

Basketball, a guide for working or volunteering in Club or Association Activity - 2020



Overview

This guide has been developed with the assistance of Basketball Tasmania. The purpose of the guide is to provide basketball clubs and associations with a guide to assist them to implement the new registration requirements for people wishing to work or volunteer with children in Tasmania.

To bring Tasmania into alignment with other Australian States and Territories a new system of laws introducing stronger protections for children and vulnerable Tasmanians passed through the Tasmanian Parliament in 2013 and came into effect on July 1, 2014. This is the *Registration to Work with Vulnerable People Act 2013*. The system is being phased in over three years for child related activities and will then move to introducing registration for vulnerable adult activities. The registration requirement covers all sectors of the community working with children, vulnerable and at risk persons. It will ensure the potential for sexual, physical, psychological, emotional or financial harm of vulnerable people in Tasmania is minimised.

Basketball Tasmania completely endorses this new legislation as a critical step for ensuring the safety of those in our sporting community who are deserving of the highest levels of care.

Sport (classified as Club or Association Activity/Child Coaching or Tuition Service) came under the requirements of this legislation on the 1st of April 2015. This affects all in our sport – coaches, players, managers, score table, referees, statisticians, committee members and parents. By the 1st of April 2015 Working with Vulnerable Persons Registration (WWVP) must be producible by people with direct contact with persons Under 18.

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

Updates to this document include:

- Update on WWVP costs.

Whilst Basketball Tasmania has developed this guide and will implement with its staff and persons working within its programs it will be a requirement of CAMS associations, clubs, regional bodies, affiliate associations and bodies connected with the sport to ensure they are using this policy and completely implementing within their organisation – you will be liable if there are people operating under your banner; that should be registered but have not been screened and do not hold a current registration.

Who must apply for a Working With Vulnerable People Registration?

Club and association activity means a cultural, recreational, sporting or community activity or service provided primarily for children by a club, association, movement, society or other similar body.

Coaching or tuition service means a service involving coaching or tutoring children including, but not limited to, coaching and tutoring in a sport, driving, singing, a musical instrument, dance or education matters.

Examples of people involved in Basketball (State and Club Level) where registration is **mandatory**:

Sport (classified as child coaching or tuition) will see a number of people requiring **mandatory, non-negotiable registration**:

- ☐ Committee/board members
- ☐ Coaches of a team or those completing individual player instruction
- ☐ Team managers
- ☐ State Sporting Organisation staff
- ☐ Referees and referee coaches
- ☐ Visiting camp coaches
- ☐ Australian or International “import” players who are fulfilling coaching role, paid or otherwise

Examples of people who should NOT apply:

- ☐ children under 16 years of age

Recommendations for CAMs, clubs, associated bodies

- ☐ Appoint a Member Protection Information Officer (MPIO). If you do not have one contact Basketball Tasmania for advice on how to appoint one.
- ☐ Communicate to all people (outlined as above) affected by the legislation and requirements for registration.
- ☐ Include collection of WWVP as part of your information gathering processes for the season
 - For employees or volunteer organisations **DO NOT ACCEPT** WWVP or any other paper ‘evidence’ as proof of registration. Use the online system to verify the person has a current WWVP – <https://WWVPforms.justice.tas.gov.au/RegistrationSearch.aspx> confirm the registration status of any paid or volunteer staff in child-related work
- ☐ WWVP are monitored and employees and organisations will be notified if a person registered to your organisation has been suspended so long as there is a record of your organisations involvement with the registered person. This can be checked on the above website.
- ☐ Store data of registration details in a secure place which is accessible
- ☐ Attend any regional seminars with the Department of Justice if you have any further questions

Position on Statutory Declarations

In 2015 Department of Justice released a Statutory Declaration able to be signed by people who required a WWVP but had not physically received the card. The statutory declaration was provided to their employer as a temporary way of allowing them to undertake a role. There was then a requirement for the employer to provide a person with a WWVP registration to visually supervise them whilst they were engaged with children.

The Board of Basketball Tasmania advises CAMS/Clubs/Associations/Affiliates to cease using Statutory Declarations in 2016. As part of our responsibility to risk manage the sport the Board feels it places an immense risk for organisations within basketball to provide complete visual supervision of a person. This may be possible in a situation where it is a practice session or referring a match but in situations where there are overnight camps or teams travelling away full supervision is impossible to guarantee.

FAQs

Do I need to apply?

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

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

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

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

Employer or volunteer bodies will be advised of any important change to a registration holder's status where the organisation's details are correctly recorded.

It is important that employers and volunteer bodies confirm their correct contact details are recorded against all people that require registration to work with vulnerable people within their organisation.

Review a person's registration status

To review a person's current registration status (including a list of the employer or volunteer bodies they have listed), you will need their application/registration number and surname.

[Check Registration Status](#) to review registered details:

- ☐ Check the current details for your organisation by selecting **View/Update Details**
- ☐ To add a new organisation select **Add Employer**
- ☐ Once you have entered the details, registrants will receive notification that new organisation details have been added to their record.

How long will it take to get my WWVP card?

