

Memo

To: All Affiliated Associations

From: David Watts
Manager - Disciplinary Tribunals, Investigations & Member Protection

Cc: Basketball NSW Staff

Date: April 2021

Re: Working with Children

As you may all be aware, the *Child Protection (Working With Children) Act 2012* has a legal impact on Basketball NSW as well as each of our member Associations in NSW (as Non-Government Organisations - NGO's). This is in addition to the responsibilities of each **individual** who is involved in child related work, i.e. all BNSW staff, all Association staff, and most of our volunteers. Please note that Organisations as well as Individuals can be brought before the court and/or fined for any breaches of the WWC Act;

Personal details must be updated

Everyone who holds a WWC check is legally required to update their contact details, including any name or address changes, within three months – just like your driver license. And like your license, penalties will apply for people who don't update. Updating your details is simple – log on to www.kidsguardian.nsw.gov.au/check and follow the directions. You can even find your WWC number there if you need it.

Employers must verify

Employers can be penalised if they don't verify that their workers or their volunteers who work with children, have had a WWC check or have applied for one. One of the strengths of the NSW system is that it is underpinned by an ongoing, continuous checking system. By registering and verifying online, employers can be contacted by the *Office of the Children's Guardian* should anyone become barred through the continuous monitoring process. Fines for not verifying can be issued to every organisation where people work or volunteer with children, or when they fail to keep proper records.

NGOs must provide information for risk assessments

An important change that impacts non-government organisations (NGO's), such as BNSW and our member Associations, is that they are now compelled under the new legislation to supply information that is requested by the *NSW Office of the Children's Guardian* in order to help with the Working With Children Check risk assessments. Penalties do apply to any Organisation for any non-compliance.

The Office of the Children's Guardian uses this information in assessing the risks of allowing some people to work with children.

Child related work is a usual part of work not incidental

Workers and volunteers need to have a WWC check if they are involved in any child related work. The Act clarifies that child related work exists where contact with children is a usual part of the work, and not just incidental. There are some exceptions, but generally all BNSW staff and volunteers, and most staff and volunteers at our member Associations will need a valid WWC.

Parents on overnight camps must have a WWC Check

All parents volunteering for overnight camps will need a Working With Children Check. BNSW needs to verify this check and keep accurate records. Previously, parents volunteering on overnight camps with their child were exempt from requiring a WWC, but now all volunteers need a WWC before be involved in any BNSW event or BNSW camp.

Develop a child safe culture

The Working With Children Check legally prevents people, who pose a risk, from working with children. Our aim at BNSW is to create safe environments for members, and in particular for our children, who are our most precious resource. The Working With Children check is one of a range of strategies for achieving this goal.

BNSW, through all of our personnel, needs to build a child safe culture in order to make our organisation, and our member Associations, even more child-safe now and into the future.

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