

A guide to the 3-year phased in approach for child-related sectors

There will be a phased in process for the Working with Children Registration. If you are volunteering or working in a child-related role, your registration will be phased in over a three year period commencing from 1 July 2014.

Note: 'A child' means a person who has not attained the age of 18 years.

Full definitions and practical examples for each sector start on page four

YEAR 1

CHILD CARE SERVICE (first group) – applications open 1 July 2014

Note: The existing Department of Education Safety Screening Clearance will be phased out over 18 months from 1 July 2014 and 31 December 2015.

Applications will be accepted from existing child care workers or volunteers who hold a Department of Education Safety Screening Clearance that is due to expire between **1 July 2014 and 30 June 2015**.

Everyone from this group must have a Working with Children Registration in place before **1 January 2015 if they wish to continue to work in 2015**.

Everyone who **starts work or volunteering in child care on or after 1 October 2014 must have a Working with Children Registration before they start work**.

OTHER SERVICES– applications open 1 October 2014

- Child related Religious Activity
- Child related Commercial Service
- Coaching or Tuition Service
- Club or Association Activity

Everyone who wishes to work or volunteer in these four areas must have a Working with Children Registration in place by 1 April 2015.

Everyone who starts working or volunteering in these four areas on or after **1 April 2015 must have a Working with Children Registration before they start work**.

CHILD CARE SERVICE (second group) – applications open 1 January 2015

Applications will be accepted from existing child care workers or volunteers who hold a Department of Education Safety Screening Clearance that is due to expire between **1 July 2015** and **30 June 2016**.

Everyone from this group must have a new registration in place before **1 July 2015** if they wish to **continue to work after that date**.

YEAR 2

OTHER SERVICES– applications open 1 April 2015

- Youth Justice Service
- Child Disability Service
- Child Education Service (Non-Government Schools)
- Adoption Service
- Guardianship Service

Everyone who wishes to work or volunteer in these five areas **must have a Working with Children Registration in place by 1 October 2015**.

OTHER SERVICES– applications open 1 April 2015

- Child Protection Service

Everyone who wishes to work or volunteer in a child protection service **must have a Working with Children Registration in place by 1 December 2015**.

CHILD CARE SERVICE (third group) – applications open 1 July 2015

Applications will be accepted from existing child care workers or volunteers who hold a Department of Education Safety Screening Clearance that is due to expire between **1 July 2016** and **30 June 2017**.

Everyone from this group **must have a Working with Children Registration in place before 1 January 2016** if they wish to **continue to work after that date**.

OTHER SERVICES– applications open 1 October 2015

- Child Accommodation Service
- Child Transport Service

Everyone who wishes to work or volunteer in these four areas must have a **Working with Children Registration in place by 1 May 2016**.

OTHER SERVICES– applications open 1 October 2015

- Child Health Program and Child Health Service
- Child Mentoring Service (includes Youth Worker Service)

Everyone who wishes to work or volunteer in these two areas **must have a Working with Children Registration in place by 1 August 2016.**

YEAR 3

OTHER SERVICES – applications open 1 January 2016

- Child Education Service (Government Schools)
- State Library Service

Child Education Services (Government Schools) includes TasTAFE.

Everyone who wishes to work or volunteer in these two areas **must have a Working with Children Registration in place by 1 September 2016.**

OTHER SERVICES – applications open 1 July 2016

- Vocational Education and Training Services (not TasTAFE or registered teachers)
- Emergency Services personnel **not** engaged in Emergency Management activities (e.g. delivering educational sessions in schools)

Everyone who wishes to work or volunteer in these two areas **must have a Working with Children Registration in place by 1 January 2017.**

REGISTERED TEACHERS – applications open 1 May 2016

Everyone who wishes to continue to be employed as a teacher **must have a Working with Children Registration in place by 1 January 2017.**

Everyone who starts work as a teacher on or after **1 January 2017 must have the new Working with Children Registration** before they start work.

