

Victorian Civil and Administrative Tribunal

Factors for consideration

Decisions by the Victorian Civil and Administrative Tribunal (VCAT) are governed by the *Working with Children Act 2005* (the Act).

Whether your application is a category A, B or C application, VCAT cannot grant you an assessment notice (a Check) unless satisfied that you do not pose an unjustifiable risk to the safety of children, having regard to the following factors:

- the nature and gravity of the offence or alleged offence and its relevance to child-related work
- the period of time since the offence or alleged offence was committed
- whether a finding of guilt or conviction was recorded or a charge is still pending
- any sentence imposed for the offence
- the ages of the applicant and the victim at the time the offence was committed or allegedly committed
- whether or not the conduct that resulted in the offence has been decriminalised since the offence or alleged offence was committed
- the applicant's behaviour since the offence was committed or allegedly committed
- the likelihood of future threat to a child caused by the applicant
- any information given by the applicant in or in relation to the application
- any other matter VCAT considers relevant to the application
- whether a reasonable person would allow his or her child to have direct, unsupervised contact with the applicant while the applicant was engaged in any type of child-related work
- whether the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children
- whether, in all the circumstances, it is in the public interest to issue the applicant with an assessment notice.

When VCAT considers your application, the paramount consideration is the protection of children from sexual and physical harm.

More Information

Website www.workingwithchildren.vic.gov.au

Email workingwithchildren@justice.vic.gov.au

Customer Support Line 1300 652 879
8.30am – 5pm, Monday – Friday (except public holidays)



If you need an interpreter, please call the Translating and Interpreting Service on 13 14 50 and ask them to contact the Working with Children Customer Support Line.

TTY 13 36 77

Speak & Listen 1300 555 727

This information is intended as a general guide only. It is not intended to be given as legal advice and should not be relied upon as such. It is recommended that you obtain legal advice relevant to your particular circumstances.