

INTRODUCTION

Complying with the *Working with Children (Screening) Act 2004* (the Act) is one important step your SSA must take to keep children safe and get the right people in your sport to work or volunteer with children. Not only is this a legal requirement, but for people who require a WWC Card, your SSA is informed if a person has a criminal history or reportable conduct finding that indicates they are a risk of harm to children. This is vital information for your SSA to have.

This document provides a summary of information about the WWC Act and has been sourced from the WWC Screening Unit and adapted for SportWest stakeholders. Further WWC Check information can be found at www.workingwithchildren.wa.gov.au.

In this document:

- [1. What is the WWC Act?](#)
- [2. What are the recent changes to the WWC Act?](#)
- [3. Who needs a WWC Card?](#)
- [4. What steps does your SSA need to take to comply with the WWC Act?](#)
- [5. Frequently Asked Questions](#)
- [6. Useful Links](#)

1. WHAT IS THE WWC ACT?

The WWC Act is 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' under the WWC Act.

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If you need support:

- > [Mental health community links](#)
- > [Reporting flowchart](#)

November 2023

2. WHAT ARE THE RECENT CHANGES TO THE WWC ACT?

There were changes to the WWC Act starting 1 July 2023, following Amendments passed through the WA Parliament in December 2022. The following information provides a summary of the Amendments and what they mean for your SSA.

What is the change?	What does this mean?	What do sports organisations need to do?
<p>The name of the law will change.</p>	<p>The Working with Children law in WA will be known as the <i>Working with Children (Screening) Act 2004</i>.</p> <p>The name of the law has changed to reflect additional information that will now be considered in the screening process (not just criminal history).</p> <p>The changes to the law will significantly strengthen protections for children by addressing critical recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.</p>	<p>Your SSA's policies and procedures need to change to reflect the change of name.</p> <p>For example, the law was named '<i>Working with Children (Criminal Record Checking) Act 2004</i>' and it will be named '<i>Working with Children (Screening) Act 2004</i>'.</p>
<p>WWC Card holders will be required to update any changes to their details.</p>	<p>WWC Card holders and applicants need to notify the WWC Screening Unit of a change in their:</p> <ul style="list-style-type: none"> • Personal details (for example. name) • Contact details (for example. address, email address and phone number) • Child-related work status (for example. starting or ceasing work) 	<p>SSAs are encouraged to remind all volunteers and paid workers to check their details are up to date with the WWC Screening Unit.</p> <p>WWC Card holders and applicants will need to notify the WWC Screening Unit of any changes. This can be done online, in writing or by email. Further information on how to contact the WWC Screening Unit can also be found on its website.</p>

¹A WWC Check is required by a person if they engage in certain paid or unpaid work with children, described as 'child-related work' under the WWC Act. 'Child related work' has a specific definition which is: 'work is child-related work, if the usual duties of the work involve or are likely to involve, contact with a child in connection with one of the categories of child related work and no exemptions apply'. For more detailed information about who requires a WWC Check [click here](#).

What is the change?	What does this mean?	What do sports organisations need to do?
<p>People with an Interim Negative Notice or Negative Notice will be prohibited from accessing the child volunteer exemptions and the parent volunteer exemption.</p>	<p>These changes mean a person with a current Interim Negative Notice or Negative Notice cannot access the parent volunteer, child volunteer or unpaid student under-18-years-of-age exemptions.</p> <p>If an individual with a current Interim Negative Notice or Negative Notice is using the child volunteer or parent volunteer exemption, they must immediately stop, or they will be breaking the law and can be prosecuted.</p> <p>If a person is using the child volunteer or parent volunteer exemption and is then issued with an Interim Negative Notice or Negative Notice, they must also immediately stop using the exemption and consequently stop working with children.</p> <p>If your SSA becomes aware that a parent or child volunteer has a current Interim Negative Notice or Negative Notice, they must immediately take steps to ensure the person does not continue working² with children. Failure to act on this knowledge is an offence, and both the organisation and the parent or child volunteer can be prosecuted. Penalties of up to \$60,000 and five years' imprisonment may apply for these offences.</p> <p>Information about exemptions for each category of child-related work (such as the parent volunteer exemption) and who is eligible to use these, can be found here.</p>	<p>It is the responsibility of the individual to ensure they are eligible to use the child or parent volunteer exemptions.</p> <p>If a volunteer has a current Interim Negative Notice or Negative Notice they need to immediately stop using the exemption and stop working with children. They do not, however, need to tell your SSA the reason they are no longer able to volunteer with children.</p> <p>Your SSA is encouraged to inform volunteers of this change to WWC practices so that they know whether they are eligible to use, or to continue to use, the parent or child volunteer exemption.</p> <p>Your SSA can update its practices and policies to try to ensure all people who use, or intend to use, the parent or child volunteer exemption are eligible to do so. This could include a process for child and parent volunteers to acknowledge they understand the new laws and confirm that they are eligible to use the child or parent volunteer exemption.</p> <p>Ideas on how to communicate these changes and to check volunteers' exemption status include:</p> <ul style="list-style-type: none"> publicising the changes through your SSA social media platforms, newsletter, and other communications sent to members provide the information in volunteer inductions create a regular check-in mechanism to ask volunteers about their exemption status and keep records ask volunteers to sign a declaration indicating that they are able to use the child and parent volunteer exemption. Click here for an example volunteer declaration form. <p>Click here to read more about record keeping responsibilities.</p>

