

Tenpin Bowling Association of Western Australia

# TBAWA Working With Children Negative Notice Directive Policy



# TBAWA Working With Children Negative Notice Directive

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## 1.0 BACKGROUND

The *Working with Children (Criminal Record Checking) Act 2004* (the Act) commenced in Western Australia (WA) on 1 January 2006. The Act makes it compulsory for many people in child-related work to apply for a Working with Children Check (WWCC).

Non-compliance with the legislation holds a maximum penalty of \$60,000 fine or 5 years imprisonment.

A 'successful' WWC Check results in a WWC Card which is portable for three years across all types of child-related work, unless cancelled.

An 'unsuccessful' WWC Check results in a "Negative Notice" or "Interim Negative Notice" which prohibits the person from carrying out child-related work with WA Health or with any other employer or as a contractor in WA.

The TBAWA *Working with Children Check* policy outlines the responsibilities of board members, coaches and managers (or their delegates) have in situations of:

- The issue of Negative Notices
- The issue of Interim Negative Notices
- Appeals against Negative Notices
- Non-compliance with the legislation
- Changes to a person's criminal record

## **2.0 TBAWA SCOPE**

These guidelines apply to all TBAWA employees, volunteers, and external providers who are undertaking child related work and who are considered in scope of the *Working with Children Check* policy.

## **3.0 TBAWA GUIDELINES**

If a Negative Notice or Interim Negative Notice is received, the President of TBAWA will advise the individual and articulate the process to be followed.

*This information shall not be passed onto any third party under any circumstances.*

*Should TBAWA have concerns in relation to ongoing child safety this concern should be referred to the:*

Working with Children Screening Unit  
Telephone: (08) 6217 8100 / 1800 883 979, or;  
Email: [checkquery@cpfs.wa.gov.au](mailto:checkquery@cpfs.wa.gov.au)

## 4.0 NATURAL JUSTICE

Where it is proposed that a Negative Notice be issued to an applicant, the applicant is first advised of the information on their criminal record that the WWCSU has obtained and has opportunity to make a submission to the Director of the WWCSU about their suitability to be issued with a WWC Card.

If a Negative Notice is issued after consideration of such a submission, the applicant then has a right to have this decision independently reviewed by the State Administrative Tribunal.

If the applicant has not provided a submission to the WWCSU they must obtain leave from the State Administrative Tribunal before it will review the decision. Where leave is refused the person has a further opportunity to make a submission to the WWCSU and a further right of appeal to the Tribunal.

Submissions and reviews in relation to Negative Notices issued under the 'automatic bar' provisions (i.e. convictions for a Class 1 offence committed while an adult) can only be made on grounds that the person's criminal record is inaccurate or that the offence does not constitute a "Class 1 offence".

Applicants receiving a Negative Notice cannot apply for cancellation of the notice sooner than three years after the notice was issued or their most recent application for the cancellation of an existing notice.

## 5.0 TBAWA OBLIGATIONS

### **Summary of major obligations of people engaging in child-related work, employers, volunteer organisations, education providers and self-employed people**

*Factsheet 3: Information for Employers and Volunteer Organisations*

*Factsheet 6: Information for Employees and Volunteers,*

*Factsheet 13: Information for Self-employed people for further information and obligations*

*Factsheet 17: Information for Education Providers.*

### ***Paid employees, volunteers, students and self-employed people must:***

- Not engage in child-related work unless they have a current Assessment Notice (WWC Card) or have applied for a WWC Check.
- Renew the WWC Check every three years if they wish to commence or continue in child related work.

- Notify their employer or volunteer organisation (or education provider if a student) and the WWCSU (for self-employed people, only the WWCSU) as soon as practicable after any 'relevant change' in their criminal record occurs (ie. a charge or conviction for a Class 1 or 2 offence). Details of the change need not be given to the employer, volunteer organisation or education provider.
- Cease child-related work immediately if they are convicted of a Class 1 offence which was committed when an adult, and not start or continue in child-related work if they hold an Interim Negative Notice or a Negative Notice.

## **6.0 NOTIFICATION OF NEGATIVE AND INTERIM NEGATIVE NOTICES OR APPEALS**

Appendix A outlines the notification processes that should be followed if a staff member, volunteer, or external provider has:

- Been issued with a Negative Notice;
- Been issued with an Interim Negative Notice; or
- Lodged an appeal against a Negative Notice that has been issued.

## 7.0 APPENDIX A



# CHILD PROTECTION DIRECTIVE

NEGATIVE NOTICE or; INTERIM NEGATIVE NOTICE (Delete redundant heading)

Dear (Insert person's name)

On the (insert date), TBAWA was formally advised by the Western Australian Department for Child Protection that a decision has been made to issue you with:

- An interim negative notice pursuant to the *Working with Children (Criminal Record Checking) Act 2004* ('Act').
- A negative notice pursuant to the *Working with Children (Criminal Record Checking) Act 2004* ('Act').

Section 22 of the Act provides that the TBAWA cannot engage you in child related work now that it is aware that a (insert either – an Interim Negative Notice / a Negative Notice) has been issued.

Non-compliance with Section 22 carries penalties of a fine of up to \$60,000 and imprisonment for 5 years.

As the President of TBAWA I request that you cease any child related work activity associated to TBAWA immediately.

If you have any queries in relation to this notification or the process of appeal please contact me using the contact details below:

Amanda Ladlow

[president@tenpinbowlingwa.com.au](mailto:president@tenpinbowlingwa.com.au)

0407 232 198