

## Working with Children Check/Registration – FAQs (Frequently Asked Questions)



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA

Keeping  
Children  
Safe



Question	Answer
<p>Who needs to have a Working with Children Check/Registration (WWCC/R)?</p>	<p>Section 1 of the Uniting Church’s policy states that the following people require a WWCC/R (see the policy for more detail):</p> <p>A Working with Children Check/Registration is required from all:</p> <ul style="list-style-type: none"> <li>• Ministers</li> <li>• Pastors</li> <li>• Lay preachers</li> <li>• Appointed leaders (see below)</li> <li>• Employees, volunteers and all other people who do paid or unpaid work with children and young people in programs, events and activities run on behalf of congregations, presbyteries or the Synod</li> <li>• This applies to everyone who is <b>18 years and over</b> (Victoria and NSW) and <b>16 years and over</b> (Tasmania)</li> </ul> <p><b>Appointed leaders:</b></p> <p>The <b>Victorian legislation</b> includes the category of ‘<b>appointed leaders</b> of a local religious congregation’ in the same category as Ministers of Religion; the <b>Tasmanian legislation</b> includes all religious leaders and those in roles like religious leaders.</p> <p>Both these terms are broad and non-specific. Therefore the Synod is required by the legislation to define an ‘appointed leader’.</p> <p>Appointed leaders (or religious leaders) are people who are in a position of trust, influence or authority because of their leadership role within the congregation. A child or vulnerable adult who encounters a church leader, whether in the church or in the wider community, should be able to trust that person.</p> <p>Therefore, in this policy, an ‘appointed leader’ includes, but is not limited, to the following:</p> <ul style="list-style-type: none"> <li>• Elders</li> <li>• Church councillors</li> <li>• Worship leaders</li> <li>• Anyone commissioned by the Church Council to perform a leadership role</li> </ul>

	<ul style="list-style-type: none"> <li>• Music leaders and organists</li> <li>• Bible study leaders</li> </ul> <p>Congregations and programs are requested to add to this group any other persons involved in activities where it is reasonably expected the person might have contact with children as they fulfil their role.</p>
<p>I've contacted the Department of Justice and their definition of appointed leaders differs from that of our policy. Who is correct?</p>	<p>In UCA contexts, the Church is correct. The Victorian website includes this information: "Some organisations have their own policies regarding who needs a Check. Confirm this with your organisation." This is because the <b>Victorian legislation</b> includes the category of '<b>appointed leaders</b> of a local religious congregation' in the same category as Ministers of Religion; the <b>Tasmanian legislation</b> includes all religious leaders and those in roles like religious leaders.</p> <p>Both these terms are broad and non-specific. Therefore the Synod is required to define them. An 'appointed leader' or 'religious leader' is a person who is in a position of trust, influence or authority because of their leadership role within the congregation. The Synod Standing Committee has adopted a wide definition of 'appointed leader' and this definition will provide the standard against which we will be measured when our adherence to this regulation is audited.</p>
<p>Is it just Church leaders who are required to obtain a positive WWCC/R?</p>	<p>No, as a result of the May 2017 amendment to the WWCC legislation, the Victorian Betrayal of Trust Enquiry; the Royal Commission into Sexual Abuse by Religious Organisations and the introduction of Child Safe Standards in Victoria, members of some 26,000 community organisations are required to obtain positive WWCCs. Schools, welfare agencies and agencies receiving government funding have been required to obtain a positive WWCC since January 2016.</p>
<p>A volunteer holds an exemption under the Act and a teacher's registration; do they still need a check?</p>	<p>Under Uniting Church policy, professional exemptions are not allowed. All volunteer appointed leaders, regardless of any professional exemptions, are required to obtain a WWCC/R. This includes teachers. Church Councils are responsible for ensuring all volunteer appointed leaders gain a WWCC/R.</p>
<p>One of our volunteers is 83, a respected member of council, and has given time to this congregation for 40+ years. We don't believe they should have to do a check.</p>	<p>Obtaining a positive WWCC/R is a legal requirement. There is a minimum age limit but no upper age limit. This means that appointed leaders of advanced age are expected to obtain a positive WWCC/R to meet the legal requirements associated with their leadership role.</p> <p>Being asked to obtain a positive WWCC/R is a sign of the church's confidence in our leaders' ability to obtain one. Asking for a WWCC/R does not call into a question a leader's abilities or length of service.</p>