² 'Work' refers to paid, unpaid and volunteer work

What is the change?	What does this mean?	What do sports organisations need to do?
<p>Automatic Negative Notices will be issued for pending charges for Class 1 offences if committed when an adult.</p>	<p>A Negative Notice has always been automatically issued if a person has a conviction for a Class 1 offence, committed when they were an adult.</p> <p>Since the Amendments started on 1 July 2023, a person who has a pending charge for a Class 1 offence, allegedly committed when an adult, will be issued an automatic Negative Notice. A pending charge means a charge of an offence, where a decision has not yet been made by a court.</p> <p>This means a person who has a pending charge for a Class 1 offence (allegedly committed when an adult) cannot work in child-related work, until a final decision on their WWC Check application is made.</p> <p>Information about what a Class 1 offence is can be found here.</p>	<p>Your SSA is not required to do anything new to comply with this Amendment as long as your SSA already has, and continues to have, processes in place to ensure all staff, volunteers and self-employed people who engage in child-related work have a current and valid WWC Card and keep adequate records.</p> <p>Your SSA needs to ensure everyone who will be engaged in child-related work holds a valid WWC Card or applies for one. Your SSA also need to regularly check the validity of people's WWC Cards to ensure that they have not expired or been cancelled, or a person has not been issued with an Interim Negative Notice or Negative Notice. It is also important your SSA registers all WWC Card Holders to ensure that they are notified if a change to the WWC Card status occurs. See the section 'Notification of Negative Notices and Interim Negative Notices' below for information about how to do this.</p>



3. WHO NEEDS A WWC CARD?

When assessing who is required to have a WWC Card, your SSA needs to ask the following three questions:

STEP 1

Is there an *agreement to work*?

Does the person have an agreement to carry out child-related employment or a child-related business? This agreement can be written or unwritten, and may be paid, unpaid or voluntary.

STEP 2

Is it *child-related work*?

Do the usual duties of the work involve, or are likely to involve, contact with a child in connection with any of the 18 categories of child-related work?

Definitions for contact and usual duties can be found on the [WWC Check website](#).

STEP 3

Does an *exemption* apply?

If a person's work is covered by an exemption, **they are ineligible** to apply for a WWC Check. The most common exemptions for sporting organisations include the child volunteer exemption and the parent volunteer exemption.

The parent volunteer exemption varies between categories of work. For example, under Category 15, there is no exemption for an overnight camp attended by their children. Learn more about the different categories of exemptions for parents who volunteer [here](#).

GLOSSARY OF
TERMS



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November 2023

Definition of Contact:

“Contact” includes:

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

It does not include contact between employers, workplace supervisors or volunteer coordinators of children, and people who work alongside children as colleagues (unless they otherwise engage in child-related work). If a person’s only contact with a child is as an employer of a child or as a fellow employee, then that person is not considered to be in child-related work.

Definition of ‘usual duties’:

A WWC Check is required by a person who participates in child-related work, which means the usual duties of the work involve, or are likely to involve, contact with a child in connection with any of the prescribed categories of child-related work. ‘Usual duties’ are the things that person does regularly as part of their job or volunteering role (the things that they couldn’t perform their job/role if they didn’t do).

