

Child Safety Policy and Procedure

Reference CBAA Codes of Practice -

2.5 - In all station activities and our behaviour we will oppose and break down prejudice on the basis of ethnicity, race, language, gender, sexuality, age, physical or mental ability, occupation, religious, cultural or political beliefs.

In accordance with the current and previous Committee of Management's desire to increase our Community involvement and reach, it was felt that, besides the training at Seymour FM and peer review mechanisms in place, it would be judicious to introduce a compulsory oversight. One of the items on the checklist for our licence application is that we are supposed to be; *"Protecting Children from 'harmful' content"*, this can have a quite broad interpretation.

One of the checks and balances readily available to the Committee of Management is to introduce, as a condition on all of our presenters and volunteers working with the general public, the compulsory acquisition of a Working With Children Check card or Teacher equivalent (see attached extracts). This is also a condition of our Lease for Pollard Street with Mitchell Shire Council. Children are defined as being persons under the age of 18.

This WWCC is readily accessible and available via online forms at Working With Children Check Victoria, there is no charge for Seymour FM volunteers.

From the WWCC Victoria website -

"The Working with Children Check is a screening process for assessing or re-assessing people who work with or care for children in Victoria.

We take a detailed look at the criminal history and relevant professional conduct findings of applicants to ensure we're assisting to protect children from sexual or physical harm."

This will be required to be applied for before the 1st of December 2023.

Resolution passed at Committee of Management meeting 23rd Nov. 2023.

Attachments informing this Policy - 4

Seymour Puckapunyal Community Radio Inc. Assoc: A0041766B

ABN: 35 815 165 034

Attachment No. 1

Extract from Seymour 103.9 FM Lease of Pollard Street Seymour

Schedule 1 - Item 18

Special conditions: (Clauses 2.1.3 and 47.1) - **Part 3. Working with Children**

(a) Without limiting clause 10.15, if the Tenant's activities at the Premises involve persons engaged in "child related work" within the meaning of the Working with Children Act 2005 (WWC Act):

(i) The Tenant must, and must ensure that all of the Tenant's employees and volunteers, hold a current and valid "Working with Children Check" as referred to in the WWC Act (or any such certificate or check which replaces the Working with Children check in the future) (WCC), before working with children at the Premises.

(ii) The Tenant must ensure that no employee nor volunteer with a negative notice under the WWC Act works with children at the Premises.

(iii) A copy of the WCC of each of the Tenant's employees and volunteers must be provided to the Landlord upon request.

(b) Without limiting clause 10.15, the Tenant must, and must ensure that the Tenant's Agents, comply with and implement:

(i) the Victorian State Government Child Safe Standards, as amended from time to time. Upon request, the Tenant must provide the Landlord with information regarding how the Tenant has adopted and applied the Child Safe Standards in the form requested by the Landlord; and

(ii) the Child Safe Policy of Mitchell Shire Council, as updated from time to time.

Clause 10. USE OF PREMISES

The Tenant must:

10.15 at its own expense, comply on time with all laws, notices, orders, legal requirements and requirements of any authority concerning the Premises, or the use and occupation of the Premises (except where applicable legislation makes such compliance the Landlord's responsibility). Without limiting this clause, an authority includes any person, body or corporation (whether government, statutory or non-statutory) that has authority over the Premises or the Tenant's use of the Premises;

The purpose of the **Victorian** Working with Children Check (WWC check) is to protect children under 15 years who are employed or undertaking work experience within Victoria under the Education and Training Reform Act 2006. The Working with Children Act (2005) – WWC Act – provides for a system of mandatory Victorian WWC checks into the criminal record of any person who will be directly supervising a child in the workplace.

Attachment No. 2

Mitchell Shire Council – Keeping Children Safe Policy

Owner Risk and OHS Last Reviewed: December 2019 Approved By: ELT/SCC/HSC Review By December 2024

Statement of Commitment

At Mitchell Shire Council we are committed to ensuring all children and young people reach their full potential as we strive to achieve our mission of *working with our communities to build a great quality of life*.

We have zero tolerance for all forms of abuse and neglect towards children and young people. We will work actively to provide a safe environment in all our programs and services. We will ensure that any incidents of suspected child abuse will be acted upon appropriately and in accordance with our policy and legal obligations.

We are committed to the safety, participation and empowerment of all children and young people. Child protection is a shared responsibility by all councillors, employees, workers, contractors, volunteers, associates, and members of the community.

Policy Statement

To achieve this commitment:

- All children have equal rights to protection from child abuse including on the basis of gender, race, religious beliefs, age, disability, sexual orientation, or family or social background.
- There is a zero tolerance for all forms of child abuse.
- Best practice standards will apply in the recruitment of employees, volunteers, and contractors.
- All employees, volunteers and contractors must adhere to the MSC Code of Conduct and the Safeguarding Children Code of Conduct.
- The statement of our commitment to child safety (above) is included in recruitment and human resources practices.
- Working with Children Check will be required for all roles under the *Working with Children Act 2005 (Vic)* and where there is potential for interaction with children.
- Any responsible person raising a concern, complaint or allegation of child abuse must submit an incident report.
- Incidents involving children must be reported to the relevant authority.
- Allegations made by an external organisation or community group that has an agreement to use council facilities or infrastructure must report any incidents involving child abuse
- Risk management strategies are in place to identify, assess, and take steps to minimise risks to children.
- All personal information considered or recorded will respect the privacy of the individuals involved under the Privacy Act and the *best interests of the child* will be considered when sharing information with relevant authorities and agencies.
- Allegations against employees will be treated seriously and where a case for Reportable Conduct is identified will be reported to the relevant authorities per *Child Wellbeing and Safety Act 2005*.
- Mandatory Reporting will be trained and implemented for all frontline employees per the *Children, Youth and Families Act 2005 (Vic)*.

