



Northern
Territory
Government

Working with Children Clearance

What you need to know.



**a safe
Territory**
A Territory Government initiative

workingwithchildren

www.safeterritory.nt.gov.au

Keeping Our Children Safe

Screening volunteers and employees working in child-related employment is one of a range of Northern Territory Government initiatives designed to help keep our children safe. It is part of a comprehensive range of measures introduced under the *Care and Protection of Children Act* to ensure that children in the Northern Territory (NT) are safe and well cared for.

The *Care and Protection of Children Act* includes:

- Measures to prevent the harm and exploitation of children
- Provisions to support families to care for their children
- Continuing support for young people leaving the care of the Chief Executive Officer from 18 years of age until they reach 25 years of age
- Establishment of a Children's Commissioner
- Regulation of Children's Services
- A Child Death Review and Prevention Committee
- Introduction of a screening system for child-related employment (Working with Children Clearance)

Employers, self-employed persons, employees and volunteers all have obligations under the Act.

About the Working with Children Clearance

Every day children are taught, coached, cared for and entertained by workers and volunteers. From football coaches and piano teachers to childcare workers, high school teachers and volunteers for cultural organisations and church groups - everyone plays a part in helping educate, nurture and inspire our children.

A Working with Children Clearance has been introduced under the Act as one way to prevent and deter people who pose a risk to the safety of children from working with them, in either a paid or volunteer capacity.

From 1 July 2011 anyone employed or volunteering in child-related work will be required by law to hold an Ochre Card, which is photo ID proof they have passed the Working with Children Screening process and received a Clearance Notice. Screening for clearances commenced on 1 September 2010.

What does the Working with Children Screening assess?

Working with Children Screening is a criminal and employment record check which ensures there is nothing in the candidate's history which may constitute a serious risk of harm to children.

Screening for a Working with Children Clearance will involve:

1. A National Police records check.

The check may reveal criminal history information held by Police across all States and Territories. Broadly, the criminal offences of most significance for a Working with Children Clearance are:

- sexual offences involving children
- violent offences involving children
- drug-related offences involving children.

2. Employment History

An assessment of references and/or disciplinary proceedings instigated as a result of malpractice or inappropriate workplace behaviours.

3. Other material

Some candidates who apply for a Working with Children Clearance will have a criminal history. This does not automatically mean they will be disqualified from obtaining a Clearance. The Screening Authority will assess a number of factors, such as the person's good behaviour, contribution to community events, rehabilitation or treatment programs completed.

Personal, community and written employment references can be submitted in support of an application.



How the assessment works

It is the responsibility of the person who wants to work or volunteer with children to apply for the Working with Children Clearance and ensure that it remains valid.

Members of the Screening Authority are appointed under the *Care and Protection of Children Act* by the Minister for Child Protection and are responsible for deciding whether to grant a Clearance Notice to a particular candidate.

To make this decision, the Screening Authority looks at all the information provided by the applicant, as well as at their Criminal History.

Applicants can offer further information and references to support their application at any time until the decision is made. When an application is successful, the applicant will receive a Working with Children Clearance Notice that will have their unique clearance number on it. They will also receive an Ochre Card, which can be carried with them as proof they are legally allowed to work with children.



Categories of child-related work

Under the Northern Territory's *Care and Protection of Children Act - Section S185*, a person is in child-related work and requires a Working With Children Clearance only if the usual duties of the work involve, or are likely to involve, contact with a child aged under 18 years in connection with:

- Child protection services provided by or for the Department of Health and Families
- Children's services, including child care provided through child care centers, family day care, after school hours care and at special events
- Educational facilities for children, including government and non-government schools and extra-curricular activities. This includes positions such as administrative staff, school caretakers and school gardeners
- Juvenile detention centres
- Refuges or other residential facilities used by children e.g. safe houses, women's shelters and youth residential programs

- Hospital wards or any other facilities for health or emergency services in which children are ordinarily patients e.g. child and maternal health clinics, ambulance services, paediatric wards and home visiting programs
- Clubs, associations or movements with significant child membership or involvement, including groups that are of cultural, recreational or sporting nature e. g. cadets, Scouts, sporting clubs, junior rangers, youth groups, child-focused ethnic or cultural groups. Activities include coaching, billeting and home-hosting
- Religious organisations and vocations
- Babysitting or child-minding services
- Fostering of children
- Students on placement in work as part of their studies e.g. student teachers and child care workers
- Transportation services for children e.g. school bus services
- Private tuition services for children e.g. individual or group dance, music or education tuition and coaching services
- Counselling or other support services for children
- Overnight camps for children
- Road crossing services for school children
- Sports coaching or sports lessons for children
- Accommodation services for children in private residential premises
- Any of the following services, activities or facilities that are provided or arranged for children:
 - a) gym or play facilities
 - b) photographic services
 - c) talent or beauty competitions
 - d) entertainment or party services

Other services requiring a Working with Children Clearance

Members of boards, management committees and partners in businesses that perform work with children also need a Clearance e.g. members of school councils or basketball associations.

