

Screening checks and child safety laws (WA)

A guide for community organisations in Western Australia

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Part 1

Introduction

Introduction



This part:

- ▶ what this guide covers
- ▶ why organisations should conduct some level of screening
- ▶ what kinds of screening checks should be conducted?

It's important that your organisation undertakes screening and induction of employees and volunteers in a thorough and systematic way.

Certain background screening checks are required by law (under legislation or contract) and others are optional.



Disclaimer

This guide provides general information about background checks and child safety laws in Western Australia. This information is a guide only and is not legal advice. If you or your organisation has a specific legal issue, you should seek legal advice before deciding what to do.

Please refer to [the full disclaimer](#) that applies to this guide.

What this guide covers

The guide has five parts.

Part 1.	• Introduction
Part 2.	• Working with Children Checks
Part 3.	• NDIS Worker Screening Checks
Part 4.	• Poice Checks
Part 5.	• Child safety laws

Why organisations should conduct some level of screening

Even where there is no legislative or contractual requirement that checks be performed, organisations should conduct some level of screening for volunteers and employees. This is because all organisations have a responsibility to maintain a safe environment for their employees, volunteers and clients. To fulfil this duty of care, organisations must ensure they are well-informed about their prospective representatives.

Organisations should consider whether the volunteer or employee will:

- have unsupervised access to money or property
- have contact with vulnerable clients or children
- have access to sensitive information, or
- be driving

These factors may influence the types of checks your organisation requires to minimise risks associated with your volunteers and employees.



Example

A volunteer is sent to an elderly client's home to assist with general household duties and provide companionship. The volunteer seems trustworthy and the organisation decides not to go ahead with any screening checks, including a Police Check. The volunteer steals from the client. It turns out that she has committed a string of theft and burglary offences.

To avoid the risk posed to its clients, the organisation should have carried out relevant background checks, including a Police Check.



Tip

It may be challenging for some organisations to appropriately screen spontaneous volunteers, especially where organisations are already managing significant workloads due to an emergency or other incident. Your organisation may consider having a database of registered volunteers to call on who have been appropriately screened, inducted and trained.

What screening checks should be conducted?

Mandatory background checks

Depending on the kind of work conducted by your organisation's employees and volunteers, they may be required to complete a Working with Children Check, comply with the National Disability Insurance Scheme (NDIS) Worker Screening Check requirements, or both.

If your organisation conducts 'child-related work', which has a broad definition in the relevant legislation, you should carefully consider whether employees and volunteers must complete a Working with Children Check (**WWC Check**). In Western Australia, most people who perform 'child-related' work are required to undergo a WWC Check, as set out in the *Working with Children (Screening) Act 2004 (WA)*.

See [part 2 of this guide](#) for more information about WWC Check requirements.

**Tip**

WWC Checks must be current and valid. As part of your organisation's risk management strategy, consider whether any further checks would also be appropriate.

Registered NDIS providers supporting NDIS participants with workers in risk assessed roles are required to have worker screening requirements in place, as set out in the [National Disability Insurance Scheme \(Worker Screening\) Act 2020 \(WA\)](#).

Unregistered providers are not required to have worker screening requirements in place, but may choose to for the safety of NDIS participants and employees. An NDIS participant can also request that an unregistered provider screen its workers.

See [part 3 of this guide](#) for more information about NDIS Worker Screening Check requirements.



Also see the [Australian Institute of Family Studies webpage 'Pre-employment and volunteer screening checks'](#) for more information on Working with Children Checks, Working with Vulnerable People Checks and Police Checks

**Note – screening requirements for the aged care workforce**

All aged care workers and responsible persons (such as a CEO or Board Member) need either:

- a police certificate (not older than three years) that does not record certain offences, or
- an NDIS worker screening check

For more information on these requirements, see the [Department of Health, Disability and Aging webpage 'Screening requirements for the aged care workforce'](#).

A screening check process for the aged care sector that aligns to the NDIS worker screening check is being developed. This new screening process for aged care will not start before mid-2026.

Discretionary background checks

Even where there is no legal requirement that background checks be performed, organisations may choose to conduct some level of screening for volunteers and employees.

This is because all organisations have a responsibility to ensure they maintain a safe environment for their employees, volunteers and clients. Due to this overarching duty of care, organisations should always try to be informed about the people they select as their representatives.

**Caution**

While finding the right person to fill a vacant role is important, an organisation has an overarching duty to provide a safe environment for staff, volunteers and clients.

Good screening procedures when recruiting are a key way for organisations to try and address problems before they arise.



From a practical perspective, conducting informal background checks, such as asking for referee details, is a good way for an organisation to ensure it is making the right choice when recruiting a new employee or volunteer.

Depending on the nature of the work being conducted by your staff or volunteers, your organisation may wish to conduct Police Checks.

A Police Check allows an organisation to be aware of all previous convictions – child-related or not. This may be appropriate if you are seeking an employee or volunteer who, for example, may be handling money or driving clients between locations, and you wish to screen for relevant convictions.

See [part 4 of this guide](#) for more information about Police Checks.

In addition to the duty of care your community organisation owes employees, volunteers, clients and possibly members of the public, you may have special responsibilities regarding children that your organisation comes into contact with.

Your community organisation may owe children a duty of care under the common law (ie. judge made law) of negligence or under legislation, such as work health and safety laws.

To meet your legal responsibility to children, generally, at common law, you must meet the standard expected of a reasonably competent and prudent organisation in the same position and with the same knowledge as you. The standard of care owed to children is generally higher than that owed to other people.

In addition to the duty of care described above, your organisation may owe a duty to take reasonable care to prevent the physical or sexual abuse of a child by a person associated with the organisation.

See [part 5 of this guide](#) for more information about child safety and your organisation's duty of care to children.



Caution

Organisations, including not-for-profits, which collect and handle the personal information of clients, employees or volunteers may have obligations under the *Privacy Act 1988* (Cth). 'Personal information' includes any information or opinion about a person (whether it is true or not, and whether it is recorded in a material form or not), if that person is reasonably identifiable.

To check if your organisation needs to comply with the *Privacy Act 1988* (Cth), see our [privacy laws webpage](#) and the website of the [Office of the Australian Information Commissioner](#).



Part 2

Working with Children Checks

Working with Children Checks

This part covers:

- ▶ when Working with Children Checks are required by law
- ▶ exemptions from the requirement
- ▶ an organisation's Working with Children obligations
- ▶ applying for a Working with Children Check



When your not-for-profit organisation recruits new team members or assigns new responsibilities, it's important to conduct appropriate screening procedures.

