

## Child Protection Legislation Overview

There is no single national framework setting out the requirements for Working with Children Checks. Each State and Territory Government has their own procedures. MEGT Institute complies with relevant State and Territory Legislation applicable (see table for details of State Legislation) and any additional specific requirements as stated in government funded program contracts.

MEGT Institute endeavours to ensure that, as far as possible, people who may pose a risk to children are not employed in roles, or requested to complete tasks, where they have a direct, unsupervised contact with children.

It is therefore essential that MEGT Institute has appropriate care and protection structures in place to provide the safest possible environment for our students and for children with whom our staff and students will come into contact.

### Definitions:

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|--------------|--|
| Child        | A person who is under the age of 18 year   |
| WWC          | Working with Children Check which looks for relevant offences that indicate unsuitability to work with children. (State-based checks) These are called a "Clearance Notice" in Northern Territory and a "Blue Card" in Queensland. |
| Police Check | A check for all current convictions (not including those presently before court)   |

To meet the requirements of legislation

- all MEGT Institute staff who are working alone with children under 18 years of age undergo a Working with Children Check where required by State Legislation (some Government contracted programs may also require an Australian Federal Police Check)
- students participating in practical training, which requires them to have direct contact with children under 18 in designated child-related employment areas, are required to complete a Prohibited Employment Declaration form on enrolment, and each year in which they are enrolled as a student. Eligibility for participation in such programs is determined on the basis of information obtained through these declarations.
- students participating in internship or practicum placements which involve direct contact with children under 18 without the presence of a qualified supervisor are subject to a Working with Children Check. Screening is carried out only with the student's consent.

### What happens if a person refuses to make a written declaration?

If a person refuses to make a written declaration he/she is not permitted to apply for, undertake or continue with any child-related employment or task (including workplace practicum placement in child-related environments). Prohibited persons must not undertake, remain in, or apply for any child-related employment or task.

### What should students or staff do if unsure about their status?

For persons wishing to continue their involvement with child related studies or employment, such as children's services, it is important that they seek independent legal advice. This can be obtained from a legally qualified person or Legal Aid Helpline (State specific).

MEGT Institute staff are not permitted to offer advice or opinions in relation to such matters.

## PROCEDURE

**Staff:** Each staff member who will be working in a child-related environment is required to complete the appropriate State-based working with children application form and supply to that authority the relevant original identification document, photos, etc. MEGT (Australia) Ltd should be nominated as the employer on this application (so that the Employer copy of the assessment notice will be sent to MEGT where applicable). Check this process with your State Training Manager or Campus Manager, as the process and place of application varies in each State.

Staff should supply a copy of their lodgement receipt or acknowledgement to their MEGT Institute manager (unless this is automatically generated to the employer by the State Authority).

MEGT Institute pays for the cost of lodging the application for permanent staff under expenses reimbursement. Contractors will generally be responsible for obtaining their own checks at their own expense.

If the applicant passes the check they will be sent a successful notification from the State Authority and issued with the relevant working with children card.

Once the staff member has been approved, they should provide the **original** card or **original** approval documentation to their MEGT Institute manager. MEGT Institute retains a copy, which is certified, and kept in the HR personnel file. An electronic WWC register of staff approvals is retained.

The WWC Register is updated with the staff member's details and card/assessment number for regular monitoring.

**If an applicant does not pass the check** they can make a submission to their State authority to explain why they should pass, but if they have been issued with a Negative Notice they cannot undertake 'child-related work'.

**Confirmation of offer of employment and commencement in the position** is conditional upon receipt of a successful assessment notice or working with children check card.

## Responsibilities:

MEGT Institute has responsibility to

- identify positions which require a WWC check
  - include notification of this requirement in position descriptions, advertisements and associated documentation
  - ensure existing staff are informed of the requirements for WWC checks
  - ensure prospective staff members have passed a WWC check before commencement where required for their position
  - ensure existing staff have acquired the WWC check before being placed into roles which warrant this
  - check the card's validity through the State websites where applicable
  - retain a scanned copy of the staff member's WWC card in their SECURE staff folder
  - add the WWC information to the WWC Register
  - check the card's validity as part of regular monitoring procedures
- <https://online.justice.vic.gov.au/wwc/wwc-online-check>

## Applicant/Staff Responsibilities:

1. provide to MEGT Institute the successful assessment notice and/or WWC check card
2. notify their direct supervisor or the National Training Manager within seven days if an interim negative or final negative notice is received
3. inform the National Training Manager if there has been a change in circumstances (for example, a charge of a new relevant offence)
4. maintain a current card whilst employed in child-related functions.

