

Attachment A - Working with Vulnerable Persons (WWVP) registration

Question from Ella Haddad MP:

- I. *The number of State Service employees whose Working with Vulnerable Persons (WWVP) registration has been withdrawn in the past twelve months, including:*
 - a. *the number of those whose registration was withdrawn as an outcome of the Commission of Inquiry process; and*
 - b. *the number of State Service employees whose roles have changed as an outcome of the withdrawal of WWVP registration.*

Response from Consumer, Building and Occupational Services:

For the period 1 November 2021 to 1 December 2022, a total of 22 parties have had their registration to work with vulnerable people cancelled under the Act. Of the 22, ten people have been identified as being linked to a Government Agency. It is noted that this linkage may be for a number of reasons including:

- being listed as an employee with an Agency at any time while holding registration;
- being a volunteer at a Government Agency (for example volunteering at a government school);
- being listed against a Government Agency that has roles and responsibilities regarding working accreditations or otherwise (for example the Department of State Growth and the Registrar of Motor Vehicles who hold responsibility for issuing ancillary certificates for the purpose of a person being licenced to drive a taxi).

While ten parties have been identified, it is noted that they may not have been State Service employees at the time of cancellation, either because:

- they were a volunteer and not an employee;
- they were not a State Service employee but linked to an Agency for another purpose (e.g. a taxi driver); or
- their relevant employment details had not been notified to the Registrar (for example if they had left their employment but not updated their records).

The Registrar cannot definitively state that any of the cancellations were a result of the Commission of Inquiry process. This is because the decision to cancel a registration is undertaken after gathering information and giving weight to certain matters. Information disclosed during the Commission of Inquiry may just be one element of the matters taken into consideration.

In relation to Item (b), the Registrar does not hold information regarding ongoing employment matters relating to a State Service employee and cannot provide any information on whether

an individual's role has changed, or was terminated, as a result of a cancellation of their Registration to work with Vulnerable People.

Question from Ella Haddad MP:

2. *Detail of the process by which Working with Vulnerable Persons Registration is withdrawn, and by which ongoing State Service employees are transferred into roles not requiring WWVP registration.*

Response from Consumer, Building and Occupational Services:

The object of the Act, is to protect vulnerable persons from risk of harm by;

- (a) requiring persons to be engaged in regulated activities to be registered (as outlined in the regulations),*
- (b) preventing certain people from engaging in regulated activities, and*
- (c) undertaking risk assessments in relation to persons wishing to be registered and in certain circumstances, those who are already registered (by gathering information and giving weight to certain matters as outlined in the various risk assessment orders).*

Once registered, an individual is monitored and an additional risk assessment can be undertaken if the Registrar believes on reasonable grounds that there is new and relevant information about a registered person. The phrase 'new relevant information' is, in most instances, information provided to the Registrar under 'reportable behaviour' obligations as outlined in section 7A of the *Registration to Work with Vulnerable People Act 2013*. Reportable behaviour is behaviour that poses a risk to harm to vulnerable persons whether by reason of neglect abuse or other conduct. A reporting body is a State Service agency, including Tasmania Police. If a reporting body becomes aware by any means or suspects that a registered person has engaged in reportable behaviour, the reporting body is to notify the Registrar of the name of the person and the behaviour (these can include notifications from the Commission of Inquiry).

If the Registrar determines to conduct an additional risk assessment and is satisfied the person is in an immediate risk of harm, an immediate suspension can be issued. This will immediately prohibit a person from engaging in a regulated activity.

The risk assessment process seeks to remove individuals, who by virtue of their past behaviour pose an unacceptable risk to children and vulnerable persons, from environments where they may cause harm. The risk assessment orders sets out the matters the Registrar may take into account when conducting a risk assessment. These include information about:

- convictions for any criminal offences;
- all 'spent' convictions;
- any 'pending' charges (charges that have not yet been decided by the court); and
- all 'non-conviction' charges (those that have been finalised by the court but didn't result in a conviction).

Matters to be taken into account include:

- seriousness (as demonstrated by details of the conduct, court outcome and penalty);
- length of time since the conduct occurred;
- age and vulnerability of the victim(s);
- relationship between the offender and victim(s);
- age difference between the offender and victim(s); and
- whether the offender knew or could have known the victim was under 18 years of age.

Factors relating to the applicant include:

- conduct since the offence/alleged offence;
- age at the time of the offence/alleged offence;
- current age; and
- seriousness of total criminal records.

Factors relating to recurrence include:

- likelihood of the offences being repeated; and
- impact on children if the offences were to be repeated.

The Registrar has grounds to determine to cancel a person's registration if the Registrar has conducted an additional risk assessment of the person and is satisfied that the person poses an unacceptable risk of harm to a vulnerable person generally.

In the event a cancellation is to be issued the Registrar provides a Proposed Cancellation to the Registrant and affords the Registrant and opportunity to respond. If the Registrant does not respond, or does not provided sufficient information to mitigate the concerns a Cancellation Notice is issued. Upon cancellation any named employer is notified of the cancellation. Once cancelled a persons is no longer able to engage in a regulated activity.

As previously advised the Registrar does not hold information regarding employment matters relating to State Service employees as such cannot provide any information on whether an individual's role has changed, or was terminated, as a result of a cancellation of their Registration.