Under the *Working with Children (Screening) Act 2004 (WA)* (**WWC Act**), a person must undertake a WWC Check before they conduct certain 'child-related work' in Western Australia or the Christmas and Cocos (Keeling) Islands.

Failure to comply with these requirements can result in serious penalties for both the organisation and the employee or volunteer who has failed to undertake the check.

The WWC Check is a unique type of check, distinguished from Police Checks by the different registers it checks, and its ongoing nature.



Note

Your organisation may be required by law to ensure employees and volunteers have conducted a WWC Check.

Your organisation may consider conducting other checks – such as Police Checks and reference checks. However, ensure that only tests or checks relevant to the position on offer are required. Decisions based on the results of checks that aren't relevant to a role could be challenged by an applicant.

When must a person have a Working with Children Check?

In Western Australia, most people (employees and volunteers) who perform 'child-related' work are required to undergo a WWC Check.

What is 'child-related work'?

A 'child' is defined in the WWC Act as any person under 18 years old.

Activities will be 'child-related work' for the purposes of a WWC Check where the **usual duties** (paid or unpaid) of the work, involve or are likely to involve, **contact** with a child in connection with one of the categories of work or activities (listed below).

Contact includes any form of physical contact, oral communication (whether face to face, by telephone or otherwise) and electronic communication (for example, email or internet).

The next step is to consider whether the child-related work falls within one of the specific activities identified in the WWC Act where a WWC Check is required.

There are currently 18 categories of 'child-related' work or activities that require a WWC Check:

- a child care service
- a community kindergarten
- an education institution for children
- a coaching or private tuition service of any kind (except for an informal arrangement entered into for private or domestic purposes)
- an arrangement for the accommodation or care of children (except for an informal arrangement made by a parent of the child, or accommodation or care provided by a relative of the child)
- a placement arrangement or secure care arrangement under the *Children and Community Services Act 2004*
- the performance of a function by an officer under the *Children and Community Services Act 2004*
- a detention centre
- a community child health service
- a counselling or other support service
- a religious organisation
- a club, association or movement with a significant membership or involvement of children (except for an informal arrangement entered into for private or domestic purposes)
- a ward of a public or private hospital in which children are ordinarily patients
- a baby sitting or child minding service (except for an informal arrangement entered into for private or domestic purposes)
- an overnight camp, regardless of the type of accommodation or how many children are involved
- a transport service specifically for children
- a school crossing service, and
- a children's entertainment or party service

Additional kinds of work may be included in the WWC Regulations.



The [Western Australian Government has published fact sheets and guides](#) to help work out whether a WWC Check is required, including a fact sheet on each of the 18 categories identified above. These are helpful when setting up a WWC Check process in your organisation.



What is not considered 'child-related work'?

Work will not be considered 'child-related work' if the contact is between a person and a child who is employed by the person (ie. the person employs a child) or between a person and a child who are both employed by the same person (ie. the person and the child are co-workers), provided that the contact is lawful, and arises in the normal course of the child's employment.

If a person's only contact with a child is as an employer of a child or fellow employee or volunteer, then that person is not considered to be in child-related work.



Tip

Even if your organisation does not currently conduct child-related work, if you want to do this work in future, you can consider requiring volunteers and employees to undertake a WWC Check when they join your organisation. However, it is important to remember that checks should only be undertaken that are relevant to the role.

If a volunteer or employee falls into one of the exempt categories, they will not be required to undergo a WWC Check.

This will be the case even where they are performing 'child-related work' and the work falls within one of the 18 categories outlined above.

There are exemptions which apply across all 18 categories of work or activities, while other exemptions are specific to a particular category.

Exemptions which apply across all 18 categories of work or activities

- work carried out on a voluntary basis by a child
- unpaid students on placement under the age of 18 as part of an educational or vocational course, and
- short-term non-resident visitors to WA (for a maximum of two weeks after arrival in WA in any year and for no more than a total of two weeks in any period of 12 months).

Exemptions which only apply to some categories of work or activities

- parents volunteering where their child is also involved
- one-off national events and tours (for a maximum non-cumulative period of 30 days in 12 months), and
- police officers performing their duties and functions as a member of the WA Police Force



Caution

While the legislation allows a short-term non-resident visitor to work with children for up to a maximum of two weeks without a check, organisations may want to consider requiring any such visitors to hold a WWC Check (or equivalent) from their home state.



Caution

A worker may fall within one of the WWC Check exemptions when starting out in a role, but if circumstances change, they may not be able to continue to rely on the exemption. It is therefore important to consider any changes to the position of a worker under the WWC Act when they move to a new role.

The [Western Australian Government](#) administers the WWC Check.

An organisation's Working with Children obligations

An organisation that conducts or supervises 'child-related work' must ensure that employees and volunteers comply with the WWC Act.

In Western Australia, employers, including volunteer organisations, have statutory obligations under the WWC Act to ensure:

- all employees, volunteers, students and self-employed people who engage in child-related work have applied for a WWC Check or hold a current WWC Card
- the validation of WWC Cards of any new employees, volunteers or students who already hold current WWC Cards from other child-related work they engage in
- all current WWC card holders renew their WWC Card before it expires if they are continuing to engage in child-related work
- records are kept to demonstrate compliance
- a person is not engaged in child-related work where the employer knows the person has been convicted of a Class 1 or Class 2 offence, or has a pending charge in respect of a Class 1 or Class 2 offence
- a person is not engaged in child-related work if the person has been issued with an Interim Negative Notice, Negative Notice or if they have withdrawn their application for a WWC Check, and
- the WWC Screening Unit is notified by an employer where the employer reasonably suspects an employee, volunteer or student has been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work.

To help your community organisation comply with its obligations:

- identify which of the listed categories of child-related work you and your employees, volunteers or students engage in
- keep adequate records that demonstrate compliance with the WWC Act. The WA Government may ask you to provide records to demonstrate your compliance
- check, record and validate the WWC Cards of all new employees, volunteers, students and self-employed contractors and periodically check and record that all current employees' and volunteers' WWC Cards are valid, current and have not been cancelled
- have a strategy to ensure employees, volunteers and students engaging in child-related work renew their WWC Cards every three years, before their WWC Cards expire
- complete the '[Register Card Holders' online form](#) to advise the WA Government when you have new employees, volunteers and students who already have a WWC Card from a previous employer. Keeping this information up to date will help the WA Government notify your organisation if the card holder working for you is issued with an Interim Negative Notice or Negative Notice (or of other matters if necessary), and
- have policies and practices to ensure that any employee, volunteer or student issued with an Interim Negative Notice or Negative Notice does not engage in child-related work



The [Western Australian Government](#) has published a [template record keeping spreadsheet](#).



