

Clubs and Associations

Who needs a Working with Children Check?

The [Child Safety \(Prohibited Persons\) Act 2016](#) (the Act) was introduced 1 July 2019. It requires paid employees or volunteers to have a working with children check (WWCC) if they work in a *prescribed position*.

Prescribed positions include positions in which a person works, or in the ordinary course of his or her duties, it is reasonably foreseeable that a person in that position will *work, with children*.

A person works with children if they provide a service or undertake an activity that is *child-related work* in the course of their employment, please visit [Screening Unit - Who needs a Working with Children Check](#) for more information.

In the context of clubs and associations, child-related work is defined as:

- Services or activities provided in the course of operation of clubs and associations with a significant membership or, or involvement by, children; and
- Coaching and tuition services for children

Clubs and associations include a reference to a body providing services or undertaking activities of a sporting, recreational, cultural or artistic nature.

Coaching or tuition services for children means services provided to children consisting of instruction in one or more of the following areas:

- education
- sports
- recreational activities
- cultural awareness or cultural activities
- arts and crafts

This includes coaching or tuition services provided in the course of any other service or activity that is defined as child-related work (e.g. sports club coaches).

If a club or association has a significant membership of or involvement by children, then under the Act, **all** volunteers and employees of the club or association, are required to undertake a working with children check (and not be a prohibited person), regardless of whether they have contact with children.

While the word 'significant' is not defined in the legislation, it should be given its ordinary meaning and not be related to a figure. It can mean the club or association, regardless of their number, considers children and their involvement to be sufficiently great or important to be worthy of attention – requiring all members who perform duties (services and activities) on behalf of the club or association to have a WWCC.

Some people may be excluded from the need for a WWCC. For example, a person under 14 years of age and a member of South Australia Police or the Australian Federal Police.

There are rules related to exclusions for parents and visitors from interstate who are working with children. Please visit [Screening Unit website](#) for more information.

An organisation can request a WWCC even if an exclusion may be available.

Clubs and associations who are unsure if they are captured under the Act are encouraged to seek independent legal advice.

What does a club or association need to do?

It is a requirement under the legislation that clubs and associations verify that all employees and volunteers have a valid WWCC (and are not prohibited from working with children) prior to commencing work and then at least once every 5 years.

Verification is gained by producing a 'Certificate of Interrogation' through the Screening Unit online portal.

All clubs and associations must have their own Organisation Portal to manage WWCCs.

The Screening Unit has produced a comprehensive document [Working with Children Check – Information for Organisations](#) to guide organisations through their role and obligations, including how to register an organisation with the Screening Unit.

A club or association that provides a service or undertakes an activity that constitutes *child-related work* under the Act, is considered a *prescribed organisation* under section 114 of the [Children and Young People \(Safety\) Act 2017](#).

Your organisation is required to have policies and procedures designed to ensure safe environments for children and young people are established and maintained.

The *Children and Young People (Safety) Act 2017* also places other requirements on organisations with regard to:

- Lodging a Child Safe Environments compliance statement; and
- Mandatory reporting

Please visit [Child Safe Environments Program | DHS](#) for more information.