

Swimming ACT

Working with Vulnerable People (Background Checking) Act 2011 Compliance Policy - August 2015

Purpose

1. This policy sets out sets to be taken to comply with the [Working with Vulnerable People \(Background Checking\) Act 2011](#) (the Act) as it applies to Swimming ACT. It is also recommended that clubs adopt similar policies.

Background

2. The Act commenced on 8 November 2012 and aims to reduce the risk of harm to vulnerable people in the ACT. The Act introduces a centralised background checking system in the ACT. Penalties apply for non-compliance with the Act.
3. The Act requires volunteers and paid employees to be registered with the Office of Regulatory Services (ORS) if engaging in activities or services for vulnerable people (children and vulnerable adults). Registration is free for volunteers but paid employees must pay a fee.
4. Activities and services that are covered under the Act are called 'regulated activities'. Swimming clubs and Swimming ACT are engaged in regulated activities.
5. The operation of the Act is being phased in over a number of years. Volunteers involved in clubs and associations (eg, swimming clubs and Swimming ACT) are required to register by 7 November 2015, unless exempt.
6. All volunteers and paid employees at club and Swimming ACT activities are covered by the Act, eg, swimming meets and club nights. Volunteers include technical officials (whether accredited or not), committee members and office bearers.
7. There are a number of exemptions under the Act, including for volunteers who are the parents or other close relatives of swimmers under 18 years of age. A volunteer does not need to register if the volunteer:
 - is a close relative of a vulnerable person taking part, or who *normally takes part*, in the activity; and
 - a close relative of each vulnerable person taking part in the activity is engaged, or *expected to be engaged*, in the activity.
8. For the definition of 'close relative' refer to attachment "A".
9. Four other exemptions are also relevant for Swimming ACT and clubs. A person will not be required to register if the person:
 - is engaged in a regulated activity on an infrequent basis and:

- the person is engaged in the activity for not more than—
 - i) 3 days in any 4-week period; and
 - ii) 7 days in any 12-month period
- is registered under another state’s law and:
 - the activity in the ACT is of a similar nature to the activity the person is allowed to engage in under the other state’s law; and
 - the person is engaged in the activity for no more than 28 days in any 12 month period.
- is under 16 years of age
- engaged in the activity in the same capacity as a vulnerable person. This would cover competing swimmers aged 16 years and over.

Policy

10. From 8 November 2015, it will be Swimming ACT policy that a parent or other close relative is expected to accompany a swimmer under 18 years of age to all Swimming ACT approved swimming meets. If this policy is in place it will not be necessary for volunteers to obtain a registration card if their child or other close relative *normally participates in Swimming ACT swimming meets*.
11. This is an umbrella policy which applies to all clubs affiliated with Swimming ACT unless they adopt their own policy.

Camps

12. Anyone accompanying swimmers under 18 years of age on Swimming ACT camps (as a manager, coach, technical official or otherwise) is required to be registered, regardless of whether or not the person is otherwise exempt.

Swimming NSW Meets

13. All technical officials who use the online system to volunteer for Swimming NSW meets will need to have either a NSW or ACT registration card, regardless of whether or not the person is otherwise exempt. An ACT card will suffice if the person volunteers in any child-related activity in NSW for not more than 30 days a year.

Employees

14. All paid employees of Swimming ACT and clubs must be registered, eg, coaches and administrators, regardless of whether or not the person is otherwise exempt.

Types of Registration Cards

15. There are three types of cards:

- general registration - there person is able to work in all regulated activities
 - role based registration - the person is restricted to only working in specified regulated activities with a stated employer. Details will be on the back of their card
 - conditional registration - the person has conditions associated with their registration. These conditions will be listed on the back of their card.
16. The type of card is clearly identified on the front of the card. If a volunteer or employee has a role based registration card or conditional registration advice must be sought from the Office of Regulatory Services (ors.act.gov.au) before employing the person or allowing the volunteer to assist at club or Swimming ACT activities.

Register

17. Swimming ACT will maintain a register of all Swimming ACT volunteers and employees who are required to be registered under the Act. A photocopy or scanned copy of the card must be provided to Swimming ACT prior to the details being entered on the register. It is recommended that clubs also establish a register for club volunteers or employees.
18. The register will include:
- name of volunteer
 - registration number
 - registration expiry date
 - whether the card is for general registration, role based registration or conditional registration
 - a photocopy or scanned copy of card.

Implementation

19. Swimming ACT will:
- advise all clubs and members that, from 8 November 2015, it is expected that a parent or other close relative of a swimmer under 18 years of age will attend Swimming ACT approved meets in which the swimmer competes
 - require all volunteers to be registered, unless otherwise exempt
 - require all paid employees to be registered
 - maintain a register of all volunteers and paid employees who are required to be registered
 - require anyone accompanying swimmers under 18 years on Swimming ACT camps to be registered, regardless of whether or not the person is otherwise exempt.

Attachment “A”

Close relative, of a vulnerable person—

(a) means the vulnerable person’s -

- (i) domestic partner; or
- (ii) father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law or mother-in-law; or
- (iii) son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law; or
- (iv) brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law; or
- (v) uncle, aunt, uncle-in-law or aunt-in-law; or
- (vi) nephew, niece or cousin; but

(b) does not include a kinship carer under the Children and Young People Act 2008.

[See section 12(4) of the Act]