COPP 11.3 Official Visitors

Banksia Hill Youth Detention Centre

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| Principles and StandardsIn context of the [Australasian Youth Justice Administrators Standards,2009](https://www.ayja.org.au/):Access to legal representation and advocacy is facilitated.Continuity of service is provided.Key agencies, programs and services operate in partnership.[National Principles for Child Safe Organisations, 2018](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf):People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.Policies and procedures document how the organisation is safe for children and young people. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to Custodial Officers and staff employed to work at a Banksia Hill Youth Detention Centre (BH YDC) and the Perth Children’s Court Custody Centre.

# Policy

This COPP provides the policy and procedures for official visitors to BHYDC. [COPP 11.2 - Social and Inter-facility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) provides the policy and procedure for social visitors. Volunteers visiting BHYDC shall be managed in accordance with [Departmental Policy](https://dojwa.sharepoint.com/sites/intranet/human-resources/Pages/policies-procedures.aspx).

For the purposes of this COPP an official visitor does not include contractors.

Official visitors are visitors who enter BHYDC for the purpose of official business and include (*but is not limited to*):

* Inspection/ Review Officers from the Office of the Inspector of Custodial Services
* Judge or Magistrate of the Children’s Court
* Justice of the Peace authorised by a Judge or Magistrate of the Children’s Court
* State Ombudsman
* Federal Police
* Border Force
* Visiting Justices
* Legal Practitioners
* Officers from other Government Agencies
* Visiting external health practitioners
* Independent Detention Centre Visitors (employed under the *Inspector of Custodial Services Act 2003*)
* Sporting Groups
* External Religious Visitors
* Department of Justice Staff (including the Supervised Release Board)
* Western Australia Police Force (WA Police)

Searches shall be conducted in accordance with [COPP 9.6 - Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx). Equipment for all official visitors shall be managed in accordance with [COPP 9.5 Approved and Unauthorised Items (Staff and Visitors)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) (COPP 9.5).

Custodial officers must inform official visitors when booking an appointment that they may request written approval from the Superintendent for unauthorised items required to perform their professional duty as per [COPP 9.5](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx) (excluding Officers from the Office of the Inspector of Custodial Services).

All official visitors shall be recorded at a minimum in the Gatehouse Occurrence Book and provide satisfactory proof of identity prior to being allowed entry into BHYDC as per [COPP 9.1 - Gatehouse](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

Where an official visitor attends BHYDC to meet with a specific detainee (i.e. legal practitioner or WA Police), the visitor shall also be entered into TOMS against that detainee’s visitor records under official visits.

All communications with detainees should be embedded in such a way that language diversity is acknowledged and understood.

Detainees unable to communicate in spoken and/or written English are made aware of their right to communicate in their preferred language and if necessary, provided interpreters who are certified by the National Accreditation Authority for Translators and Interpreters (NAATI).

# Working with Children Check

## Information and process

### In accordance with the *Working with Children (Criminal Record Checking) Act 2004*, individuals that are in child-related employment or that carry on a child-related business obtain a current assessment notice, referred to as a working with children check (WWCC).

### The majority of official visitors (listed in section 2) are likely to require a WWCC, however in some cases the requirement shall need to be assessed on a case by case basis.

### WA Police Officers who are performing functions as a member of the WA Police Force are exempt from the requirement of a WWCC[[1]](#footnote-1).

### The Gatehouse Custodial Officers shall confirm if an official visitor has a current WWCC by requesting the visitor produce the WWCC.

### Proof of current WWCC shall be entered onto the TOMS Visitors module.

### Where an official visitor does not have a WWCC the Gatehouse Custodial Officer shall refer to [Appendix A: Official Visitors and Working with Children’s Check](#_Appendix_A:_Official) and inform the Superintendent.

### Legal practitioners that represent detainees on a one off-basis or in circumstances which are outside of their usual duties may not have a WWCC. Given the importance of detainees being given access to legal advice, very careful consideration should be given to a proposed denial of access to a legal practitioner.

