



**uniting
church**
in Australia,
Synod of NSW & ACT

Background Check Policy and Procedures – Annexure B (Guide to Obtaining an ACT Working with Vulnerable Persons Clearance)

Procedure	Background Check Policy and Procedures – Annexure B (Guide to Obtaining an ACT Working with Vulnerable Persons Clearance)
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1. The Changes

On 8 November 2012, the NEW Working with Vulnerable Persons legislation became effective in the ACT.

A Working with Vulnerable Persons Check is mandatory for anyone engaging in regulated activities with vulnerable persons, whether on a paid or unpaid basis.

All ordained ministers and individuals engaged as religious leaders or spiritual officers are required to hold a Working with Vulnerable Persons Clearance **regardless** of whether they engage in regulated activities with vulnerable persons or not.

It is now the responsibility of an:

- **Individual**, to ensure that they hold a Working with Vulnerable Persons Clearance issued by the Commissioner for Fair Trading before they seek to engage in regulated activities with vulnerable persons.
- **Organisation** to ensure that each individual produces a Working with Vulnerable Persons Clearance Card issued by the Commissioner for Fair Trading before permitting an individual to engage in regulated activities with vulnerable persons.

No individual can be permitted to engage in regulated activities with vulnerable persons unless the Commissioner for Fair Trading has provided the individual with a Clearance Card.

These clearances are valid for **three years** and only have application in the ACT.

Cleared applicants will be subject to ongoing monitoring by the Commissioner for Fair Trading and relevant new records could lead to a bar and the clearance being revoked.

2. Definitions

A vulnerable person means a child or an adult who is disadvantaged and accessing a regulated activity in relation to the disadvantage.

A regulated activity means the activity is conducted, or the service is provided by a religious institution or a person acting on behalf of a religious institution and the activity or service is specifically for, or mainly used by children or specifically for people accessing a regulated activity.

3. Paid and Unpaid Workers engaged before 8 November 2012

The NEW Working with Vulnerable Persons Check for existing paid and unpaid workers is being phased in from 8 November 2012 to 7 November 2018.

All:

- ordained ministers and individuals engaged as religious leaders or spiritual officers; and
- paid or unpaid workers engaged activities for children

must obtain clearance from the Commissioner for Fair Trading after **8 November 2012** and before **7 November 2013**.

All paid or unpaid workers, including youth workers/leaders and SRE teachers engaged in religious organisations providing community, disability, or respite care services to vulnerable

persons **must** obtain clearance from the Commissioner for Fair Trading after **8 November 2013** and before **7 November 2014**.

All paid or unpaid workers engaged in coaching and tuition, vocational and educational training, clubs, associations and movements, migrants, refugees and asylum seekers **must** obtain clearance from the Commissioner for Fair Trading after **8 November 2014** and before **7 November 2015**.

All paid or unpaid workers engaged in providing mental health and transport services **must** obtain clearance from the Commissioner for Fair Trading after **8 November 2015** and before **7 November 2016**.

4. Paid and Unpaid Workers engaged after 8 November 2012

All paid and unpaid workers **must** apply for and hold a Clearance Card issued by the Commissioner for Fair Trading **before** engaging in regulated activities with vulnerable persons.

5. How Individuals Apply for Clearance

Each applicant:

1. Downloads and completes the application form at www.ors.act.gov.au/community/working_with_vulnerable_people/forms_and_fees, and signs the declaration and consent.
2. Applications must be accompanied by proof of identity documentation. At least 3 forms of documentation must be provided, including at least 1 form of primary proof of identification. Where the applicant has changed their name they are required to provide documentary evidence.
3. Lodges the application with the Office of Regulatory Services either in person or by mail.
If a paid worker, including where the person also volunteers elsewhere, pay the \$71 fee. *(Existing paid workers can claim the fee paid against their personal income tax return as a work related tax deduction).*
4. Once the Clearance Card is received from the Commissioner for Fair Trading, will provide details of their clearance to all organisations in which the applicant is engaging to provide regulated activities with vulnerable persons and commence providing such services.
5. If a Minister in placement, will also provide a copy of their Clearance Card to the Synod Secretariat. For an existing Minister in placement, this must be completed by **7 November 2013**.
6. Once cleared, can commence providing regulated activities to vulnerable persons.

6. How Organisations Verify Clearance

Each organisation:

1. Must require and ensure that every applicant seeking to provide regulated activities with vulnerable persons provides the organisation with clearance details before any offer to provide paid or unpaid services is contemplated.
2. **If there is no clearance forthcoming from the Commissioner of Fair Trading then the individual cannot provide regulated activities with vulnerable persons under any circumstance.**

7. Further Assistance

If you require further assistance or guidance in relation to Working with Vulnerable Persons Clearances for Uniting Church organisations in the ACT please contact:

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