



Department of Justice and Regulation

Working with Children Check Unit

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Mr Nick Honey
Chief Executive Officer
Basketball Victoria
PO Box 4140
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Dear Mr Honey

Amendments to the Working with Children Act 2005

I am writing to advise you that on 1 August 2017, a number of important amendments to the *Working with Children Act 2005* (the Act) will come into effect.

In its report titled 'Working with Children Checks'¹, the *Royal Commission into Institutional Responses to Child Sexual Abuse* made several recommendations aimed at strengthening the protection children receive through Working with Children Checks. The following amendments to the Act implement these recommendations:

1. Expand the definition of 'direct contact' in the Act. The definition of direct contact will now include oral, written or electronic communication as well as face-to-face and physical contact.
2. Remove references to 'supervision' from the Act. This will mean that even if a person's contact with children as part of their child-related work is supervised by another person, they will still need to apply for a Working with Children Check (Check).
3. Create a new occupational category of 'child-related work', known as 'kinship care'. People caring for a child placed by Child Protection under the *Children, Youth and Families Act 2005* will be required to obtain a Check.
4. Ensure that non-conviction charges (charges that have been finally dealt with other than by a conviction or finding of guilt) for serious sexual, violent or drug offences are considered as part of Check assessments and re-assessments.
5. Enable the Secretary to the Department of Justice and Regulation to compel the production of certain information for the purposes of compliance monitoring.

In addition, various other miscellaneous and technical amendments have been made to improve the operation and administration of the Act.

¹ <http://www.childabuseroyalcommission.gov.au/about-us/our-reports/working-with-children-checks-report.html>

Please pay particular attention to points one and two above, as they broaden the scope of people required to hold a Check and affect all organisations that recruit volunteers and staff to child-related work.


Further details of all the amendments are outlined on our website at workingwithchildren.vic.gov.au under 'Changes to Legislation'.

I would be grateful if you could inform your organisation of these important amendments to the *Working with Children Act 2005*.

Please contact us on 1300 652 879 if you need any assistance in explaining the changes to your organisation.

Thank you for your continued support in helping to protect children from harm.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Albert Bentincontri', with a stylized flourish at the end.

Albert Bentincontri
Director