### The Superintendent shall decide whether to permit entry to BHYDC based on the information provided.

### The process of assessment for an official visitor requiring a WWCC is listed in [Appendix A: Official Visitors and Working with Children’s Check](#_Appendix_A:_Official).

# Unannounced Official Visitors

### Certain official visitors have the legal/ statutory power to enter BHYDC at any time unannounced. These are:

1. Inspection/Review Officers from the Office of the Inspector of Custodial Services (appointed under the *Inspector of Custodial Services Act 2003*)
2. Judge or Magistrate of the Children’s Court
3. Justice of the Peace authorised by a Judge or Magistrate of the Children’s Court
4. State Ombudsman (when conducting an investigation).

### Inspection/Review Officers authorised by the Inspector, conducting the Inspectors functionshave unfettered access and the authority to enter BHYDC unannounced at any time[[2]](#footnote-2).

### Judges and Magistrates of the Children’s Court and a Justice of the Peace authorised by a Judge or Magistrate of the Children’s Court to enter BHYDC unannounced at any time upon providing satisfactory proof of the person’s identity to the superintendent[[3]](#footnote-3).

### The State Ombudsman and members of the Ombudsman staff investigating a complaint, have the power to interview a detainee without notice and arrive unannounced[[4]](#footnote-4).

### A booking form is not required for these unannounced official visits.

### The Custodial Officer assigned to the Gatehouse shall inform the Superintendent (or delegate) of all official visitors arriving unannounced.

### Equipment for unannounced official visitors shall be managed in accordance with [COPP 9.5](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Pre-booked Official Visitors

### Pre-booked official visitors shall be processed through an appointment system. Where an official visitor requests an appointment by calling the Custodial Officer assigned to the Gatehouse (or person accepting the call) shall advise the relevant official visitor of the pre-booking requirements.

### Official visitors requiring an ‘[Official Visitor Pre-Booking Request Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx)’ include, but is not limited to:

1. Border Force
2. External Religious Visitors
3. Federal Police
4. Independent Detention Centre Visitors
5. Legal Practitioners
6. Officers from other Government Agencies
7. Other such visitors that attend BHYDC such as hairdressers etc.
8. Sporting Groups
9. Visiting external Health Practitioners
10. Visiting Justices
11. Western Australia Police Force

### Pre-booked official visits are available from Monday to Friday, except on public holidays.

### Custodial Officers assigned to the Gatehouse (or person accepting the call) shall advise official visitors enquiring by telephone, where a pre-booking request form is required, submission of the form shall be by 3.00pm for visits for the following day.

### Official visitors shall be required to request a visit by completing the [Official Visitors Pre-Booking Request](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) form for each visit and return the form to the relevant email address supplied on the form.

### Each adult, when part of a sporting/group shall be required to complete an official visitor’s pre-booking request form.

### On receipt of an official visitor’s pre-booking request form, the staff member shall check the details of the application. Incomplete forms shall be returned to the applicant with a request to complete the required information.

### The staff member receiving the completed form shall check the form for detainee details. Where the request is to visit a specific detainee, the detainee’s Total Offender Management Solution (TOMS) record shall be checked for translator requirements. The organising of a translator shall be by the staff member receiving the completed form in accordance with [COPP 2.2 Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Forms submitted for the same day shall not be processed until the next business day unless extenuating circumstances apply, for example, where a Legal Practitioner requires contact with a detainee for court appearances the same day, the Superintendent shall be informed.

### Completion of an official visitors pre-booking request form is still required for extenuating circumstances.

### The staff member receiving the completed form shall add their name, date to the form, and forward the form to the Assistant Superintendent Security (or delegate) for review.

