



**Submission in response to the Victorian Department of
Justice Regulatory Impact Statement:**

‘Working with Children Regulations 2006’

January 2006

About Volunteering Australia

Volunteering Australia is the national peak body for volunteering in Australia. Its mission is to represent the diverse views and needs of the volunteer movement while promoting the activity of volunteering as one of enduring social, cultural and economic value.

Part of our role under the Australian Government's National Secretariat Program is to generate policy on volunteering and to advocate for policy outcomes that support and facilitate volunteering in Australia's diverse nonprofit sector. Volunteering Australia frequently provides submissions to government inquiries. Recent submissions have been made in response to the Joint Committee on Corporate and Financial Services inquiry into Corporate Social Responsibility, and in response to the Human Rights and Equal Opportunity Commissions' *Striking the Balance* discussion paper.

In 2001, Volunteering Australia published *A National Agenda on Volunteering: Beyond the International Year of the Volunteer*. The *Agenda* is the key document on the development of volunteering policy in Australia. It was developed in consultation with all jurisdictions of government, business, the community and individual volunteers and provides a framework for the protection and promotion of volunteering in Australian society.

Volunteering Australia works closely with large numbers of volunteer centres, other peak bodies and not for profit organisations across all sectors.

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CONTENTS

1. Introduction	4
<i>1.1 Victoria's Working with Children Checks Consultation: Volunteering Australia's Involvement</i>	<i>4</i>
2. Development of Regulations for Working with Children Checks	4
<i>2.1 Level of Fees for Working with Children Checks</i>	<i>4</i>
<i>2.2 Upgrades of Employee Cards to Volunteer Cards</i>	<i>5</i>
<i>2.3 Appropriateness of the types of identification required</i>	<i>5</i>
3. Conclusion	6
4. References	6

Introduction

Volunteering Australia is pleased to continue to contribute to the further development of Victoria's Working with Children Checks system through consultation on the development of regulations.

Victoria's Working with Children Checks Consultation: Volunteering Australia's Involvement

Volunteering Australia supports the broad aim of protecting children within public institutions and not for profit organisations especially where these interests can be successfully balanced with the need to promote and facilitate volunteering.

The Victorian Government has indicated its intention to adopt several key recommendations from Volunteering Australia's submission in response to the *Working with Children Bill 2005* Discussion Paper. These recommendations include:

- the government's intention to cover the costs of checks for volunteers; and
- a single exemption from checks to be made for volunteers who do not have direct or unsupervised contact with children.¹

The policy of covering the cost of volunteer checks recognises that any financial cost associated with volunteering creates barriers to volunteering, and undermines the inclusive, democratic nature of volunteering.

Development of Regulations for Working with Children Checks

Level of Fees for Working with Children Checks

Volunteering Australia supports the proposed fee structure outlined in *Working with Children Regulations 2006*, that is no cost to volunteers and full cost recovery from employees accessing checks.

Unfortunately, volunteering is rarely free of costs for volunteers. Concerns about costs present a significant barrier to volunteering. Recent consultation by Volunteering Australia among 1507 volunteers and volunteer-involving organisations found that 84 per cent of respondents believed increasing out of pocket expenses (associated with rising petrol prices) presented a barrier to volunteering. In addition, 52 per cent of organisations surveyed have

¹ Volunteering Australia (2005) *Submission in response to the Victorian Department of Justice discussion paper: Working with Children Bill 2005*.

experienced first-hand volunteers in their own organisation ending or reducing their volunteering commitment, or considering doing so.²

While volunteering is a resilient social movement, these figures highlight the sensitivity of the cost issue to individuals. One of the stated key considerations informing Victoria's Working with Children Checks system is the need to encourage volunteering. If this is to be achieved there must be no cost to volunteers.

Upgrades of Employee Cards to Volunteer Cards

Working with Children Regulations 2006 raises the issue of payment for upgrades from volunteer checks to employee checks.³ Specifically, the statement raises the possibility of providing upgrades at the cost of a replacement card, resulting in a saving to the check-holder of \$54.

Some difficulties with this approach are raised in the impact statement. For example, there is a risk of people risking prosecution by erroneously claiming to be volunteers in order to obtain a cheaper upgrade from a volunteer card, rather than obtaining an employee card. In addition, it is difficult to predict what numbers of people might be prepared to initiate volunteering (whether or not they actually intend to volunteer), and what impact this might have on not for profit organisations.

Volunteering Australia supports the idea raised in *Working with Children Regulations 2006*, that these risks are mitigated by requiring volunteer card holders to hold their check for three months before a discounted upgrade is available. This structure has the significant benefit of promoting volunteering in a tangible way, and is in keeping with the Victorian Governments stated objectives of supporting Victorian volunteers.

Appropriateness of the types of identification required

The regulatory impact statement asks us to consider four alternative models for identity checking.⁴ The implication is of a scale ranging in degrees of rigour and ease of compliance:

- Full National Identification Framework (most rigorous though more difficult and costly for individuals to comply with)
- Modified National Proof of Identity Requirements (proposed model)
- 100 Point Check

² Volunteering Australia (2005) *Impacts of Petrol Prices on Volunteering*

³ Department of Justice (2006) *Working with Children Regulations 2006*, p. 39

⁴ Ibid., p. 34

- Presentation of Drivers Licence (least rigorous, greatest ease of compliance)

Volunteering Australia supports the proposed model as the appropriate balance between the level of rigour of identity checking, and the ease of compliance (including the accessibility of documents, the likelihood of needing replacement documents and the cost of replacement documents).

Conclusion

Despite the strength and resilience of volunteering in Victorian communities, out of pocket expenses for volunteers and other 'compliance' requirements have the potential to undermine the preparedness of people in our community to get involved and contribute as volunteers.

The input provided in this submission in response to the Regulatory Impact Statement *Working with Children Regulations 2006* is intended to assist the Victorian Government in identifying the correct balance between the interests of volunteering and our community's need to protect children.

References

Department of Justice (2006) *Working with Children Regulations 2006* (Regulatory Impact Statement)

Department of Justice (2005) *Working with Children Bill 2005* (Discussion Paper)

Volunteering Australia (2005) *Impacts of Petrol Prices on Volunteering* (Research Bulletin)

Volunteering Australia (2005) *Submission in response to the Victorian Department of Justice discussion paper: Working with Children Bill 2005*