

Membership Protection Policy

Part B – Member and Child Protection Requirements



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 Western Australia, and there are child protection laws that cover the reporting and investigation of cases of child abuse.

In Western Australia child protection legislation places specific requirements upon individuals and organisations involved in a range of areas including sport and recreation. We will add new requirements or any amendments to existing requirements to the Gymnastics Western Australia Member Protection Policy as they are introduced.

Please be aware that state and territory child protection requirements may apply to individuals and organisations originating outside of the states with the legislation in place. For example, if one of our state teams or affiliated clubs takes junior players into New South Wales 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 Protection Policy.

As part of Gymnastics Western Australia's commitment to protecting the safety and welfare of children and young people involved in Gymnastics Western Australia activities, GWA requires the following measures to be met;

- Provide opportunities for juniors to contribute to and provide feedback on program development;
- Provide education and/or information on child abuse and child protection to those involved in our sport such as coaches, juniors, parents and officials; and
- Where applicable meet the requirements outlined in:

Attachment B1: Member Protection Requirements	3
Attachment B2: Member Protection WA Statutory Declaration	6
Attachment B3: Western Australia Child Protection Requirements (WWC)	8

Attachment B1: Member 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 association that involves;

- direct and indirect contact with people under the age of 18 years.
- individuals who are in a position with the financial areas of the association.
- individuals who partake on driving members to and from GWA organised trips.

Screening under this policy is not a replacement for any other procedure required by law. If WA legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed.

Gymnastics Western Australian requirements

Under Gymnastics Western Australian Member Protection Policy, our associations and clubs are required to:

1. Identify positions (paid and voluntary) that involve working with people under the age of 18 years.
2. Identify positions (paid and voluntary) that involve working with the associations financials.
3. Identify positions (paid and voluntary) that involving transporting of members on GWA trips.
4. 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 people under the age of 18 years, working with the financials and or involved with transporting of members. The MPD will be kept in a secure place.
5. 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), Gymnastics Western Australia 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 at Gymnastics Western Australia.

6. If unsatisfied, then the Gymnastics Western Australia will:
in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work directly and indirectly with;
- people under the age of 18 years;
 - or working with the associations financials; and or
 - will be transporting members on GWA trips.

If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**

- in the case of a someone applying for the position/role, not appoint them.
7. Interview a person about his/her suitability for the role and his/her suitability for;
- working with children for both paid and voluntary positions,
 - positions of working with financials
 - and or transporting members.
8. Ask people applying for and people who currently occupy a position (paid and voluntary) that involves direct and indirect contact with people under the age of 18 years to obtain a Working With Children's Card.
9. Request a national police check from our relevant police jurisdiction for people applying for and people who currently occupy (paid and voluntary) for working with the associations financials and or will be transporting members on GWA trips.

If the WWC and police check indicates a relevant offence, Gymnastics Western Australia 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 at Gymnastics Western Australia.

If unsatisfied, then the Gymnastics Western Australia will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work with the following;
 - directly and indirectly with persons under the age of 18,
 - within the area with financials
 - transporting members.
- If this is not possible, then end the appointment. Note: legal advice should be obtained before the termination process begins.
- in the case of a someone applying for the position/role, not appoint them.

If the person does not agree to a WWC or a national police check after explaining why it is a requirement, Gymnastics Western Australia shall make an assessment as to whether the person may pose a risk to or be unsuitable to work for Gymnastics Western Australia. If unsatisfied, Gymnastics Western Australia will:

- in the case of an existing employee/volunteer, transfer the person to another role which does not require them to work with the following;
 - directly and indirectly with persons under the age of 18,
 - within the area with financials
 - transporting members
 - If this is not possible, then end the appointment. **Note: legal advice should be obtained before the termination process begins.**
 - in the case of a someone applying for the position/role, not appoint them.
10. Decide whether to offer the person the position or retain the person in the position, taking into account the result of the WWC or national police check and any other information Gymnastics Western Australia has available. Where it is not practical to complete the checks prior to employment commencing, GWA must still complete the check as soon as possible. GWA will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
11. Where a national police check is obtained under this member protection 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.
12. 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 B2: Member Protection WA Statutory Declaration

Gymnastics Western Australia has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with Gymnastics Western Australia activities.

As part of this duty of care and as a requirement of the Gymnastic Western Australia's Member Protection Policy, the association must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and indirect contact with people under the age of 18 years or working with the financials and or involved with transporting of members.

State of Western Australia Statutory Declaration

I{Full Name}
of{Address}
in the State of Western Australia{Occupation}
sincerely declare as follows:

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 or acts of violence.
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 Gymnastics Western Australia may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the Executive Director of the organisation engaging me immediately upon becoming aware that any of the matters set out in clauses 1- 5 above has changed for whatever reason.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

*This declaration is made under the **Oaths, Affidavits and Statutory Declarations Act 2005***

at.....{place}.....{date}

in the presence of

{Signature of authorised witness}

.....
{Name of authorised witness and qualification as such a witness}

by.....

