



# Working with Children Legislation Information Booklet



Department of  
Sport and Recreation

Sport and recreation builds stronger, healthier,  
happier and safer communities.



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# 1. Background

The Working with Children (WWC) Check aims to increase the safety of children in our community by helping to prevent people who have a criminal history that indicates they may harm children, from working with children. The WWC Check is administered by the Working with Children Screening Unit (WWCSU), Department for Child Protection.

The Working with Children Legislation affects many people who work with children including:

- Self employed.
- Paid employees.
- Volunteers and unpaid people.

Employers and organisations have obligations to make sure that their employees and volunteers who need the Check have one. Those who have successfully undergone the check will receive a WWC Card, which enables them to be in child-related work.

The WWC Check cannot be solely relied on to protect children from people who may harm them. It is just one strategy responsible employers/volunteer coordinators should put in place to ensure that people who work with children are suitable to do so.

This booklet includes practical information for employers and volunteer coordinators including: who needs a WWC Check, how people renew a WWC Check and what records to keep. If you have any further questions please contact the WWCSU on 08 6217 8100 or 1800 883 979 (toll free) for country callers, or visit their website [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au). Alternatively, contact the Department of Sport & Recreation on 9492 9700 or visit [www.dsr.wa.gov.au](http://www.dsr.wa.gov.au) or the WA Sports Federation on 08 9387 8100 or visit [www.wasportsfed.asn.au](http://www.wasportsfed.asn.au).

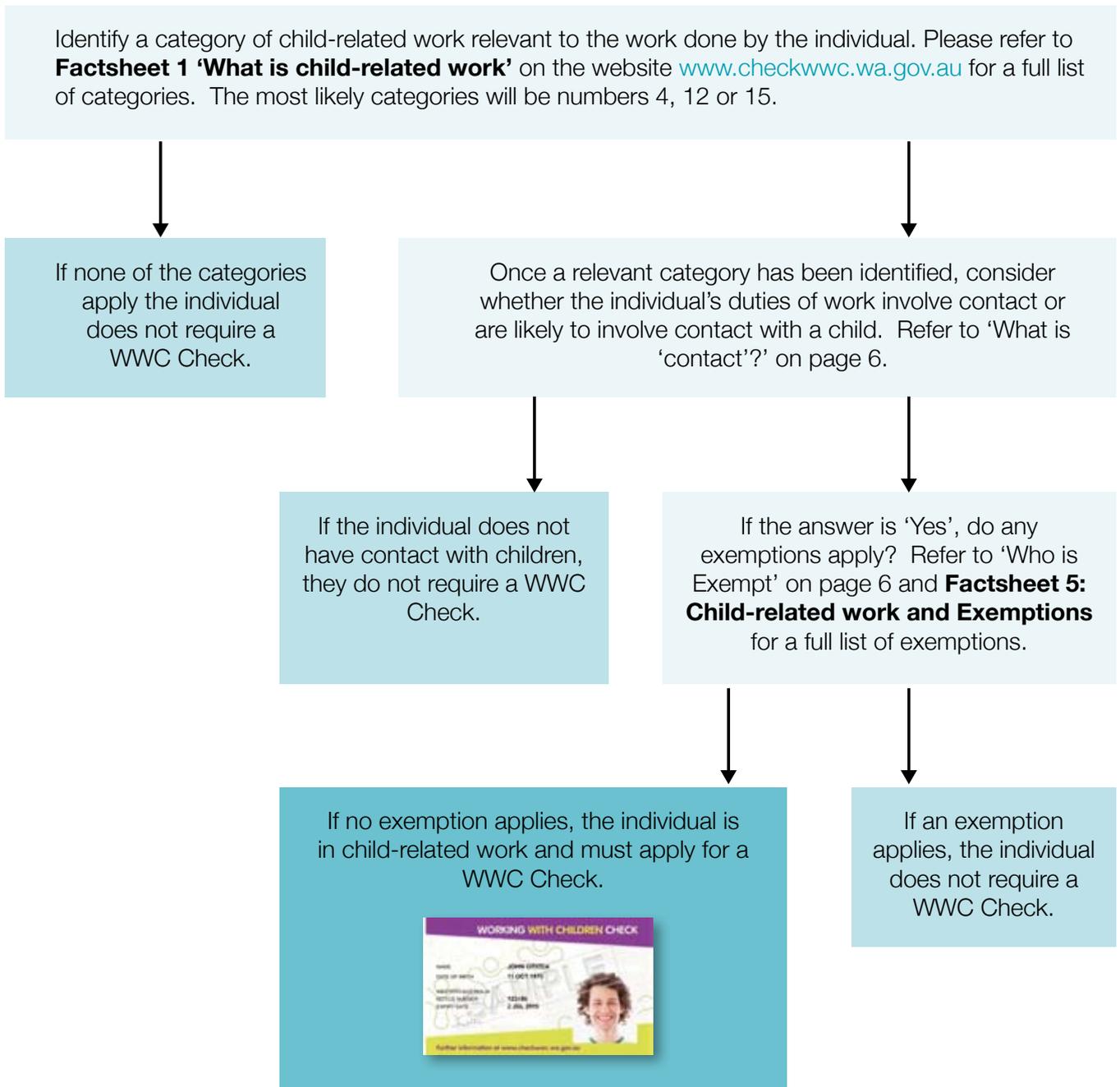
## 2. What do we need to do to get started?

