

A Working with Vulnerable People Checking System for the ACT

Consultation Report

Produced by

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Policy and Organisational Services

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1.0 EXECUTIVE SUMMARY

On 19 August 2009, the ACT Minister for Community Services released a discussion paper on 'A Working with Vulnerable People (WWVP) Checking System for the ACT' and invited submissions from potentially affected stakeholders.

The consultation period concluded 12 October 2009.

There were 38 formal submissions received from interested stakeholders and approximately 20 stakeholders made additional comments via email or the web forum during the consultation period.

Respondents recognised the need to protect children and vulnerable adults in the ACT community and were highly supportive of the development and implementation of the proposed WWVP checking system. In particular, respondents were supportive of the proposed extension of checking to include people working with vulnerable adults as part of a single, card-based registration system and the proposal that the ACT Government would meet the cost of checking.

Thirty-four topic specific questions were posed in the WWVP discussion paper. The questions that attracted the most stakeholder interest related to:

- the definition of vulnerable adult (*generally supported*);
- the regulated activities for people working with vulnerable people (*generally supported, with some additions proposed*);
- the exemption for volunteers under the age of 18 years (*generally not supported*);
- the exemption for short or infrequent periods of contact (*generally supported, with some modifications proposed*);
- the exemption for volunteers closely related to a participant in a regulated activity (*generally not supported*);
- whether or not unregistered persons can be engaged in a regulated activity pending the outcome of their application (*generally not supported, but strong arguments both for and against*);
- the involvement of employers in the application process (*generally supported, but strong arguments for and against*);
- the inclusion of non-conviction information in the assessment process (*generally supported, provided that risk assessment tools and appeals processes are robust*);
- the provision of a statutory declaration that applicants have not been convicted of certain offences outside of Australia (*generally supported*);
- the five year registration period (*generally not supported. There was a clear preference for a 3 year checking period*); and
- the screening unit advising employers of the issuance of an interim negative notice (*generally supported, but strong arguments for and against*).

Respondents also raised a range of other issues including those relating to:

- the desirability of national harmonisation and mutual recognition of checking systems;
- ongoing funding of the WWVP checks system;
- suggestions for improving position based checking;
- the role of the WWVP checks screening unit in supporting safe environments;
- the definition of a child;
- ongoing monitoring and self-disclosure of criminal records;
- external input into risk assessment and governance processes;
- requirements to produce a card upon request; and
- requirements to attend the card office for a photo to be taken.

The comments contained in this consultation report will inform the development of a WWVP checks policy. It is anticipated that a WWVP checks bill will be introduced in the ACT Legislative Assembly during Autumn 2010.

Once legislation is in place, a WWVP checks screening unit will be established within the Office of Regulatory Services, ACT Department of Justice and Community Safety.

It is currently expected that checking will be phased in over a number of years commencing late 2010-11.

2.0 BACKGROUND

In accordance with the recommendations of several ACT reviews and in response to representations made to the ACT Government by community organisations, the ACT Government announced in the 2008-09 Budget an allocation of \$4.118 million over four years to support the development and introduction of a checking system to screen people who work with children or vulnerable adults in the ACT.

Vulnerable people should expect to be safe within the ACT community, especially when receiving services that are required to relieve any relative disadvantage they may experience. The aim of the WWVP checking system will be to reduce the incidence of sexual, physical, emotional or financial harm or neglect of vulnerable people in the ACT by screening people who work with or volunteer services for children and vulnerable adults.

The checking system will require employees and volunteers who work with vulnerable people to undergo periodic background checking and risk assessment. Individuals deemed to pose an unacceptable risk will be ineligible to work with vulnerable people.

The ACT will establish a single registration based checking system that applies to people working with children. It is also proposed to extend the registration system to people working with vulnerable adults.

3.0 CONSULTATION METHOD

Initial consultations occurred across the ACT Government via a whole of ACT Government Employment Screening Working Group (ESWG) which met in December 2008, February 2009 and April 2009. The ESWG also commenced preliminary consultations with selected community groups as part of identifying issues and options for the consideration of the wider ACT community.

On 19 August 2009, the ACT Minister for Community Services, Katy Gallagher MLA, released a discussion paper on 'A Working with Vulnerable People Checking System for the ACT' and invited submissions from potentially affected stakeholders.

As part of the consultation process:

- A media statement was issued by the ACT Minister for Community Services upon release of the discussion paper;
- Advertisements were placed in the ACT Community Noticeboard and ACT Community Engagement Online;
- A webpage was posted on the DHCS website and an online forum was convened at www.bangthetable.com.au;
- Approximately 2,300 emails and 700 hardcopies of the discussion paper were distributed to potentially affected stakeholders;
- Follow-up telephone calls were made by DHCS staff to a cross section of stakeholders encouraging submissions and offering assistance in the consultation process; and
- Face-to-face meetings were held with interested parties including representatives from the ACT Council of Social Services, National Disability Services, ACT Council on the Ageing, Canberra Refugee Support Inc, RISQ Group, Aboriginal and Torres Strait Islander Elected Body, ACT Children and Youth Services Council, Commonwealth, State and Territory Volunteering Officials Group, Community Recovery Sub-Committee and several other ACT and Commonwealth Government Agencies.

The consultation period concluded 12 October 2009.

During the consultation period, there were approximately:

- 1,174 visits to the DHCS WWVP checks webpage;
- 918 downloads of the WWVP checks discussion paper;
- 412 downloads of the WWVP checks fact sheet; and
- Over 2,000 visits to topics posted on the online forum at www.bangthetable.com.au.

4.0 SUBMISSIONS RECEIVED

There were 38 formal submissions received from interested stakeholders and approximately 20 comments made via email or the web forum. All formal written submissions received have been published on the DHCS website at: <http://www.dhcs.act.gov.au/publications/wwwpc> unless containing sensitive information or otherwise requested by the author. The following submissions are posted on the website:

1. ACT Ministerial Advisory Council on Ageing
2. ACT Chamber of Commerce and Industry
3. ACT Children and Youth Services Council
4. ACT Human Rights Commission – Children and Young People Commissioner
5. ACT Human Rights Commission – Disability Commissioner
6. ACT Human Rights Commission – Discrimination Commissioner
7. ACT Playgroup Association
8. ACT Scouts
9. ACT Council of Social Services
10. Australian Business and Community Network
11. Australian Education Union
12. Australian Psychological Society Limited
13. Australian Red Cross
14. Australian Sports Commission (C'wth)
15. Canberra Refugee Support Inc
16. Carers ACT
17. Communities@Work
18. FaHCSIA
19. Headspace – University of Canberra
20. Helen Child
21. Individual Anonymous
22. Jennifer Manson
23. Karl Schaffarczyk
24. Mental Illness Education ACT
25. National Disability Services ACT
26. Northside Community Service
27. NSW Department of Human Services
28. Office of the Privacy Commissioner (Cwth)
29. Refugee Resettlement Committee
30. Returned and Services League of Australia – ACT Branch
31. Safe Church Network
32. Salvation Army ACT
33. Vision Australia
34. YMCA Canberra
35. Youth Coalition of the ACT