Definition of honorarium:

If a person who engages in child-related work receives some financial reward or remuneration, they should discuss this with their employer or volunteer organisation to determine if they are considered to be a volunteer or paid person.

If they receive payments that only cover the costs of carrying out child-related work then they are considered to be a volunteer by the WWC Screening Unit. For example, a volunteer secretary of a recreational club may receive an honorarium to cover the costs of postage, stationery and travel expenses. If, however, the payments they receive cover more than their expenses for child-related work, then they are likely to be considered a ‘paid employee’ for the purposes of a WWC Check. Find out more about determining if work is considered voluntary or paid [here](#).

To view the glossary available on the WWC website click [here](#).



4. WHAT STEPS DOES YOUR SSA NEED TO TAKE TO COMPLY WITH THE WWC ACT?

Your SSA needs to:

- Identify whether your employees/volunteers/students are in '[child-related work](#)' as defined in the WWC Act
- Ensure everyone who is required to have a WWC Check, has a valid WWC Card, or has applied for one
 - This includes ensuring everyone renews their WWC Cards before they expire, and ensuring that people who withdraw their WWC Check application or cancel their WWC Card do not engage in child-related work.
- Ensure your SSA has a nominated person(s) responsible for checking and signing WWC applications known as the 'organisation representative'. Your organisation representative will receive all WWC-related notifications from the WWC Screening Unit, including whether a person receives a WWC Card, an Interim Negative Notice or a Negative Notice
- Ensure your SSA has a process describing what to do if it receives a [Negative Notice](#) or [Interim Negative Notice](#) for one of its employees/volunteers or students and that your organisation representative is aware of this process so that it can be followed
- Ensure your SSA notifies the WWC Screening Unit of new employees/volunteers/students who already have a valid WWC Card [through this link](#)
- Keep records of your compliance with the WWC Act. This needs to include recording WWC Check receipts and WWC Card information and checking the [validity](#) of WWC Cards when people join your organisation already holding one. Click [here](#) to view a sample recordkeeping sheet
- Include WWC Check information within your child safety and wellbeing policy or have a separate policy that links with it. To view a sample WWC Check policy click [here](#).



To demonstrate compliance with the WWC Act, you may be required to answer the following questions:

1. How does your SSA identify both existing and new employees, volunteers and students who engage in child-related work?
2. Do those employees, volunteers or students in child-related work have a valid WWC Card or have they applied for one? If not, what measures are being taken to rectify the situation and within what timeframe?
3. What processes are in place to confirm employees, volunteers and students who engage in child-related work have a valid WWC Card or have applied for one?
4. What processes are in place to confirm employees, volunteers and students who continue their child-related work renew their WWC Cards before they expire (cards can be renewed one to three months before they expire)?
5. What processes are in place to ensure people who do not have a valid WWC Card and have not applied for one, do not engage in child-related work?
6. Do your internal recordkeeping processes identify the employees, volunteers and students who engage in child-related work and is the following recorded for these people?
 - a) Full names and dates of birth
 - b) The WWC Card number and its date of expiry, or if the

WWC Card has not been received, the application number and the date it was lodged

- c) Confirmation that the employee, volunteer or student has applied within the required time
 - d) The validity of a WWC Card is checked when a person who already holds one takes up a position with your organisation (this is also recommended periodically during the life of the Card).
 - e) Confirmation that a person is not employed in child-related work if notice is received from the WWC Screening Unit that the person has withdrawn their application or has been issued with an Interim Negative Notice or Negative Notice.
7. What internal mechanisms does your SSA have in place to monitor and report on compliance of the WWC Act?