Which child-related industry sector do you belong to?

Work that is classified child-related is work where the usual duties involve, or are likely to involve, contact with a child.

Contact with a child includes any form of physical contact, oral communication, telephone and electronic communication (email or internet).

Child-related work includes work in any of the categories listed below unless an exemption applies.

Child Care Service

Child Care Service means:

- An education and care service as defined in the *Education and Care Services National Law (Tasmania)*
- A child care service as defined in section 3(1) of the *Child Care Act 2001*
- Child care as defined in section 4 of the *Child Care Act 2001*

Examples of activities where registration is **mandatory**:

- Managerial officers
- Individual licensees
- Child care workers (e.g. outside school hours)
- Nanny services and other child minding services provided on a commercial basis
- Babysitting services - unless the services are provided under a private arrangement (whether or not a fee is payable)
- Au pair work (if the work involves the provision of child care)
- Nominated supervising officers
- Students on placement over 18 years of age
- Gardeners, cleaners, cooks etc. (employed at the child care centre and likely to be in contact with children when carrying out their duties)
- Self-employed people or their employees who attend a centre to provide classes to children

Examples of people who **should NOT** apply:

- Parents/relatives minding a child
- Children under 16 years of age

Club or Association Activity

Club or association activity means a cultural, recreational, sporting or community activity or service provided primarily for children by a club, association, movement, society or other similar body.

Examples of activities where registration is **mandatory**:

- Sports coaches, team managers and committee members for a club that primarily involves the participation of children
- Playgroup facilitators and staff
- Member protection information officers
- Guides and scout leaders
- Committee members or members of a board of management or similar
- Track officials (age group managers, arena managers etc.) at athletics meets that primarily involve the participation of children
- Hockey, Cricket, AFL, Little Athletics, Gymnastics, Cycling, Basketball, Yachting, Netball, Squash etc. see relevant Sector Guide on the Working with Children Registration website for more examples

Examples of activities where registration is **optional** but can be enforced by your club or association as part of their requirements:

- Administrative staff of a club if their usual duties of work do not bring them into contact with a child
- Lifeguards providing general life saving services at a pool for adults and children
- Referee, umpire, linesperson or other sporting official or grounds person where the work does not ordinarily involve contact with children for extended periods without other adults being present
- Additional parent help at athletics meets where the parents are not designated officials
- A person that is a registered teacher and is coaching as part of their teaching role

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Related Religious Activity

Child related Religious Activity means -

- a) A religious service conducted by a Minister, Priest, Rabbi or other religious leader or spiritual officer in a religious organisation for a congregation that consists of or includes children; or
- b) An activity or service provided for children which is conducted by or for the purposes of a religious organisation

Examples of activities where registration is **mandatory**:

- Religious leaders including Ministers of Religion, Chaplains, Rabbis, Priests, Muftis, Acolytes and other like religious leaders or spiritual officers where the usual duties of these leaders involves contact with children
- Adults who volunteer their services for Sunday school, church youth activities, children's religious story-telling
- Adults engaged in any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care.
- Adults that deliver children's religious story telling

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Church based charity organisations such as Anglicare and Centacare that provide only practical and support services rather than religious services (people undertaking work for these organisations may fall under another category)

Examples of people who **should NOT** apply:

- Children under 16 years of age

Coaching or Tuition Service

Coaching or tuition service means a service involving coaching or tutoring children including, but not limited to, coaching and tutoring in a sport, driving, signing, a musical instrument, dance or educational matters

Examples of activities where registration is **mandatory**:

- Private coaches and tutors for children (including private sports coaches)
- Driving instructors who teach children under 18 years of age
- Music, dance school teachers or educational tutors for children

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Yoga class instructors who provide a service to the general community (and not primarily for children)
- Tutoring provided by a neighbour, friend or relative as an informal arrangement

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Related Commercial Service

Child related commercial service means:

- a) A service or activity at a sporting, cultural or entertainment venue that is provided on a commercial basis primarily for children; or
- b) An entertainment service or party service that is provided on a commercial basis primarily to or for children

Examples of activities where registration is **mandatory**:

- Adults that work at sporting, cultural or other entertainment venues where the services, activities or entertainment is provided on a commercial basis primarily for children
- Individual workers in agencies that provide employment agency services to children
- Adults that provide entertainment services primarily for children on a commercial basis
- Adults providing an entertainment or party service
- Adults providing a gym or play facility
- Adults providing a photography service
- Adults running a talent or beauty competition
- Magicians/clowns who provide public entertainment services specifically for children if they have physical contact with children
- Animal farm shows that visit schools or provide private children's parties
- Santa and his helpers (elves etc.) and the children's photographer when they have physical contact with a child

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Public performers that do not involve physical contact with children e.g. 'Disney on Ice' or children's theatre
- Director or fellow actors working alongside child performers
- Staff at a party venue that provides the place and the food but whose staff are not having contact with the children as part of the activities or games

Examples of people who **should NOT** apply:

- Children under 16 years of age

Adoption Service

Adoption service means a service provided to a child under the *Adoption Act 1988* pending the adoption of the child under that Act.

Guardianship Service

Guardianship service means a service provided by a custodian to a non-citizen child under the *Immigration (Guardianship of the Children) Act 1946* of the Commonwealth.

Child Protection Service

A Child Protection Service means an activity conducted specifically for, or a service provided specifically to, a child, or young person, under the *Children and Young Persons and Their Families Act 1997*.

Examples of activities where registration is **mandatory**:

- a kinship carer
- a foster carer
- a person working with children in a residential care service
- a person providing for respite, refuge, shelter or other temporary accommodation facilities used by a child at risk as defined by the Act and in out of home care
- a family group conference facilitator
- a person administering, or exercising a function under, the Act including carer approval
- front line staff of Children and Youth Services (DHHS) providing or contributing to a service or activity such as intake assessment, case management trauma informed counselling, leaving care support or service, reunification support or service.
- members of the board of management, or a committee, of the organisation or other body providing services/activities if they are in direct contact with children
- students on placement, gardeners, cleaners, cooks and others who are employed by a family-based provider and/or residential care service provider who do their work while children are likely to be present and contact with children occurs as part of their usual duties
- employees/volunteers involved in mentoring and/or advocacy services for children who work directly with a child

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- an adult who resides* at a home where there is a family-based care placement for a child who is in out of home care arrangement funded by the Department of Health and Human Services. This applies to close relatives/family members and includes anyone 16 years of age or older.
- registered health practitioners under the *Health Practitioner Regulation National Law (Tasmania)* e.g. psychologists, nurses providing the Child Health and Parenting Service (CHaPS)
- researchers who work directly with a child where the employer is, or is in receipt of funding from, the Department of Health and Human Services
- employees providing administration and corporate services in an organisation that provides services to a child at risk and the employer is, or is in receipt of funding from, the Department of Health and Human Services the Act where the employee has contact or access to a child's personal records that contains their identifiable information and history

Examples of people who **should NOT** apply:

- Children under 16 years of age
- Police Officer
- Emergency management officers dealing with an emergency

***For definitions and more information read the *Guide for those working or volunteering in Child Protection Services* available from www.justice.tas.gov.au/working_with_children**

Youth Justice Service

Youth Justice Service means an activity conducted specifically for, or a service provided specifically to, a youth under the *Youth Justice Act 1997*.