<p>A person does not have a computer or an email address which the Department of Justice require. Is there a manual form?</p>	<p>No, unfortunately the government form may only be completed online. We appreciate this may be difficult for some members and request they seek assistance to set up an email with help from another congregation member or give permission for another person to receive any correspondence from the Department of Justice on their behalf. As a last resort, send an email to <a href="mailto:cultureofsafetycontact@victas.uca.org.au">cultureofsafetycontact@victas.uca.org.au</a></p>
<p>What would happen if we just didn't get a WWCC/R?</p>	<p>Aside from failing to meet moral and social obligations, appointed leaders who do not obtain a positive WWCC/R may expose themselves, the congregation and the Synod to significant legal penalties. For individuals, the law allows fines up to \$35,426 and/or up to two years' imprisonment. For organisations engaging ministers of religion and appointed leaders who do not have a Check, the fine is up to \$177,132.</p>
<p>A congregational volunteer moves to a paid role. Do they need a new check?</p>	<p>Yes. They will need to pay the current fee for an employee Check.</p>
<p>What happens if there is a negative notice?</p>	<p>This is a very serious matter. If you receive this information, you must immediately inform the General Secretary at <a href="mailto:gensec@victas.org.au">gensec@victas.org.au</a>. If the Culture of Safety receives this information, they will immediately notify the contact person for the congregation or presbytery. The person with the negative notice must be stood down immediately from their leadership or child-related role. The contact person will have the support of the Culture of Safety in this process if wanted.</p>
<p>Will we get details about why the person received a negative notice?</p>	<p>No. No one receives information as to the reason behind the negative notice due to privacy. All that is communicated is that the person has received the negative notice and needs to be suspended effective immediately.</p>
<p>How long does the check last?</p>	<p>Five years (VIC and NSW) Three years (TAS)</p>
<p>What does the legislation in my state actually say about 'appointed leaders' or 'religious leaders'?</p>	<p>Remember that the legislated WWCC/R requirements for Victoria, Tasmania and NSW all vary. Therefore, this policy is intended to simplify the requirements so they are consistent across the Synod. Our policy goes beyond the basic minimum requirements as defined in some state's legislation.</p> <p><b>'Appointed leaders'</b></p> <ul style="list-style-type: none"> <li>The <b>Victorian legislation</b> now includes the category of <b>'appointed leaders</b> of a local religious congregation' in the same category as Ministers of Religion and as such they are required to have a WWCC. The definition of 'appointed</li> </ul>

	<p>leader’ is both broad and non-specific. Appointed leaders are people who are in a position of trust, influence or authority because of their leadership role within the congregation. This would include, but not be limited to, lay preachers, Elders, Church Councillors, worship leaders, anyone who does paid or unpaid work with children and youth events/programs/activities, anyone commissioned by the Church Council to perform a leadership role, music leaders, organists, Bible study leaders, and ‘home group’ or ‘cell group’ leaders.</p> <p>Also included are those who have ‘direct contact’ as part of their child related work. This includes physical contact, face to face contact, oral, written, or electronic communication on a regular basis.</p> <ul style="list-style-type: none"> <li>• The <b>Tasmanian legislation</b> requires all religious leaders and those in roles like religious leaders or spiritual officers where the usual duties of these leaders involves contact with children and volunteers for Sunday school, church youth activities, children’s religious story-telling, youth groups, youth camps, teaching children and child care to have a WWCR.</li> <li>• In <b>New South Wales</b> anyone who is paid or volunteers to do child -related work in a religious organisation where children form part of a congregation or organisation is required to have a WWCC. This includes youth groups, youth camps, teaching children and child care.</li> </ul>
<p>Our Church Council includes all members of the congregation. Does everyone need a check?</p>	<p>There are special circumstances <i>for congregations authorised by Presbytery under Regulation 3.9.3</i> to have all members serve as the Church Council. Email <a href="mailto:cultureofsafetycontact@victas.uca.org.au">cultureofsafetycontact@victas.uca.org.au</a> for more information. Please include your congregational name and the date that your Presbytery authorised you to work under Reg. 3.9.3.</p>
<p>Does a minister need to pay for a check?</p>	<p>Yes. All ministers of religion who receive any payment must have an <b>employee</b> WWCC/R.</p>
<p>What does the legislation in my state say about ministers of religion?</p>	<p>Remember that the legislated WWCC/R requirements for Victoria, Tasmania and NSW all vary. This policy is intended to simplify the requirements so they are consistent across the Synod. Our policy goes beyond the minimum requirements defined in some state’s legislation.</p> <p><b>Ministers of Religion</b></p> <ul style="list-style-type: none"> <li>• In Victoria, all ministers of religion (anyone ordained or the recognised religious leader) are required to get a WWCC if they have contact with children unless it is only occasional and incidental. This includes having children present in</li> </ul>