Tips

- Your organisation may choose to wait until the check is complete **before** the worker starts working with children.
- Organisations can use WWC Checks as one of several screening and monitoring tools. Reference checks, national police checks and organisational supervision and training are all ways to ensure the safety of staff and clients, as well as assisting in finding the most suitable applicant when recruiting.

Applying for a Working with Children Check

Application forms for the WWC Check are available from authorised Australia Post outlets (see the Australia Post [website](#) for locations). The forms are not available to download online (although renewal of existing WWC Cards can be completed online through the WWC Check [website](#)). The form requires information from both the applicant and the employer or prospective employer.

The completed WWC Check form must be lodged in person at an authorised Australia Post outlet. When lodging, the applicant will need to produce:

- original identification documents to pass a 100-point identification check (for example, driver's licence, passport), and
- the application fee

The applicant's photograph will be taken at Australia Post as part of the application process.



For more information, see the [Western Australian Government Working with Children Check website](#), which includes resources and guidance for completing the application and renewal forms.



How much does a WWC Check cost?

For employees, the application fee is \$87.00 (as at March 2026).

A fee of \$11 applies for volunteers and students on unpaid placements, and for replacement cards.

Check the [Western Australian Government website](#) for up-to-date fee information.



Tip

In most circumstances, if the WWC Check relates to employment, this expense may be claimed as a deduction from taxable income.



Should organisations pay the costs of WWC Checks for employees?

There is no legal requirement for an organisation to cover the costs of an employee undertaking a WWC Check. However, some organisations choose to reimburse WWC Checks for applicants who will be working with the organisation.

Assessment of the application by the Western Australian Government

Once a WWC Check application has been lodged, processing usually takes between three and 12 weeks.

When a WWC Check application is submitted to the Western Australian Government, the following checks are conducted:

- a Nationally Coordinated Criminal History Check is requested from the Australian Criminal Intelligence Commission, which may reveal criminal history information held by police in both WA or other jurisdictions, including convictions, spent convictions, charges and convictions when a person was under 18, non-conviction charges and pending charges
- a review of the findings of courts, including charges, guilty pleas, acquittals and convictions
- in some cases, an applicant's overseas criminal record may also be assessed by the Western Australian Government, and
- where the applicant's criminal record triggers an assessment, the Western Australian Government is empowered to consider all relevant information beyond the applicant's criminal record, including information from other Government departments and professional organisations

The nature of the offence and its relevance to 'child-related work' must be considered (among other things) as part of the screening process. The paramount consideration is the best interests of children.

Two categories of offences are relevant to the assessment of applicants under the Western Australian WWC scheme:

Class 1 offences (the most serious offences)

Class 1 offences prevent the applicant from passing the WWC Check in any circumstance because they are the most serious offences.

For example, class 1 offences include the applicant being a registered sex offender, the applicant having committed other sex offences against children, or the applicant having committed other serious offences where the victim was a child.

Class 2 offences

Class 2 offences will generally prevent the applicant from passing the WWC Check.

The Western Australian Government has **discretion** to pass the applicant depending on how much of a risk the applicant is to children's safety. However, the assessment has to find that there are exceptional circumstances to pass the applicant.

The rigorous assessment process takes into account:

- the types and nature of offences
- the age of the applicant when the offence was committed, and
- when the offences occurred,

to determine whether the applicant poses an unjustifiable risk to the safety of children.



Class 2 offences include offences against adults and children, such as indecent assault, manslaughter, murder, sex offences against children, kidnapping and drug offences.

If someone currently holding a WWC Check Card is later charged with a Class 1 or Class 2 offence, their suitability will need to be reassessed.

If a person holding a WWC Check Card has a pending charge or conviction for a Class 1 offence, they will automatically be issued with an Interim Negative Notice.

If a person holding a WWC Check Card has a pending charge for a Class 2 offence, then an assessment must be made as to whether there is a reasonable likelihood that the circumstances will result in a negative notice being issued to the person.

A person who has been issued with an Interim Negative Notice can no longer undertake child-related work, effective immediately, until the Interim Negative Notice is revoked. An Interim Negative Notice will also be provided to the employer (or prospective employer) organisation.



For more information, see the Western Australian Government webpage '[Working with Children Check - Screening process and outcomes](#)'

Results of a Working with Children Check

Applicants who pass the WWC Check will receive an Assessment Notice in the form of a WWC Card in the mail. Employers and volunteer organisations receive an email notification of the outcome. Unless the organisation hears further information, the applicant has a valid WWC Check for three years.

The status of the WWC card holder is regularly updated by the Western Australian Government. To ensure your organisation receives updates about its employees and volunteers with WWC Cards, [register your card holders online](#).

What happens if an applicant doesn't pass a Working with Children Check?

In some cases, where information is received which is relevant to the immediate safety of children, an applicant may be initially issued an Interim Negative Notice while a final decision is made. The organisation responsible for that person will receive a copy of the Notice (this will not include specific information about the person's criminal history). From receipt of the Interim Negative Notice, your organisation must ensure that the person does not conduct any child-related work. You must remove the person from child-related work immediately.

Once an Interim Negative Notice is provided, applicants will receive a letter from the Western Australian Government inviting them to make submissions about why a Negative Notice should not be issued. If, after this process, a Negative Notice is issued, the applicant can apply to the [State Administrative Tribunal](#) to review the decision (within 28 days after the date of the Negative Notice).

While holding a current Negative Notice it's an offence for the holder to engage in paid, voluntary or unpaid child-related work in Western Australia or the Christmas and Cocos (Keeling) Islands. A Negative Notice remains in effect until it is cancelled under the WWC Act. It is also an offence for an employer to employ a person for child-related work if they are aware that a Negative Notice has been issued against that person.



For more information about Interim Negative Notices and Negative Notices, see the Western Australian Government webpage '[Working with Children Check - Screening process and outcomes](#)'.



When can a person begin child-related work once they have applied for a WWC Check?

If your organisation carries out child-related work, your team members (paid and unpaid) must hold a current WWC Check, or have lodged an application, before they can begin the child-related work.

They don't have to have received their WWC Check card before starting work unless they:

- have committed a Class 1 offence as an adult, or
- have been issued with an Interim Negative Notice or Negative Notice

However, some organisations choose to require an employee or volunteer to have received their WWC Check before starting child-related work. We recommend this approach as a matter of best practice.



What if a new employee or volunteer already has a Working with Children Check?

In Western Australia, the WWC Card has been designed as a 'portable' screening check.