Examples of activities where registration is **mandatory**:

- A counselor, a support worker, and/or a driver transporting children to and from, the Ashley Youth Detention Centre and/or other approved places of custody
- a worker routinely contacting a child detained at a prison (within the meaning of the *Corrections Act 1997*)
- A person providing a service or activity to a child who is the subject of an Order under the Act
- A person administering, or exercising a function under, the Act and front line staff of Children and Youth Services (DHHS) who provide or contribute to a service or activity under the Act
- A legal aid officer (but not an Australian lawyer)
- A member of the board of management, or a committee, of the organisation or other body providing services/activities under the Act or to a child who is the subject of an Order under the Act, if they are in direct contact with children
- Students on placement, gardeners, cleaners, cooks and others who are employed by a custodial facility for children who do their work while children are likely to be present and contact with children occurs as part of their usual duties.
- Employees/volunteers involved in mentoring and/or advocacy services for children who work directly with children who are the subject of an Order under the Act

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- registered practitioners under the *Health Practitioner Regulation National Law (Tasmania)* e.g. workers permanently on-site at an approved custodial facility for children such as psychologists, nurses, doctors)
- researchers who work directly with children
- employees providing administration and corporate services in an organisation that provides services to children who are the subject of an Order under the Act where the employee has contact or access to a child's personal records that contains their identifiable information and history

Examples of people who **should NOT** apply under this activity:

- Children under 16 years of age
- Police Officers
- A correctional officer, within the meaning of the *Corrections Act 1997* unless routinely contacting a child detained at a prison
- Australian lawyers
- Emergency management officers dealing with an emergency

Child Education Service (Non-Government Schools)

Child Education Service (Non-Government Schools) means a school registered under part 5 of the *Education Act 1994*.

This includes primary, secondary and special Non-Government Schools and other institutions providing children's study or training programs.

Examples of activities where registration is **mandatory**:

- Volunteer members of the parent management committee
- All office staff at a school
- School health staff
- Staff and volunteers that assist with the canteen, uniform shop, library or school administration
- Non-teaching staff who work with children (e.g. parent help)
- Instructors or leaders of after-school activity programs organised in conjunction with the school for its students and that take place at the school or its oval
- Gardeners, cleaners, cooks (utility officers) etc. whose employment is at the institution
- Canteen or tuck shop staff who have contact with children
- School boards, councils, or committees (includes parents and friends committees)
- Mentors and tutors
- Staff that assist with learning assistance programs (reading groups, music tuition, drama)
- Volunteers or school staff supervising sports carnivals
- Staff or volunteers that assist with sacramental programs
- Staff or volunteers that assist with billeting of students
- School bus drivers
- Vocational Education and Training lecturers (Other than people that hold Teacher Registration, Limited Authority to Teach or Permission to Teach issued by the Teachers Registration Board. TRB Registrants will not require registration until 1 January 2017).
- Registered health practitioners who visit the school to provide health services to children

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Supervisors of student teachers who observe the student teachers in classrooms but do not have contact with a child as part of their normal duties
- Staff at places that school students visit on excursions and their teachers e.g. Staff showing teachers and students around an art gallery
- Persons externally contracted to provide once-off or occasional maintenance to the buildings or deliver goods to the school
- School cleaners where there are no children on the premises
- Administration staff when the only contact you have with a child is working with a record of them

Examples of people who **should NOT** apply:

- Children under 16 years of age
- People dropping off or picking up children
- Relatives attending school events such as assembly, sports carnivals, concerts etc. where they are not directly participating

Child Education Service (Government Schools)

Child education service (government schools) means:

- a State school as defined in the *Education Act 1994*
- a centre, unit or institute of the State, a college as defined in the *Education and Training (Tasmanian Academy) Act 2008*, or TasTAFE, which provides educational instruction at any level up to, and including the final year of secondary education

This includes primary, secondary and special Government Schools and other institutions providing children's study or training programs.

