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## 1 PURPOSE

- 1.1 This guideline ensures CQUniversity fulfils its obligations under the relevant State legislations for working with children, and that CQUniversity activities are conducted in an environment safe for children and young people.
- 1.2 These should be only used as a guide. For any specific information or queries outside or about these guidelines contact the People and Culture Directorate.

## 2 SCOPE

- 2.1 This guideline applies to CQUniversity employees.

## 3 LEGISLATIVE REQUIREMENTS

### Queensland

- 3.1 CQUniversity's primary activities of teaching and learning fall under the business category of "private teaching, coaching and tutoring" and as such employees of education providers such as University, TAFE or registered training organisations do not require a blue card.
- 3.2 The following additional information is provided for those activities not core to teaching and learning.

### Allied health work/counselling/advisory services

- 3.3 In accordance with the [Working with Children \(Risk Management and Screening\) Act 2000](#), registered health practitioners who are providing services or activities that relate to the person's functions as a registered health practitioner do not require a blue card. A registered health practitioner is a person registered under the [Health Practitioner Regulation National Law Act 2009](#) (this includes medical practitioners, nurses and midwives, podiatrists, psychologists, optometrists, osteopaths and physiotherapists), other than as a student.

- 3.4 Employees who are not registered health practitioners and who engage in allied health work would require a blue card if their activities fall within the 'Health, counselling and support services' category of regulated employment.
- 3.5 Under the 'Health, counselling and support services' category of regulated employment in the [Working with Children \(Risk Management and Screening\) Act](#), an individual requires a blue card if a usual function of their employment includes, or is likely to include, providing any of the following to children:
- Health services (at a health facility) if the services are provided only or mainly to children (e.g. a children's hospital), or if an employee's employment involves providing services only or mainly to children (e.g. a paediatric section of a hospital)
  - Health services (other than a health facility) which require physical contact with the child, or which are provided while no one else is physically present
  - Counselling services while no one else is physically present, or where the person providing the service is not physically present with the child, e.g. over the telephone or internet, or
  - Support services while no one else is physically present, or where the person providing the service is not physically present with the child, e.g. over the telephone or internet.
- 3.6 Accordingly, any student or advisory counsellors who are not registered health practitioners would be required to hold a blue card if they provide a counselling service to a child where they are physically present with the child while no-one else is present.

#### **CQUniversity lecturers undertaking field trips**

- 3.7 Although CQUniversity may undertake field trips with students who may be under the age of 18 years, it is not considered that CQUniversity lecturer's activities fall within the scope of the categories of employment or business which are regulated by the [Working with Children \(Risk Management and Screening\) Act](#). As such, CQUniversity lecturers will not require a blue card in this instance.

#### **Visiting schools/school programs**

- 3.8 For paid employees to require a blue card, they must conduct the activity with a degree of frequency, namely for at least:
- eight consecutive days
  - once a week, each week, over four weeks
  - once a fortnight, each fortnight, over eight weeks, or
  - once a month, each month, over six months.
- 3.9 If employees are visiting schools for less than the minimum frequency of employment, they will not be required to hold a blue card.
- 3.10 Further, if a student met a CQUniversity advisor in a classroom in a one-to-one situation, the advisor will not require a blue card if the minimum frequency of employment was not met.
- 3.11 This requirement does not apply to volunteers.

#### **Sport and active recreation**

- 3.12 Although CQUniversity operates a sports centre and gymnasium, employees will not require a blue card under the 'Sport and active recreation' category of regulated employment if they do not provide services directly mainly towards children or conduct activities mainly involving children.

#### **Student accommodation**

- 3.13 CQUniversity operates student accommodation facilities. The accommodation is primarily offered to students studying away from home who may be under 17 years of age. Occasionally, there may be sporting teams or junior students that may stay at the accommodation during holiday periods.

- 3.14 It is not considered that employees at the student accommodation facilities fall within the scope of the categories of employment or business which are regulated by the [Working with Children \(Risk Management and Screening\) Act](#). As such, the employees at the student accommodation facilities will not require a blue card provided that the main purpose of the accommodation facility is not to provide accommodation to children.

## New South Wales

- 3.15 Under the [Child Protection \(Working with Children\) Act 2012](#) Part 2 section 6(g), education providers deemed to be involved in child related work are listed as: "Schools or other educational institutions (other than universities) and private coaching or tuition of children"

## Victoria

- 3.16 Under the [Working with Children Act 2005](#) the following occupational categories **only** are considered to be child related work.