Web forum comments can be viewed at <http://bangthetable.com/workingwithvulnerablepeople>

5.0 SUMMARY OF STAKEHOLDER SUBMISSIONS

A summary of the proposals and requests for comment contained in the WWVP discussion paper is included in each relevant section below. However, it is recommended that stakeholder comments contained in this consultation report are considered in the full context of the original proposals, as presented in the WWVP discussion paper.

5.1 General Comments

All respondents recognised the need to protect vulnerable people in the ACT, including children and vulnerable adults.

The majority of respondents were broadly supportive of the proposals outlined in the discussion paper and were particularly enthused by the:

- leadership taken by the ACT Government in extending the system to include vulnerable adults;
- establishment of minimum, mandatory assessment requirements;
- benefits of portability in reducing duplication of the checking effort;
- potential for reduced liability for employers and organisation;
- commitment of ACT Government to covering the cost of the proposed system; and
- opportunity to participate in the consultation process.

Two respondents were not supportive of the proposal on the basis that alternative arrangements should be pursued, such as allowing individual employers direct (real time) access to criminal records.

Other respondents did not provide a general comment, but it was evident there was broad support for the proposed system through the responses to individual consultation questions.

5.2 Questions Posed in the Discussion Paper

Q1: Do you support the proposed definition of vulnerable adult? Are there any other types of definition that should be considered?

It was proposed that the following definition of vulnerable adult would be used:

- *“Vulnerable Adult” refers to people aged 18 or over that access services in the ACT, as defined under Regulations, to alleviate the effects of physical, social, financial and/or psychological disadvantage.*

There were 28 responses. Sixteen respondents supported the proposed definition as adequate for the intended purpose.

Some stakeholders would prefer to establish a definition that could be used more generally, either by listing broad groups of vulnerable people under a UK style definition, or perhaps expanding the definition to include people *eligible* to access services.

The inclusion of broad groups of vulnerable people was investigated prior to drafting the discussion paper. It was found that some groups would consider this approach to be patronising or offensive. While one stakeholder refuted this claim, several other respondents confirmed that some groups would be offended. One respondent suggested that being unnecessarily labelled as a vulnerable adult could create a power imbalance that might have other implications for the vulnerable person.

The inclusion of the term *eligible* would serve to increase the scope of adults deemed to be vulnerable in the ACT. However, as only those people providing services to vulnerable adults would be subject to checking, this would have no effect on the total number of checks conducted. If the intention of respondents is to include the term *eligible* as a mechanism for establishing a definition that could be used more broadly in the ACT, one concern is that such a definition would be limited in that it would not be applicable unless there was a service that could relieve a person's disadvantage actually listed under Annex A or Annex B (i.e. some otherwise vulnerable people would not be included under the definition).

Some respondents suggested that the proposed definition might be too narrow, too broad, or may not capture certain vulnerable groups. In light of these suggestions, it might be preferable to simplify the definition to not specify the types of disadvantage that are sought to be addressed (i.e. simply refer to 'disadvantage'). The various types of disadvantage may be better catered for via the inclusion of the particular services in Annex A and Annex B of the discussion paper.

One respondent suggested that the term "...that..." should be changed to "...who...".

Q2: Are there any activities that should be included or excluded from Annex A? Do you have any comments specific to any of the listed categories?

Annex A of the WWVP Checks discussion paper contained a proposed list of services for children that will attract background checking.

There were 17 comments received. Two respondents supported Annex A in its current form. Other stakeholders proposed additional clarifications or inclusions such as:

- including community organisations offering free coaching or tuition;
- “Educational Institutions” should be changed to “Education Providers”;

- Persons providing services to home school educators should be added;
- clarification of religious service;
- special considerations for playgroups so that parents are not included;
- inclusion of child related refugee services;
- specific listing of services for children with a disability;
- specific listing of school group accommodation; and
- inclusion of those who sell consumer goods to children.

Q3: Are there any activities that should be included or excluded from Annex B? Do you have any comments specific to any of the listed categories?

Annex B of the WWVP Checks discussion paper contained a proposed list of services for vulnerable adults that would attract background checking.

There were 22 comments received. Two respondents supported Annex B in its current form. Other suggestions were to:

- establish a stand alone category for refugees, migrants and asylum seekers (including all forms of support);
- include counselling, case management/planning, transport, personal care and respite activities under disability services;
- include religious services for people with special needs;
- include informal care arrangements that may be put in place by the ACT Government;
- include a new category for victims of crime i.e. General services provided to assist victims recover from the harm caused to them, including: counselling; therapeutic interventions; support; information and advice services;
- include retailers of medical equipment, online service and library staff;
- expand the definition of "Youth at Risk";
- more clearly define 'special needs';
- include additional categories to be listed under homelessness, disability services, youth justice, family services, alcohol and other drugs and home and community care;
- change terminology from "disabled people" to "people with a disability";
- establish a process through which organisations or employers can seek a formal determination on whether or not checking should apply; and
- engender greater consistency between Annex A and Annex B.

Q4: Are there any engagement types that should be added or removed from the proposed list?

It was proposed that the following categories of engagement would be included as part of the checking system:

- employees;
- self-employed;
- contractors;
- sub-contactors;
- agents;
- religious officials;
- volunteers;
- the performance of unpaid community work after a court order;
- board members;
- students; and
- trainees.

There were 13 comments. Eight respondents supported the engagement types as proposed. Other significant comments were as follows:

- two respondents queried the need to include board members;
- two respondents stated that students on work experience should be included; and
- One respondent suggested that a definition of religious officials should be developed to include "ministry leaders" who are not ministers of religion.

Q5: Are there any other forms of contact that should be included?

It was proposed that people will be checked when 'contact' with vulnerable people is 'regular and systematic' and involves:

- any form of physical contact;
- any form of communication;
- working within close proximity to vulnerable people;
- working with records relating to vulnerable people; and/or
- the making of decisions affecting vulnerable people.

