



Working with Children (WWC) Checks

Effective from 1 January 2006, it has been legally compulsory to ensure compliance with the *Working with Children (Criminal Record Checking) Act 2004*.

The intent of this bulletin is to put into motorcycle friendly terms your and your clubs requirements. The legislation is complex, and the following is intended to give a simplified motorcycling only version for your advice. Please access the WWC Check website for more detailed information that may be more specific to your own circumstances. Please do not hesitate to contact the MWA office or WWC Check unit if you have any questions.

What does my club need to do to properly comply with WA State Legislation?

MWA have developed a check list. To comply will require several steps that will need to be completed well before your event.

- Appoint a WWC Officer (optional but highly recommended). Their role will be to make sure the club complies.
- Develop job descriptions. MWA has a draft set to get you started.
- Before the event, identify all the volunteers in your club who you know will be helping you run events, and assess whether they require a WWC Check or not. Record this information. MWA have a template for this purpose.
- Volunteers who require a WWC Check need to be advised to apply for one BEFORE they can volunteer in a role that works with children.
- AT the event, EVERY volunteer will be required to sign on and indicate on the MWA sign-on form whether they require a check, whether they are exempt, and if not their WWC number.
- ALL volunteers that require a WWC Check MUST have their WWC Check card sighted.
- Volunteers that require a WWC Check card and cannot present one MUST be advised they cannot do this role today, OR be moved to a position where they are not working with children.
- Carry out periodic checks on the WWC Check website to ensure your volunteers' WWC Check cards are still valid. Record this.
- Put in place other policies that ensure your club is child safe.



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What are WWC Checks and why do we have them?

WWC Checks are a State Government screening initiative to help protect children. This brings us into line with other states that have, or propose to have similar child protection legislation. Essentially the checks involve checking on an applicant's criminal record to see if that person has any child related criminal convictions. The only real way of predicting a person's likely future behaviour is by looking at their past behaviour, which is why criminal record screening checks are carried out.

Motorcycling Western Australia supports this risk screening initiative to ensure those that pose a risk to our children are not employed as a volunteer.

Who are defined as 'Children'

Any person who is under the age of 18 years.

What does 'Working with Children' mean, and who is considered to be 'Working with Children'

The Act says that Working with Children means any contact whatsoever with a child under 18 as part of your usual duties. That can be physical, spoken, phone, electronic, messaging, text, email or written. It can even cover using social networking websites (such as FaceBook and Twitter) if you contribute to these as part of your club duties. Working with Children means that any person who has this contact is deemed to be working with children whether in paid employment or as a volunteer. If you or any club members fall into this category then you need to go to the next step, which is to assess whether there is a need to apply for a WWC Check as there are several exceptions.

Does everyone who 'Works with Children' need to apply?

No. There are several exceptions which under most circumstances may exempt many of your club members.

What positions at our club will require a WWC Check?

As above, any position where as part of the duties of that position they may contact children, whether directly, physically or on the phone or by letter or by email or even text. Motorcycling Western Australia has developed job descriptions for the most common roles including officials and coaches. Your club may have particular roles which may differ, but the Motorcycling Western Australia supplied descriptions will start you off.

What about Flag Marshals?

In the usual course of the flag marshal duties there is no contact with children. This position will not require volunteers to undertake a WWC Check.

Does that mean that parents and helpers can use the WWC Check as an excuse to 'get out' of doing flag duty?

No. As above, this position does not require a WWC Check. Anyone, friends, relations, grandparents, siblings etc may still volunteer (or be volunteered) without a WWC Check. Flag Marshal volunteers must be 16 or over. This is an MA requirement.

Our club has many officials, many whom are level 1's or have qualifications including those that require a WWC Check. We don't even know which of our members have qualifications. How do we document or assess these?

You only need to have checked those officials, coaches or volunteers that *actively* undertake roles in your club. If for example a member volunteers for a Steward, then the first time he/she volunteers the assessment process needs to occur (see below) and the result documented.

My child is about to turn 16 and move to senior's, does the senior club need to have in place WWC Checks?

Yes. If the club has members under 18 they are covered by the Act and must comply.

Do all clubs have to have WWC Checks?

No, if your club caters mainly for adult members (18 years plus), and there are very few under 18 members then your club may be exempted. There are very few if any clubs in motorcycling that would fall into that category. You may need to contact the WWC Unit for clarity.

You said that there are exceptions, what are they?

The Act gives several exemptions to having to have a WWC Check. These are:

- If you are a parent of a child (under 18) and you volunteer to do child related work and your child normally participates in club activities you do not need a WWC Check. The exception is any volunteer who attends an overnight camp **MUST** have a WWC Check.
- A child (under 18) does not require a WWC Check.
- Short term visitors to WA. This cannot exceed 2 weeks in any year.

What about if I don't volunteer more than 5 times in a year?

The Act says that you **MAY** use as a defence that you do not volunteer any more than 5 times in a year across EVERY sport or club. What that means is if you are charged, then you can plead to the court that your defence was that you only volunteer less than 5 times. There is no guarantee that the court will accept your defence. We recommend this is not used.

My child has turned 18 and I still wish to volunteer (work) at my club, am I still exempt from having a WWC Check?

No, unless you have another child under 18 participating at that club or your duties do not involve working with children you will now need to apply for a check.

I also volunteer 3 days per year at my child's football club, as well as 4 days per year at my motorcycle club, do I have a defence under the 5 day rule still?

No, the 5 day rule applies across ALL child related work.

