



**VACCA**  
Connected by culture

Victorian Aboriginal Child Care Agency Co-Op. Ltd

[www.vacca.org](http://www.vacca.org)

## **VACCA Submission in response to the *Working With Children Check* Issues Paper**

**More Information:**

Adjunct Professor

Muriel Bamblett

CEO - VACCA

PO Box 494, Northcote Plaza,

Northcote

VICTORIA 3070

Email: [vacca@vacca.org](mailto:vacca@vacca.org)

---

## **Executive Summary**

The Victorian Aboriginal Child Care Agency (VACCA) welcomes the opportunity to make a submission to the Royal Commission into Institutional Responses to Child Sexual Abuse concerning the ***Working with Children Check Issues Paper*** and offers the following observations and issues, particularly as they pertain to the Victorian Aboriginal community in which we work.

The Victorian Aboriginal Child Care Agency (VACCA) welcomes the opportunity to make a submission in response to Our perspective is particularly reflective of our lead role in the child and family service system in Victoria, our Link Up program service experience and our research and program development concerning promoting cultural resilience and cultural safety in order to improve wellbeing outcomes for Aboriginal people.

VACCA is the lead Aboriginal child and family welfare organisation in Victoria, protecting and promoting the rights of Aboriginal children and young people, providing programs to reinforce Aboriginal culture and encourage best parenting practices, and advising government in relation to child abuse and neglect in the Aboriginal community. We are a state-wide Aboriginal Community Controlled organisation whose purpose is to advocate for the rights of Aboriginal children, young people and families, and provide them with services premised on human rights, self-determination, cultural respect and safety.

Our first point is that unfortunately there is no failsafe checking system that alone will ensure the protection of our children. VACCA believes that the WWCC is one component of a number of strategies that together will go some way to protect children who are in organisational environments. We believe there needs to be some focus and attention given to the following:

- As WWCC will only reveal crimes a perpetrator has already been caught for a continuous checking system that updates the suitability of a person to be working with children

- Providing funding and resources to organisations to assist them in developing and maintaining child safe practices at an operational level. Supporting organisations to develop risk management strategies and making access to information less cumbersome across jurisdictions than it is currently.

VACCA is committed to ensuring all those engaged in our range of services to children and families are safe and in no way present a current risk to children. In saying this, there have been examples of people who due to an unfavourable police check have been unable to get the required WWCC despite the offenses having been perpetrated many years ago, and not specific offenses against children.

Aboriginal people continue to be over represented in the child protection, youth justice and criminal justice systems and often the circumstances they face as young people and young adults have resulted in them engaging in criminal activities that by their mid to later adult years they have not and are extremely unlikely to re engage in these behaviours.

VACCA would suggest that some discretion regarding these situations be afforded to Aboriginal people and cite the Northern Territory Ochre Card Process as an example of building in this discretion. As we understand it there is consideration of “other material” This does not automatically mean having a criminal record will disqualify a person from gaining a clearance. The Screening Authority will assess a number of factors, such as the person’s good behaviour, contribution to community events, rehabilitation or treatment programs completed. Personal, community and written employment references can be submitted in support of an application.

**VACCA provides the following responses to the specific questions posed by the Royal Commission.**

**1. Should there be a national WWCC?**

For VACCA the key question is whether or not a national WWCC will afford children any greater protection than a system where there is consistency across jurisdictions (outlined in the answer to question 2) and where there is sharing of information across jurisdictions. VACCA believes that what is significant and important is:

- ❖ Ongoing checking in every jurisdiction
- ❖ Funding and support to enable organisations to assess their environment and activities in relation to risks to children and reduce any opportunity for exposure to abuse.
- ❖ Consistent risk management strategies within organisations

**2. What features should be included in any national scheme?**

- ❖ National and ongoing police checks.
- ❖ Previous employment checks that may pick up behaviours that are concerning but may not have resulted in criminal charges being laid.
- ❖ All employees and volunteers over 15 years of age should be included.
- ❖ Other material (like the Northern Territory Ochre Card Scheme)

**3. If there is no national scheme, should there be minimum requirements for each state and territory scheme?**

VACCA believes there should be relative consistency and has outlined those things we believe are important above.

**4. How long should any clearance be granted for?**

The length of time a clearance is granted should not matter if there are ongoing checks and updates to clearances as we have recommended.

**5. Should a person be able to commence work before the check is completed?**

VACCA believes that given the WWCC is not the only indicator of a person's apparent suitability to work in a child related field, and is not on its own fail safe as a system, so long as the person can provide evidence that they have made an application this should suffice.

**6. How should child-related work be defined?**

VACCA believes the broadest possible definition should be used when defining child related work. This should include voluntary work and in our view be inclusive of children over the age of 15 years. This is due to knowing that sadly there are many young people who engage in sexually abusive behaviours and can target children through babysitting, mentoring and other volunteering activities.

**7. How should child-related sectors and roles be defined?**

VACCA's view is that this too should be quite broad. Unfortunately those who wish to abuse our children will quickly realise the roles or areas that are exempt or out to scope and move to engage in those roles which unless there is specific breadth may lead to a child being at risk.

**8. Are current exemptions for a WWCC adequate or appropriate – in particular, should a WWCC apply to those:**

**living in the homes of children in out-of-home care?**

**parent volunteers?**

While we understand the financial and administrative burden on expanding the scope by limiting the exemptions, VACCA's knowledge of how perpetrators work would suggest that as access decreases for perpetrators through the implementation of WWCC and the greater cross jurisdictional sharing, they will move into the less "policed" areas where they can still have contact with children. Support to fund these checks for volunteers, particularly for those who are under 18 or not employed should be made available in our opinion.

**9. What records should be included in the check? For example, should the check include juvenile records?**

Yes, but again the inclusion of other matters as per the Ochre card will assist in knowing if these acts are relevant today.

**10. How should an appeal process operate?**

VACCA believes where the criminal history of an Aboriginal person is stopping them from obtaining a clearance, the ability to demonstrate what they have done to rehabilitate since the offenses and consideration of community references is appropriate (in the absence of 'other matters' being adopted). Appeals for Aboriginal people could be referred to the newly appointed Aboriginal Commissioner for Children and Young People to ensure an appropriate balance between past behaviour and current behaviour through a cultural lens is provided.

**11. What issues arise from the current regime of records that result in automatic barring of a person from working with children?**

VACCA is not aware of what issues arise.

**12. The adequacy of the risk assessment process.**

As detailed above, VACCA does not believe that a WWCC alone, whether on a national or minimum standard jurisdictional basis can guarantee that children in the care of an organisation will be protected. VACCA is committed to developing procedures that embed child safe practices across all the services we provide to Aboriginal children and their families. VACCA would like to see the government commit too funding and supporting all agencies to develop and implement these procedures to provide children with the optimum environment for being safe and protected.

**13. To what degree should the WWCC minimise the need for institutions to establish clear processes for responding to inappropriate behaviour of staff in child-related positions?**

VACCA does not believe the WWCC alone is fail safe and to be effective must be complemented and informed by institutions own clear processes for responding to inappropriate behaviour of staff in child related positions.

**14. How should the effectiveness of any existing or proposed WWCC be evaluated and / or monitored?**

We believe that the National Children’s Commissioner should be tasked with the role of monitoring the WWCC system and resourced appropriately.