There were 12 comments. Six respondents supported the contact types as proposed. Other significant comments were as follows:

- three respondents suggested that all tradesmen working in schools should be subject to checking whether this work was frequent or infrequent;
- one respondent suggested that further guidance is required on the term "any form of communication";

- one respondent suggested that examples are required for each contact type;
- two respondents suggested that all people at all levels of organisations should be checked;
- one respondent stated that contact should not include working with records relating to vulnerable people or the making of decisions affecting vulnerable people.

Q6: Do you have any comments on the checks that will be applied to supervision?

It was proposed that checking will apply to:

- all people in contact with vulnerable people whether or not they are supervised; and
- people who are responsible for undertaking supervision of people in contact with vulnerable people.

There were 11 comments. Ten respondents supported the proposal. One respondent was opposed to the application of checking to people who are responsible for undertaking supervision of people in contact with vulnerable people.

Q7: Do you have comments on the general exemption for age?

It was proposed that checking would not be required for volunteers aged less than 18 years.

There were 22 comments. Four respondents supported the proposed exemption.

All other respondents were opposed on the grounds that patterns of abusive behaviour can become evident well before a person is aged 18, and that employees and volunteers should be treated equally.

It was recognised that checking very young people was not appropriate and respondents generally felt that checking should commence at age 15 or 16 years.

Q8: Do you support the application of an exemption for people in contact with vulnerable people for infrequent or short periods? Do you support the proposed threshold of 7 days in any 12 month period?

It was proposed that checking will not be required for people who undertake regulated activities in the ACT on no more than 7 days in any 12 month period.

There were 20 comments. The notion that an exemption is required for infrequent or short periods of contact was supported by 15 respondents. Three respondents were opposed to any such exemption.

Three respondents, who were otherwise supportive of the proposal, suggested that the exemption should not apply to overnight camps.

There were mixed views on the actual threshold that should apply. While the majority of respondents were supportive of the 7 day threshold proposed:

- one respondent suggested that the threshold should be extended to 14 days in any 12 month period;
- two respondents suggested that the threshold should be shortened (e.g. to 4 days in any 12 month period or limited to incidental contact);
- one respondent suggested that the threshold should be expressed as 3 days in any 30 day period; and
- two respondents suggested that different thresholds should apply for different activities.

While two stakeholders expressed some concern about the difficulty and administrative burden associated with enforcing compliance with the threshold, one stakeholder noted the additional administrative overhead that would apply to all short term or infrequent activities if no exemption was to apply.

Q9: Do you support the application of an exemption for people who are 'closely related' to each (and every) vulnerable person they have contact with?

It was proposed that checking will not be required for people who are 'closely related' to each (and every) vulnerable person they have contact with.

There were 12 comments. Nine respondents broadly supported the proposal.

Three respondents were opposed to the exemption on the grounds that research indicates that sexual assault is often perpetrated by people known to and trusted by the victim, including family members. However, it is also true that family members are likely to have access to one another outside of the period of service provision that can be regulated by working with vulnerable people checks. Hence, it is considered that checks applied in this area are unlikely to decrease risk.

One respondent suggested a technical change to the exemption to remove the word "and" to better establish there are not two conditions that must be satisfied as part of the exemption.

Q10: Do you support the application of an exemption for volunteers engaged in a regulated activity who are 'closely related' to a vulnerable person who ordinarily participates in that regulated activity?

It was proposed that checking will not be required for volunteers engaged in a regulated activity who are 'closely related' to a vulnerable person who ordinarily participates in that regulated activity.

There were 25 comments. Seven respondents supported the proposed exemption.

All other respondents opposed the proposed exemption on the grounds that the volunteer will also have access to other vulnerable people to whom they are not related and that there is evidence that abuse has occurred in these circumstances.

One respondent suggested that the definition of the term 'closely related' should be tightened to include immediate family members only.

One respondent suggested that a modified form of the exemption should apply where the parent or carer of every participant was present during the regulated activity e.g. playgroup. It was further suggested that such an exemption should not apply to people (e.g. volunteers or facilitators) who were not a parent or carer of a participant.

Q11: Do you have any comments on excluding normal employee / employer relationships?

It was proposed that checking will not apply to employers of vulnerable people or supervisors of volunteers who are vulnerable people, unless those people are also carrying out a regulated activity.

There were 13 comments. Nine respondents felt it was reasonable to exclude general employee / employer relationships.

There were mixed views concerning the degree to which general employee / employer relationships should be included. One respondent suggested that these relationships could be excluded provided that employees were adequately informed of their rights and information concerning where to seek help if needed. One respondent was supportive of the general exclusion but sought the specific inclusion of "trade masters".

One respondent stated that the exclusion should not apply, while one other respondent stated that perhaps only larger employers should be subject to checking. One respondent suggested that this matter could benefit from a specific risk assessment.

Q12: Are there any other exemptions that should be considered?

It was proposed that checks will not be required for:

- sworn police officers (who have not been suspended);
- secondary school students on work experience placements;
- people volunteering in State and National events; and
- other groups as specified under regulations.

There were 11 comments on a range of topics.

It was suggested that:

- spontaneous volunteers required during declared emergencies should be exempt;
- the definition of State and National events should be clarified broadly and in terms of how it applies to sports. It was also suggested that individual State and National events should be subject to a risk assessment before an exemption applies and that a register of these events should be maintained;
- interstate visitors for sporting events should be exempt if they have been checked in their home State or Territory;
- some clarification of the exemption for co-participants is required;
- police officers should not be exempt when volunteering in activities undertaken while off-duty;
- exemptions should only apply to select activities, with no exemptions applicable to high risk activities;
- health professionals registered under the anticipated National Registration and Accreditation Scheme should be exempt, as checking requirements will be similar in nature and overlap; and
- certain Commonwealth employees already subject to checking and training should be exempt.

Q13: Do you have any comments on the proposal that unregistered persons can be engaged in a position pending the outcome of their application?

It was proposed that unregistered people will be required to submit an application to the WWVP Screening Unit prior to commencing duties. Applicants would be permitted to work in a position pending the outcome of their application but must cease duties immediately if the WWVP Screening Unit issues either a negative notice or an interim negative notice.

There were 20 comments. There were mixed views on this issue.

Six respondents supported the proposal. All other respondents were against or expressed some level of reservation.

Of those expressing reservations, there were four clear schools of thought:

- the proposal is reasonable only if checks are conducted within a reasonable time frame (e.g. within the timeframe of the proposed 7 day exemption);
- a one-size-fits all approach is not appropriate (i.e. persons should not commence work pending a clearance in higher risk positions);
- persons should only be able to commence work in supervised positions pending clearance; and
- persons should not be able to commence work until a clearance has been given.