Who does not need a Working with Children Clearance?

The Working with Children Clearance is designed for certain work situations. In some cases there will be people who do not require this check.

Exemption 1

A person who is 15 years of age or less is exempt from holding a Working with Children Clearance.

Exemption 2

A person who is a volunteer in children's services, a school, club, association or movement with significant child membership and:

- the work does not involve an overnight stay
- they are a parent of one or more of the children they will have contact with
- they will be under the direct supervision of someone who holds an Ochre Card
- the person engaging them for the work does not require them to hold a Working with Children Clearance

Exemption 3

A visitor to the NT who will be working as a volunteer for a total period of no more than 14 days per year.

Exemption 4

A person who works or volunteers for a children's entertainment or party service that provides food, equipment or a venue, but has no contact with children.

Exemption 5

A person who provides babysitting or child-minding services, but not as part of a commercial enterprise.

Exemption 6

An emergency carer via a placement arrangement made under the *Care and Protection of Children* (Placement Arrangements) Regulations.

In all cases these exemptions only apply if the person is not otherwise engaged in child-related employment.

Exemption 7

A person who provides accommodation for a child in their private residence for no more than 7 consecutive days.

How to apply

Your Obligations

From 1 July 2011, it will be law for people who are employed or volunteer in child-related work to have a Working with Children Clearance Notice. A penalty of up to \$65,000 can be issued to an individual if they are found to be in breach of this law.

- It is the responsibility of the person who wants to work or volunteer with children to apply for the Clearance Notice and ensure that it remains valid
- If a candidate is currently working in child-related employment or intends to, they will need to apply for a Clearance Notice as soon as possible.

Cost

The cost of a Working with Children Clearance (including the Ochre Card) is \$50.00 for employees and \$5.00 for volunteers, and is valid for two years. If a person wishes to continue to work or volunteer with children after this time they will need to apply again.

Application Form

Application forms may be obtained from one of the following places

- The WWC website www.workingwithchildren.nt.gov.au
- Northern Territory Police Stations (for locations see www.nt.gov.au/pfes)
- SAFE NT: Ground Floor, 77 Smith Street (Chinatown Carpark Building), Darwin NT
- Territory Business Centres (TBC)

Darwin TBC

Ground Floor, Development House
76 The Esplanade
DARWIN NT 0801

Tennant Creek TBC

Shop 2, Barkly House
Cnr Davidson and Paterson Streets
TENNANT CREEK NT 0861

Katherine TBC

Shop 1, Randazzo Building
18 Katherine Terrace
KATHERINE NT 0851

Alice Springs TBC

Peter Sitzler Building
67 North Stuart Highway
ALICE SPRINGS NT 0871

Complete all parts of the application form.

Sign and date the Declaration at the end of the form.

For any questions regarding the form contact SAFE NT on 1800 723 368 or safent.police@pfes.nt.gov.au.

100 Point Check

All employees or volunteers who need to apply for a Working with Children Clearance must complete a 100 Point Identification check. Original or certified copies of identifying documents to the value of 100 points are required.

Forms submitted in person to the SAFE NT office, Territory Business Centres or Police Stations will require all original or certified copies of original documents attached at the time the form is submitted.

If the name used to apply for the Clearance Notice is different to the name provided on proof of identity documents, proof that the applicants name has changed must be provided. This needs to be either a Marriage Certificate or a Change of Name Certificate issued by the Registry of Births, Deaths and Marriages.

If the candidate is less than 18 years old, they need to show one primary document and must then submit a statutory declaration provided by the Principal of their educational facility. If a candidate is otherwise unable to meet the 100 points ID, they may contact SAFE NT.

Applicants must submit documents from the list below adding up to 100 points. At least one primary document must be included. A certified copy of one primary document must be attached to your completed application form.