Employees or volunteers with an existing WWC Check card from previous work or volunteering need to notify the WA Government of a change of employer or a change of address. Most details can be updated online. See the [WWC Check website](#).

It's essential that the WA Government knows the employee or volunteer is working with you, so they can notify you of any changes to the person's WWC Check status. The new employee or volunteer must present their WWC check card and establish their identity to your organisation. Organisations can also check that a WWC Check is current – you will need the WWC Check card number of the employee or volunteer. See the [WWC Check website](#).

Organisations can also advise the WA Government when they have new employees, volunteers and students who already have a WWC Card from a previous employer online. See the [WWC Check website](#). By using the online portal to keep information up to date, the WA Government can also notify organisations if the card holder working or volunteering for them has been issued with an Interim Negative Notice or a Negative Notice.

Ongoing monitoring of a Working with Children Check

A WWC Check operates for three years unless it is revoked earlier.

For holders of a WWC Check Card

During the three-year validity period, WWC Check card holders must advise the Western Australian Government about any relevant change in circumstances, including:

- change of name
- change of address
- change or addition of employer or volunteer organisation, including changes to the organisation's contact details, or
- if the person is charged with or convicted of a Class 1 or Class 2 offence

For organisations

Throughout the three-year lifespan of a WWC Check, there is a 'rolling check' system.



A WWC Check card holder's profile will be updated if there are any incidents that affect the person's ability to undertake 'child-related work' and your organisation will be notified. This is why it's important to ensure your organisation is nominated as a place of work for employees and volunteers with an existing WWC Check card.

Organisations must ensure that WWC Checks are renewed by employees and volunteers every three years (not earlier than three months and not later than one month before the expiry date on the WWC Check Card).



Tips to help your organisation keep tabs on team members and their WWC status

- physically sight and record the WWC Check card (or their application receipt) when the team member joins your organisation and record associated information, including numbers and expiry dates
- keep WWC Checks, information and notices on file and keep a record of the employee and volunteer WWC status, including:
 - for new WWC applicants, the unique Application Receipt Number that is provided when an application for a WWC Check is lodged, or
 - for current holders of WWC Checks, the WWC Check number and the expiry date of the card
- ensure information is filed in a safe, secure place and in accordance with the following principles (and any other obligations that apply under any applicable legislation):
 - ensure stored information is accurate, complete and up to date
 - protect the information from misuse, loss, unauthorised access, modification or disclosure (including by allocating file identification systems to prevent files being misplaced)
 - have a clearly expressed policy available upon request detailing the management of personal information by your organisation, and
 - allow people to access their own information and to correct inaccuracies
- assign responsibility for monitoring your WWC register to ensure that it is up-to-date, and
- set up systems to ensure your organisation keeps track of when current WWC Checks will expire

An organisation is also able to check the status of a person's card or application using the 'Card Validation' function.



Tip

A number of volunteer management software systems can help your organisation with this process (see [Volgistics](#), [Samaritan](#) and [Better Impact](#)). There are also record keeping resources available on the Western Australian Government website.

Limits to a Working with Children Check

WWC Checks are only one way of reducing the risk of recruiting or associating with people who may be unsuitable for 'child-related work'.

A background check alone can't guarantee an individual's suitability, and organisations should have internal policies and procedures in place to ensure the safety of everyone who interacts with the organisation – particularly those in a position of vulnerability such as children.

Screening for interstate and overseas employees and volunteers

Currently, WWC Checks are only valid for work in the state or territory in which they are issued.

If an employee or volunteer has a WWC Check from another state or territory and wants to work in Western Australia, they may also need to obtain a Western Australian WWC Check, depending on the circumstances.

Interstate visitors can engage in child-related work in Western Australia without a Western Australian WWC Card for a period of up to two weeks in the same calendar year, and only within a two-week period after their arrival from interstate. However, your organisation may want to consider requiring any such person to hold a valid WWC from their own state or territory.

There is a further (and separate) exemption for people entering Western Australia for one-off national events and tours taking place in Western Australia in connection with certain categories of child-related work. There are specific conditions in relation to this exemption for employees and volunteers. (For more information, see the [Western Australian Government webpage that includes information on exemptions](#)).

If members of your organisation are travelling to another state or territory outside Western Australia and will engage in child-related work, ensure you comply with the laws of the particular state they visit – which may mean them applying for a valid WWC Check for that state.

Generally, most states will recognise the WWC Check of a worker from another state, if they are visiting and working on a short-term basis. However, if your organisation's employees or volunteers work in multiple jurisdictions on a regular basis, it's likely that they will need a WWC Check for each state.



Note

The offences relevant for the purposes of a WWC Check (Class 1 and Class 2 offences) differ across states and territories. A WWC Check card holder in Western Australia may not be eligible in other states, or the other way around.

Again, even if not required under legislation or a contract, if employees or volunteers are likely to have contact with children, your organisation should conduct thorough screening checks.



Note

It is important to check the applicable scheme in each state and territory and whether any exemptions for interstate visitors apply. Relevantly, [the Royal Commission into Institutional Responses to Child Sexual Abuse's 2015 report on Working with Children Checks](#) contains recommendations around the implementation of a nationally-consistent scheme.

The WWC Act in WA was amended in July 2023 to satisfy some of these recommendations, for example to facilitate better sharing of information between government agencies and increasing the number of Class 1 and 2 offences that may prevent a person from getting a WWC Card. For more information, see the 'Legislative amendments' section on the [WA government website](#).



Part 3

NDIS Worker Screening Checks

NDIS Worker Screening Checks



This part covers:

- ▶ Worker Screening Checks for NDIS providers
- ▶ what does the NDIS Worker Screening Check cover?
- ▶ exemptions from NDIS Worker Screening Checks
- ▶ record keeping requirements for NDIS providers

Since 1 February 2021, the NDIS Worker Screening Check has replaced the different arrangements operating in each state or territory, setting a minimum national standard that all workers engaged in risk assessed roles must meet.

The NDIS Worker Screening Check is an assessment of whether a person who works, or seeks to work, with people with a disability poses a risk to them. The assessment determines whether a person is cleared or excluded from working in certain roles with people with a disability.

A NDIS Worker Screening Check is separate to other checks such as working with children and vulnerable persons checks. Under the Commonwealth's NDIS registration requirements, there is no worker screening exemption if an individual already has another check.

The requirements relating to Worker Screening Checks for registered NDIS providers are set out in the [National Disability Insurance Scheme \(Practice Standards – Worker Screening\) Rules 2018](#) (**the Practice Standards**).