Q14: Do you have any comments on the involvement of employers or organisations in the application process?

It was proposed that the WWVP Screening Unit will contact employers or organisations in the event that an application is unsuccessful and that applicants must also provide information from a prospective (or current) employer or organisation which includes:

- a declaration that the applicant has been offered, or is working in, a position which is likely to require that a check be undertaken;
- the contact details of the employer or organisation; and
- a signature of a responsible person in the organisation.

There were 21 comments. Fifteen respondents were generally supportive of the proposal. Two respondents were not supportive. Other comments were as follows:

- five respondents thought that there would be advantages in allowing employers some level of access to the information obtained by the screening unit;
- three respondents were concerned with the implications that employers would be notified of an interim negative notice, or the grounds of an interim negative notice, and were generally against employers being informed of any information beyond the final decision. It was stated that the applicant should be informed of any negative result before an employer;
- eight respondents stated that the administrative burden for employers and applicants could be significant. It was suggested that guidelines, proformas and tools (such as allowing employers to register to be notified of any change in the applicant's status [or receive reminders that a registration is about to expire], or being able to submit information concerning groups of employees rather than individually) should be developed. One respondent suggested that community organisations would require additional funding to deal with administration overheads;

- two respondents suggested that employers should be required to supply a job description rather than a description of the work to be undertaken by the applicant; and
- two respondents suggested that individuals should be able to make applications independent of an employer with the express aim of removing the employer from the application process for privacy reasons and to enable a person to be “employment ready” before an employer was lined up.

Q15: Do you have any comment on the inclusion of other types of information such as Apprehended Violence Orders, Child Protection Orders and past employment records in the checking process?

It was proposed that checking will include a national criminal history check that will contain any disclosable information concerning convictions, findings of guilt, certain spent convictions (to the extent allowable under the ACT *Spent Convictions Act 2000* and similar legislation in other States and Territories), pending matters and limited other information (such as being listed on a register of sex offenders).

Views were also sought on the possible inclusion of other types of information that may be useful in determining whether or not there is a risk that an individual may harm a vulnerable person, such as:

- expanded criminal history information relating to charges, acquittals and factual information concerning the circumstances of individual cases;
- Apprehended Violence Orders;
- Child Protection Orders; and
- past employment records.

There were 31 comments. Twenty respondents supported the inclusion of a broad range of information, including non-conviction information, where it is required to protect the public interest. Three respondents were against the collection and consideration of non-conviction information. Other comments were as follows:

- six respondents stated that it was difficult to fully assess the impact of the inclusion of non-conviction information prior to the availability of a risk assessment tool;
- there were mixed views concerning the inclusion of past employment records with two respondents specifically in support and three opposed;
- three respondents suggested that the screening unit should check the specific skills required to perform duties (e.g. qualifications);
- one respondent suggested that a media search should be included; and

- four respondents were concerned that the inclusion of matters such as those suggested above would result in a 'good citizen' check that would unnecessarily preclude employment and that would lead to administrative delays in checking outcomes. Two of these respondents reasoned that employers should remain responsible for some parts of the check, in particular, those matters that are position specific.

Q16: Do you have any comments on the proposal that applicants be required to provide a statutory declaration that they have not been convicted of certain types of offences outside of Australia?

It was proposed that:

- applicants will be required to provide a statutory declaration that they have not been convicted of certain types of offences outside of Australia; and
- individual employers or organisations may ask applicants to provide a police certificate from their country of origin, if concerns still exist.

There were 20 comments. Fourteen respondents supported the proposals. Other comments were as follows:

- one respondent suggested that documentation allowing an applicant to work in Australia should be provided;
- two respondents noted that there may be loopholes in checking for people who are in the country only temporarily (e.g. tourists volunteering for more than 7 days);
- two respondents suggested that statutory declarations are meaningless;
- one respondent suggested that Australians who have visited certain overseas destinations should be subject to additional checking and that the screening unit should provide examples of overseas police certificates to assist employers in the assessment process; and
- one respondent sought a special checking category for people from overseas with no background information available.

Q17: Are there any additional risk assessment principles that should be applied

It was proposed that the principles guiding risk assessment will include:

- the paramount consideration is the wellbeing of vulnerable people and their protection from harm;
- risk assessment will be conducted by people who are appropriately trained and properly supported;
- risk assessment will be recognised as one of a range of organisational strategies to protect vulnerable people;

- risk assessment will be evidence based, where evidence exists;
- in all situations risk assessment will be ethical and defensible;
- assessment and decision making processes will be efficient and timely;
- assessment and decision making processes will follow principles of natural justice and procedural fairness;
- the risk assessment procedure will be transparent, documented, and consistently applied;
- risk assessment processes will be accompanied by provisions for review and appeal against decisions; and
- the privacy of people will be strictly protected, and sensitive and personal information will be protected from inappropriate disclosure.

There were 12 comments. While respondents were generally supportive of the risk assessment principles proposed, most were of the view that it is difficult to ascertain whether or not the risk assessment process will be adequate until a risk assessment manual is available. Other comments were as follows:

- two respondents suggested that the Australian and New Zealand Standard for Risk Management, last updated in 2004, AS/NZS 4360:2004, should form a basis for the use of any risk assessment tool;
- one respondent suggested that the risk assessment manual should be enshrined under legislation or regulations;
- one respondent suggested that any conviction should result in a person being found unsuitable for a minimum period of time;
- one respondent requested that specific guidelines be developed for the consideration of juvenile convictions;
- one respondent noted the importance of the development of information sheets on the risk assessment process; and
- one respondent stated that the risk assessment principles highlighted the need for highly qualified risk assessors to be part of the process.

Q18: Do you have comments on the proposed list of relevant criminal offences?

In the context of criminal history information, it was proposed that relevant offences would include:

- sexual offences;
- offences against a person;
- offences involving violence;
- offences involving dishonesty or fraud;
- offences relating to property;
- offences involving possession of, or trafficking in, a drug of dependence or controlled drug;
- arson;
- firearms offences;
- offences against an animal; and

- incitement, conspiracy or intent to commit any of the above offences.

