

Pony Club, a guide for working or volunteering in Club or Association Activity

Overview

This guide has been developed with the assistance of Pony Club Tasmania. The purpose of the guide is to provide Pony Clubs with a guide to the new registration requirements for people wishing to work or volunteer with children in Tasmania.

Working with Children Registration aims to reduce the potential for sexual, physical, psychological, emotional or financial harm or neglect of children in Tasmania.

People from Pony clubs and associations must hold registration by **1 April 2015** to participate in a number of roles. There is a full list of activities that require registration on the following page.

Working with Children Registration provides a minimum screening process for people working or volunteering in these organisations. The new law requires registration for some important roles within child related organisations, but importantly allows organisations to adjust the screening requirements to suit their particular organisation.

There are a number of exemptions under the new law regarding situations where people engaged in regulated activities need not apply. These exemptions can be overridden if, after assessment of the risk of harm to children, an organisation determines that it wants these roles to be included in their screening regime.

Importantly – responsibility for screening rests with the body that engages volunteers and employees – so your club is liable if there are people operating under your banner that should be registered but have not been screened and do not hold current registration.

See *'Fact sheet: Exemptions from Registration'* at the *Working with Children Registration* website:

www.justice.tas.gov.au/working_with_children

Applications are commenced online at www.justice.tas.gov.au/working_with_children.

For more information visit the following website or attend a **FREE** one hour seminar held regularly around the state and listed at www.justice.tas.gov.au/working_with_children.

Who must apply for a Working with Children Registration?

Club and 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 Pony Club and association roles where registration is **mandatory**:

- District commissioner
- Chief Coach
- Test Coordinator
- Coach
- Assessor
- Examiner
- First Aid Officer
- Team Manager
- Camp Parent
- Committee Members
- Technical Delegates
- Engaged Photographers

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

- Canteen helpers/personnel
- Gear Checkers
- Course Builders
- Scorers
- Judges
- Pencillers
- Marshalls
- Fence Stewards
- XC Starter
- XC Finisher
- Vet
- Event Organiser

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

- children under 16 years of age

Pony Club Tasmania recommends your club completes the following procedures:

1. Nominate a person within your Club to ensure all relevant people hold a current Working with Children Registration.
2. Download the Pony Club Tasmania Child Protection Policy available on the PCAT website.
3. Advise all applicable people within your Club or Association of the legislation and their requirements for registration.
4. Collect Registration ID Numbers and forward to your relevant zone.
5. Zone forwards Registration ID numbers to State administration officer.
6. State administration officer to keep a state database of all Registration ID Numbers.
7. Attend any regional seminars with the Department of Justice if you have any further questions.

Further information

Visit the Department of Justice website; www.justice.tas.gov.au/working_with_children

Visit: www.playbytherules.net.au

FAQs

Do I need to apply?

If your role is listed in the mandatory list above – yes, you need to register.

As a club, how do we check if our people have registered?

You can visit the Department of Justice website and enter a person's surname, registration or application number and the site will advise you of their current registration status. Go to:

www.justice.tas.gov.au/working_with_children.

How long will it take to get my Working with Children Card?

In general, you will receive your results within six weeks of completing the application process, however for some; there may be a longer wait, depending on their personal information.

Is a National Police Check the same as a Working with Children Registration?

No, a Working with Children Registration is different from a National Police Check. A Working with Children Registration is valid for 3 years and is compulsory for people working in certain child-related roles in Tasmania.



Working with Children Registration is on Facebook. What a great way to get a reminder that it's time to apply, or when new resources are available. To connect, [login or sign up for Facebook](#) and search for Working with Children Registration.

The Process

Part A: How do I apply?

Part B: What are the fees?

Part C: What is assessed in my application?

Part D: When will I receive my results?

Part E: Refusals and Appeals

Part F: Employers - How to verify a clearance online

Part A: How do I apply?

