

## 6. WORKING WITH CHILDREN'S CHECK POLICY

The Victorian Government has legislated that persons who work with children must undergo checks on their criminal records. Persons who have a conviction for a relevant criminal offence (sex, drug and violent offences) will be prohibited from working with children.

The *Worker Screening Act 2020* (<https://www.legislation.vic.gov.au/in-force/acts/worker-screening-act-2020/003>) creates offences carrying very high penalties for non-compliance and those offences apply not just to the persons working with the children but to their supervisors, organisations employing them and Committee/Board members of organisation in which the people work with children.

The Act does have some exemptions. Police and teachers (who have separate checks) do not have to get a Working With Children Check. However, they should provide proof that they are police or teachers such as a copy of the teacher's Institute of Teaching card. These exemptions will be recognised by Basketball Victoria and MCBA.

The Act also exempts parents where their children are playing in the team in which the parent is involved as a coach etc. Also exempt are adults where all children in a team are closely related to the person. However, Basketball Victoria and MCBA will not recognise these exemptions and will require those parents or close relatives to have Working With Children Checks. This is in line with most sports and this sort of measure has the support of the Working With Children Office.

The Working With Children Checks will last for 5 years.

In addition, Basketball Victoria and MCBA have introduced a Statutory Declaration to be completed by each person required to undergo a Working With Children Check. This declaration covers a variety of matters outside the Working With Children Checks. This must be completed at least every year. If a person cannot truthfully sign the declaration, that person should write to the Registrar of the Member Protection Tribunal in confidence setting out the reason why the declaration cannot be truthfully made. A decision will then be made on whether the person should be working with children. A copy of the declaration can be sourced by contacting our operations team or on our website.

The Act requires all persons working with children to have the check if they have or are likely to have individual and unsupervised contact with children. This will include coaches, team managers and drivers and will also include referees and referee coaches. MCBA will err on the side of caution in deciding who should be screened and screen a person if there is any doubt on whether or not they required to be screened. All Committee/Board members are also required to be screened, whether or not they have individual and unsupervised contact with children. Persons under 18 are not required to be screened.

Applying for Working With Children Checks is relatively easy and free for volunteers. It is similar to applying for a passport and you will need a passport type photograph and appropriate identification similar to opening a new bank account. Forms and an information pack may be obtained by calling

The WWC Information Line on 1300 652 879. You may also fill in the application form on line at <https://online.justice.vic.gov.au/wwccu/onlineapplication.doj>. You will need to attend the Post Office personally to lodge the check. You should ensure that all persons applying name your association or club in the application so that you receive direct advice when they have been approved or otherwise.

Further information can be obtained from:

[www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren) .

If you have any queries, please contact either MCBA or Basketball Victoria and we will endeavour to assist.



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| <b>APPROVAL / VERSION CONTROL</b>   |              |
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| Original Policy Implementation Date | 15 June 2023 |
| Approved by:                        | MCBA Board   |
| Updated:                            |              |
| Next Review Date:                   | June 2025    |