, a position of responsibility or authority with an Association, League and Club:

- (a) and refuses to seek a working with children check; or
- (b) applies for, but is refused, a working with children check; then

that person is ineligible to assume or continue with the position of responsibility or authority. **For the avoidance of doubt a person must obtain a working with children check before they are eligible to assume the position of responsibility or authority within an Association, League and Club."**

Exemptions recognised under this regulation include only:

- (a) A teacher who is currently registered with the Victorian Institute of Teaching (VIT);
- (b) A current serving Victoria Police Officer; and
- (c) A current serving Australian Federal Police (AFP) officer.
- (d) parents working/volunteering in an **ad hoc or fill in** position of responsibility or authority (or any other role involving direct contact with children) in an activity with their child; and
- (e) family members and people who are closely related to the child working/volunteering in an **ad hoc or fill in** position of responsibility or authority (or any other role involving direct contact with children) in an activity with the related child.

Current exemption under the WWCC that will not be recognised by this regulation are:

- (a) Some Student Volunteers;
- (b) Parents volunteering in an activity with their child;
- (c) Family members and people who are closely related to the child; and
- (d) Interstate visitors.

For further information on exemptions under the WWCC go to:

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

Why has Netball Victoria made this change?

Examples within netball, along with many examples outside sport in our communities, has highlighted that our focus and commitment to protecting children needs to remain a high priority. The WWCC can be used more broadly to ensure the protection of children in our sport. This approach accords to the new Child Safety Standards that are applicable to sporting organisations from 1 January 2017. As such, the WWCC requirements for Netball Victoria Affiliates will be detailed in the NV Child Safety in Netball Policy dated 15 May 2017.

When does this proposed change take effect?

This new regulation will take effect from **1 January 2017** and Netball Victoria will allow a transition period for compliance that means that Affiliates will need to be in full compliance of these regulations by **1 August 2017**. It should be noted that this transition period has been shorted from 1 January 2018 due to the introduction of the Working with Children Amendment Act 2016 (Vic).

What happens to Associations, Leagues and Clubs who do not comply with the 1 August 2017 deadline?

Failure to be in full compliance by this date by an Association, League and Club will be considered a breach of these regulations and the Child Safety Policy. As such breaches will be dealt with as per these documents.

What will Affiliates need to do?

During the transition period Affiliates will need to ensure the following processes, as a minimum, are in place by 1 August 2017:

1. Communicate the WWCC regulation including compliance deadline to all members;

2. Ensure a record keeping system is in place to securely record and store WWCC information and documentation;
3. Identify and record all positions and/or adults required to hold a WWCC;
4. Commence the process of siting/collecting suitable evidence of the WWCC including evidence that your Association, League or Club is registered for that person;
5. Ensure new positions and/or adults are recorded and compliant prior to appointment/commencement.

Which roles should be covered by this new regulation?

The regulation states that adults (18 years and older) who **seek to hold, or currently hold** a position of responsibility or authority with children (under 18 years old) has **direct contact** with children or who is otherwise required by law to maintain a valid Working with Children Check must seek and maintain a valid working with children check. "A person in a position of responsibility or authority" includes; directors or committee members of the Association, League and Club, coaches, umpires, officials (whether accredited or not), team managers and other senior positions (paid or unpaid), whether supervised or not.

It is the responsibility of the Association, League or Club for the people they **directly** engage, to determine any other roles that fit within the above description. Reference to how a child may perceive these roles should be considered, i.e. would a child see this role as having authority or responsibility and therefore follow their instructions without question? Also reference to the Working with Children Amendment Act 2016 (Vic) is recommended.

Netball Victoria would expect that at the very least, the roles described below would be registered as requiring a WWCC. These would include (but not limited to):

- Directors, Committee Members
- Coaches
- Umpires
- Officials (as determined by the Association, League or Club)
- Team Managers
- Other senior positions (as determined by the Association, League or Club)

These positions may be paid or unpaid, accredited or not-accredited, supervised or not supervised, appointed or ad hoc.

Further as a result of the changes to legislation via the Working with Children Amendment Act 2016 (Vic) other work/volunteering roles by adults with children will require a WWCC. These roles may not fit the NV definition of authority or responsibility, however given their direct contact with children in order to perform the work/volunteering, will require the check. Examples of these types of roles (occupied by adults) could include:

- Supervisors – eg court, venue, competition, canteen
- Coordinators – eg coach, umpire, representative team

Are adults who ‘fill in’ for defined positions of responsibility or authority required to have a WWCC to comply with this Regulation?

Under the NV WWCC Regulation and the Working with Children Amendment Act 2016 (Vic), adults who ‘fill in’ or cover a role on an ad hoc basis **are now required** to have a WWCC due to their **direct contact** with children. Netball Victoria has also now revised our regulation to allow for parents and family members to fill in for roles of authority or responsibility (or any other role involving direct contact with children) without requiring a

valid Working with Children Check. Therefore, the following people/circumstances do not require a valid Working with Children Check:

- (a) parents working/volunteering in an **ad hoc or fill in** position of responsibility or authority (or any other role involving direct contact with children) in an activity with their child; and
- (b) family members and people who are closely related to the child working/volunteering in an **ad hoc or fill in** position of responsibility or authority (or any other role involving direct contact with children) in an activity with the related child.
 - a. People who are closely related to the child could include: parents, siblings, grandparents, aunties, uncles etc.