# E-Visits

### E-Visits for official visitors shall occur Monday – Friday, between 0900 hrs and 1530 hrs.

### The E-Visit interview session shall be booked via email to YJS-JCS-BanksiaHill-OfficialVisitorsBookings@justice.wa.gov.au. If the matter is urgent special permission can be sought via phone call to Case Planning.

### Official visitors shall need to create a Skype account in order to access E-Visits within the centre.

### When making a booking the official visitor is required to provide the Skype name and associated email address in order to facilitate the link.

### A delegated officer shall establish the booking and a link shall be sent to official visitor to add them as a contact.

### The Superintendent or their delegate is to determine the duration and frequency of any approved visits.

### The officer commencing the E-Visit session is to record in a register the details of each session. The details are to include the officer’s name, offenders name, date and times of when the session commenced and concluded. This information is to be entered on TOMS.

### The E-Visit skype kiosk setting is enabled only for audio and video with no sharing of screen application available. Digital recording of the session is not allowed and not enabled.

### The E-Visit interviewer, if a Departmental staff member, shall maintain a written record of the interview and where applicable enter these notes into TOMS, as per the standard interview/record keeping requirements.

### The Custodial Officer responsible for commencing the E-Visit session shall take the detainee into the E-Visit interview room:

1. The officer shall commence the session, remove the keyboard and mouse and leave the detainee to participate in the interview.
2. Immediately on conclusion of the session, the officer is to attend the interview room and ‘shut down’ the computer, ensuring all is in order without damage or interference.
3. The detainee is then permitted to leave the visits area.

### Rooms within the official visitor’s centre which can be used for booking are:

1. Interview Room 1
2. Interview Room 2
3. Interview Room 3

# Security Review

### The Assistant Superintendent Security (or delegate) shall review and action the [Official Visitor Pre-Booking Request Form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx).

### Equipment and items approved by the Superintendent (or delegate) shall be permitted into BHYDC in accordance with [COPP 9.5 Approved and Unauthorised Items (Visitors and Staff)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### The Assistant Superintendent Security (or delegate) shall contact the applicant where equipment and/or items may raise security concerns.

### The Assistant Superintendent Security (or delegate) shall conduct security checks for:

1. Visiting Justices
2. Legal Practitioners
3. Officers from other Government Agencies
4. Visiting external health Practitioners
5. Sporting groups
6. Independent Detention Centre Visitors

### Intelligence checks are valid for 12 months from the date of approval and are required for applications from:

1. external religious visitors
2. other applicable visitors.

### The Assistant Superintendent Security (or delegate) shall review any appropriate BHYDC data bases for Department held intelligence in the applicant’s name.

### The Assistant Superintendent Security (or delegate) shall send requests for new and expired applications requiring Department intelligence checks to: IntelligenceServices@justice.wa.gov.au

### Department intelligence checks shall be returned to YJS-JCS-BanksiaHill-Security@justice.wa.gov.au

### Where a security check or Department intelligence check raises concern the Assistant Superintendent Security (or delegate) shall contact the Superintendent to review the application.

### The Superintendent shall review the application and contact the applicant where the visit is not approved. The Superintendent (or delegate) shall inform the Assistant Superintendent Security (or delegate) and the Custodial Officer at the Gatehouse.

### The Gatehouse shall note the details in the TOMS visits register and Gatehouse occurrence book.

## Security actions for different visitors

### The Assistant Superintendent Security (or delegate) shall inform the relevant staff member and Gatehouse Officers at BHYDC of approved visits.

### The Custodial Officer assigned to the Gatehouse shall note the visit in the visits register.

# Sporting Groups

### Where a request is received for a sporting group to visit BHYDC, the Assistant Superintendent Security (or delegate) shall inform the responsible Custodial Officer.

### The Recreation Officer shall forward the following to the sporting group:

1. [Visiting Teams Information](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx) Package

### Form - ‘[Parental Permission - Visitor Under 18 years](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx)’ for group visits (to be completed for all members under the age of 18 years). Members of the group over the age of 18 shall be required to submit an [official visitor pre- booking request form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copp-forms.aspx).

