

## Working with Vulnerable People (Background Checking) Bill 2010

### Proposed Regulations

#### Clause 37(3) Conditional Registration

This sub clause provides that a regulation may prescribe the information that must be given to the commissioner for an applicant to be issued with a role-based registration.

Please draft a regulation that provides a person or employer must give the commissioner the following information that forms part of a risk management strategy for a role-based registration:

- (a) identified duties/activities of the role;
- (b) a statement about commitment to the safety and wellbeing of vulnerable people;
- (c) a code of conduct for interacting with vulnerable people;
- (d) procedures for recruiting, selecting, training and managing volunteers and employees engaged or proposed to be engaged in a regulated activity by the employer (including supervision arrangements), as the procedures relate to the safety and wellbeing of vulnerable people;
- (e) policies and procedures for handling disclosures or suspicions of harm to vulnerable people, including reporting guidelines;
- (f) a plan for managing breaches of the risk management strategy;
- (g) policies and procedures for compliance, including:
  - a. implementing and reviewing the risk management strategy; and
  - b. keeping a written record about each volunteer and employee engaged by the employer, for example, the date of expiry of the role-based registration;
- (h) risk management plans for high risk activities and special events;
- (i) strategies for communication and support, including:
  - a. written information for volunteers and employees engaged by the employer that includes details of the employer's risk management strategy or where the strategy can be accessed; and
  - b. training materials for volunteers and employees engaged by the employer to:
    - i. help identify risks of harm to vulnerable people and how to handle disclosures or suspicions of harm; and
    - ii. outline the employer's risk management strategy.

### **Clause 43(2)(c) Registration Cards**

This subclause provides anything additional that must be included on a registration card.

Please draft a regulation that provides a registration card must also contain:

- conditions on the registration.

### **Clause 64(2)(b) Regulation-making Power**

The subclause provides for the obligations of employers in relation to people they engage in regulated activities.

Please draft a regulation that provides the following obligations of employers in relation to role-based people only:

- Employers must advise the commissioner if there is a change in program or the role based employment, which will impact the conditions of a volunteer or employee with a role-based registration.
- Employers must continue to comply with any conditions on the volunteer or employee's registration and must maintain and comply with all policies that they had approved under clause 37(3)
- Employers must maintain a risk management strategy that supports a role-based arrangement. The following matters are to be included in the employer's risk management strategy:

Please draft a regulation that provides a person or employer must give the commissioner the following information that forms part of a risk management strategy for a role-based registration:

- (a) identified duties/activities of the role;
- (b) a statement about commitment to the safety and wellbeing of vulnerable people;
- (c) a code of conduct for interacting with vulnerable people;
- (d) procedures for recruiting, selecting, training and managing volunteers and employees engaged or proposed to be engaged in a regulated activity by the employer (including supervision arrangements), as the procedures relate to the safety and wellbeing of vulnerable people;
- (e) policies and procedures for handling disclosures or suspicions of harm to vulnerable people, including reporting guidelines;
- (f) a plan for managing breaches of the risk management strategy;
- (g) policies and procedures for compliance, including:
  - a. implementing and reviewing the risk management strategy; and
  - b. keeping a written record about each volunteer and employee engaged by the employer, for example, the date of expiry of the role-based registration;
- (h) risk management plans for high risk activities and special events;
- (i) strategies for communication and support, including:

- a. written information for volunteers and employees engaged by the employer that includes details of the employer's risk management strategy or where the strategy can be accessed; and
- b. training materials for volunteers and employees engaged by the employer to:
  - i. help identify risks of harm to vulnerable people and how to handle disclosures or suspicions of harm; and
  - ii. outline the employer's risk management strategy.

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