Step 1: Complete the online* application form at:

http://www.justice.tas.gov.au/working_with_children/application

*Applicants who do not have internet access may telephone 1300 13 55 13 for advice about locations that offer free internet access to the public.

Please make sure the details you provide are *exactly the same* as the details on your identity documents. If you have submitted the form with a mistake, please re-do the form to avoid the possibility of incurring additional cost and problems with the proof of identity requirements.

Once you have submitted the form, you will be able to print an application receipt. If you do not have a printer, write down your application number.

Step 2: Present Proof of Identity and payment at Service Tasmania

You must bring all three of these items for your application to proceed:

- application receipt or reference number
- proof of identity
- payment

You must present in person at Service Tasmania (this cannot be done outside of Tasmania). You cannot submit proof of identity for someone else.

To find a Service Tasmania shop near you, visit www.service.tas.gov.au/about/shops

For proof of identity requirements:

See 'Fact Sheet: Proof of Identity' at the Working with Children Registration website:

www.justice.tas.gov.au/working_with_children

Part B: What are the fees?

There are two types of fees for people applying for the registration either volunteer or employed. The cost for Employment = \$103.60 & Volunteering = \$17.76 (Registration is for three years). This fee may increase slightly in July each year.

The determination of your status as an employee or volunteer:

- If you receive no payment, payment of an honorarium/reimbursement or if a person is completing services as a hobby that is not their primary source of income. This person is classified as a volunteer.
- If a person receives payment for services rendered or an ABN number is quoted and tax is taken. This person is classified as an employee.

You only need to apply once every three years for Working with Children Registration. If you have a paid job and volunteer role working with children, registration for Employment will cover you for both.

What if I Volunteer and Work with Children?

If you intend to use your Working with Children Registration for Volunteering and Employment during the three years of registration you should advise this at the time of your initial application. Completing this detail on the application will save applicants from incurring additional costs at a later stage.

For example: A person that volunteers for the local junior football club as a coach but also expects to work as a teacher within the next 3 years should complete the online application for both Volunteering and Employment.

Of course, this is different if the teacher is undertaking a coaching role as part of their employment:

1. A person that is a registered teacher and is coaching as part of their duties is not required to be registered
2. A person that is a registered teacher and who as part of their conditions of employment is required to undertake roles such as coaching is not required to be registered
3. A person that is a registered teacher and who volunteers to coach the local soccer team is required to be registered (this is where it is not a role required by the school etc.)

The difference between 1 and 2 and 3 is that the person is undertaking the activity in 3 by choice, whereas in 1 and 2 it is intrinsically linked to their employment as a teacher. As such registration will occur when the requirement for registration to be a teacher starts, this is 1 January 2017.

Part C: What is assessed in my application?

Your records will be assessed to see if you have charges or convictions that indicate you pose a risk of harm to a child.

National criminal record information is routinely collected from sources in Australia (not overseas). This includes information about:

- Convictions for all criminal offences you may have
- All 'spent' convictions (convictions that do not need to be ordinarily declared)
- Any 'pending' charges (charges that have not yet been decided by a court)
- All 'non-conviction' charges (charges that have been finalised by a court but did not result in a conviction)

Information about your criminal record may also be obtained from authorised bodies in Tasmania and similar authorities in other states and territories such as:

- The Police
- The Office of the Director of Public Prosecutions
- The Department of Corrective Services
- The Department of the Attorney General
- The Department of Health and Human Services
- Courts.

Ongoing monitoring:

If you are successful, you will be subject to ongoing monitoring for relevant new records for the three year life of your Working with Children Registration.

Some records will trigger a risk assessment, which may lead to your Working with Children Registration being cancelled.

See *'Fact sheet: The Risk Assessment Process'* at the Working with Children Registration website:
www.justice.tas.gov.au/working_with_children

Part D: When will I receive my results?

Please allow six weeks to receive your results before emailing workingwithchildren@justice.tas.gov.au (with your application reference number). Information cannot be provided on your application before this time.

If successful, you will be posted a Working with Children Registration Card.