Registered NDIS providers are responsible for ensuring that their workers have the necessary clearances so that the Practice Standards are met.



Who must undertake an NDIS Worker Screening Check?

Registered NDIS providers supporting NDIS participants with workers in risk assessed roles are required to have worker screening requirements in place.

Unregistered providers are not required to have worker screening requirements in place, but may choose to. An NDIS participant can also request that an unregistered provider screen its workers.

As part of the uniform NDIS Worker Screening Check approach, a [NDIS Worker Screening Database](#) has been rolled out nationally, which includes a register of cleared and excluded workers from all states and territories.

Applying for a NDIS Worker Screening Check

Workers engaged to provide NDIS supports and services to registered NDIS providers, unregistered NDIS providers and self-managed participants can apply for an NDIS Worker Screening Check through the [Western Australian Government website](#).



For more information, see the [Western Australian Government webpage 'NDIS Worker Screening Check'](#).

Risk assessed roles

Under the Practice Standards, workers may only be engaged in a 'risk assessed role' if the worker has a clearance, subject to the exceptions discussed below.

Registered NDIS providers are responsible for:

- identifying which roles are risk assessed roles
- making sure all workers in these roles have an NDIS Worker Screening Clearance or an acceptable check under transitional and special arrangements (if these apply), and
- ensuring they have a risk management strategy in place and keep records of the identified risk assessed roles and details of staff clearances (see record keeping requirements explained below)

A 'risk assessed role' includes:

- a 'key personnel role of a person or an entity' as defined in s 11A of the *National Disability Insurance Scheme Act 2013* (Cth) (for example, a CEO, board member or other person with authority or responsibility for planning, directing or controlling the activities of the person or entity)
- a role for which the normal duties include the direct delivery of specified supports or services to a person with a disability, and
- a role for which the normal duties are likely to require 'more than incidental contact' with people with disability. This is likely if, for example, the normal duties include:
 - physically touching a person with disability (but may also include face-to-face contact, oral communication, written communication and electronic communication)
 - building rapport with a person with disability as an integral and ordinary part of the performance of normal duties, or
 - having contact with multiple people with disability as part of the direct delivery of a specialist disability support or service, or in a specialist disability accommodation setting



Example

Lee works for a mobility equipment company that is a registered NDIS provider and delivers mobility equipment to the homes of people with a disability.

Lee provides training, support and instructions to the customers as a standard part of the role. Lee's registered NDIS provider will need to ensure Lee has an NDIS Worker Screening Clearance (or an acceptable check under transitional and special arrangements, if applicable) as the nature of Lee's contact with the customer is likely to lead to Lee building rapport with the customer.



What does the NDIS Worker Screening Check include?

In Western Australia, the NDIS Worker Screening Check is conducted by the NDIS Worker Screening Unit (WA).

The NDIS Worker Screening Unit (WA) decides whether a person is cleared, excluded or an interim bar applies (in this case further information is required to determine whether the person will be cleared or excluded).

Registered NDIS providers must ensure they only engage workers who have a cleared status. The NDIS Worker Screening Check will enable registered NDIS providers to engage a worker with a valid clearance from any state or territory to deliver NDIS support and services in a risk assessed role.

The NDIS Worker Screening Check involves obtaining and reviewing any relevant records, including:

- any police or government information (including convictions, current and pending charges)
- apprehended violence orders
- child protection information (included child protection orders)
- workplace misconduct (complaints or incident reporting)
- international police check (for persons who have worked overseas)

The check is recorded in the [NDIS Worker Screening Database](#) run by the NDIS Commission.

NDIS providers are required to access these checks through the NDIS Worker Screening Database portal.

Exemptions from NDIS Worker Screening Clearances

A registered NDIS provider may engage a person in a risk assessed role who does not have an NDIS Worker Screening Clearance if:

- the registered NDIS provider is subject to the transitional and special arrangements and is complying with those arrangements
- the person is a school student on a formal work experience placement, provided the student is directly supervised by another worker who has an NDIS Worker Screening Clearance or acceptable check under the transitional and special arrangements
- in some circumstances, the person has submitted an application for an NDIS Worker Screening Check, provided the worker is 'in the process of obtaining a clearance' as defined by the Practice Standards. In these circumstances, the registered NDIS provider must ensure that the worker is:
 - appropriately supervised by a person with an NDIS Worker Screening Clearance, and
 - the NDIS provider implements a risk management plan in line with the requirements in the Practice Standards

Refer to section 27 of the Practice Standards for the details of the exemptions. Certain exemptions which applied during the transition period of before January 2021 have now lapsed.

Record keeping requirements

For each **risk assessed role**, registered NDIS providers are required to document:

- the title or other organisational identifier for the role
- the paragraph or paragraphs of the definition of risk assessed role (as contained in the Practice Standards) that applies to the role
- a description of the role
- the date the role was assessed as being a risk assessed role, and
- the name and title of the person who made the assessment

When a new risk assessed role is identified, the written list of roles must be updated within 20 business days of the identification or review of the risk assessed role.

For each **risk assessed worker**, registered NDIS providers are required to document:

- the full name, date of birth and address of the person
- the risk assessed role or roles in which the person engages
- if the worker may engage in a risk assessed role without an NDIS Worker Screening Clearance:
 - the basis on which they may do so
 - the start and end date of the period in which the exemption that allows them to work in a risk engaged role applies, and
 - the name of the person who supervises the worker during this period
- if the worker may only engage in a risk assessed role with an NDIS Worker Screening Clearance:
 - the worker's NDIS Worker Screening Check application number
 - the worker's NDIS worker Screening Check number
 - the worker's NDIS Worker Screening Check outcome and any expiry date for that outcome
 - whether the worker's NDIS Worker Screening Clearance is subject to any decision which has the effect that the registered NDIS provider may not allow the worker to engage in a risk assessed role, and the nature of any such decision (for example, interim bar, suspension, exclusion)
- records relating to an interim bar, a suspension, an exclusion, or any action taken by the provider in relation to these kinds of decisions in relation to any worker, and
- allegations of misconduct against a worker with a check and the action taken by the registered NDIS provider in response to that allegation

A record must be kept for seven years from the date the record was made.



For more information, see:

- the [NDIS Commission webpage on worker screening](#), and
- the [Western Australian Government webpage 'NDIS Worker Screening Check'](#)



Part 4

Police Checks



Police Checks



This part covers:

- ▶ an overview of Police Checks, and
- ▶ the differences between WWC Checks and Police Checks

How is the Working with Children Check different from a Police Check?

The WWC Check and Police Check screening procedures were established for different purposes.

