



## WORKING WITH CHILDREN CHECKS

**This information should be circulated as widely as possible within the Association and clubs.**

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 Government is phasing in the checks over 5 years. Basketball Victoria has been working with the Government on a suitable timetable and method of carrying out the checks for people connected with basketball. The Government has now advised that people working in basketball and 9 other sports will be the next phase for performing the checks. The checks must be performed by 30 June 2009. So people involved in basketball have just over a year now to make sure everyone who needs to be checked complies with their obligations. However, Associations and clubs are advised to commence the checks sooner rather than later. The requirement for the check applies to all levels of basketball where there are minors involved, from domestic through to representative competitions.

The Working With Children Act 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.

In representative basketball, the Working With Children Checks will replace police checks.

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 give you some 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.

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 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 has the support of the Working With Children Office.

**Basketball Victoria Inc.** Registered No. A6883X

Box 3, Melbourne Sports & Aquatic Centre, Aughtie Drive, Albert Park, 3206, Victoria, Australia

Phone: (03) 9927 6666 Facsimile: (03) 9927 6677 E-mail: [enquiries@basketballvictoria.com.au](mailto:enquiries@basketballvictoria.com.au) Website: [www.basketballvictoria.com.au](http://www.basketballvictoria.com.au)

The Working With Children Checks will last for 5 years.

In addition, Basketball Victoria has 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 2 ½ years. 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 is attached.

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. Associations and clubs are urged to 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 from most Post Offices or by calling the WWC Information Line on 1300 652 879. You will need to attend the Post Office personally to lodge the check. However, certain Post Offices will provide a service where a staff member attends by appointment to process checks in bulk. So it may be possible for you to organise a night where numbers of persons needing to be checked attend the stadium at an appointed time and all have their checks lodged at the same time. 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 me and I will endeavour to assist.

Gerry Glennen

**Basketball Victoria**

**MEMBER PROTECTION DECLARATION**

I, ..... (name) of .....

..... (address) born / /

solemnly and sincerely declare:

- 1. I am, or wish to be appointed as, a coach/administrator/official for basketball in the ..... competition conducted by.....  
*[association or league etc].*
- 1. I have never been charged with any criminal offence relating to narcotics, violence or abuse including sexual abuse.
- 2. No person has ever sought or obtained any intervention order, injunction or other restraining order against me alleging dishonesty or verbal or physical abuse (including sexual abuse).
- 3. I am not currently the subject of any sanction issued by a basketball association against me which prohibits me from holding a position of the type set out in clause 1 above.
- 4. No application submitted on my behalf has been rejected for, nor have I been suspended or dismissed from, a position in sport, volunteer organisation, business, educational or other Government or semi-government organisation where that rejection, suspension or dismissal relates to my conduct with persons aged under eighteen (18) years of age or to violence, drug use or to dishonesty.
- 5. There are no other matters, which a reasonable person would consider relevant to the fitness of a person to be a coach of a team of players aged under eighteen or an administrator with frequent contact with persons aged under eighteen.
- 6. **I will notify the President or CEO of the organisations appointing me to my position immediately upon becoming aware that any of the matters set out in clauses 2 to 6 above has changed for whatever reason.**

I make this declaration that the information contained in it is true and correct and I make it understanding that a person making a false declaration is liable to the penalties of perjury.

Declared at , in the State of ..... this day of 20

.....

Signature

Before me:

(to be witnessed by a person qualified to take statutory declarations see over)

## **Statutory Declarations may be made before:**

- A Justice of the Peace or a Bail Justice
- A Notary Public
- A Barrister and Solicitor of the Supreme Court of Victoria
- A Clerk to a Barrister and Solicitor of the Supreme Court of Victoria
- The Prothonotary or a Deputy Prothonotary of the Supreme Court of Victoria
- Registrar or Deputy Registrar of the County or Magistrates' Courts, or of Probate
- Associate to a Judge of the Supreme or County Courts
- Secretary to a master of the Supreme or County Courts
- A Patent Attorney
- Member of the Police
- The Sheriff or a Deputy Sheriff
- Current or former Member of Parliament of Victoria or the Commonwealth
- Councillor or senior officer of a Council
- Medical Practitioner
- Dentist
- Veterinary Surgeon
- Pharmacist
- School Principal
- Manager of an approved deposit taking institution (bank)
- An Accountant who is a member of the Institute of Chartered Accountants, the Society of CPAs or the National Institute of Accountants
- The Secretary of a Building Society
- A Minister of Religion who is authorised to perform marriages
- A Senior Victorian Public Servant
- A Member of the Institute of Legal Executives