### All members of the sporting group shall complete the group questionnaire and parental consent forms (where applicable) and return to the responsible Custodial Officer at least 5 working days prior to the visit date.

### The responsible Custodial Officer shall forward completed forms to the Assistant Superintendent Security (or delegate).

### Members of the sporting group who have not completed any of the requirements shall not be allowed entry.

# External Health Practitioners

### The Clinical Nurse Manager shall inform the Assistant Superintendent Security (or delegate) if the applicant is a visiting external health practitioner. Credentialing of health practitioners shall be managed in accordance with [Health Services Policy CG03 Credentialing and Defining the Scope of Practice for Health Service Practitioners.](https://dojwa.sharepoint.com/sites/health-services)

# External Religious Visitors

### Security orientation shall be available for external religious visitors and independent detention centre visitors.

### The Assistant Superintendent Security (or delegate) shall inform the responsible Custodial Officer of security orientation requirements.

### The responsible Custodial Officer shall organise orientation as required.

### Where extenuating circumstances apply the Superintendent (or delegate) shall review the Official Visitors Pre-booking form and notify the Assistant Superintendent Security (or delegate) and applicant of the outcome.

# Visitors Not Requiring an Official Visitors Pre-booking Form

## Western Australia Department of Justice (Departmental Staff)

* + 1. Departmental staff visiting BHYDC in an official capacity are not required to complete a form, however, pre-booking shall occur as follows:
1. The organising BHYDC staff member shall send the visitors name, date of visit, reason for visiting and the detainees name (where applicable) via email to YJS-JCS-BanksiaHill-officialVisitorsBookings@justice.wa.gov.au.
2. The member of staff at BHYDC expecting departmental staff to visit BHYDC shall contact the Gatehouse with details of the visit. The Custodial Officer assigned to the Gatehouse shall note the name, date and details of the visit in the visit register.

## Western Australia Police Force (WA Police)

### WA Police requesting a visit to interview a detainee shall be informed to contact the Assistant Superintendent Security (or delegate) via email or telephone.

### The WA Police shall be requested to provide the following information:

1. the name of the detainee
2. details of the reason for the visit.

### The Assistant Superintendent Security (or delegate) shall email the information to the detainee’s Unit Manager or responsible Custodial Officer and request the responsible Custodial Officer ask the detainee if they are willing to be interviewed by WA Police and the contact details of a responsible adult.

### The Unit Manager or responsible Custodial Officer shall discuss the request with the detainee and provide a response to the email.

### The Assistant Superintendent Security (or delegate) shall notify the WA Police of the response.

### The Superintendent (or delegate) shall arrange for legal counsel to attend on the detainee’s request (if required).

### The Assistant Superintendent Security (or delegate) shall inform the WA Police to contact BHYDC Case Planning by email to arrange a suitable time for a responsible adult to attend where applicable.

### Custodial Officers or BHYDC staff are not to act as responsible adult/witness for a detainee being interviewed by the WA Police.

### Where a detainee refuses to be interviewed by officers of WA Police, the Assistant Superintendent Security (or delegate) shall provide the WA Police with the email address where documents can be forwarded to BHYDC to be served to the detainee.

# Official Visitors at the Gatehouse

## Process

### Where a business area at BHYDC (i.e. health centre) are expecting an official visitor, the business area shall ensure the Gatehouse Custodial Officers have 24 hours’ notice with the official visitor’s name, time, and purpose of visit.

### Business areas shall confirm with the Gatehouse Custodial Officers of impending official visitors by 8.00am each morning.

### All official visitors entering BHYDC shall report to the Gatehouse for processing.

### The Superintendent (or delegate) shall be informed by Custodial Officers assigned to the Gatehouse of all unannounced official visitors.