The WWC Check focuses on specific offences (those that may impact on the safety of children). Unlike Police Checks, the WWC Check is 'ongoing', which means that the applicant's criminal record is monitored throughout the life of the WWC Check. By contrast, a Police Check is a 'point in time' check – it is a criminal history check up to the point of application and is not monitored or reviewed until a new application for a Police Check is submitted.

Depending on the nature of the work being conducted by your staff or volunteers, your organisation may wish to conduct both WWC Checks and Police Checks.

A Police Check allows an organisation to be aware of all previous convictions – child-related or not. This may be appropriate if you are seeking an employee or volunteer who, for example, may be handling money or driving clients between locations, and you wish to screen for relevant convictions.

National Police Certificates	<p>A National Police Certificate provides a list of a person's disclosable court outcomes and pending charges from all Australian police jurisdictions, including traffic and non-police prosecuted matters. Applications can be made online or at participating Australia Post outlets.</p> <p>An application for a National Police Certificate takes approximately 10 days to process however, if further investigation is required, it may take longer. The hard copy certificate takes 3-6 days for postage.</p> <p>There is a fee of \$64.90 for a National Police Certificate.</p>
Volunteer National Police Certificates	<p>In addition to a National Police Certificate, volunteer organisations in Western Australia can obtain a Volunteer National Police Certificate (VNPC) at a discounted rate. The VNPC provides a list of a person's disclosable court outcomes and pending charges from all Australian police jurisdictions.</p> <p>To request a VNPC for a volunteer, the organisation must meet certain criteria and register with the program. For example, to register for the program, the organisation must engage volunteers in WA and ensure they use checks for volunteers only.</p> <p>There is a fee of \$17.60 for a VNPC.</p> <p>An application for a VNPC is usually processed within six business days, but can take up to 15 days if further investigation is required.</p>



An application for a VNPC can take up to 10 business days to process and additional time for postage.



Caution

If you decide that applicants are required to undergo a police check before recruitment, you should not refuse an applicant simply because they have a prior conviction for an offence that has no relevance to the available position. There are legal protections against discrimination on the basis of a criminal record.

However, your organisation also has obligations to create a safe and effective environment, and you can refuse an applicant on the basis of a criminal past when you believe that the prior offence prevents the applicant from performing the ‘inherent requirements’ of the position. See the [Australian Human Rights Commission website](#) for more information.

Differences between Working with Children Checks and Police Checks

Who conducts the check?	
Working with Children Checks (WA)	The check is submitted to the Western Australian Government by the person.
Police Checks	The check is submitted to the Western Australian Police by the person or by an organisation on their behalf (with consent). Organisations may also engage a third party agency to manage the process.
What is checked?	
Working with Children Checks (WA)	National criminal records (across all states and territories) and in some cases professional conduct reports and overseas criminal history.
Police Checks	National criminal records
What is revealed by the checks?	
Working with Children Checks (WA)	Serious criminal charges, offences, findings of guilt and professional conduct reports that may be relevant to the safety of children, such as serious sexual, violent or drug crimes (it will not reveal offences such as theft or property fraud). Spent convictions can be included in WWC Checks.
Police Checks	The Police make an assessment that considers the category and purpose of the check and any relevant legislation and information release policies. Police then determine the details they will release to the individual or organisation requesting the check. The details released may include court outcomes with a finding of guilt, including those ‘without conviction’, good behaviour bonds and other court orders, outstanding charges, matters awaiting hearing and certain criminal traffic matters, whether child-related or not.



In Western Australia, a Police Check includes spent convictions (convictions that are no longer considered part of a person’s criminal history). However, a conviction will only be spent where it meets the criteria set out in the *Spent Convictions Act 1988* (WA).

A Western Australian conviction will not be eligible to be spent until the prescribed period has expired (10 years in most cases). A serious conviction (being a conviction that resulted in a fine exceeding \$15,000 or a term of imprisonment of more than 12 months) can only be spent by a District Court judge.

What is the outcome?

Working with Children Checks (WA) The person will either ‘pass’ or ‘fail’ depending on what the check reveals. The applicant will be given an Assessment Notice (a WWC Card) if they pass, and a Negative Notice if they fail.

The Western Australia Government will make the final assessment if relevant offences show up, after providing the applicant with an opportunity to make submissions.

Police Checks There is no ‘pass’ or ‘fail’ – a list of court outcomes with a finding of guilt is produced from the national criminal record and a certificate is issued.

It is up to the organisation to assess whether any of the listed outcomes may impact the work of the volunteer or employee. The organisation must ensure it does not discriminate on the basis of criminal record. An employer can only refuse to employ a person if the person’s criminal record means that they are unable to perform the ‘inherent requirements’ of the particular job. See the [Australian Human Rights Commission website](#) for more information

How long is the check valid for?

Working with Children Checks (WA) Three years.

Police Checks It is current only at the time of the check.

Is it an ongoing check?

Working with Children Checks (WA) Yes – over the three years there is a ‘rolling check’ system and the organisation is notified if it reveals anything related to child safety.

Police Checks No – it is a ‘point in time’ check and will only list the offences at the time of the check (ie. it’s not monitored or reviewed until a new application for a Police Check is submitted).

Is the check transferable?

Working with Children Checks (WA) Yes – the WWC Card is ‘portable’ during the three-year validity period of the Card.

Police Checks No – organisations should require a new check, even if someone had a check completed recently – as an organisation needs to be sure that all relevant matters have been disclosed by the Police.

Screening for interstate and overseas employees and volunteers

The Police Check will display all (releasable) court outcomes from all states and territories of Australia at the time the check was conducted.

If your organisation engages an employee or volunteer that has been living overseas, you may decide to ask for an international police check, which can be obtained from the law enforcement body for each relevant country.



You can find information on obtaining a police check from an overseas government or law enforcement authority on the [Australian Government Department of Home Affairs website](#).



Part 5

Child safety

Child safety

This part covers:

- ▶ negligence laws
- ▶ work health and safety laws
- ▶ Child Safe Standards
- ▶ reporting obligations
- ▶ screening checks
- ▶ insurance, and
- ▶ record-keeping



When you work with children, you have a legal responsibility to ensure their physical, mental and emotional safety.

In addition to the duty of care your community organisation owes employees, volunteers, clients and possibly members of the public, you may have special responsibilities regarding children that your organisation comes into contact with when providing services, or when they are volunteers for your organisation.

