**Chapter 2: Regulated Work**

**2.7- Step 5: Exceptions to regulated work**

***[1] - Incidental activity***

* The scope of regulated work is narrowed by the incidental test. Some, but not all, activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are not children or protected adults. For example, a teacher in a school is doing regulated work with children but a college lecturer running woodwork classes in the evening aimed at adults is outside the scope of regulated work, even if one or two children attend his class. This is because the presence of children (and the teaching of children) is incidental to the main activity and purpose of the class which is to teach adults.
* An activity is likely to be incidental when:
	+ open to all (characterised by where the event is held, where it is advertised, admission policy etc.);
	+ attractive to a wide cross-section of society; or
	+ attendance is discretionary.
* An activity is unlikely to be incidental when:
* targeted at children or protected adults (characterised by where the event is held, where it is advertised, admission policy etc.);
* more attractive to children or protected adults than others; or
* attendance is mandatory.
* An important consideration is the degree to which it could be reasonably foreseen that children or protected adults would attend. Whether an activity is incidental or not is not so much about the numbers of children or protected adults attending but the purpose and intended client group for the activity. For example, an outdoor navigation skills day event advertised in a mountaineering magazine for the population in general may or may not attract some participants who are children. Whether the turnout is 5% or 50% children, the instructing of children is still an incidental activity.
* The "incidental" qualification does not feature in the definition of child care position under POCSA. This means that some positions which have been eligible for enhanced disclosure are outside the scope of the PVG Scheme.
* If an activity is believed to be incidental, but actually attracts an overwhelming majority of children or protected adults, then the issue of whether the activity is or is not incidental should be reviewed before the next year / term / season. However, it is not practical or appropriate to change the classification of an activity “in flight”.

I, (Print name) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hockey Club confirm that my organisation does not operate in the Regulated Work category and thus falls under that of Incidental Activity as described above.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: / /