{Signature of person making the declaration}

Attachment B2: Member Protection WA Statutory Declaration

***Important** This Declaration must be made before any of the following persons:

- Academic {post-secondary institution}
- Accountant
- Architect
- Australian Consular Officer
- Australian Diplomatic Officer
- Bailiff
- Bank Manager
- Chartered secretary
- Chemist
- Chiropractor
- Company auditor or liquidator
- Court officer {Judge, magistrate, registrar or clerk}
- Defence Force officer {Commissioned, Warrant or NCO {with 5 years continuous service}}
- Dentist
- Doctor
- Electorate Officer
- Engineer
- Industrial organisation secretary
- Insurance broker
- Justice of the Peace
- Lawyer
- Local government CEO or deputy CEO
- Local government councillor
- Loss adjuster
- Marriage Celebrant
- Member of Parliament {State or Commonwealth}
- Minister of religion
- Nurse
- Optometrist
- Patent Attorney
- Physiotherapist
- Podiatrist
- Police officer
- Post Office manager
- Psychologist
- Public Notary,
- Public Servant {State or Commonwealth}
- Real Estate agent
- Settlement agent
- Sheriff or deputy Sheriff
- Surveyor
- Teacher
- Tribunal officer
- Veterinary surgeon

Attachment B3: Western Australia Child Protection Requirements (WWC)

This information is subject to change at any time. Refer to the Department of Community Development [Working with Children Screening Unit website www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or contact 1800 883 979. This information was updated on 1 April 2006.

From 1 January 2006, certain people working with children in Western Australia will be required to have a Working with Children Check – 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*, and will be introduced progressively to different sectors over the next 5 years.

The Check will take into account convictions for any offence and charges for serious sexual and violent offences and will cost \$10.00 for volunteers and unpaid workers and \$50.00 for paid workers and self-employed people.

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 Check by the date required under the [phasing-in arrangements](#). 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;
- 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.

General exemptions

The following people are exempt from the legislation and will not need to have a Check:

- volunteers under 18 years;
- employers of and fellow employees working with young people, so long as they are not otherwise in child-related work;
- parents volunteering where their child is also involved (This exemption does not apply to parents volunteering in connection with overnight camps);
- Short-term visitors to WA, for 2 weeks after their arrival, and for no more than 2 weeks in a 12 month period;
- People who carry out child-related work on no more than 5 days in a calendar year (except those working in child care services).

Specific exemptions from certain categories of child-related work

• Category	• Parent Exemption	• Other exemptions
Educational institution for children	Work carried out on a voluntary basis by a parent of a child who is enrolled at the educational institution	WA College of Teaching members (for 2006 only)
Coaching or private tuition service of any kind	Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating or ordinarily participates	<ul style="list-style-type: none"> • An informal arrangement entered into for private or domestic purposes • Coaching or private tuition provided to a class of 2 or more students that is not provided primarily for children
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	Work carried out on a voluntary basis by a parent of a child who is involved or is ordinarily involved in some or all of the activities of the club, association or movement	An informal arrangement entered into for private or domestic purposes
an overnight camp, regardless of the type of accommodation or how many children are involved	No parent exemption.	WA College of Teaching members, where overnight camp is in connection with: <ul style="list-style-type: none"> • Community kindergarten; • Educational institution for children; or • Coaching or private tuition service

Obligations of employers, including organisations using volunteers include:

- You must not employ a person in child-related employment on more than five days in a calendar year unless he or she:
 - has applied for a Check, or
 - already holds a current Assessment Noticeby the date they are required to under the phasing-in arrangements.
- You must not employ someone in child-related employment if you are aware that he or she holds a Negative Notice or Interim Negative Notice.
- You must not employ a person in child-related employment if you are aware that the person has withdrawn his or her Check application.
- You must not employ a person in child-related employment if you are aware that he or she:
 - has a conviction or pending charge for a [Class 1 or Class 2 offence](#), and
 - does not have a current Assessment Notice or an application for one that is still being considered.
- If an employee or volunteer reports a relevant change in criminal record to you, you must report this (in writing) to the Working with Children Screening Unit, as soon as practicable.
- If you receive a written request from the Working with Children Screening Unit, you must provide information or documents to show your compliance with your obligations as an employer.

It is okay for employers to start someone in child-related work once they have applied for a Check in line with the phasing-in arrangements (outlined below) and while the Check is being processed. The employer does not have to wait until the card is issued. Safeguards are in place to ensure that the Screening Unit notifies the employer if, in the mean time, a Negative Notice or Interim Negative Notice is issued, or if the person subsequently withdraws their application.

Phasing-in Arrangements

Checks are being phased-in over 5 years. If a person is carrying out child-related work and needs to apply for a Check, they must apply by the date required under the phasing-in arrangements. The information provided below about phasing-in arrangements is general information only. Only those categories of child-related work relevant to our sport are listed. For full details of the phasing-in arrangements for Checks please see Factsheet 2 "When to apply for a Working with Children Check", available at www.checkwwc.wa.gov.au, or by calling (08) 6217 8100.

Commencing in 2006

- Volunteers working with children aged 0 – 7 years in any category of child-related work.
- Self-employed people working with children in connection with **any category** of child-related work, **EXCEPT**
 - child care licensees and "managerial officers"
 - registered teachers working in educational settings
 - persons with an F or T drivers licence endorsement who carry out a transport service specifically for children
 - people providing coaching or private tuition services for a TAFE or a Registered Training Organisation.

- “New” paid employees (who are not [public sector employees](#)) who commence child-related work after 1 January 2006 in the following categories of child-related work:
 - coaching or private tuition services
 - clubs, associations or movements with a significant membership or involvement of children
 - overnight camps
 - children's entertainment or party services

Commencing in 2007

- Volunteers working with children aged 8 – 12 years in any category of child-related work.
- "New" public sector employees who commenced child-related work after 1 January 2006.
- “New” paid employees who commenced work after 1 January 2006 in the following categories of child-related work:
 - Educational institutions for children
 - People providing coaching and private tuition services for a TAFE, Registered Training Organisation or education service provider registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.

Commencing in 2008

- Volunteers Working with Children aged 13 – 17 years in any category of child-related work.

Commencing in 2009-2010

- “Continuing” paid employees (including public sector employees) who have remained in the same child-related work they were in before 1 January 2006, and are still in that position.