When considering child safety, your organisation needs to be aware of its duty of care under:

- the common law (judge-made law) of negligence
- child safe standards, and
- certain legislation including the:
 - [*Civil Liability Act 2002 \(WA\)*](#)
 - [*Children and Community Services Act 2004 \(WA\)*](#) (this governs the mandatory reporting scheme in WA)
 - [*Occupier's Liability Act 1985 \(WA\)*](#), and
 - [*Work Health and Safety Act 2020 \(WA\)*](#)

Negligence laws

A community organisation may owe children a duty of care under the common law (judge-made law) of negligence or under legislation such as the [*Civil Liability Act 2002 \(WA\)*](#).

Under negligence law, fulfilling your legal responsibility to children requires you to meet the standard expected of a reasonably competent and prudent organisation, in the same position and with the same knowledge.

In certain circumstances, your organisation may also be held legally responsible (liable) for the actions of its volunteers, where harm has been caused to someone else, such as a child.



The standard of care expected in relation to children may be generally higher than that owed to others.

If you are dealing with children, you should consider any special measures you may need to take to meet these obligations under specific state and territory negligence laws aimed at protecting children from child abuse (see below).

For example, Part 2A of the *Civil Liability Act 2002 (WA)* (**Civil Liability Act**) sets out certain specific liability principles that apply when an organisation has responsibility for a child and a person associated with the organisation commits child sexual abuse.

Under this part, an organisation will have responsibility for a child if they exercise care, supervision or authority over a child, purport to do so, or are obliged by law to do so. The specific provisions in Part 2A function to attach liability to the organisation, or officeholders within that organisation, in certain circumstances where there is a claim for child sexual abuse against an office holder (or previous office holder) within that organisation. Part 2A also makes provision for assets of the organisation to be used to satisfy any liability of the organisation or its officeholders.

Significantly, the Civil Liability Act does not include a specific, stand-alone duty for organisations to prevent 'child abuse' (which is the case in some other states). Under the Civil Liability Act, aside from in the narrow circumstances prescribed under Part 2A discussed above, organisations can currently be found 'vicariously liable' (that is, legally responsible) if an employee perpetrates child abuse. An organisation will be found vicariously liable if the organisation placed the employee (or potentially a volunteer or independent contractor who is akin to an employee) in a situation or circumstance that allowed the person to perpetrate the abuse.

The issue of whether there should be a broader interpretation of certain employment relationships for the purpose of vicarious liability is currently under consideration, having arisen in the context of cases flowing from the Royal Commission into historical child sexual abuse. Western Australia is progressing towards amendments to the Civil Liability Act to capture religious practitioners and institutions and historical child sexual abuse claims. The *Civil Liability Amendment (Child Sexual Abuse Actions) Bill 2025 (WA)* has been introduced to Parliament for this purpose but not yet passed.

While there is no stand-alone duty to prevent child abuse, organisations that have responsibility for children should still put policies, procedures and safeguards (such as appropriate screening processes described above) in place to ensure the prevention of child abuse. This is because, in the event of an incident, these policies, procedures and safeguards are likely to be reviewed and scrutinized by a court (taking into account the organisation's size and resources) to determine whether an organisation is liable, including whether the organisation took 'reasonable precautions'.

If a child that your organisation has responsibility for is exposed to child abuse, and your organisation failed to take reasonable precautions to prevent this from happening, a court could order that a remedy be provided to the person who has suffered damage as a result of your organisation's actions (or failure to act). Reasonable precautions could include implementing policies, procedures and safeguards (such as appropriate screening processes) to ensure the prevention of child abuse.

It's crucial that your organisation assesses the risks of interaction with children carefully to work out whether it needs to implement further safeguards and processes to help ensure their safety (ie. reasonable precautions). An important safeguard is to have comprehensive induction and training processes in place for workers, including volunteers.

Work health and safety laws

In addition to its duty of care to ensure child safety, your organisation may also have obligations under work health and safety laws.

Under these laws, you are required, so far as is reasonably possible, to provide and maintain a working environment that is safe and without risks to health, and to make sure others are not exposed to risks to their health or safety because of the organisation's conduct. If you are dealing with children, you should consider any special measures you may need to take to meet these obligations.



Note

It's crucial that your organisation has conducted a careful risk assessment of the activities involving and interactions it has with children, to determine whether it needs to implement any further safeguards and processes to help ensure their safety. One important safeguard to put in place is comprehensive induction and training of workers and volunteers.



For more information about your organisation's duty of care, see our [webpage on negligence, accidents and incidents](#).

For more information about occupational health and safety obligations, see our [webpage on work health and safety laws](#).

Child Safe Standards

The [National Principles for Child Safe Organisations \(National Principles\)](#), endorsed by the Federal Government in 2019, aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing.

Although Australian organisations are not legally required to adopt them, the National Principles are considered best practice for fostering child safety and wellbeing culture and practice.

If your organisation interacts with children or youth volunteers, we recommend you use the National Principles as a guide to create a child safe environment. You can then be satisfied that your organisation is taking reasonable steps to protect children from risks to their health and safety. Complying with the National Principles may also assist with taking 'reasonable precautions' to prevent an individual associated with your organisation from perpetrating child abuse (discussed further below).



National Principles for Child Safe Organisations

Principle 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.

Principle 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing.

Principle 4: Equity is upheld and diverse needs respected in policy and practice.

Principle 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

Principle 6: Processes to respond to complaints and concerns are child focused.

Principle 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Principle 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

Principle 9: Implementation of the national child safe principles is regularly reviewed and improved.

Principle 10: Policies and procedures document how the organisation is safe for children and young people.



Access the National Principles, along with helpful supporting resources, on the [Child Safe Organisations website](#).

The National Office for Child Safety has also published a [Complaint Handling Guide](#).

Child abuse and your organisation's duty of care

Western Australia has not (yet) enacted a stand-alone statutory duty of organisations to prevent child abuse, so an organisation's duty to take reasonable care to prevent the physical or sexual abuse of a child by a person associated with the organisation arises under negligence laws (described above).

In some other states that have a specifically legislated duty, the onus of proof shifts so that an organisation is taken to have breached the duty unless it took all reasonable precautions to prevent the abuse from happening. Although this is not currently the case in WA, an assessment of whether an organisation took reasonable precautions to prevent child abuse will nonetheless be a relevant factor in determining whether an organisation breached its duty of care.

What 'reasonable precautions' are will depend on the nature of the organisation and the perpetrator's role in the organisation.

At a minimum, organisations that exercise care, supervision or authority over children should take the following precautions:

- screening and reference checking
- supervision and training
- implement systems to provide early warning of possible offences
- random and unannounced inspections to deter misconduct, and
- encourage children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour

Organisations may need to take additional steps if the nature of the organisation and the perpetrator's role requires this.