Examples of activities where registration is **mandatory**:

- Volunteer members of the parent management committee
- Front desk receptionist at the school
- School health staff
- TAFE lecturers who have contact with children as part of their usual duties
- Non-teaching staff who work with children (e.g. parent help)
- Instructors or leaders of after-school activity programs organised in conjunction with the school for its students and that take place at the school or its oval
- Gardeners, cleaners, cooks etc. whose employment is at the institution and who do their work while children are likely to be present and contact with a child occurs as part of their usual duties
- Canteen or tuck-shop staff who have contact with children
- School-crossing service
- Registered health practitioners who visit the school to provide health services to children

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Supervisors of student teachers who observe the student teachers in classrooms but do not have contact with a child as part of their normal duties
- Staff at places that school students visit on excursions and their teachers e.g. Staff showing teachers and students around an art gallery
- Persons externally contracted to provide once-off or occasional maintenance to the buildings or deliver goods to the school
- School cleaners where there are no children on the premises
- Administration staff when the only contact you have with a child is working with a record of them

Examples of people who **should NOT** apply:

- Children under 16 years of age

State Library Service

State Library Service means the State Library Service as defined in the *Libraries Act 1984*.

Child Accommodation Service

Child accommodation service means a residential or business accommodation service conducted specifically for, or provided mainly to, children by persons who are not the parents, guardians, step-parents or adoptive parents of the children.

Examples of activities where registration is **mandatory**:

- Residential accommodation for children (i.e. school boarding house workers who have contact with a child as part of their usual duties)
- Camp caretakers whose usual duties involve contact with a child
- Country school hostel workers who have contact with a child as part of their usual duties
- Youth refuge workers
- Persons who provide accommodation and care for exchange students under 18 years of age
- Persons providing home billeting to children under 18 years of age
- Staff and volunteers of overnight camps for children

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Residential college staff at university
- Informal arrangements between family and friends
- School boarding house workers who do not have contact with a child
- Administration staff when the only contact you have with a child is working with a record of them

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Health Program and Child Health Service

Child health program and child health service means a health program, and health service, conducted specifically for, or provided only or mainly to, children;

Health program means a health program as defined in the Health Practitioner Regulation National Law (Tasmania);

Health service means the following:

- (a) a health service as defined in the Health Practitioner Regulation National Law (Tasmania);
- (b) a service that is, or purports to be, a service for maintaining, improving, restoring or managing physical, or mental, health;
- (c) a service that is, or purports to be a service for providing support to the provision of a health service referred to in paragraph (b).

Examples of activities where registration is **mandatory**:

- Child health nurse
- School health nurse
- A service provided to a child at a child health centre
- Speech pathologists, occupational therapists who as part of their services provide counselling to assist children to emotionally manage their conditions

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- GPs in private practice
- Community health center's targeting the general community
- Administration staff when the only contact you have with a child is working with a record of them

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Mentoring Service (includes Youth Worker Service)

Child mentoring service means a service conducted specifically for, or provided only or mainly to, children for the purpose of providing emotional support, mentoring or pastoral care.

Examples of activities where registration is **mandatory**:

- Youth workers, for a Government or Non-Government organisation
- A support service for child victims or witnesses in connection with court or other legal proceedings
- Child counsellors, psychotherapists and similar professionals who treat emotional and psychological problems
- Social workers or psychologists providing family counselling or support services that involve children
- Those providing counselling services for children with cancer and other serious illnesses
- Telephone counselling for children

Examples of people where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Administration staff when the only contact you have with a child is working with a record of them
- A counsellor who only provides services to an adult

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Transport Service

Child transport service means –

- (a) a service provided, in accordance with the *Vehicle and Traffic Act 1999*, to test or assess the competence of an applicant to drive a motor vehicle; and
- (b) a service provided by a school – crossing patrol officer; and
- (c) a service provided in accordance with an ancillary certificate as defined in the *Vehicle and Traffic Act 1999*.

Examples of activities where registration is **mandatory**:

- School bus services
- All holders of an Ancillary Certificate to drive a Public Passenger Vehicle
- School-crossing service (school crossing patrol officer)
- A person (who is not a parent of a child at the school) who volunteers as a school crossing attendant
- Drivers of a children's party limo
- Private coach hire services that service schools on school excursions and camps
- Parents of a child at the school who volunteer as a school crossing attendant

Examples of people who **should NOT** apply:

- Children under 16 years of age

Child Disability Service

Child disability service means an activity conducted specifically for, or a service provided specifically to, a child with a disability.

