



STUART GRIMLEY MP

Member for Western Victoria
State Leader of Derryn Hinch's Justice Party



MEDIA RELEASE

Thursday 29th August 2019

Grimley Exposes Working With Children Check Loophole

Stuart Grimley MP has asked the Government to review a considerable loophole in legislation which could allow convicted sex offenders to work with children whilst their Working with Children Check is still being completed.

The Working with Children Act (2005) *legally* permits employees and volunteers to commence child-related work prior to the Working with Children Check application process being fulfilled.

The application usually takes approximately three weeks but can be delayed significantly if the applicant has a common name, if there are inconsistencies, or interstate information is required to be obtained, ballooning this process out to 12 weeks in some instances.

Mr Grimley explained to the Minister that “unless an employee discloses previous convictions to their employer... they could have access to children”.

There are some Victorian organisations which have a firm requirement that the check is to be approved before commencing work, but this is shockingly **not** a requirement. Many organisations only require a receipt proving the employee or volunteer has *applied* for a check.

Given the recent Bill which passed the Lower House to limit the Working With Children Check appeals process for [Category A offenders](#) to VCAT, Mr Grimley says it is common sense to also close this loophole.

Mr Grimley strongly welcomes the aforementioned Children Legislation Amendment Bill 2019, due to be debated in the Upper House in the coming weeks.

Quotes Attributable to Stuart Grimley MP:

“This loophole undermines the authenticity and purpose of a Working With Children Check if anyone is allowed to actually work with children before they receive one.

Would you feel comfortable, as a parent, sending your child to day care knowing their staff might not hold a completed Working With Children Check?

Whilst some organisations will enforce the requirement of all employees and volunteers to have one, the simple fact is they don't have to. And that's just not right.

This is essentially a loophole which could enable convicted sex offenders to have authorised access to our kids.

The obvious answer is to close this loophole to make our kids safer. This means not allowing work to commence unless a Working With Children Check has been approved.”

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