Educational institutions for children, specifically:

- State Schools (including all primary, secondary, technical and special State schools)
- Non-Government schools (including all primary, secondary and special non-Government schools)
- TAFE colleges and TAFE Divisions of universities providing VCE and/or Victorian Certificate of Applied Learning (VCAL) subjects
- some adult education providers providing Victorian Certificate of Education (VCE) and/or Victorian Certificate of Applied Learning (VCAL) subjects
- other institutions providing children's study or training programs.

Note: this does not include (Part 1 Section d) a university.

## South Australia

- 3.17 Under the [Children's Protection Act 1993](#) and [Children's Protection Regulation 2010](#) a history assessment is not required:
- If someone is only working with children for a short time, i.e. for no more than 10 days in a row or not more than one day each month e.g. a person working with a child who is undertaking work experience for a week at the University.
  - If the work is generally for the wider University population and not specifically for children e.g. a lecturer is not required to have a criminal history assessment just because a small number of the student cohort may be under 18 years old.

## Western Australia

- 3.18 The [Working with Children \(Criminal Record Checking\) Act 2004](#) states that educational institutions for children "does not include educational institutions recognised or established as universities under a written law, or educational institutions prescribed by the regulations, even if the university institution has students under 18 years of age.

## 4 WORKING WITH CHILDREN CHECK REQUIREMENTS

### Existing employees

- 4.1 The organisational unit's supervisor will identify any positions within their area that require a working with children check.
- 4.2 The People and Culture Directorate will be advised of any identified positions to update position descriptions and any prospective applicant material with the mandatory requirements.

- 4.3 Existing employees who are identified as occupying identified child related positions will not be required to pay any necessary application fee. The cost of further applications may be met by the employee.

#### **Queensland**

- 4.4 Existing employees appointed to an identified child related position and casual employees will be responsible for the cost of obtaining a card.
- 4.5 Should an employee identified as requiring a blue card fail to obtain one, they must immediately advise their supervisor and the Director, People and Culture, and cannot undertake any work involving children. The Director, People and Culture will advise the employee how this will affect their ongoing employment.

#### **New South Wales**

- 4.6 The [Child Protection \(Working with Children\) Act 2012](#) requires applicants to be subject to a national criminal history check and are issued with a Working with Children Check Number.

#### **Victoria**

- 4.7 The [Working with Children Act 2005](#) requires applicants to be subject to a Working with Children Check. Positive checks will result in the applicant being issued with a Working with Children Check Card.

#### **South Australia**

- 4.8 The [Children's Protection Act 1993](#) requires applicants to be subject to a relevant history assessment.

#### **Western Australia**

- 4.9 The [Working with Children \(Criminal Record Checking\) Act 2004](#) requires applicants to be subject to a working with children check. Positive checks will result in the applicant being issued with a Working with Children Card.

#### **New employees**

- 4.10 New employees will be notified in the letter of offer of any working with children check requirements and that continuing employment is conditional to these positive checks.
- 4.11 The [Working with Children \(Risk Management and Screening\) Act 2000](#) allows for a paid employee to start or continue working in child related employment while awaiting the outcome of the blue card application, provided that application has not been withdrawn.
- 4.12 Supporting documentation should be provided as evidence of lodgement.

### **5 MONITORING**

- 5.1 CQUniversity reserves the right to monitor any and all aspects of its electronic information systems to determine if an employee is acting unlawfully or in violation of the principles contained in the [Acceptable Use of Information and Communications Technology Facilities and Devices Policy and Procedure](#).

### **6 REGISTER**

- 6.1 The People and Culture Directorate will maintain a record of employees requiring working with children checks and subsequent renewal dates.
- 6.2 Supervisors and managers will be provided with reports for their employees requiring renewal of working with children checks prior to the expiry date.

### **7 DEFINITIONS**

- 7.1 Terms not defined in this document may be in the University [glossary](#).

## 8 RELATED LEGISLATION AND DOCUMENTS

- Queensland: [\*Working with Children \(Risk Management and Screening\) Act 2000\*](#)  
New South Wales: [\*Child Protection \(Working with Children\) Act 2012\*](#)  
Victoria: [\*Working with Children Act 2005\*](#)  
South Australia: [\*Children's Protection Act 1993\*](#)  
Western Australia: [\*Working with Children \(Criminal Record Checking\) Act 2004\*](#)

## 9 FEEDBACK

- 9.1 University staff and students may provide feedback about this document by emailing [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 10 APPROVAL AND REVIEW DETAILS

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