There were 13 comments. While all respondents appeared to broadly support the proposal, some qualifying comments were made as follows:

- six respondents suggested that an applicant's driving record should be considered in cases where driving vulnerable people is required for the position. One respondent noted that it would be inappropriate to fail an applicant on the basis of driving record where the position did not involve driving;
- one respondent suggested the inclusion of other high tech crimes, such as internet misuse;
- one respondent applauded the approach of making a distinction between relevant and irrelevant offences;
- one respondent stated that the inclusion of offences involving dishonesty and property required clear operational guidelines;
- one respondent questioned the relevance of 'offences against an animal'; and
- one respondent stated that the screening unit should publish information concerning relevant offences, including examples.

Q19: Do you have any comments on the list of questions to be considered as part of the risk assessment process?

It was proposed that the following questions would be considered as part of the risk assessment process:

- *What is the nature, gravity and circumstances (where known) of the offence or charge and how is this relevant to employment/volunteering with vulnerable people?*
- *How long is it since an alleged offence occurred?*
- *What was the age of the victim of the offending behaviour?*
- *What was the age difference between the person and any victim?*
- *How serious is the applicant's criminal history based upon all the information available (for example, whether there is a pattern of offending)?*
- *Have the applicant's circumstances changed since an offence was committed?*
- *What is the attitude of the applicant to their previous offending behaviour, and what relevant information can be provided by the applicant?*
- *What are the findings of any assessment reports following attendance at treatment or intervention programs?*
- *Has the offence been decriminalised in Australia or was it an offence overseas but not in Australia?*

There were 11 comments. Eight respondents were broadly supportive of the proposed questions. Other comments were as follows:

- one respondent stated that special consideration needs to be given to juvenile offences;
- one respondent stated that information should be provided to applicants on how the risk assessment will be applied;
- one respondent suggested that there may be inconsistent outcomes if the “actual penalty imposed” is considered when determining the gravity of offences;
- one respondent considered that there was too much room for subjectivity and that automatic exclusions should apply for minimum time periods where offences are recorded.

Q20: Do you support the additional considerations applicable to non-conviction information? Are there any other considerations that should be included?

It was proposed that the additional considerations applicable to non-conviction information would include:

- The credibility of the person who made the original allegations or provided the original information;
- The scope and outcome of any investigation conducted;
- Views of officials who conducted the investigation;
- The answers (if any) of the person to police during interview, the formal statement (if any) to police and the evidence (if any) of the person in cross-examination;
- Whether the alleged conduct was a “one off” or part of a pattern; and
- Any other information which might point to good character or the fact the allegation or information is inaccurate or untrue.

There were 10 comments. Six respondents supported the additional considerations applicable to non-conviction information. Three respondents expressed reservations about the systematic checking of non-conviction information. Other comments were as follows:

- three respondents stated that the risk assessment process must be crystal clear and that information should be provided to applicants in this regard;
- two respondents raised issues relating to the powers and processes of courts, suggesting that courts will already have made the proposed considerations and that subsequent consideration by other bodies such as the screening unit will weaken the power of the courts; and
- one respondent suggested that there should be legalised penalties for persons who provide vexatious information (e.g. past employers).

Q21: Do you have any comments on the proposed registration period of five years?

It was proposed that registrations will remain valid for a period of five years.

There were 31 comments. Seven respondents supported a five year registration period.

The majority of respondents suggested that registration be for a shorter period, with seventeen respondents supporting a three year checking interval and three respondents supporting a two year checking interval.

Other comments were as follows:

- several respondents suggested that 5yr checks would result in two systems because some people are already be subject to 3yr checks in the aged care or child care sectors and many other organisations already have policies in place for 3yr checking;
- one respondent suggested that people under the age of 25yrs should be registered for 3yrs, while people over the age of 25yrs should be registered for 5yrs;
- five respondents recognised that there would be significant cost implications of moving to a shorter checking period and suggested that there was potential for some costs to be recovered via an application fee (some also recognised that organisations already faced costs relating to checking and that solutions that were cost neutral could be considered);
- while respondents were generally pleased that the ACT Government intended to cover checking costs, this sentiment usually related to the not-for-profit or volunteer sector;
- one respondent thought that checks should only be conducted upon engagement with no re-checking necessary; and
- several respondents have recommended that the ACT Government should consider the long term financial sustainability of the system, including the possibility of cost recovery or a longer term funding commitment.

Q22: Do you support the proposal for the WWVP Screening Unit to contact the employer or organisation to advise of the issuance of an interim negative notice or in the other circumstances proposed?

It was proposed that the WWVP Screening Unit will inform the employer or organisation nominated on an application form of the proposal to issue a negative notice and advise that the applicant must be removed from all contact with vulnerable people pending a final determination. It was also proposed that the WWVP Screening Unit will contact the employer if:

- there is some doubt as to whether or not the applicant has actually been offered a position;

- the application is withdrawn;
- the application is deemed withdrawn due to irregularities or lack of a response from the applicant;
- a negative notice is subsequently issued; or
- a positive notice is subsequently issued.

There were 18 comments. Fourteen respondents generally supported the proposals. Other comments were as follows:

- one respondent suggested that there may need to be some discretion exercised in the case of interim negative notices in some cases;
- one respondent noted the importance of ensuring that organisations must not judge an applicant on the basis of a negative notice, but should manage risk by removing that person from all contact with vulnerable people pending a final decision;
- one respondent requested that clear guidelines be issued to employers concerning actions they may take to manage situations where interim negative notices are issued; and
- several respondents raised concerns relating to the privacy of applicants in cases where the employer is informed that an interim negative notice has been issued. In this regard:
 - two respondents were strongly opposed to the screening unit contacting employers to advise of an interim negative notice;
 - one respondent stated that under no circumstances should employers be advised of the basis for an interim negative notice;
 - one respondent suggested that privacy concerns could be allayed by simply allowing applicants to make an application independent of an employer. It was further suggested that frivolous applications could be deterred via the imposition of an application fee; and
 - one respondent recommended that applicants provide informed consent for the screening unit to contact the employer in the case that an interim negative notice is issued as part of the application process.

Q23: Do you support the application of a five year prohibition on re-applying for a WWVP Check unless there has been a material change in the information upon which the negative notice was issued? If not, why not?

It was proposed that people who have received a negative notice will be prohibited from reapplying to the WWVP Screening Unit for registration for a period of five years unless there has been a material change in the information upon which the negative notice was issued.