Entry requirements for identification shall be done in accordance with [COPP 9.1 Gatehouse.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Visiting Areas

### Unannounced official visitors employed as Inspection/Review Officers from the Office of the Inspector of Custodial Services may have free and unfettered access to BHYDC.

### Inspection/Review Officers from the Inspector of Custodial Services may also have when requested:

1. a secure room for the sole use of the inspection team for the period of the inspection and a secure filing cabinet and keys
2. access to a telephone
3. a Custodial Officer who acts as a liaison and to coordinate local arrangements for the purpose of the inspection
4. access to all records and/or information.

### The Superintendent (or delegate) shall arrange access to detainees for Inspection/Review Officers from the Inspector of Custodial Services.

## General

### Detainees shall be informed of official visits (where appropriate) by their Unit Manager or responsible Custodial Officer

### Official visits may occur in the designated visits area which includes but is not limited to:

1. visit centre
2. case planning
3. official visiting rooms
4. admissions area
5. education area 2
6. Yeeda
7. Sports ground

### Visits via video technology/videoconferencing shall be organised through Case Planning.

### Custodial Officers shall be present and supervise all official visits with detainees, where appropriate, by way of direct observation and or monitoring Close Circuit Television where available.

# Annexures

## Appendix

* [Appendix A: Official Visitors and Working with Children’s Check](#_Appendix_A)

## Related COPPs and other documents

**Related COPPs**

* [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.1 – Gatehouse](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.5 – Approved and Unauthorised Items (Visitors and Staff)](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 9.6 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 11.2 – Social and Inter facility Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

**Other documents**

* [CG03 Credentialing and Defining the Scope of Practice for Health Service Practitioners](https://dojwa.sharepoint.com/sites/health-services)
* [Volunteer Policy](https://dojwa.sharepoint.com/sites/intranet/human-resources/Pages/policies-procedures.aspx)

## Definitions and acronyms

|  |  |
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| **Term**  | **Definition**  |
| Banksia Hill Youth Detention Centre (BHYDC) | The gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff how the relevant legislative requirements are implemented. |
| Credentialing  | The formal process used to verify the qualifications, experience, professional standing and other professional attributes of health practitioners for the purpose of forming a view about their competence, performance and professional suitability to provide safe, high quality healthcare services within a specific organisational environment.  |
| Custodial Officer  | An officer with custodial functions, appointed under section 11(1) of the Young Offenders Act 1994; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |
| Detainee | Means a person who is detained in a detention centre as defined in s3 of the *Young Offenders Act 1994*. |
| External Religious Visitors | A person who is not employed by the Department and provides chaplaincy and religious services and activities to detainees. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Legal Practitioners | An Australian lawyer who holds a current local practising certificate as defined in the *Legal Profession Act 2008* |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the *Young Offender Regulations 1995*:(a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.(b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.(c) Program support staff counsellors, program facilitators and librarians.(d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Official Visitor | Official visitors are visitors who enter BHDC for the purpose of official business. |
| Official Visitor with legal/Statutory Powers | Visitors who enter BHDC for the purpose of official business and have statutory powers to enter BHDC. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer  | A Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994* |
| Security Checks | A security check of a person or persons conducted at BHYDC by the Assistant Superintendent Security (or delegate) to assess security risks which may include checks within BHYDC holdings, Department held intelligence data, statement of material facts, total offender management solution (TOMS). |
| Staff | Any employee or officer of the Department of Justice, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’ |
| The Department | The department of the Public Service principally assisting the Minister in the administration of the *Young Offenders Act 1996* |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of detainees in custody. |
| Unauthorised Items | Any item or thing that: * Constitutes a threat to or breach of the security or good order of the detention centre; or
* Is unauthorised pursuant to Youth Custodial Rule 9.
 |
| Unit Manager | A Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994*. |
| Visiting external health practitioners | A health practitioner registered under the *Health Practitioner Regulation National Law WA Act 2010* who may be required to provide an in reach service. |
| Working with children check | A compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands for people who engage in certain paid or unpaid work with children, described as [“child-related work”](https://workingwithchildren.wa.gov.au/resources/publications/glossary/#childrelatedwork) under the *Working with Children (Criminal Record Checking) Act 2004*. |