Examples of activities where registration is **mandatory**:

- An activity or service that provides home help, home maintenance or modification, personal care, food services, assessment or referral of support needs, information services, coordination or employment services to children with a disability
- An activity or service provided in association with the use of premises for the care, treatment or accommodation of children with a disability.

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- GPs in private practice
- Emergency management workers dealing with an emergency
- Administration staff when the only contact you have with a child is working with a record of them.

Examples of people who **should NOT** apply:

- Children under 16 years of age

Note:

Disability means disability as defined in the *Disability Services Act 2011*:

- is attributable to an intellectual, psychiatric, sensory or physical impairment, or a combination of those impairments; and
- is permanent or likely to be permanent; and
- results in the person having a substantially reduced capacity for communications, learning or mobility and is in need of continuing support services; and
- may, but need not be, of a chronic nature
- The work is not a regulated activity if it does not ordinarily involve contact with children for extended periods without other adults being present.

Registered Teachers

Teaching services includes work teaching children at:

- Government Schools (including all primary, secondary, technical and special Government Schools)
- Non-Government Schools (including all primary, secondary and special Non-Government Schools)
- Other institutions providing children's study or training programs

Vocational Education and Training Services

Vocational education and training services includes work providing vocational education and training to children. (The definition is currently under review)

Examples of activities where registration is **mandatory**:

- Vocational education and training providers at a Tasmanian Academy or College who have contact with children as part of their usual duties
- Non-teaching staff who work with children
- Gardeners, cleaners, cooks etc. whose employment is at the institution and who do their work while children are likely to be present and contact with a child occurs as part of their usual duties

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Vocational education and training providers at a Tasmanian Academy, College staff that **do not** have contact with children as part of their regular activities (including non-teaching staff)
- Gardeners, cleaners, cooks etc. whose employment is at the institution and who do their work while children are unlikely to be present
- Administration staff when the only contact you have with a child is working with a record of them

Examples of people who **should NOT** apply:

- Children under 16 years of age

Emergency Services Personnel

(not engaged in Emergency Management Activities)

Emergency services personnel not engaged in emergency management activities includes the delivery of educational sessions to children at:

- Government Schools (including all primary, secondary, technical and special Government schools)
- Non-Government Schools (including all primary, secondary and special Non-Government schools)
- Child care centre's, family day care and early learning centre's
- Other institutions providing children's study or training programs

Examples of activities where registration is **mandatory**:

- Emergency services personnel not engaged in emergency management activities at:
- Government and Non-Government schools (including a secondary, technical or special Government/Non-Government schools)
- Child care centres, family day care and early learning centres
- Other institutions providing children's study or training programs

Examples of activities where registration is **optional** but can be enforced by your employer or volunteer body as part of their requirements:

- Emergency service personnel delivering an emergency service
- GPs in private practice
- Community health center's targeting the general community

Examples of people who **should NOT** apply:

- Children under 16 years of age

Disclaimer: The material provided in this Sector Guide is an information source for the guidance of users only. Every effort has been made to ensure that the information is accurate, current and not misleading. However, this cannot always be guaranteed and no warranty is given that the information is free from error or omission. Users should exercise their own skill and care with respect to the use of the material. The information is also not a substitute for independent legal or other professional advice and users should obtain appropriate professional advice relevant to their particular circumstances. The Department of Justice does not guarantee, and accepts no legal liability whatsoever for any act done, omission made, loss, damage, cost or inconvenience arising from, connected to, or as a consequence of, using or relying on the material contained in this Sector Guide.

For more information contact

Phone:	1300 13 55 13
Email:	workingwithchildren@justice.tas.gov.au
Mail:	PO Box 56, ROSNY PARK, TAS, 7018
Web	www.justice.tas.gov.au/working_with_children