If there are any issues with your application, you will be contacted by post or email (according to the preference indicated on your application form).

Usual cause of delays

For most people, delays may be caused by:

- the time it takes for information to be reported on a criminal history (2 to 5 weeks)
- having a common surname or date of birth
- sharing the same name as someone with a criminal history
- having records against your name.

Same name as someone with a criminal record

If you have the same name as someone with a criminal record, your results may be delayed while your identity is matched using additional information such as date of birth details. This will delay your results but ensure your records are not mistakenly associated with those belonging to someone else.

Records against your name

See 'Part C: What is assessed in my application?' in this guide.

Part E: Refusals and Appeals

When you apply for Working with Children Registration, there are only three outcomes:

- registration to work with children (without conditions)
- registration to work with children (with conditions)
- refusal of application to work with children.

Being notified of a Possible Refusal

If your application is unsuccessful, you will be informed in writing with reasons for the decision this is called a 'Proposed Negative Notice'.

You will be invited to submit further information which may affect the final decision. In the meantime, you cannot work or volunteer in a child-related activity.

Being notified of a Refusal

If your application is unsuccessful, you will be informed in writing with reasons for the decision.

If you are already in child-related work (or planning to be in such employment), your employer (or prospective employer) will be:

- notified that you have been refused a Working with Children Registration
- instructed to remove you from child-related work.

Reasons for your refusal will not be shared with your employer (or prospective employer).

Consequences of the Refusal

If a Working with Children Registration is refused, it is a criminal offence to work in regulated child related activities for five years (unless circumstances have changed that permit an earlier application). Serious penalties apply.

If you are already working with children, you must immediately remove yourself from this work.

Applying for a Review of the Refusal

You can request a review of the refusal except if:

- you previously applied for Working with Children Registration and were issued a Negative Notice
- less than five years has passed since your Working with Children Registration was cancelled

This does not apply if there has been a change in any relevant information about you.

Lodging an Appeal

You must lodge your application for a review with the Magistrates Court (Administrative Appeals Division) within 28 days of having your application refused (if you miss this deadline, contact the Administrative Appeals Division; it may grant an extension). For more information go to www.magistratescourt.tas.gov.au/divisions/administrative_appeals_division

Risk Assessment

If you are subject to a Risk Assessment, you may be refused Working with Children Registration. You may receive a 'Proposed Negative Notice' (see 'being notified of a Possible Refusal' above).

See 'Fact sheet: The Risk Assessment Process' at the Working with Children Registration website:

www.justice.tas.gov.au/working_with_children

Disqualifying Offences

If you have a record that is listed in Schedule 2 of the Ministerial Risk Assessment Order, you will be automatically issued with a 'Proposed Negative Notice' requiring you to explain why your application should not be refused. Equivalent records from other states and territories also lead to an automatic 'Proposed Negative Notice'.

See 'Fact sheet: The Risk Assessment Process' at the Working with Children Registration website:

www.justice.tas.gov.au/working_with_children

Part F: Employers – How to verify a clearance online?

Overview

While successful applicants receive a Working with Children Registration Card, the system of applying and verifying is online only.

If someone with Working with Children Registration commits a criminal offence, their Registration may be cancelled, and their details removed from the online system.

It is then a criminal offence:

- for an individual to work in a child-related activity
- for an employer to engage an employee or volunteer for a child-related activity.

How to verify online

If you are an employer or volunteer organisation, you must not accept the Working with Children Registration Card or any other paper 'evidence' as proof of registration.

You must use the new online system to verify if someone has Working with Children Registration. To do this, you will need their Working with Children Registration number and surname.

When to verify

Employers or Volunteer organisations must verify that their staff have a Working with Children Registration before they start work.

All existing workers and all new and existing volunteers will be phased in according to the industry they work in.

See 'Fact sheet: A guide to the 3-year phased in approach for child-related sectors' at the Working with Children Registration website:

www.justice.tas.gov.au/working_with_children

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