I have children who participate, however I often volunteer at my club when my child is not actually riding on the day, am I still exempt from having a WWC Check?

Yes. While your children are under 18, and still involved in your club you do not need to have a WWC Check.

I am a grandparent who sometimes take my grandchildren to ride at the club.

While there I like to volunteer. Am I exempt under the same exemption as parents?

No. There are very clear definitions of a parent in the Act. You must be the father, mother, stepfather, or stepmother or someone at law who has responsibility for the care of the child at home, or in a defacto relationship with one of these people. Please refer to the enclosed fact sheets for a more detailed definition of a parent. Older siblings and other relatives will also require a check.

How long does the WWC Check last?

It last for 3 years.

We have a coach visiting from interstate, does he need a WWC Check?

WWC Checks are only valid in WA and if a coach has a children clearance from another state, it is not valid here. For any visiting coach (or any visiting official or volunteer) if the visit does not exceed 2 weeks across all visits to all clubs then No a WWC check is not required, however if the coach's combined visits exceed two weeks then he/she needs to apply.

Our visiting interstate coach (or official/volunteer) exceeds the 2 weeks limit, how can he/she apply if they live interstate?

Your coach can apply when he arrives in WA at any post office. Once the application has been made he may then coach while the assessment is being undertaken.

How do you apply for a WWC Check or renew a WWC Check?

Obtain a form from any post office. Complete your details. Have your club (or Motorcycling Western Australia if you do not have a club) complete their details. Attend in person a designated post office (ph 131318 or www.auspost.com.au). Provide a 100 point id and pay \$11. Your photo will be taken for free and the application will be assessed by the WWC Screening unit. Your card will be returned to you and your club (or Motorcycling Western Australia) will be advised on the outcome. Your club (or Motorcycling Western Australia) needs to retain this advice.

Can our club simply insist that all people working at the club have a WWC?

No. The WWC Unit have advised that organisations cannot implement 'blanket' policies. Each individual worker needs to be assessed on their merits. This is important because people who are not in child-related work are by law unable to apply for a WWC Card. Your club needs to have a job description for each position identifying who needs a WWC Check.

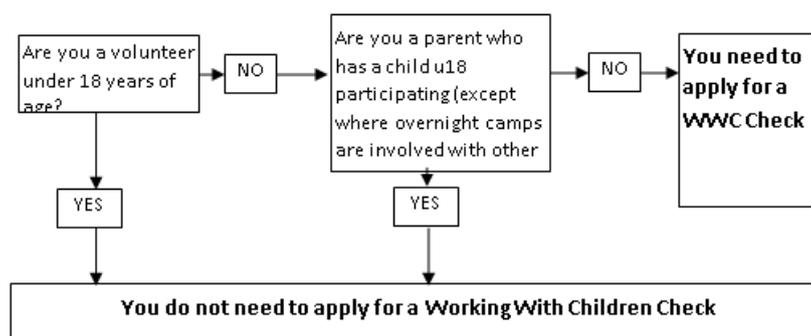
I read that the Act says that the 'employer' has the responsibility for ensuring WWC Checks are carried out. Who is the 'employer'?

In most cases it will be your club or your main club if you are involved with several. For those volunteers not associated with any particular club Motorcycling Western Australia will be the employer. On the day of any event it will be the role of the host club to ensure that all volunteers have their WWC Check card or are exempt.

That sounds difficult. How do we do this?

Motorcycling Western Australia appreciates this is an extra duty for already overworked club volunteers, however once set up the compliance need not be onerous.

1. The most important step is to allocate a person/s to coordinate WWC Checks within your club. Ideally this person should NOT be the club secretary, but someone who can work with the club secretary to lighten his/her load.
2. Ensure the allocated person/s familiarise themselves with the requirements. Attend info sessions, review the www.checkwwc.wa.gov.au website, call the WA Sport Federation's WWC Check officer or WWC Unit – see enclosed for contact details.
3. Identify which positions at your club will require a WWC Check and incorporate WWC Check statements into job descriptions. Motorcycling Western Australia have developed generic job descriptions to assist clubs, which can be amended if required.
4. Ensure the people identified obtain the WWC Check, and assess if any exemptions apply (see step by step process below)



5. Develop a system to manage the WWC Check process and record keeping. You need to be able to demonstrate that if your club receives a written request from the WWC Screening unit you comply. Motorcycling Western Australia has developed some documentation downloadable from the Clubs Resources section of the website to assist. Any documentation should show:
 - a. The list of positions that require checks
 - b. The holders of these positions
 - c. Their WWC Card number, or the reason they are exempt from holding one
 - d. The WWC Card expiry date
 - e. The date the card was last validated online at www.checkwwc.wa.gov.au
 - f. Check the card visually at sign-on the date of event
 - g. Make sure all volunteers complete the MWA provided paperwork fully.
6. Ensure all your members are aware of, understand and are willing to work with the WWC Check policy. On your notice board place information that your club is child safe by working with the WWC Check legislation and the contact person within the club.
7. Keep up to date with any changes to the WWC Check legislation. Motorcycling Western Australia will distribute information as it comes to our attention.

Summary

The WWC legislation is here to stay, and it is up to all of us make it work. Above are outlined some key requirements that relate to motorcycling. Remember there is much more detail that may apply to your or your club's particular circumstances, so ask questions if you are unsure.

While there is a lot of complexity in the legislation, the exemptions to checks should ensure a considerable number of club volunteers will not be required to undertake WWC Checks.