There were 16 comments. Eleven respondents generally supported the proposal. Other comments were as follows:

- one respondent suggested that prohibitions should be permanent in some cases;

- one respondent suggested that the prohibition period should be as long as 10 years;
- one respondent suggested that the prohibition period should be reduced to 3 years;
- two respondents suggested that prohibition periods should be determined on a case-by-case basis or that different prohibition periods should apply to different regulated services;
- two respondents recommended that guidelines should be available on what constitutes a 'material change';
- one respondent suggested that the ACT Government should consider the long-term implications of checks after time limitations on offences have passed and include mechanisms in the ACT Working With Vulnerable People Checking System to minimise the impact;
- one respondent suggested that the definition of 'material change' was too narrow and should include other factors such as employment, financial and marital status;
- one respondent noted the importance of ensuring consistency between this requirement and the public service recruitment protocols; and
- one respondent raised concerns that a prohibition would prevent an applicant from working in all regulated services.

Q24: Do you have any comments on the inclusion of a mechanism for courts to make orders barring people from applying for or holding an approval to work with vulnerable people for specified periods of time?

It was proposed that the exclusionary framework supporting the introduction of WWVP checks will be based on the following fundamental tenets:

- People seeking to work or volunteer with vulnerable people in specified positions must apply to be registered with the WWVP Screening Unit and undergo a risk assessment;
- People who have received an interim negative notice or negative notice from the WWVP Screening Unit, will not be registered and will be ineligible to work with vulnerable people; and
- People who have been issued a negative notice will be prohibited from reapplying for registration for a period of five years, unless there has been a material change in the information upon which the negative notice was issued (e.g. a conviction has been quashed or pending charges have resulted in an acquittal).

It was also proposed that ACT courts should have powers to make orders barring people from applying for or holding an approval to work with vulnerable people for specified periods of time.

There were 13 comments. All respondents supported the proposal, provided that a workable and transparent mechanism could be developed. Two respondents thought the proposal should go further and extend the prohibition power to other quasi-judicial bodies or simply automatically prohibit people with certain criminal convictions from applying.

Q25: Do you have any comments on the proposed right of internal review by the WWVP Screening Unit and the right of external merits review by ACAT and the proposed grounds for merits review?

It was proposed that the grounds for internal and merits review by ACAT will include:

- inaccuracy of the information on which the WWVP Screening Unit has relied;
- relevance of conviction information, non-conviction information or other information;
- the availability of new information that was not previously considered by the WWVP Screening Unit;
- whether the WWVP Screening Unit is acting consistently or making decisions in accordance with the *Human Rights Act 2004* (ACT); and
- whether the WWVP Screening Unit decision is correct and preferable.

It was also proposed that the procedure for review will include:

- a right of access to all information used by the WWVP Screening Unit, except in circumstances where, in ACAT's view, disclosure would, or could be reasonably expected to, prejudice, an existing investigation of a breach of criminal law;
- a power of ACAT to compel the production of information from the relevant law enforcement bodies or WWVP Screening Unit;
- both rights above to extend to "circumstances" information and to relevant inter-jurisdictional bodies;
- a right for the applicant to independent representation; and
- a right of the applicant to supply additional information or witnesses to support their case.

There were 12 comments. Eight respondents were supportive of the proposals.

While no respondents were opposed to the proposals, three respondents stated the importance of ensuring that there are robust and consistent processes for handling complaints (including safeguarding privacy) and that the screening unit should publish material outlining the complaints process and the steps that applicants can take if they are unhappy with the response of the screening unit. One respondent stated that the impacts of how this process fits with public service engagement/termination protocols would need to be more fully considered.

Q26: Do you have any comments on the proposed list of offences and the application of penalties for the proposed offences?

It was proposed that the legislation for the WWVPC Checking System will include specific penalties for certain matters, including:

- forging or altering of a WWVP Card;
- inappropriate use of a WWVP Card (including using someone else's card or loaning a card to another person);
- failure by employer or organisation to validate WWVP Card;
- providing false or misleading information to the WWVP Screening Unit;
- making multiple and simultaneous applications for assessment;
- working with vulnerable people without a valid assessment notice (or without having applied for an assessment notice);
- failure to immediately cease working with vulnerable people after withdrawal of application, receipt of an interim negative notice, receipt of a negative notice or cancellation of registration;
- failure of employer or organisation to remove a person from working with vulnerable people if it is known that person has withdrawn an application, has been issued with an interim negative notice, issued with a negative notice or has had their registration cancelled; and
- failure of registered person to disclose a new criminal offence to the WWVP Screening Unit.

There were 10 comments. Eight respondents generally supported the proposal. No respondents were opposed.

Other comments were as follows:

- two respondents stated that penalties must be clearly enunciated in the legislation and information should be available to applicants as part of the application documentation;
- one respondent suggested that organisations have a higher duty of care and should be penalised at a higher level than individuals;
- one respondent suggested that it should be an offence to commit a new relevant offence while registered with the screening unit; and
- one respondent suggested that organisations will require additional resources to ensure compliance.

Q27: Do you have any comments on the proposed compliance activities?

It was proposed that the WWVP Screening Unit would undertake certain compliance activities, including:

- sending letters to select employers/organisations seeking confirmation that:
 - all people that are required to have checks have been checked and approved;
 - people with negative notices are not employed; and
 - prohibited people are not employed.
- physical spot checks of select employers/organisation;
- investigating public complaints or information that allege a breach of WWVP legislation; and
- referring breaches of WWVP legislation for prosecution.

There were 10 comments. Eight respondents were generally supportive of the proposal. No respondents were opposed.

Other comments were as follows:

- three respondents requested that a grace period be given to organisations before prosecutions commence, perhaps involving a warning system;
- two respondents stated that there should be timelines for compliance activities to occur (organisations may require some time to fix a problem once it is discovered e.g. if a worker is found not to be registered);
- one respondent suggested that random checking of individuals should also be included (targeted at higher risk individuals);
- one respondent requested that organisations be given additional funding to deal with compliance activities;
- one respondent stated that compliance activities should be a shared responsibility and that organisations should be required to monitor, audit and report compliance levels to the screening unit and in their annual reports;
- one respondent suggested that the screening unit should have 'field workers' that can assist organisations with compliance;
- one respondent suggested that compliance might be difficult for smaller organisations with a high proportion of volunteers;
- one respondent suggested that compliance activities would involve significant resources for larger organisations.

Q28: Do you have any comments on the estimated processing times for the risk assessment process?

Based on data obtained from comparable screening jurisdictions, it is anticipated that:

- 87% of applicants will have no criminal history. These applications will be processed within 2 days from the date of receipt by the WWVP Screening Unit – however total turnaround time will be subject to the time taken to receive the national criminal history check;

- 12% of applicants will have a minor offence recorded. These applications will be processed within 5 days - however total turnaround time will be subject to the time taken to receive the national criminal history check;
- 1% of applicants will have a significant criminal history which may require a complex risk analysis. In these cases, assessments may take up to 28 days to be completed.