The table below identifies some of the steps your organisation needs to take in order to comply with the Working with Children Legislation.

		Completed
1	Identify people in child-related work. A person is in child-related work if their usual duties of work involve, or are likely to involve, contact with a child in a category of child-related work (see pages 5 and 6).	
2	Identify if any staff/volunteers are exempt (see page 6).	
3	Obtain WWC Check details from those identified above. Check to see if people have a current WWC card. For those that require a check but don't currently have one, ask them to apply for one immediately and develop a process to follow up.	
4	If a person comes to your organisation with an existing WWC card, visit the <a href="http://www.checkwwc.wa.gov.au">www.checkwwc.wa.gov.au</a> website to check the validity of the WWC card and register as their employer/volunteer coordinator (see page 9).	
5	Record all information on a recording template (see page 12).	
6	Ensure that all records/information are kept in a secure place.	
7	Develop a system to monitor the renewal date for WWC Checks.	
8	Periodically (i.e; every six months) ensure that all current employees' and volunteers' cards are current and have not been cancelled by checking their validity on the <a href="http://www.checkwwc.wa.gov.au">www.checkwwc.wa.gov.au</a> website (see page 7).	
9	Ensure that you are complying with the WWC Legislation (see page 11).	

### 3. Who needs a Working with Children Check?

The following steps will help you to identify if a person (paid, unpaid, volunteer or self employed) is in child-related work and requires a Working with Children (WWC) Check.



## What is 'contact'?

After considering the categories of child-related work, assess the person's usual duties and whether these involve or are likely to involve contact with a child.

### Contact is defined as:

- Any form of physical contact.
- Any form of oral communication, whether face to face, by telephone or otherwise.
- Any form of electronic communication.

However, it does not include contact in the normal course of duties between an employer and an employee or between employees of the same employer.

## Who is exempt?

There are a number of people who do not require a WWC Check because they are exempt. The following are some of the most common exemptions:

- Volunteers under 18 years.
- Employers of children and people who work alongside children as fellow employees, unless otherwise doing child-related work.
- Parents volunteering in connection with their child's activity may be exempt (this exemption does not apply to parents volunteering in connection with overnight camps).

A 'parent' is a person who is, or is in a defacto relationship with, the mother, father, stepfather or stepmother of the child; or who at law has the responsibility for the long-term or day-to-day care, welfare and development of the child; or who is specified as the child's prospective adoptive parent under the Adoption Act 1994.



- Short-term visitors to WA carrying out child-related work during the period of two weeks after their arrival in WA, and for no more than two weeks in any period of 12 months.

**If a person is exempt they must not apply for a WWC Check.**

For more information about exemptions please refer to 'Factsheet 5: Child-related work and Exemptions' on the [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) website.

## So what next?

Now that you've identified if a person is in child-related work, you should request the person to obtain or shown their WWC Check, or if you're self-employed apply for a WWC Check.

## How to apply and renew

### How to apply for the WWC Check

The WWC Check application form is available at authorised Australia Post outlets throughout the State. A list of participating Australia Post outlets can be found at: [www.auspost.com.au/workingwithchildren](http://www.auspost.com.au/workingwithchildren). An application for a WWC Check must be made in person.

When lodging the application, applicants need to present sufficient documents to meet 100 points identification criteria. Accurate identifying information is essential to make sure the criminal history check is done for the correct person, which includes the applicant's current address details and photographic identification.

Applications for WWC Checks made by employees or volunteers must be co-signed by a representative of the employer or agency for whom they are working before being lodged at Australia Post. This is to certify that the applicant will be employed or volunteering in child-related work. The representative who signs the application form will receive any related correspondence about the WWC Checks and is therefore important to be someone in a position of responsibility within the organisation. Large organisations can also have all correspondence sent to a central address, instead of to the agency representative, by completing the relevant section in Part 6 of the application form.

Applicants who do not have sufficient identification or who live in remote communities and are unable to access an Australia Post outlet, should contact the WWC Screening Unit (WWCSU) on (08) 6217 8100 (Metropolitan Perth) or 1800 883 979 (Country areas) to find out how they can apply.



A receipt from Australia Post can be used as proof that an application has been lodged. This enables employees/volunteers to work while awaiting the outcome of their application.

