



Overview of the Working with Children (Criminal Record Checking) Amendment Bill 2022

Why are changes needed?

The Western Australian (WA) Government is progressing changes to the *Working with Children (Criminal Record Checking) Act 2004* (WWC Act) to address:

- certain key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse - *Working with Children Checks Report 2015*¹
- certain key recommendations of the 2012 *Statutory Review of the Act*²
- issues identified in successive reports by the WA Office of the Auditor General
- aspects of the WWC Act where improvements in its functionality and effectiveness are required.

Proposed changes

Key changes proposed to the WWC Act include:

- Expansion of the number and type of Class 1 criminal offences, convictions for which result in an automatic Negative Notice, if committed when an adult.
- A new requirement that a pending charge for a Class 1 offence also results in an automatic Negative Notice, if allegedly committed when an adult.
- Expansion of the number and type of Class 2 criminal offences, pending charges or convictions for which result in a Negative Notice unless there are exceptional circumstances.
- Capacity for an Interim Negative Notice to be issued if the CEO is of the opinion that there is a reasonable likelihood that a Negative Notice will be issued, and independently of a proposal to issue a Negative Notice.
- Capacity for prescribed outcomes or findings from prescribed conduct review bodies to trigger an assessment or reassessment.
- Provisions to support online applications, online verification of a person's employment or proposed employment in child-related work, and electronic service of notices.

- A new provision requiring WWC Cardholders and applicants to notify the CEO of changes in personal details and ceasing and commencing child-related work.
- Provisions enabling future regulations to be made preventing particular classes of persons accessing certain exemptions from child-related work.
- Strengthening and clarifying the provisions for information gathering and sharing to further the WWC Act's child protective purposes.
- Contemporary new provisions for monitoring and investigating compliance with the WWC Act.
- Changing the name of the Act to accurately reflect the screening role beyond criminal records.

Existing card holders

- Transitional provisions will be included to ensure that existing card holders are not impacted by changes to classification of offences while they continue to hold, or have an application for, a valid WWC Card.
- The current offence categorisations will continue to apply for the duration of such person's continuous holding of a WWC Card, until:
 - their WWC Card expires before they've reapplied for a renewal; or
 - they are newly charged with or convicted of a Class 1 or Class 2 offence (under the amended Act) following the commencement of the amendments.

Further information

For further information about the Act, visit: [the WWC website](#) or if you have questions about the proposed changes, email WWCReforms@communities.wa.gov.au

¹ Available at [Working with Children Checks report childabuseroyalcommission.gov.au](http://WorkingwithChildrenChecksreportchildabuseroyalcommission.gov.au)

² Available at [Review of the Working with Children \(Criminal Record Checking\) Act 2004 \(parliament.wa.gov.au\)](http://ReviewoftheWorkingwithChildren(CriminalRecordChecking)Act2004.parliament.wa.gov.au)