There were 16 comments. While respondents were supportive of the proposed processing times, some expressed a view that these may be optimistic. Other comments were as follows:

- five respondents raised concerns about the adequacy of resources in the AFP or Crimtrac to deal with the increase in the number of background check requests;
- one respondent stated that it is the total turnaround time that is more important;
- one respondent stated that experience in other jurisdictions has shown that processing times tend to become longer than initially estimated and that backlogs do occur;
- one respondent reasoned that the likelihood of quick processing times supports the argument that the outcome of checks should be known before a person commences duties;
- one respondent stated that turnaround times must be kept under one month;
- one respondent stated that processing times should be in line with the times taken for current AFP checks;
- one respondent suggested that the estimate of 3% of people requiring a check because they work with vulnerable adults is likely to be underestimated;
- one respondent stressed the importance of regularly reviewing processing times; and
- one respondent suggested that some provision must be made for spontaneous volunteers in emergency events.

Q29: Are there other factors that should be considered when determining the priority in which checks are phased in?

It was proposed that the WWVP Checking System will be implemented in a number of phases over 5 years having regard for the:

- categories of people and activities regulated under legislation;
- risk of harm to vulnerable people;
- level of checking already undertaken (if any); and
- operational capacity of the WWVP Screening Unit.

There were 14 comments. Most comments were related to the need for the screening unit to support the implementation process through promotional and educational activities, including publishing a timeline for implementation stages. Other comments were as follows:

- one respondent suggested that existing volunteers should be checked before existing employees;
- one respondent stated that provision should be made for a check to be undertaken at the discretion of the employer;
- one respondent stated that information sessions and information sheets should be provided for specific sectors;
- one respondent requested that education and promotion activities be ongoing, particularly when changes are made to the checking system;
- one respondent requested that specific information be provided addressing the steps that organisations or applicants should take in the lead up to implementation (e.g. should checks continue to be conducted if it is known that a free check will soon be available);
- one respondent suggested that, to avoid duplication, recent checks should be recognised as sufficient;
- one respondent suggested that labour hire and recruitment companies should be involved in the implementation phase; and
- one respondent requested that information be available to employers concerning what to do if an existing employee is not successful in obtaining a registration (this issue was also raised by several other respondents in response to other questions).

Q30: Are there any other mechanisms to improve accountability that should be considered in this section or elsewhere in this discussion paper?

It was proposed that the WWVP Screening Unit will be required to report annually as part of the *Office of Regulatory Services* Annual Report. The report will include data relating to the number of checks conducted, rejection rates, reviews and appeals as well as the outcomes of any reviews or appeals.

It was also proposed that a review of the operation of the WWVP Screening Unit will be undertaken three years after the commencement of operation, and periodically thereafter.

There were 8 comments. There were mixed views on the adequacy of the proposed accountability measures.

While some respondents supported the accountability measures as proposed, other respondents offered the following suggestions:

- one respondent proposed that a database be established for the first three years that can generate data concerning current activity upon request;

- one respondent proposed that a mechanism be established to allow stakeholders to provide feedback on screening unit processes; and
- three respondents recommended that a standing committee of community representatives (with expertise in recruitment and risk assessment) be established to provide input into:
 - implementation issues;
 - the operation and management of the screening unit;
 - risk assessments (particularly appeals); and
 - audit and review of the screening unit.

Q31-34: Are there any other issues you wish to raise that have not been addressed in this discussion paper?

There were no comments that did not relate, at least in part, to another question or to a topic included in the next section 'Other Matters Raised'.

5.3 Other Matters Raised

Harmonisation and Mutual Recognition

Nine respondents raised issues related to harmonisation or mutual recognition of checking systems across jurisdictions.

While respondents held different views as to whether existing systems should be harmonised or replaced with a single national system, all recognised that there was an unnecessary administrative burden associated with dealing with the different checking systems in different jurisdictions, particularly for national organisations.

One respondent also commented that any Territory level scheme should be at least consistent with or exceed requirements in place under Commonwealth funding agreements.

One respondent noted that it would be desirable for the protections afforded under the ACT scheme to vulnerable adults to be extended into other jurisdictions.

One respondent stated that administration requirements for large national organisations might be increased if other States and Territories adopted the proposals made by the ACT.

The need for harmonisation and mutual recognition of checking systems is already recognised by Australian governments and work is continuing in this area. For example:

- the National Framework for Protecting Australia’s Children 2009-2020 includes a strategy for “*developing a nationally consistent approach to working with children checks and child safe organisations across jurisdictions*” (Strategy 2.2). It is anticipated that work undertaken in this area will increase the possibility of harmonisation and mutual recognition of existing checking systems; and
- Recommendation 10.1 of the draft Productivity Commission Report on the Contribution of the Not-for-Profit Sector recommends that “*Australian governments should explore the feasibility of establishing a system of ‘Working with Vulnerable People Checks’ similar to that proposed by the ACT. These checks should be portable between organisations for a designated time period*”.

Status of Checking Outcomes

Two respondents stated that employers should be able to override checking outcomes.

Under the current proposal, employers may not override negative decisions, but will remain free to apply their own standards with regard to people who have received a positive notice. In the event of a negative notice, employers may also cooperate with applicants to make a supplementary application for a position based check.

Ongoing Program Funding

Seven respondents raised issues relating to the ongoing funding of the checking program. There was some concern that, while the ACT Government had committed to funding the program over four years, future budget limitations may result in the Government seeking a financial contribution from the ACT community by way of an application fee.

Several respondents sought a longer term commitment to funding the program, including a statement of mechanisms to fund the program if actual costs exceed initial estimates.

One respondent suggested that the ACT Government should not be funding any costs associated with the checking of Commonwealth employees.

Additional Checks

One respondent suggested that checks should be available on a fee-for-service basis to those who either were not part of the proposed system or who required checks more frequently than would be provided free of charge.

Position Based Checking

It was proposed that the registration system will be supported by an optional position based assessment system.

Nine respondents raised issues relating to the supporting position based assessment system. In summary, these comments were as follows:

- four respondents strongly supported the proposal;
- two respondents stated that re-entry to the workforce can be an important part of the recovery process and raised concerns that checking systems may hinder employment of these persons unless reasonable discretion can be exercised;
- two respondents suggested that position based approvals should be transferrable across like positions;
- one respondent called for the ACT Government to provide resources to assist applicants and employers to make a position based application; and
- one respondent recommended that the ACT Government outline the role of 'lived experience' in risk assessment processes.