If my Club is located across the Victorian boarder, does this new regulation apply to us?

Any Association, League or Club affiliated with Netball Victoria will be required to comply with these regulations.

Are Associations and Leagues expected to administer these changes for their clubs?

The expectation is that each organisation i.e. Club, Association or League is responsible for the people they directly engage. So for example an Association would not be responsible for collecting the WWCC details for an umpire that is engaged by one of their Clubs. Also if an umpire at a Club is also the Association Secretary, they would need to have their WWCC recorded on both the Club register and the Association register.

Do we need to ensure that our Association, League or Club is recorded with the WWCC for each of our applicable employees and volunteers? Why is this important?

When a person applies for a WWCC they are required to name the organisation they will be working or volunteering for. This is important to ensure that should the WWCC fail, in the first instance, or the future, you will be notified. You will also receive a letter from the Department of Justice and Regulation confirming the WWCC has been approved.

In some situations, your employees or volunteers may already have a WWCC check when they commence their duties or appointment. It's important in these situations that you request the individual update their record with the Department of Justice and Regulation with your organisation's details. This is a simple process via the WWCC website. Once a person does this, you will receive a notification from the Department of Justice and Regulation. It is vital that you ensure that your employee or volunteer includes the correct mailing address of your organisation to ensure you receive this confirmation. These records should be retained by you in a confidential file. The Department of Justice and Regulation can also be contacted via email and phone should you have any questions or concerns about receiving this confirmation of registration of your organisation.

The Department of Justice and Regulation have also advised that in the future they are planning on allowing organisations online access to view all employees or volunteers that are registered to that organisation. This functionality will enable Associations, Leagues and Clubs to easily check or audit all their employees and volunteers in the future.

Having your organisation listed with the Department of Justice and Regulation for your employees or volunteers is vitally important. The department regularly cross references the WWCC database with various other Justice Department databases to ensure that any individual who pose a risk to the safety of children are appropriately managed via the Suspension or Negative Notice process.

What happens if your Association, League or Club receives a ‘Negative Notice’ or ‘Suspension’ from the department of Justice & Regulation about a person you engage or plan to engage that is required to have a WWCC?

A Negative Notice or Suspension is sent to all organisations listed with the department (for the WWCC) when the check has failed. This means that the department determines the person to pose a risk to the safety of children. This may occur upon application for a WWCC or may occur at any time the check is current. Also by law, the individual is required to advise all organisations that engage them, that they have been issued with a Negative Notice. Even if the individual removes your organisation from their WWCC records, the department has the power to notify these organisations of the Negative Notice.

Should an individual advise you they have received a Negative Notice or you receive a Negative Notice or Suspension directly to your Association, League or Club you will be required to immediately relieve that person of the duties they are performing that requires a WWCC. They must be advised that until they are able to provide evidence of a current WWCC they will not be considered for selection/appointment for any future roles that require WWCC. Further a Negative Notice or Suspension means that the person has failed a check and this means they have serious sexual offences or charges, violent or drug offences, any offence that present an unjustifiable risk to the safety of children and/or offences against the Working with Children Act 2005 and the Working with Children Amendment Act 2016 (Vic). Likely concerns about this person’s on going involvement in netball (in any manner) should be dealt with under the NV Child Safety Policy.

Are umpires that are appointed in an ad hoc way in the Football/Netball Leagues required to have a WWCC?

Yes, umpires are clearly within scope of this new regulation regardless of how they are appointed and who appoints them.

Do Football/Netball Leagues have to follow this regulation for their netball activities?

Yes, all Associations, Leagues and Clubs affiliated with Netball Victoria are required to adhere to this new regulation.

Where can I find a template to record the WWCC details for my Association, League or Club?

A template is available on the WWCC website. Also Netball Victoria have developed two templates that can be used, however Associations, Leagues and Clubs can create their own systems. A basic template (in Word) has been developed which should be suitable for small groups. A more advanced template (in Excel) would suit large groups and where individuals hold multiple positions. These templates are located on the NV website in the ‘Club House’ section. Search for WWCC Template.

Can WWCC details be recorded in MyNetball?

Unfortunately, this function is not currently available in MyNetball. NV will continue to provide feedback to Netball Australia on functionality that would better support our netball community.

If I have questions about the WWCC who can I contact?

Netball Victoria:

E: NV Member Services via: mynetball@netballvic.com.au
T: NV Member Services on 03 9 321 2222

Department of Justice and Regulation:

E: workingwithchildren@justice.vic.gov.au

T: 1300 652 879 (local call charge)

The department can also be written to at: Working with Children Check Unit, Department of Justice and Regulation, GPO Box 1915 Melbourne Victoria 3001