**MEGT Students:** Students who will be engaged in activities and practicum placement environments where they will be working with children under 18 years need to fully understand the Working with Children Legislation and requirements applicable in their State, and are

1. provided with relevant information about the Working with Children Legislation
2. provided with information about the care and protection of children
3. required to complete and sign the Prohibited Employment Declaration document. This is retained on the student's file and recorded in a Students Working with Children Register.

Where a student has a likelihood of working "unsupervised" with children, the student is required to complete the relevant working with children application in accordance with the State requirements, and supply relevant identification and photo documentation. MEGT Institute retains this documentation in a secure confidential file, and only lodges the application on behalf of the student should they be required to participate in an unsupervised activity. Until the approval has been granted, the student is not permitted to work with children unsupervised.

WWC Validity Periods:

|               |  |               |
|---------------|--|---------------|
| ACT – N/A     | NSW – length of employment with current employer | NT – 2 years  |
| QLD – 2 years | SA – N/A   | TAS – 3 years |
| VIC – 5 years | WA – 3 years                                     |               |

**Current State Legislation** - See table below

### Legislation relevant to child protection in each Australian jurisdiction

| Jurisdiction   | Legislation  |
|--|--|
| Australian Capital Territory<br>(Office for Children, Youth and Family Support, Department of Disability, Housing and Community Services)<br><a href="http://www.legislation.act.gov.au/">http://www.legislation.act.gov.au/</a> | Principal Act/s:<br><i>Children and Young People Act 2008 (ACT)</i><br><br><b>No formal screening program</b>  |
| New South Wales<br>(Department of Community Services)<br><a href="http://www.kids.nsw.gov.au/kids/working.cfm">http://www.kids.nsw.gov.au/kids/working.cfm</a>   | Principal Act/s:<br><i>Child Protection (Prohibited Employment) Act 1998</i><br><i>Commission for Children and Young People Act 2998 Part 7</i>  |
| Northern Territory<br>(Children, Youth and Families, Department of Health and Families Services)<br><a href="http://www.nt.gov.au/lant/hansard/hansard.shtml">http://www.nt.gov.au/lant/hansard/hansard.shtml</a>                | Principal Act/s:<br><i>Care and Protection of Children Act 2008 (NT)</i>   |
| Queensland<br>(Department of Child Safety)<br><a href="http://www.legislation.qld.gov.au/OQPChome.htm">http://www.legislation.qld.gov.au/OQPChome.htm</a>  | Principal Act/s:<br><i>Child Protection Act 1999 (QLD)</i><br><i>Commission for Children and Young People and Child Guardian Act 2000</i>  |
| South Australia<br>(Families SA; Department for Families and Communities)<br><a href="http://www.legislation.sa.gov.au/index.aspx">http://www.legislation.sa.gov.au/index.aspx</a>   | Principal Act/s:<br><i>Children's Protection Act 1993 (SA)</i><br><i>Children's Protection (Keeping Them Safe) Amendment Bill 2005</i><br><i>Children's Services (Criminal History Check) Regulations 2005</i><br><b>Only applies to criminal history checks</b> |

# MEGT INSTITUTE WORKING WITH CHILDREN POLICY AND PROCEDURE

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| Tasmania<br>(Child Protection Services, Department of Health and Human Services)<br><a href="http://www.thelaw.tas.gov.au/index.w3p">http://www.thelaw.tas.gov.au/index.w3p</a> | Principal Act/s:<br><b><i>No formal screening process</i></b>  |
| Victoria<br>(Department of Justice)<br><a href="http://www.justice.vic.gov.au/workingwithchildren">http://www.justice.vic.gov.au/workingwithchildren</a>                        | Principal Act/s:<br><i>Children, Youth and Families Act 2005 (VIC)</i><br><i>Working with Children Act 2005</i>                              |
| Western Australia<br>(Department for Child Protection)<br><a href="http://www.checkwwc.wa.gov.au/checkwwc">http://www.checkwwc.wa.gov.au/checkwwc</a>                           | Principal Act/s:<br><i>Children and Community Services Act 2004 (WA)</i><br><i>Working with Children (Criminal Record Checking) Act 2004</i> |

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|-----------------------------|----------------------------------|
| <b>Responsibility</b>       | General Manager Education        |
| <b>Policy Endorsed By</b>   | Continuous Improvement Committee |
| <b>Date reviewed</b>        | Nov 2011                         |
| <b>Policy Complies with</b> |                                  |
| <b>Version Number</b>       | 3.2 3011                         |