### Cost of a WWC Check

- \$50 for paid people and self employed people; and
- \$10 for volunteers and other unpaid people.

Both fees include the photograph, cover the three years validity of the WWC card and are heavily subsidised by the Government.

### How to Renew the WWC Card

The card expires after three years. If a person is still in child-related work they are required to re-apply to continue in child-related work.

The applicant needs to lodge an application form, including presenting 100 points of identification. A simplified process has been introduced for card holders doing their first renewal who have a reminder letter dated after 1 July 2010. If these card holders apply in the same name as on their current card, they may use their unexpired card and the renewal letter instead of the usual 100 point identification documents.

Card holders will receive a reminder letter from the WWCSU. It is important that the unit has the current address of the card holder. Updated information can be provided on the website [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au) or by calling the enquiries number.

An application to renew the WWC Card cannot be made sooner than three months prior to its expiry. It is recommended that card holders reapply a month before their cards expire.

Employers are required to ensure that employees and volunteers in child-related work have reapplied for a WWC card. Employers/volunteer coordinators can check the validity of a WWC Check on the website, [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au), by typing in the card number on the top right of the screen.

## What records are checked?

The WWC Check considers criminal records to see if people have charges or convictions that indicate they may harm a child.



National criminal record information is routinely collected from sources in Australia and will be assessed as part of a WWC Check. This may include information about:

- All convictions for any offence, from when a person was a child or an adult.
- Any 'spent' convictions one has (a 'spent' conviction is one that does not need to be ordinarily declared).
- Any pending charge for a Class 1, Class 2 or Class 3 offence (in some circumstances) (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).

For further details, visit [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au).

Information about a person's criminal record may also be obtained from authorised bodies in Western Australia and similar authorities in other States and Territories such as the:

- Police.
- Office of the Director of Public Prosecutions.
- Department of Corrective Services.
- Department of the Attorney General.
- Courts.

The WWCSU will make the decision as to whether to issue the applicant with a WWC card. A criminal record in itself will not necessarily prevent a person from working with children. The WWCSU is required to consider the nature of the charges or convictions and the relevance of the criminal record to working with children. The best interests of children are the paramount consideration.

## Outcome of the check

People who apply for a WWC Check will be issued with either an Assessment Notice in the form of a WWC card or a Negative Notice.

A WWC card will allow an applicant to undertake child-related work.

- It will be issued by post in the form of a WWC Card with a unique Assessment Number.
- The WWC card will be valid for three years, subject to changes in a person's criminal history.
- If a person changes jobs or moves from volunteering to paid work or vice versa they do not need to reapply each time, but it is important that every employer/volunteer coordinator registers online (see Section 4 – *What are my responsibilities as an employer/volunteer coordinator?*).

A Negative Notice will prohibit an applicant from any child-related work.

- Before a Negative Notice is issued the applicant will be invited to make a submission about their criminal record and their suitability to work with children.
- An Interim Negative Notice may be issued before a final decision is made and will immediately remove a person from child-related work.
- Convictions for particular offences will result in an automatic Negative Notice. This will apply to people who have a conviction for a Class 1 offence committed by the person as an adult.
- Employers and volunteer coordinators must not employ a person in child-related work if they are issued with an Interim Negative or Negative Notice, or have withdrawn their application.
- Strict penalties apply to people who do not comply – a fine of up to \$60,000 and up to five years imprisonment.

## 4. What are my responsibilities as an employer/volunteer coordinator?

It is important that you register and de-register as an employer/volunteer coordinator to ensure that you receive updates from the WWC Screening Unit (WWCSU), should the person's status change as they have a change in their criminal history.

To register and deregister:

- Visit [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au).
- Select the 'Employer/Volunteer Coordinator's tab.
- Select the 'Employer/Volunteer Coordinator Update Details Form'.
- Complete the information required and ensure that you select 'Add employee/volunteer' or 'Remove employee/volunteer' as appropriate.
- Complete the form and press 'submit' if finished or 'Add another employee/volunteer' to update more details.

It is also important that if you change the contact person for the WWCSU within your organisation, you inform the WWCSU. If you fail to do this it means that any information or updates about your employees/volunteers might not get sent to the right person.

The table below is a checklist of the obligations of employers and organisations under the WWC Legislation. Please refer to the legislation (Section 22 of the Act) for information on all the obligations and prohibitions that apply.