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

I am coach or manager of a junior team, do I need a registration?

Yes. You will need a registration. The payment level for your registration will depend on whether you are paid or a volunteer.

I am a coach or manager of a senior (over 18) team, with one junior player in the team. Do I need a registration?

Yes. You will need a registration. The payment level for your registration will depend on whether you are paid or a volunteer.

I am a referee for junior/senior/ and receive reimbursement for my officiating.

There are two answers. If you complete your officiating and if you receive payment that is an honorarium/reimbursement of costs and you complete a statement by supplier (reason for not quoting an ABN): https://www.ato.gov.au/uploadedFiles/Content/MEI/downloads/BUS38509n3346_5_2012.pdf and returned it to your CAM, club, association or associated group. You will need a working with children registration but at the volunteer level.

If you complete officiating duties and you do not complete a statement by supplier then you will need to complete the registration at an employment level.

I am a current president, treasurer, secretary or director of a CAM, association, club, or associated group. Do I require registration?

Yes. To ensure a best practice policy is consistent across the state you will require registration. If you complete your duties and if you receive payment that is an honorarium/reimbursement of costs and you complete a statement by supplier (reason for not quoting an ABN): https://www.ato.gov.au/uploadedFiles/Content/MEI/downloads/BUS38509n3346_5_2012.pdf and returned it to your CAM, club, association or associated group. You will need a Working with Children Registration but at the volunteer level.

If you complete duties and you do not complete a statement by supplier then you will need to complete the registration at an employment level.

I am a Chair of a score bench that requires me, on occasion, to enter a change room to ask a coach to fill out a scoresheet, or to collect a signed scoresheet from a referee. I have no interaction with players (under or over the age of 18). Do I require registration?

No. The chairperson role would fall under the exemptions (less than 3 days in a 4 week period and 7 days within a calendar year) even with the issue of entering the change rooms.

I am a person who attends practice, trainings, or matches as an observer and has no interaction with a child, do I require registration?

No. This is not a regulated activity and has been exempted.

I am score table or statistician for junior/senior/ matches, do I require registration

No. Your contact with vulnerable persons is at a level considered to receive an exemption.

I am a Basketball Tasmania/CAM/Club coach/manager planning our preparation. We are intending to have an overnight camp with players billeted. What is our status?

The billets of players after April 1st would be required to have a volunteer level Working with Children Registration. If the players are staying in accommodation that is a hotel/motel type where there is incidental contact with hotel/motel employees a working with children registration is not required for hotel/motel employees. However a registration for the team staff will be required.

I am a referee coach who provides feedback and coaching of officials at state championship or local competitions

Yes. You will need a registration. If you complete your officiating and if you receive payment that is an honorarium/reimbursement of costs and you complete a statement by supplier (reason for not quoting an ABN): https://www.ato.gov.au/uploadedFiles/Content/MEI/downloads/BUS38509n3346_5_2012.pdf and returned it to your CAM, club, association or associated group. You will need a Working with Children Registration but at the volunteer level.

If you complete officiating duties and you do not complete a statement by supplier then you will need to complete a registration at an employment level.

I am a door keeper collecting entry fees or I sell raffle tickets at half/quarter time

No. Your contact with vulnerable persons is at a level considered to receive an exemption.

I am a teacher and I have a current TRB registration do I require a registration

According to the legislation a person with a TRB registration is able to work in an education environment (eg. coaching a school team in a school based competition). However outside of an education environment if you are a coach, manager or committee member you will need a registration.

What is Basketball Tasmania's position on WWVP Renewal?

Basketball Tasmania is advising all requiring a WWVP to act early and obtain a new registration to allow them to remain in regulated positions inclusive of :

- Coaches
- Managers
- Referees and referee coaches
- Administrators
- Others as listed in this Sector Guide

I have a current WWVP registration due to expire, how do I renew?

Reregistration is a simple process and does not require the person to go to Service Tasmania. An email and text message will be sent to the member promoting them to reregister and pay online.

To self reregister click [here](#)

I have a current WWVP registration that has expired, how do I renew?

If it has been within 30 days of the expiry then the advice on renewing is to be followed. If it is over 30 days then you will need to reapply for a WWVP, this will take at least six weeks to process.

I am an Australian "Import" or an International "Import" player who is in Tasmania to play basketball professionally and I have been asked/it is part of my contract, to deliver coaching to juniors/vulnerable people

Yes. You will require a Working with Children Registration at the employment level.

To achieve compliance with the Tasmanian legislation the process is explained by clicking [here](#)



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

The Process

Part A: How do I apply?

Part B: What are the fees?

Part C: What is assessed in my application?

Part D: Relevant Offences

Part E: When will I receive my results?

Part F: How will you know if someone has applied for Registration?

Part G: Refusals and Appeals

Part A: How do I apply?

Step 1: Complete the online* application form at:

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

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

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

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

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

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

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

You must present in person at Service Tasmania (please read the [Fact Sheet: Interstate and Overseas Applicants](#) if applying from outside of Tasmania). You cannot submit proof of identity for someone else.