## Related legislation

* *Health Practitioner Regulation National Law WA Act 2010*
* *Inspector of Custodial Services Act 2003*
* *Working with Children (Criminal Record Checking) Act 2004*
* *Young Offenders Act 1994*
* *Young Offenders Regulations 1995*

## Assurance

Compliance with this COPP should align with Department’s [Assurance Framework](https://dojwa.sharepoint.com/sites/intranet/department/Pages/audit-risk-assurance.aspx). It is expected that:

* BHYDC shall undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The Women and Young People Branch, Head Office shall undertake management oversight as required.
* Monitoring and Compliance Branch shall undertake checks in accordance with the [Operational Compliance Framework.](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx)
* Independent oversight shall be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date  |
| 1.0 | Operational Policy | Approved by Director Operational Projects, Policy, Compliance and Contracts  | 3 February 2021 | 8 March 2021 |
| 2.0 | Operational Policy Memo Reference:D23/959552Content Manager Reference:S23/101368 | Endorsed by the A/ Assistant Commissioner Women and Young People | 9 November 2023 | 18 December 2023 |
| Approved by the Deputy Commissioner Operational Support | 15 November 2023 |

Appendix A: Official Visitors and Working with Children’s Check

Where an official visitor is from another agency, it is up to the visitor’s employer to ensure that they comply with the requirements of the *Working with Children (Criminal Record Checking) Act 2004.*

However the Department of Justice, Corrective Services has a duty of care to ensure the safety and security of those in its care.

The test that applies when considering whether someone is required to have a working with children check (WWCC) is as follows:

1. Is the person performing 'child-related work' (as defined in Section 6(1) (a) of the *WWC Act 2004)*?

It is considered child-related work where *“the usual duties of the work involve, or are likely to involve, contact with a child in connection with, a detention centre.”*

1. Is the child-related work likely to occur more than 5 days during a calendar year?
* Where the function being carried out is deemed 'child-related work' and the official visitor is likely to conduct this work more than 5 days in the calendar year **then the visitor requires a WWCC**.

**Note:** Where an official visitor such as a Legal Practitioner does not have a WWCC and has or is likely to have been in communication with the detainee for more than 5 days in the calendar year, the Superintendent is to be notified and a decision made on a case by case basis in light of the tenets of natural justice.

* Where the official visitor believes that they are not likely to attend BHDC more than 5 days within the calendar year they may not require a WWCC.

**Child-related work and exemptions that apply to a detention centre, as defined in the s3 *Young Offenders Act 1994.***

1. **Child volunteers**

Work carried out on a voluntary basis by a child.

1. **Unpaid students on placement under 18**

Work carried out on an unpaid basis by a student under 18 years of age as part of their educational or vocational course of study with an education provider.

1. **Short-term visitors to WA**
* Applies to work carried out by visitors to Western Australia, where the person is not ordinarily resident in Western Australia; and
* Only applies during the two week period after the person arrives in Western Australia and cannot exceed a total of two weeks in any period of 12 months; and
* Cannot be used in conjunction with the one-off national events and national tours exemption (below). A person cannot use both exemptions in the same 12 month period.
1. **Police officers**

Performing functions as a member of the WA Police Force.

For further information refer to the **‘Working with Children Check Website Western Australia.’**

1. *r 12a of the Working with Children (Criminal Record Checking) Regulations 2005* [↑](#footnote-ref-1)
2. s 29 *Inspector of* *Custodial Services Act 2003* [↑](#footnote-ref-2)
3. s 169 *Young Offenders Act 1994* [↑](#footnote-ref-3)
4. *Parliamentary Commissioner Act 1971* [↑](#footnote-ref-4)