5. FREQUENTLY ASKED QUESTIONS

Questions	Answers
<p>Alignment with other States/Territories</p> <p>Is there a centralised WWC register so that WWC Cards from each state and territory are recognised when you travel with a sport or move interstate?</p>	<p>Each state and territory has its own equivalent WWC Check scheme and legislation.</p> <p>National sport policy does not override the WA WWC legislation and therefore state and territory legislation needs to be followed and reflected in national policy.</p> <p>A WA WWC Card is not transferable between other states and territories, and this has not changed with the amendments.</p>
<p>Support for sporting organisations</p> <p>What capacity-building support will be available for sporting organisations working with volunteers in regard to the narrowing of access to the parent and child volunteer exemption?</p>	<p>SSAs can use a volunteer declaration template to help with the management of parent volunteer and child volunteer exemptions.</p> <p>SSAs can ask volunteers who wish to continue or start using the parent volunteer or child volunteer exemption, to complete the form and declare they are eligible to use an exemption.</p> <p>Individuals will be in breach of the legislation and can be prosecuted if they use the parent or child volunteer exemption when they are ineligible.</p> <p>Organisations will be in breach of the legislation if they knowingly allow a person who is ineligible to use an exemption. In other words, if an organisation is aware a person has a Negative Notice or Interim Negative Notice and still allows that person to use the parent volunteer or child volunteer exemption, they will be in breach of the legislation and can be prosecuted.</p> <p>If an individual misleads an organisation over their ability to use an exemption when they have a Negative Notice or Interim Negative Notice, and continues using the exemption, the organisation would not be breaching the legislation provided it provides evidence of strong governance procedures to comply with WWC legislative requirements. This includes using the declaration template form for volunteers and keeping adequate records. The individual will be the one breaching the legislation.</p> <p>Click here for more information about how your SSA needs to comply with the WWC Act.</p>

Questions	Answers
<p>Notification of Negative Notices and Interim Negative Notices</p> <p>How does a sports organisation get notified if one of its people involved in child-related work has a change to their WWC Card status (i.e., if they receive a Negative Notice or Interim Negative Notice)?</p>	<p>If the WWC Screening Unit receives new information about a card holder or applicant relevant to the immediate safety of children (for example, a charge or conviction for a relevant offence or reportable conduct finding) the person's eligibility to hold a WWC Card may be reassessed by the WWC Screening Unit. If a person is issued an Interim Negative Notice or Negative Notice, the Notice will be sent to the organisation representative listed on the WWC Check application form of the card holder or applicant.</p> <p>If a person comes to your club with an existing WWC Card, it is essential your organisation validates the card details and registers as that person's employer or volunteer coordinator. This enables the WWC Screening Unit to notify your organisation (along with any other organisations that the person currently works or volunteers with) if they receive a Negative Notice or Interim Negative Notice during their time at your organisation.</p> <p>For information about how to manage an Interim Negative Notice or Negative Notice, or on general management of WWC Checks in your organisation, click here.</p>

Questions	Answers
<p>WWC Card renewal How does someone renew a WWC Card?</p>	<p>A person can either renew their WWC Card online (as long as it has not expired) or in person at an authorised Australia Post outlet.</p>
<p>Working on a WWC receipt Following the Amendments from 1 July 2023, how will an organisation know if a person has a Class 1 pending charge allegedly committed as an adult, and therefore is not allowed to commence child-related work on a receipt?</p>	<p>The WWC Screening Unit will notify your SSA if a person is issued with an Interim Negative Notice or Negative Notice and must cease working with children only if they are listed on the application form or complete the register card holder function. If an organisation continues to engage a person with an Interim Negative Notice or Negative Notice in child-related work, then it is committing a breach of the legislation and may be prosecuted. The organisation needs to ensure current WWC card holders are registered against their organisation so any updates are received. This can be done here. Note, an individual WWC cardholder can be linked to multiple organisations.</p>
<p>Compliance Are checks conducted to ensure SSAs and clubs are complying with the WWC rules?</p>	<p>The WWC Screening Unit does conduct regular Compliance Checks on organisations to ensure they are meeting their organisational obligations.</p> <p>Since the Amendments came into effect, the WWC Screening Unit has additional powers to enter, inspect, search, and remove information that may be evidence of an offence under the WWC legislation.</p> <p>More information on these additional powers can be found on the WWC Check website.</p>



6. USEFUL LINKS

There are a range of sport-tailored resources available on the [WWC Check website](#) that provide further information including:

- Completing a WWC Check Application Form
- Exemptions – Narrowing of access
- Exemptions – One-off national events and national tours
- Exemptions – The parent volunteer exemption
- WWC Check, Compliance Toolkit – Sport and Recreation
- WWC Check, Recordkeeping spreadsheet
- WWC Check, Sport and Recreation Sector
- WWC Check, Volunteer declaration