Primary documents

Birth Certificate	70 points
Australian Passport or other Passport that contains a valid Australian Visa	70 points
Evidence of Australian Residency	70 points
Australian Citizenship certificate	70 points
Australian Licence or Permit	40 points
Proof of Age Card issued by a State or Territory	40 points
Identity document issued by an Aboriginal Land Council established by or under the Aboriginal Land Rights Act 1976 (Cth)	40 points
An original statutory declaration no more than 3 months old at the time of application confirming the candidate's identity made by an Australian resident, who has known the candidate for at least 12 months and is not related to the candidate.	40 points



Other Identification documents

An employee identification card issued by the Commonwealth, a State or Territory or a council under the Local Government Act that contains a photograph of the candidate	40 points
Clearance Notice	40 points
Medicare, Pensioner Concession, or Health Care card	25 points
Credit or debit card or financial institution passbook (1 per institution only)	25 points
Residential lease/rent agreement	25 points
Council rates notices (no more than 3 months old)	25 points
Utilities Notice e.g. Power and Water bill (1 per utility) (no more than 3 months old)	25 points
A document issued by financial Institution (no more than 3 months old)	25 points
Overseas Drivers Licence	25 points
Lease/rent agreement	25 points

Documents for the 100 point check must be original or certified by a qualified person.

A Qualified person includes:

- Justice of the Peace
- Legal Practitioner (e.g. Barrister or Solicitor)
- Judge or Magistrate appointed to an Australian court
- Commissioner for Oaths
- Notary Public
- Police Officer
- Member of the police force of a State or another Territory who is of, or above the rank of sergeant or holds the highest rank of the police station at which he or she serves
- A public sector employee employed at a Territory Business Centre
- Medical Practitioner
- Sheriff in a State or Territory of Australia
- Chief Executive Officer or member of a council constituted under the Local Government Act
- Principal (however described) of an Australian educational facility
- General Manager, Schools Manager or Branch Head of the Northern Territory Department of Education and Training
- Area Service Manager or Health Centre Manager of the Northern Territory Department of Health and Families

Identification Photo

If submitting the form externally a passport quality photo must be supplied and signed on the reverse by an authorised person with the words:

“I **Joe Bloggs** certify the photograph is a true image of **Jan Citizen.**”

Along with the date of verification.

Passport sized photo details:

45-50mm (13/4” – 115/16”) high and 35-40mm (13/8” – 19/16”) wide

- show head and top of shoulders close up
- should be clear and able to see facial features
- must show natural skin tones with no flash reflection and no red eye
- neutral coloured background (e.g. white wall)

This photo will be included on the Ochre Card.

SAFE NT are able to take a digital photo of candidates on site at 77 Smith Street, Darwin when submitting the form in person.

Posting your application

If posting a completed and signed application form to SAFE NT, include:

- A certified copy of one primary document (e.g. passport or drivers licence). People who can certify identification include a Justice of the Peace, Police Officers, School Principals, Commissioners of Oaths and Area Health Centre Managers
- A passport-size photograph
- Payment details for the application fee (no cash)

Post to:

SAFE NT,
GPO Box 39764,
WINNELLIE NT 0821

Paying the fee

The required fee must be paid when lodging an application form, when lodging at SAFE NT, Territory Business Centres or Police Stations. The fee can be paid in cash or by money order, EFTPOS, cheque, Bankcard, MasterCard or Visa. Cash payments cannot be accepted via mail.

Passing the Assessment

If the Screening Authority after assessing the application decides that a person **does not pose an unacceptable risk of harm or exploitation of children** a Clearance Notice will be issued along with the Ochre Card. The Clearance Notice and Ochre Card will be valid for a two year period from the date of issue.

Failing the Assessment

Under the *Care and Protection of Children Act*, the Screening Authority must not grant a Clearance Notice to a person who has committed a disqualifying offence.

For a detailed list of disqualifying offences see website www.workingwithchildren.nt.gov.au.

Some candidates who apply will have a criminal history that does not include these offences. This does not automatically mean they will be disqualified from obtaining a Clearance.

The Screening Authority is required to assess the level of harm or exploitation that a person might cause to children or young people if they are allowed to work in child-related work. If they decide that an applicant will pose an unacceptable risk to children, then they will not grant a Clearance Notice.

SAFE NT will advise in writing by registered mail if the Screening Authority decides not to issue a Working with Children Clearance Notice.



Asking for a review of the decision

If a candidate believes the decision of the Screening Authority is not correct, they have the right to lodge an appeal with the Local Court of the Northern Territory. They must lodge an application with the Local Court within 28 working days of receiving the decision from the Screening Authority.

Candidates may appeal against any of the following decisions made by the Screening Authority:

- a decision to not issue a Clearance Notice
- a decision to revoke an existing Clearance Notice
- a decision to place conditions on a Clearance Notice

The decision made by the Screening Authority must be followed until a new decision is made by the Local Court. This might mean candidates are unable to work with children until a new verdict has been made.

Who can apply for a decision to be reviewed?

The candidate, the employer or the volunteer coordinator can appeal the decision not to issue a clearance notice.

For any other decisions about a Clearance Notice, such as revocation or imposition of conditions, the candidate or a person who has applied on their behalf can lodge an appeal, such as a legal representative.