Signed

Brett Luxford

Chief Executive Officer

Attachment No. 3 – Extract from - Working with Children Act 2005[†] [Assented to 13 September 2005]

3. Definitions (1) In this Act—

"child" means a person under 18 years of age;

"child-related work" has the meaning given by section 9;

"direct contact" means any contact between a person and a child that involves— (a) **physical contact**; or (b) **face to face oral communication**; or (c) **physically being within eyeshot**;

9. What is child-related work?

(1) For the purposes of this Act, child-related work is—

(a) work engaged in—

(i) under a contract of employment or a contract for services (whether written or unwritten); or

(ii) as a minister of religion or as part of the duties of a religious vocation; or

(iii) as an officer of a body corporate, member of the committee of management of an unincorporated body or association or member of a partnership; or

(b) practical training undertaken as part of an educational or vocational course other than under an arrangement within the meaning of Part IVA of the Education Act 1958; or

(c) work engaged in as a volunteer (including engaging in unpaid community work under a community-based order, a drug treatment order or an intensive correction order within s. 8 Part 2—Working with Children Check Working with Children Act 2005 Act No. 57/2005 11 the meaning of the Sentencing Act 1991) other than unpaid work engaged in for a private or domestic purpose— that usually involves, or is likely usually to involve, regular direct contact with a child in connection with a service, body, place or activity specified in sub-section (3) on or after the relevant date in relation to that service, body, place or activity or 1 July 2011 (whichever is the earlier date) in circumstances where that contact is not directly supervised by another person. Example A water main bursts at a school during school hours. A plumber is called to the school to deal with the emergency. It is rare for the plumber to be called out to a school or other place specified in sub-section (3). The plumber is not engaged in child-related work as his or her work does not usually involve regular direct contact with children.

Note 1: "Direct contact" is defined in section 3(1).

Note 2: Reimbursement for out-of-pocket expenses does not stop a person being regarded as a volunteer: see section 3(3). (2) For the purposes of this Act, direct supervision of a person requires immediate and personal supervision but does not require constant physical presence. Example A person who is directly supervising a worker leaves the room in which the worker is engaging in the work to make a phone call. The fact that the supervisor has left the room for a short period does not mean that the worker is no longer under direct supervision. Note: "Supervised" has its ordinary, everyday meaning. A supervisor is a person who has the role of overseeing the work of another person while that person engages in the work. s. 9 Part 2—Working with Children Check Working with Children Act 2005 Act No. 57/2005 12 (3)

The services, bodies, places or activities in connection with which regular direct contact with a child may result in work being child-related work are—

- (a) child protection services;
- (b) child care services mentioned in section 194(1) of the A New Tax System (Family Assistance) (Administration) Act 1999 of the Commonwealth;
- (c) children's services within the meaning of the Children's Services Act 1996;
- (d) educational institutions;
- (e) community services, remand centres, youth residential centres, youth supervision units or youth training centres, within the meaning of the Children and Young Persons Act 1989 or probation services under that Act;
- (f) refuges or other residential facilities used by children;
- (g) paediatric wards of public hospitals within the meaning of the Health Services Act 1988 or of private hospitals within the meaning of that Act;
- (h) clubs, associations or movements (including of a cultural, recreational or sporting nature) that provide services or conduct activities for, or directed at, children or whose membership is mainly comprised of children;
- (i) religious organisations;
- (j) baby sitting or child-minding services arranged by a commercial agency;
- (k) fostering children; s. 9 Part 2—Working with Children Check Working with Children Act 2005 Act No. 57/2005 13
- (l) providing, on a publicly-funded or commercial basis, a transport service specifically for children;
- (m) coaching or private tuition services of any kind for children;
- (n) counselling or other support services for children;
- (o) overnight camps for children regardless of the type of accommodation or of how many children are involved;
- (p) school crossing services, being services provided by people employed to assist children to cross roads on their way to or from school;
- (q) providing, on a commercial basis and not merely incidentally to or in support of other business activities, an entertainment or party service specifically for children;
- (r) providing, on a commercial basis and not merely incidentally to or in support of other business activities, gym or play facilities specifically for children; Example The provision of play facilities for children by a fast food business may be merely incidental to the business of providing food.
- (s) providing, on a commercial basis and not merely incidentally to or in support of other business activities, photography services specifically for children;
- (t) talent or beauty competitions held for children on a commercial basis and not merely incidentally to or in support of other business activities.

Attachment No. 4

Extract from Victorian WWCC website - Purpose

The purpose of the Victorian Working with Children Check (WWC check) is to protect children under 15 years who are employed **or undertaking work experience** within Victoria under the Education and Training Reform Act 2006.

The Working with Children Act (2005) – WWC Act – provides for a system of mandatory Victorian WWC checks into the criminal record of any person who will be directly supervising a child in the workplace.

Other exemptions from obtaining a Victorian WWC Check to supervise child employees include:

- a teacher who has a current registration with the Victorian Institute of Teaching
- a sworn Victorian state, or Australian Federal police officer who is not suspended from duty
- a person who is not an Australian citizen and not ordinarily resident in Australia, if they don't ordinarily engage in the supervision of working children in Victoria.