



Working with Children Policy

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| Responsible Officer | Executive Director, Human Resources |
| Approved by | Vice-Chancellor |
| Approved and commenced | May, 2019 |
| Review by | May, 2019 |
| Relevant Legislation, Ordinance, Rule and/or Governance Level Principle | <i>Registration to Work with Vulnerable People Act 2013 (Tas)</i> <i>Registration to Work with Vulnerable People Regulations 2014 (Tas)</i> <i>Child Protection (Working with Children) Act 2012 (NSW)</i> <i>Child Protection (Working with Children) Regulations 2013 (NSW)</i> |
| Responsible Organisational Unit | Human Resources |

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1. Objective

The University of Tasmania (the University) is committed to ensuring the safety and well-being of children who may be involved in University activities.

The objective of this Policy is to articulate the University's approach to the protection of children and other vulnerable people during interactions with University members who are engaged in University business or otherwise representing the University. This Policy also specifies the requirements for compliance with the *Registration to Work with Vulnerable People Act 2013* (Tas) and the *Child Protection (Working with Children) Act 2012* (NSW) (the Acts) and associated *Regulations*.

2. Scope

This *Policy* applies to the following University members at all times while engaged in University business, including all research activity, or otherwise representing the University:

- All members of University staff
- Members of University Council and University committees
- Visiting and adjunct academics or other academic or research collaborators
- Volunteers
- Students.

This *Policy* does not cover situations where a University member brings a child under their care into a University facility. These situations are covered by the *Children on Campus Guideline*.

This *Policy* contains information relevant to University members engaged in University business in Tasmania and/or New South Wales. University members undertaking any University business with persons under the age of 18 in any other Australian state must ensure they comply with the relevant legislation of that jurisdiction.

3. Requirements

3.1 When is a Working with Children Registration Required?

University members who are engaged in an activity in which they are in contact with a child, are required to possess a *Working with Children Registration* with the exception of University members engaging in normal University activities with enrolled students of the University.

For the purposes of this policy and the *Act*, "contact" is defined as contact between a person and a child that:

- a) would reasonably be expected as a normal part of taking part in the activity, and
- b) is not incidental to taking part in the activity
- c) is one or more of the following:
 - i. physical contact, including taking part in the activity at the same place as the child

- ii. oral communication, whether face-to-face or by telephone
- iii. written communication, including electronic communication
- iv. dealing with a record relating to a child
- v. making a decision that affects a child.

3.2 Who needs to possess a Working with Children Registration?

3.2.1 Employees, Committee members, adjunct and visiting academics and volunteers

Employees, Committee members, adjunct and visiting academics and volunteers are required to possess a *Working with Children Registration* if they undertake work in which they are in contact with children unless they are eligible for an exemption (see section 3.3).

3.2.2 Students

Any student of the University who, as a part of their role as a student, is required to undertake an activity that involves contact with children, is required to possess a *Working with Children Registration*. Likely activities that involve working with children include students undertaking placements involving children and research students engaged in research involving children.

3.3 Exemptions

In certain circumstances, some individuals may not need to possess a *Working with Children Registration*. Individuals may be exempt from requiring a *Working with Children Registration* when:

- They are engaged in an activity and have only incidental contact with children and they are engaged in that activity:
 - for not more than three days in any four week period, and
 - for not more than seven days in any calendar year in Tasmania or five days in a calendar year in NSW.
- They are engaged in an activity with more than incidental contact with children, but there is a registered person present:
 - for not more than three days in any four week period, or
 - more than seven days in a calendar year in Tasmania or five days in a calendar year in NSW.
- They are registered under another State's corresponding law and the activity is of a similar nature to that activity they are already registered to engage in under that law; and they are engaged in the activity for not more than 28 days in any twelve month period.
- They are under 18 years of age.

4. Responsibilities

Each organisational unit is responsible for understanding and managing the requirements of this policy, the *Act* and associated *Regulations*. Each organisational unit is responsible for ensuring that any persons engaged to undertake University business in their relevant area is compliant with this *Policy*, the *Acts* and associated *Regulations*. This includes persons from interstate and/or overseas.

University members are responsible for applying for and/or renewing a *Working with Children Registration* and providing proof of that registration to their relevant supervisor or organisational unit member.

Where an application for a *Working with Children Registration* is rejected the University member is responsible for notifying their supervisor, relevant organisational unit member or Head of School.

University members are responsible for notifying the Department of Justice if there is a change to their background or criminal history that may affect their ability to possess their *Working with Children Registration*. Where this notification results in their registration being revoked, the person must notify their supervisor or relevant organisational unit member immediately.

Supervisors or relevant organisational unit members are responsible for verifying registration.

5. Further Information

Further information on *Working with Children Registrations* can be obtained from the relevant government departments. In Tasmania this is the Department of Justice (http://www.justice.tas.gov.au/working_with_children) and in NSW this is the Office of the Children's Guardian (www.kidsguardian.nsw.gov.au).

6. Definitions and Acronyms

| Term/Acronym | Definition |
|----------------------------|---|
| Children | Persons who have not reached the age of 18 years. |
| Contact | As defined by the <i>Registration to Work with Vulnerable People Act 2013</i> (Tas) or the <i>Child Protection (Working with Children) Act 2012</i> (NSW). |
| Organisational Unit | College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise. |
| University Member | Includes: <ul style="list-style-type: none"> • All members of University staff • Members of University Council and University committees • Visiting and adjunct academics or other academic or research collaborators • Volunteers, and • Students |

7. **Supporting Documentation**

- *Staff Intranet*
- *Children on University campuses guide (website)*
- *Records Management Policy and Guidelines*
- *Registration to Work with Vulnerable People Act 2013 (Tas)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Registration to Work with Vulnerable People Regulations 2013 (Tas)*
- *Child Protection (Working with Children) Regulations 2013 (NSW)*

8. **Versioning**

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| Former Version | Version 2 – <i>Working with Children Policy</i> ; approved August 2016. Amended in December 2016 to incorporate Colleges. |
| Current Version | <i>Working with Children Policy</i> ; minor amendments approved May 2019 |