

## **PART C: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **Background**

Child protection is about creating safe environments for children and keeping children safe from harm/abuse. Child abuse is illegal and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.

The Working with Children (WWC) legislation aims to increase the safety of children in the community. It helps to ensure that people who have known criminal histories that indicate they may harm a child do not gain positions of trust with children. In New South Wales, Queensland, Western Australia, Victoria and South Australia laws require certain individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with children. This is done by checking criminal history and other matters.. There are also requirements placed on organisations.

Please be aware that state and territory WWC Checks requirements may also apply to individuals who visit states with screening laws. For example, if a state association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.

The state WWCC requirements apply regardless of our national, state or club Member Protection Policy.

The following attachments provide:

- summary information on our state WWCC requirements and where to obtain more information and relevant forms

The following information was updated in April 2009. It is subject to change at any time.

### **WESTERN AUSTRALIA**

The Working with Children Check (WWC Check) is a compulsory and rigorous criminal record check for certain people who carry out 'child-related work' in WA. A person is in 'child-related work' if the usual duties of their work involves, or is likely to involve contact with a child in connection with specified categories of work (see the website below for further details) It includes child-related work carried out by paid employees, volunteers, unpaid people and the self-employed. Parents volunteering in connection with their child's activity are exempt (although this does not apply to overnight camps); however they should still be required to complete the non-WWC Check screening process. There are other exemptions, for example volunteers under 18 years old. Further details about exemptions can be found on the website below. Only those in child-related work under the Act may apply.

Applicants will be issued with either:

- An Assessment Notice in the form of a WWC Card enabling them to be in all types of child-related work for three years unless there are new offences of concern.
- An Interim Negative Notice, which prohibits them from child-related work until a final decision is made on their application.
- A Negative Notice, which prohibits them from child-related work.

There are set obligations and strong penalties for non-compliance including for employers and volunteer co-coordinators.

For more information: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or call 1800 883 979 (toll free)

## Compliance:

Following is a summary of the major obligations clubs and employers have under the WWC legislation. Please refer to the legislation for information on all the obligations and prohibitions that apply to employers.

### You must:

- Keep adequate records that demonstrate you are complying with the WWC legislation and if asked by the WWC Screening Unit must provide this information. See the record keeping template and a list of compliance audit questions for more information.
- Notify the WWC Screening Unit in writing, as soon as practical; 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](#) on more than 5 days in a calendar year unless he or she already holds or has applied for a WWC Card.
- Employ someone in child related work if you are aware he or she has a conviction or pending charge for a Class1 or Class 2 offence and does not have a current WWC Card or hasn't applied for one.
- 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](#). To do so is a criminal offence with a penalty of \$60,000 and 5 years imprisonment. It is important this information be treated sensitively. **This means advising only those who need to know to ensure that the person does not carry out child-related work.**

**You will also need to complete the Employer/Agency Representative section [Part 6 and Part 7] of your employee/volunteers WWC application forms.**

For more information see page 4 of [Factsheet 3a: Employers, Volunteer Organisations & the Self Employed: Checklist and Obligations](#) on [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au).