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

For proof of identity requirements:

See *Fact Sheet: 'Proof of Identity' at the Working with Children Registration website:*
www.justice.tas.gov.au/working_with_children

Part B: What are the fees?

There are two types of fees for people applying for the check either volunteer or employed.

- Employment/Volunteer = \$113.40
- Volunteer = \$19.44
- Change of class (upgrade from volunteer to employment) = \$93.96
- Replacement card = \$40.50

The determination of your status as an employee or volunteer:

If you receive no payment, payment of an honorarium/reimbursement or if a person is completing services as a hobby that is not their primary source of income. This person is classified as a volunteer.

If a person receives payment for services rendered or an ABN number is quoted and tax is taken. This person is classified as an employee.

Part C: What is assessed in my application?

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

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

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

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

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

In Tasmania, a number of matters may be taken into account for the purpose of a background check. These matters include:

- the criminal history of the applicant, including his/her national and international criminal history:
 - a relevant offence the applicant has been found guilty of, even if a conviction has not been recorded or it has been annulled
 - o the non-conviction history of the applicant, including allegations or pending charges
 - o any orders that the applicant may have been subject to (including restraint orders, family violence orders or child protection orders)
- any past reportable behaviour that indicates the person poses a risk of harm to vulnerable persons, whether by reason of neglect, abuse or other conduct
- whether the person has been refused registration, or had their registration suspended or cancelled, in Tasmania or any other jurisdiction
- the employment history of the applicant (including unemployment history, information about any misconduct or disciplinary actions taken against the person)
- any relevant personal information about the applicant (such as multiples change of name or address)
 - whether the applicant has provided false or misleading information, or failed to provide relevant information, at any stage during the application or risk assessment process
- any other matter that the Registrar considers relevant in the circumstances

Part D: Relevant Offences

Relevant offences are defined in the Act as:

- an offence under the Poisons Act 1971 or the Misuse of Drugs Act 2001, or a similar offence committed elsewhere
- any of the following offences, whether committed in Tasmania or elsewhere
 - o a sexual offence
 - o an offence against a person
 - o an offence involving violence
 - o an offence involving dishonesty or fraud
 - o an offence relating to property
 - o an offence against an animal
 - o a driving offence
- an offence committed in Tasmania or elsewhere relating to another offence that comprises of any of the following behaviours
 - o attempting to commit the offence
 - o inciting, instigating, aiding or abetting the commission of the other offence
 - o being an accessory after the fact to the other offence

The offences which will be considered relevant by the Registrar are listed in the Schedule of Offences, as prescribed in the Registration to Work with Vulnerable People Regulations 2014.

Further clarification of the descriptions of all offences can be found by clicking [here](#)

Ongoing monitoring

If an applicant is successful in securing registration, the Registrar will continue to monitor an individual's record for relevant new records over the three year term of registration.

Certain types of new records may trigger an additional Risk Assessment to be undertaken by the Registrar who may subsequently determine that, based upon the new information available, a registration will be cancelled, suspended or conditions issued.

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

Part E: When will I receive my results?

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

If successful, you will be posted a WWVP

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

Usual cause of delays

For most people, delays may be caused by:

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

Same name as someone with a criminal record

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

Records against your name

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

Part F: How will you know if someone has applied for Registration?

Overview

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

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

It is then a criminal offence:

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

There is a two stage application process:

1. Complete the online form and print the application receipt
(http://www.justice.tas.gov.au/working_with_children/application)
2. Take the application receipt to Service Tasmania with Evidence of Identity and Payment

Only after applicants have completed the second stage (Service Tasmania) will there be an ability to track progress of the application online.

Importantly, it is an offence for a person to commence in a regulated child related activity unless they have completed both stages of the application process.

To check if a person has completed both stages use [Check Registration Status](#) to review registered details.

- Enter **Application number** and **Surname**
- If an applicant has completed both application stages the website will display a message about where the application is in respect to a final decision.
- **If both stages have not been completed there will be no search result.**
- **Importantly, if an application has been refused there will be no search result.**

If this is the case you should raise this with your volunteer or employee to ensure they complete both stages of the application process. If you have previously viewed the progress of an application and can no longer obtain a search result for that same applicant it may be that the applicant has been advised of a negative result. In which case you should discuss this with the applicant as they should not be engaged in a regulated activity until they either hold registration or the website provides evidence of an application being processed.

Part G: Refusals and Appeals

Possible Refusal – Proposed Negative Notice

In the instance of a possible refusal you will be notified in writing, with reasons for the decision. You will be invited to submit further information.

You cannot work or volunteer in a child related service until a successful result is achieved.

Refusal

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

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

- notified that you have been refused
- instructed to remove you from child-related work

The employer (or volunteer body) will not be advised of the reasons for refusal, they will simply be advised that your application has been refused.

Consequences of a Refusal

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

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

Serious penalties apply.

Applying for a Review of a Refusal

You can request a review of the refusal, however you cannot request a review if:

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

Lodging an Appeal

You must lodge your application for a review with the Magistrates Court (Administrative Appeals Division) within 28 days of having your application refused.

For more information visit the [Administrative Appeals Division website](#)

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Working with Children Registration

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