How do I lodge an application for a review?

Applications must be lodged with the Local Court within 28 working days of receiving the decision from the Screening Authority. For more information on the Local Court processes and locations contact www.nt.gov.au/justice/ntmc

What happens next?

The Local Court will carry out the review as a new hearing and can look at material not seen before by the Screening Authority.

The Local Court can:

- confirm the Screening Authority's decision
- vary the decision
- set the decision aside
- set the decision aside and replace it with the Court's own decision

The Local Court can also make any decisions about the costs of the review proceedings.

If refused a Clearance Notice you may wish to seek independent legal advice before proceeding with any appeal.

For more information contact:

The Local Court at www.nt.gov.au/justice/ntmc

SAFE NT

Email: safent.police@pfes.nt.gov.au

Phone: 1800 723 368

Postal Address: Manager, SAFE NT, PO Box 39764 WINNELLIE NT 0821

Street Address: 77 Smith Street, DARWIN

Your Privacy

SAFE NT is required by law to keep your personal details private.

The information collected by SAFE NT will only be used to assess your suitability for a Working with Children Clearance.

Any information about your criminal history collected by SAFE NT will not be given to your employer or volunteer coordinator. However, there are certain situations in which some people may be told information about your criminal history, including:

- a disclosure or use of the information to a court or tribunal as required by law
- a disclosure of the information for any other reason that may be required by law

You are entitled to see the information held about you by SAFE NT and may request this information at any time.

For more information on privacy you can visit the Office of the Information Commissioner's website at www.infocomm.nt.gov.au/

Maintaining your Clearance Notice and Ochre Card

Once you are issued with a Clearance Notice and you hold an Ochre Card you must advise SAFE NT of any 'relevant change in circumstances', including if you are charged with an offence that may disqualify you from holding a Clearance Notice. These include:

- Being charged with a disqualifying offence
- Appearing in court in relation to a disqualifying offence
- Being convicted of a disqualifying offence

The Screening Authority may decide to impose conditions on your Working with Children Clearance Notice even if you are not charged with a disqualifying offence. This means you will still have a Working With Children Clearance Notice and Ochre Card but you may not be able to perform all tasks in relation to child related work.

Renewing your Clearance Notice and Ochre Card

Clearance Notices along with Ochre Cards are valid for two years, unless a relevant change in circumstances results in a Clearance Notice being revoked.

It is an offence to continue to undertake 'child-related work' if you do not hold a valid Clearance Notice.



Important information for Employers and Volunteer Coordinators

Your obligations

As an employer or volunteer coordinator of people who work or volunteer with children, it is your responsibility to make sure that the people working or volunteering for you have a valid Working with Children Clearance.

If your organisation wants to coordinate the applications of all relevant employees and volunteers, a bulk application process can be arranged through SAFE NT. Applications available on the web. Please phone 1800 SAFE NT (1800 723 368) to speak to the Manager.

Managing the process

Below are some ways that you can manage this process:

- Identify who in your organisation needs a Working with Children Clearance. If you are unsure who in your organisation needs a Working with Children Clearance please contact SAFE NT on 1800 SAFE NT (1800 723 368)
- Create an action plan to make sure that the people in your organisation who need to apply for a Working with Children Clearance know what they need to do and when they need to do it
- After 1 July 2011 it is important to ensure that all new employees and volunteers have a valid Working with Children Clearance. You can ask to see their Ochre Card
- Develop a record keeping sheet that shows you are complying with the Working with Children Clearance scheme
- Consider whether your organisation has other policies and practices in place that will create a child safe/child friendly organisation
- For more information about how to do this visit www.childwise.net for ways to make your organisation child safe/child friendly

CONTACTS

THE SCREENING AUTHORITY

The Screening Authority comprises of individual members, appointed by the Minister for Child Protection, who are responsible for deciding whether or not to issue a Clearance Notice to a candidate who wishes to engage in child-related employment.

The Screening Authority is supported by SAFE NT and can be contacted through SAFE NT.

SAFE NT

SAFE NT is a unit of the Northern Territory Police. SAFE NT stands for Screening Assessment for Employment Northern Territory. The SAFE NT office has two roles:

- the issuing of National Criminal History Record Checks
- the issuing of Clearance Notices and Ochre Cards for persons working or volunteering with children as regulated by the *Care and Protection of Children Act* .

Email: safent.police@pfes.nt.gov.au

Phone: 1800 SAFE NT (1800 72 33 68)

Address: 77 Smith Street, Darwin NT 0800
PO Box 39764, Winnellie NT 0821

For more information you can contact the WWC website www.workingwithchildren.nt.gov.au