Flexible Approvals

It was proposed that the WWVP Screening Unit would be able to issue either a broad approval for a registered person to work in any regulated activity or a position based approval that restricted a registered person to a particular position.

One respondent suggested that it should be possible for the WWVP Screening Unit to issue conditional approvals, including:

- restrictions on driving a motor vehicle in which vulnerable people are present;
- for people from overseas with no available criminal records; and
- a controlled environment approval (i.e. can only work under supervision).

Supporting Safe Environments

It was proposed that the WWVP Screening Unit will promote awareness of the National Framework in dealings with applicants and will support employers and organisations by entering into a partnership with the ACT Human Rights Commission and other interested bodies to:

- establish a web link to the National Framework;
- produce and distribute fact sheets concerning the National Framework;

- develop materials to assist individuals and workplaces to adhere to the National Framework; and
- monitor voluntary compliance with the National Framework.

Four respondents suggested that the screening unit should have a greater role in promoting and supporting safe working environments. Suggestions included that the screening unit should provide:

- online information and guidelines about best practice risk management procedures;
- specific advice concerning how to manage large numbers of spontaneous volunteers; and
- training and topic specific workshops targeted at different types of organisations.

One respondent suggested that certain elements of the National Framework for Supporting Child Safe Environments should be enshrined in ACT law as part of the WWVP checking system.

Definition of a Child

It was proposed that the definition of ‘child’ applicable under WWVP legislation will refer to the definition of ‘child’ under the *Legislation Act 2001*.

The *Legislation Act 2001* provides the following definition:

- **Child**, if age rather than descendency is relevant, means an individual who is under 18 years old.

Four respondents commented on the proposed definition of a child. Three respondents sought greater consistency, but differed on how this should be achieved. In summary, it was suggested that:

- the definition should be simplified to “Child, means an individual who is under 18 years of age”;
- the definition of child should be lowered to a person under 16 years of age; or
- the definition should be aligned with the definition under the *Children and Young People Act 2008*.

Ongoing Monitoring and Self-disclosure of Criminal Records

It was proposed that registered people will be required by law to immediately self-disclose any relevant change in their criminal record to the WWVP Screening Unit. It was also suggested that ongoing monitoring of criminal records may be introduced for registered people in the ACT in the future but that the establishment of such a capability is a significant project and would take some years to develop.

Six respondents indicated a preference for the registration system to be supported by a 'live update' mechanism that would notify the screening unit automatically of any change in a registered person's criminal history.

One of these respondents also suggested that information be provided to registered persons advising them of their self-disclosure obligations.

One respondent stated that organisations should have a Code of Conduct that requires staff to self-disclose new offences.

External Input into the Risk Assessment Process

It was proposed that provision would be made in legislation to allow the WWVP Screening Unit to seek confidential external advice from relevant experts.

Six respondents supported the proposal that the screening unit could seek advice from external experts when making risk assessments. In general, respondents suggested that greater expertise may be required for some complex assessments than may be available within the screening unit.

One respondent noted that any experts engaged would need to be subject to the same privacy safeguards as staff within the screening unit.

Produce Card upon Request

Three respondents commented on the proposal to issue a card to successful applicants. While one respondent supported the proposal that employers could validate cards online, two other respondents suggested that it would be reasonable for card holders to be required to carry cards while on duty and for police to have a power to compel a holder to produce a card on request.

Information Requirements

It was proposed that applicants will be required to supply the following information to the WWVP Screening Unit:

- personal information (e.g. name, previous names);
- contact details, including previous addresses;
- sufficient proof of identity;
- a description of the work to be undertaken by the applicant;
- consent for background checking and ongoing monitoring to be undertaken (if applicable);
- consent for the WWVP Screening Unit to contact the applicant's employer in limited circumstances (e.g. if the application is withdrawn or unsuccessful); and

- a signature.

One respondent suggested that the requirement to provide a description of the work being undertaken by the applicant is unnecessary for a registration that lasts several years.

One respondent recommended that the system include a requirement to verify the identity of the applicant, for example through a 100 point identity check.

Compatibility with Other ACT Legislation

It was noted that the WWVP Checking System will need to be compliant with other applicable ACT and Commonwealth legislation including:

- *Human Rights Act 2004*;
- *Discrimination Act 1991*;
- *Privacy Act 2000 (Cwth)*;
- *Public Sector Management Act 1994*;
- *Spent Convictions Act 2000*; and
- *Territory Records Act 2002*.

It was suggested that the WWVP system should also be compatible with:

- *Crimes (Child Sex Offenders) Act 2005*;
- work safety legislation (for a definition of volunteer); and
- the legal environment and community standards with regard to young people's records and rights.

Privacy Impact Assessment and Guidelines for Information Handling

It was noted that records will be held securely within the WWVP Screening Unit in compliance with privacy legislation including the *Territory Records Act 2002* and *Privacy Act 2000 (Cwth)*. Records will not be made available to employers.

It was also noted that applicants will have a right to request access to their own information used by the WWVP Screening Unit as part of the risk assessment process.

One respondent suggested that:

- it would be beneficial to conduct a Privacy Impact Assessment;
- staff of the screening unit should receive training in the specific application of the Privacy Act 1988; and
- guidance material be developed and made public for the collection, handling and security of personal information collected by the screening unit.

Attendance at Card Office

Three respondents were concerned about the proposed requirement that applicants attend the card office for a photo to be taken and printed on the card. It was generally felt that this was an onerous requirement for busy people, elderly people or those residing outside the ACT and that alternative arrangements should be available, such as:

- not requiring attendance upon renewal;
- allowing photos to be supplied at other locations;
- allowing photos to be witnessed by a JP and sent to the screening unit;
or
- allowing electronic photos to be submitted.

Information in Alternative Formats

One respondent stated that it was important for information on the card and application forms to be available in alternative formats such as large print, audio or Braille.

Accreditation System for Organisations Working with Refugees

One respondent suggested that the ACT should establish an accreditation system for people working with refugees.

6.0 WHERE TO FROM HERE

The comments contained in this consultation report will inform the development of a WWVP checks policy that will underpin the drafting of a WWVP checks bill.

It is anticipated that WWVP checks Bill will be introduced in the ACT Legislative Assembly during Autumn 2010.

Once legislation is in place, a WWVP checks screening unit will be established within the Office of Regulatory Services, ACT Department of Justice and Community Safety.

It is currently expected that checking will be phased in over a number of years commencing late 2010-11.