<b>Employer/volunteer coordinator responsibilities</b> <b><i>Ensure you are complying with the legislation by:</i></b>	<b>Checked</b>
Keeping adequate records that demonstrate you are complying with the WWC Legislation. A list of compliance audit questions are available on page 11.	
Ensuring that all volunteers, paid employees and self-employed people in child-related work have applied for a WWC Check or hold a valid WWC card.	
Checking, recording and validating, using the validation facility on the <a href="http://www.checkwwc.wa.gov.au">www.checkwwc.wa.gov.au</a> website, WWC cards of all new employees, volunteers and self-employed people.	
Periodically checking (i.e. every six months) and recording that all current employees' and volunteers' cards are current and have not been cancelled.	
Developing strategies to ensure employees and volunteers renew their cards every three years.	
Notifying the WWC Screening Unit (WWCSU) in writing, if you reasonably suspect an employee or volunteer has been charged with, or convicted of, an offence that makes it inappropriate for them to carry out child-related work. If self-employed, notify the WWCSU in writing, as soon as practical, if you have a relevant change in your criminal record.	
Not employing someone in child-related work if you are aware that they hold a current Negative or Interim Negative Notice.	
Not employing someone in child-related work if you are aware he/she has a conviction or pending charge for a Class 1 or Class 2 offence and does not have a current WWC card or hasn't applied for one.	
Not employing someone in child-related work if you are aware they have withdrawn their application for a WWC Check.	
Not giving information that you know is false or misleading on the application form or directly to the WWCSU.	
Advise those who need to know if a person should not be working in child-related work i.e. internal sporting association personnel.	

By **not complying** with your obligations you can receive a **fine of up to \$60,000 and five years imprisonment**.

## Handy and important tips

- Make sure you advise only those who need to know if a person should not be working in child-related work to ensure that the person does not carry out child-related work.
- If you are an employer or volunteer coordinator and a person already holds a WWC card, you should register your details as an employer or volunteer coordinator on the WWC website.
- If you are a large organisation and would like to centralise the information received from the WWCSU, you can nominate a central position and address for all notifications to be sent to in Part 6 of the application form.

## Compliance audit

If the WWC Screening Unit (WWCSU) was conducting an audit, the questions below are examples that organisations would be requested to answer.

1	How does your organisation identify both existing employees* and new employees* who carry out child-related work?
2	What processes are in place to confirm that employees* who carry out child-related work have a valid WWC card or have applied for a card.
3	Do all your employees* who are required to have a WWC card hold a valid card or have they applied for a card? If not, what measures are being taking to rectify the situation and within what time period will the situation be rectified?
4	Have any of your employees* been issued with a Negative Notice? If so, what steps have been taken to ensure they do not carry out child-related work?
5	What record keeping measures are in place to: <ol style="list-style-type: none"> <li>Record that employees* carrying out child-related work have applied for a Working with Children Card or currently hold a card and the card details?</li> <li>Record that an employee* has been issued with a Negative Notice?</li> </ol>
6	Does your organisation have an internal mechanism in place to monitor and report on compliance? If so, what do you have in place? If not, do you intend to put anything in place?

\* Employees include paid and unpaid employees and volunteers

## 5. Keeping records

### Working with Children Check – record keeping (EXAMPLE SHEET)

Position	Current holder of position	Volunteer/paid	Exemptions apply – why?	WWC Check Card number	Expiry date	Date last validated
Under 11's Coach	John Smith	Volunteer	Yes – parent of participant			
Canteen Person	Mary Blogg	Volunteer	No	1234567	4/04/2009	10/10/2006
Marshall	Jason Young	Paid	No	1567890	23/02/2009	30/02/2006
NSW Interstate Coach	Bill Waterhouse	Volunteer	Yes – two week exemption for persons coming to WA			
<p>It is important to first determine which positions within your organisation involve 'child-related' work then determine whether the people currently holding these positions require a check.</p> <p>Due to the nature of the industry, individuals may change/leave positions regularly, making it difficult to keep track of if the individuals are considered, not the positions.</p>						
						





## 6. Safe Clubs 4 Kids – creating safe sport and recreation environments

The WWC Check is only one way to help keep children safe. There are many other things employers and organisations that work with children can do to make sure their organisation is child safe and child friendly.

Safe Clubs 4 Kids is an education program to support organisations/clubs to create safe environments for children. By undertaking a few simple steps, you will be able to take a proactive approach to protecting the safety of children and young people in your club.

For more information about Safe Clubs 4 Kids, please visit [www.dsr.wa.gov.au](http://www.dsr.wa.gov.au).

## 7. Contacts

Department of Sport and Recreation  
246 Vincent Street  
Leederville WA 6007  
PO Box 329, Leederville WA 6903  
Telephone: (08) 9492 9700  
Facsimile: (08) 9492 9711  
Website: [www.dsr.wa.gov.au](http://www.dsr.wa.gov.au)

Western Australian Sports Federation  
Telephone: (08) 9387 8100  
Website: [www.wasportsfed.asn.au](http://www.wasportsfed.asn.au)

Play by the Rules  
Website: [www.playbytherules.net.au](http://www.playbytherules.net.au)

Working with Children Screening Unit  
Telephone: (08) 6217 8100  
Freecall: 1800 883 979  
Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)