



Working With Children Checks

Western Australia

Legislation

The Working with Children Check (WWC Check) is a compulsory criminal check for many people who work with children under the age of 18 years in Western Australia. It was established by the *Working with Children (Criminal Record Checking) Act 2004* (the Act) and is administered by the Working with Children Screening Unit of the Department for Child Protection.

The Act applies to people working with children who are:

- self employed
- paid employees
- students on placement
- volunteers and unpaid people.

These people may need to apply for a WWC Check if they or their employees/volunteers are in '[child-related work](#)'.

Those who have successfully undergone the check will receive an Assessment Notice in the form of a Working with Children Check Card which enables them to be in child-related work.

Organisations should avoid implementing 'blanket policies' that require people to apply for a WWC Check based only on job title or place of work.

For more information, visit www.checkwwc.wa.gov.au/checkwwc.

What responsibilities does an employer have?

Following is a summary of the major obligations employers have under the Act. However, please refer to the legislation for information on all the obligations and prohibitions that apply.

You must:

- comply with the Act.

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keep adequate records that demonstrate you are complying with the Act and, if asked by the Screening Unit, provide this information.

notify the Screening Unit in writing, as soon as practicable, if an employee or volunteer tells you he or she has had a relevant change in criminal record. A relevant change is when a person is charged with or convicted of a [Class 1 or Class 2 offence](#).

You must not:

employ someone in child-related work unless he or she already holds or has applied for a WWC Card by the date required (see note below on the Five Day Threshold/Defence).

employ someone in child-related work in connection with a child care service unless he or she already holds or has applied for a WWC Card by the first day of starting child-related work.

employ someone in child-related work if you are aware they have withdrawn their application for a WWC Check.

give information that you know is false or misleading on the application form or directly to the Screening Unit.

employ someone in child-related work if you are aware they have a current Interim Negative Notice or Negative Notice.

Are there penalties for not applying for a Working with Children Check?

Yes, penalties apply to both employers and people who carry out child-related work if they do not comply with their obligations and responsibilities under the Act

Action

Where do I get a Working with Children Check?

Application forms are available at designated Australia Post offices. Once completed, you need to lodge the form in person at an Australian Post office with 100 points of identification. Unless you are self-employed, your ‘employer’ will need to sign the form.

Who has to apply?

Anyone wishing to commence or continue in child-related work in either a paid or volunteer capacity. Visit the [WWC website](#) for a definition of ‘child-related work’.

Once someone applies for a WWC Check, they can start work using their WWC Check receipt.

What happens once I apply?

Once you apply for a WWC Check you’ll be issued with either an Assessment Notice (WWC Card) or a Negative Notice (in certain circumstances, an Interim Negative Notice may be issued until a final decision on an application is made). An employer **must not** employ anyone with a Negative Notice or Interim Negative Notice in child-related work.

A copy of any Notice will be provided to the employer named in your application form. Notices do not contain details of any criminal history information.

Useful information

How much does the Working with Children Check cost?

\$80 paid persons

\$10.80 for volunteers or unpaid persons.

Who is responsible for payment?

Contact your organisation to find out their policy in relation to payment for WWC Checks.

Are there exemptions?

The following people are exempt from applying for a WWC Check:

volunteers under 18 years

short term visitors to Western Australia carrying out child-related work within two weeks of their arrival in the State, and for no more than two weeks in any 12 month period

workplace supervisors or employers of children, unless they otherwise carry out child-related work

parents who volunteer in connection with their child's activities. The exemption provided for parent volunteers varies and depends on the type of child-related work the parent is doing. For example, parents are not exempt when carrying out child-related work in connection with an over-night camp.

There are a number of additional exemptions. See [Factsheet 5 Child-related work and exemptions](#) for further information.

What is the five day threshold/defence?

If someone undertakes child related work without having applied for a WWC Check, it is a defence under the Act to have worked with children on no more than five days in a calendar year, without making an application for a Check. The 'five-day threshold' applies to **all categories** of work, **except** work in licensed child care services.

This defence does not apply to anyone who has been convicted of a Class 1 offence as an adult. The Act requires that anyone in child-related work (irrespective of the five-day threshold):

report any relevant change in their criminal record

cease child-related work immediately if convicted of a Class 1 offence as an adult.

What criminal history information is considered in a Working with Children Check?

The information obtained includes:

convictions for any offence that you have, from when you were a child or an adult

any 'spent' convictions

any pending charge for a Class 1 or Class 2 offence (a 'pending' charge is a charge that has not yet been decided by a court)

any non-conviction charge for a Class 1 or Class 2 offence (a ‘non-conviction’ charge is a charge that has been finalised by a court but did not result in a conviction)

other information that is relevant to the Screening Unit when making an assessment.

However, a criminal record in itself will not necessarily prevent a person from working with children. The WWC Screening Unit will consider the nature of the charges or convictions and their relevance to working with children.

Note: the WWC Check is not the same as the National Police Check and some people may need to have both a WWC Check and a Police Check (e.g. to reveal fraud, stealing or driving offences). For more information, visit the [WWC Check website](#).

How long is a Working with Children Check valid for?

Three (3) years unless it is cancelled.

Is it transferable to a different organisation?

Yes, it is transferable to any organisation in which you work or volunteer.

Who administers the process?

Employers (including clubs and associations) are responsible for ensuring that all employees or volunteers who carry out child-related work apply for a WWC Check.

Employers and people in child-related work are encouraged to contact their state sporting association to determine what sport specific policies or procedures are in place in relation to WWC Checks in their organisation.

Resources

Where can I get further information or resources?

- Visit the [WWC Website](#) for further information (including [Factsheet 11 Information for the Sport and Recreation Sector](#))