	<p>congregations as well as supervised contact. Contact includes physical, face to face, verbal, written or electronic communication.</p> <ul style="list-style-type: none"> <li>• In NSW, all ordained ministers and individuals engaged as religious leaders or spiritual officers are required to hold a Working with Children Check regardless of whether they engage in child-related work.</li> <li>• In Tasmania anyone involved in leading a child-related religious activity is required to have Working with Children Registration. Child-related religious activities include worship where the congregation includes children; or an activity or service provided for children which is conducted by or for the purposes of a religious organisation.</li> </ul>
<p>I'm a retired minister and celebrate a marriage occasionally. Do I need a check?</p>	<p>Yes, you do. A Retired Minister who wishes to maintain marriage celebrant registration must have a WWCC/R. A Retired Minister who no longer intends to conduct weddings will need to resign his/her marriage celebrant registration. To do this, contact:</p> <ul style="list-style-type: none"> <li>• Victorian/NSW Ministers – Kathryn D'Alessandro, 130 Little Collins St, Melbourne, 3000 (03) 9251 5215, <a href="mailto:KathrynD'Alessandro@victas.uca.org.au">Kathryn D'Alessandro@victas.uca.org.au</a></li> <li>• Tasmanian Ministers – Presbytery Office , 96 Margaret Street, Launceston, 7250 (03) 6331 9784, <a href="mailto:tas.office@victas.uca.org.au">tas.office@victas.uca.org.au</a></li> </ul> <p>Any retired minister who does not acquire a WWCC/R and ensure that the Synod has been provided with their WWCC/R details will be removed from the marriage celebrant registrar.</p>

## **VICTORIA**

For Victoria the relevant legislation that informs this policy is **The Working with Children Act (2005) as amended 2014**

**In Victoria** you must complete the on-line application form at <http://www.workingwithchildren.vic.gov.au/home/applications/apply+for+a+check/>

*If you do not have a computer or internet access please contact your minister, employer, event/program organiser or presbytery or visit your local library.*

### **Organisation details:**

When prompted to enter the details of the organisations you are involved in please list **both**:

- **The congregation/program/camp/employing body**
  - Mary Jane, HAPPY TOWN UCA,
  - HAPPY TOWN congregation's contact details.
- **the Synod of Victoria and Tasmania**
  - include the name of your congregation for example:
    - Mary Jane, HAPPY TOWN UCA,

130 Little Collins St, Melbourne, 3000. 03 9251 5200,  
[WWCCR@victas.uca.org.au](mailto:WWCCR@victas.uca.org.au)

Further information can be found on the WWCC website  
<https://www.workingwithchildren.vic.gov.au>

## **TASMANIA**

For Tasmania the relevant legislation that informs this policy is  
**The Registration to Work with Vulnerable People Act 2013**

**In Tasmania**, you must complete the on-line application form at  
[http://www.justice.tas.gov.au/working\\_with\\_children/application](http://www.justice.tas.gov.au/working_with_children/application)

**NOTE:** Volunteers who are **16 years or over** are required to get a WWCR if they work or volunteer with children.

*If you do not have a computer or internet access, please contact the Presbytery office or telephone 1300 13 55 13 for further help.*

### **Employer or volunteer body details:**

When prompted to enter the details of your employer or volunteer body please list both:

- the congregation/program/camp/employing body and give their contact details
- the Synod of Victoria and Tasmania
  - include the name of your congregation for example:
  - Mary Jane, HAPPY TOWN UCA, 130 Little Collins St, Melbourne, 3000. 03 9251 5200,  
[WWCCR@victas.uca.org.au](mailto:WWCCR@victas.uca.org.au)

Please also send a copy of your WWCR card or its details to the Presbytery office, 96 Margaret St, Launceston, 7250, [tas.office@victas.uca.org.au](mailto:tas.office@victas.uca.org.au) to be added to the WWCC database.

## **NEW SOUTH WALES**

For New South Wales the relevant legislation that informs this policy is  
**The Child Protection (Working with Children) Act 2012**

**In New South Wales** you must complete the online application form at:  
<http://www.kidsguardian.nsw.gov.au/Working-with-children/Working-With-Children-Check/apply>

*If you do not have access to the internet, please contact your Presbytery Minister or telephone 02 9286 7219 for assistance.*

All individuals seeking to engage in child-related work must provide a clearance number issued by the NSW Office of the Children's Guardian to an organisation before they can be permitted to engage in such work; and organisations must verify every individual's clearance number online with the NSW Office of the Children's Guardian before they permit an individual to engage in child-related work with their organisation.

**Individuals**

Once you have your clearance number from the Office of the Children's Guardian you must provide a copy to each organisation where you will be working/volunteering in child-related services.

Please provide this information to:

- the congregation/program/camp/employing body, and
- the Synod of Victoria and Tasmania, Working with Children Checks, 130 Little Collins St, Melbourne, 3000 or email to [WWCCR@victas.uca.org.au](mailto:WWCCR@victas.uca.org.au) or phone 03 9251 5245.

**Congregations/programs/events/activities**

Any organisation in NSW requiring employees or volunteers to get a WWCC will need to complete the steps found at <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/child-related-employers>