Mandatory reporting

In Western Australia, the [Children and Community Services Act 2004 \(WA\)](#) governs the mandatory reporting of child sexual abuse.

The Reportable Conduct Scheme began on 1 January 2023 with the intention of protecting children in Western Australia. Under the scheme heads of organisations that exercise care, supervision or authority over children must notify allegations of, or convictions for, child abuse by their employees to the Western Australia Ombudsman and then investigate these allegations.

Mandatory reporting obligations apply to categories of specified people

Specific people designated as 'mandatory reporters' includes:

- assessors appointed under section 125A of the Act
- boarding supervisors
- departmental officers of the Department of Communities
- doctors
- ministers of religion
- nurses and midwives
- out-of-home care workers
- police officers, and
- teachers



Under section 124B of the Act, if a specified person believes, on reasonable grounds that a child:

- has been the subject of sexual abuse (that occurred on or after the 'commencement date') or is the subject of ongoing sexual abuse, and
- they form the belief in the course of their work (paid or unpaid) as a specified person on or after the 'commencement date',

they must report the belief as soon as practicable after forming the belief.

The 'commencement day' is the date on which a person became a mandatory reporter:

- 1 January 2009 for doctors, midwives, nurses, Police, and teachers
- 1 January 2016 for boarding supervisors
- 1 November 2022 for ministers of religion
- 1 November 2023 for assessors who visit residential care and secure facilities, departmental officers of the Department of Communities and out-of-home care workers
- 1 May 2024 for school counsellors and psychologists
- 1 November 2024 for early childhood workers, and
- 1 May 2025 for youth justice workers

A person will be guilty of an offence if they do not comply with this mandatory reporting obligation.



Note

If your organisation engages or works with children, it's crucial that your workers (employees, contractors and volunteers) are aware of their reporting obligations and any potential consequences if they fail to meet them.

Reporting obligations under the scheme

The reportable conduct covered by the Scheme includes:

- sexual offences
- sexual misconduct
- physical assault
- other prescribed offences
- significant neglect of a child, and
- any behaviour that causes significant emotional or psychological harm to a child

The types of organisations covered by the scheme include:

- Western Australian Government departments and authorities, including local governments
- child protection and out-of-home care services
- childcare services
- education services
- health services
- justice and detention services
- accommodation and residential services
- religious institutions, and
- disability services

Employees covered by the scheme must be over 18 years of age and include paid employees, volunteers, contractors, ministers of religion, certain types of carers, and family day care educators and assistants.



In its [Mandatory Reporting Frequently Asked Questions \(FAQs\)](#), the Western Australian Government answers the question ‘**What if I am a mandatory reporter of child sexual abuse but have concerns about the wellbeing of a child due to physical, emotional abuse or neglect?**’:

If you are mandatory reporter of child sexual abuse but have concerns about the wellbeing of a child due to physical, or emotional abuse or neglect, including exposure to family and domestic violence, it is not mandatory under the Children and Community Services Act 2004 for you to report your concerns. However, you can and should notify the Department of Communities to enable authorities to assess the circumstances and take action to protect the child and other children where necessary. People who voluntarily notify Communities in good faith about concerns for a child are protected under the legislation and confidentiality provisions similar to mandatory reporters apply in the Children and Community Services Act 2004.

Voluntary notifiers are an essential part of child protection from other forms of abuse in Western Australia. Contact options for voluntary notifiers can be found on the [Department of Communities Child Protection website](#).



Tip

If your organisation engages or works with children, it’s important that everyone who works in your organisation (including volunteers) is aware of their reporting obligations and any potential consequences of failing to meet them.

Reporting obligations should form a part of your organisation’s standard induction, training and ongoing professional development processes, and you should have written policies and procedures in place.



For more information about child protection and mandatory reporting in Western Australia, see the [Western Australian Government webpages ‘Mandatory Reporting of Child Sexual Abuse in WA’](#)

Also see the [Australian Institute of Family Studies webpage ‘Mandatory reporting of child abuse and neglect’](#).

For a list of regional and metropolitan phone numbers, see the [Western Australian Government webpage ‘Child protection office locations’](#).

To report concerns that are life threatening, call the Police on **000**.

For **urgent child protection concerns**, call the Central Intake Team on **1800 273 889** or [Crisis Care](#) for after-hours responses.

During induction and training

Make sure every person involved in your organisation understands its policies and processes on child safety, and why they exist.

To make sure every person involved in your organisation understands its policies and processes on child safety, and why they exist:

- highlight policies that are relevant to children, like social media, privacy, IT and appropriate workplace behaviour policies
- explain the importance of a safe workplace and provide training on how to avoid harmful situations, where possible, and point out any special safety requirements that relate to children



- set out the reporting lines and process for dealing with complaints and concerns about child safety
- outline any reporting requirements for child safety that apply to your workers and volunteers (see discussion below) and your organisation's process for reporting, and
- foster a culture of open communication by encouraging the people in your organisation to express any concerns about child safety



Tip

If your service engages or works with children, it's important that everyone that works in your organisation (including volunteers) is aware of their reporting obligations and any potential consequences for failing to meet them. Reporting obligations should form a part of your organisation's standard induction, training and ongoing professional development processes, and you should have written policies and procedures in place.



Case study

The national Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) found that to keep children safe, an organisation must create and maintain a protective environment that minimises rather than accentuates the risk of abuse. The Royal Commission critically analysed the system errors, failures and oversights of a particular organisation to demonstrate certain 'unacceptable' actions of a child safe organisation, including but not limited to:

- a failure to adhere to appropriate background checking procedures
- a failure to implement child protection policies
- the absence of an effective confidential reporting system, and
- a failure to provide staff with effective training in child protection matters

Screening checks

Organisations that work with children need to screen their workers in many circumstances.

Screening checks (including Working with Children Checks, police checks, reference and other background checks) are important, including for organisations involving youth volunteers. As children are considered more vulnerable than others working in your organisation, you may owe a higher duty of care for their safety.

When an organisation involves children in their service or activities, the organisation may need Working with Children Checks (**WWC Checks**) from the people working with children. See [part 2 of this guide](#) for more information about WWC Checks.

Even if a WWC Check is not required under the *Working with Children (Screening) Act 2004 (WA)* (**WWC Act**), due to your organisation's overarching duty of care to provide a safe environment (described above), you should consider whether other screening checks might still be appropriate (for example, police or reference checks).



Case study – the Royal Commission

A case study from the Royal Commission highlights what happens when people are employed without adequate background and criminal history checks.

In this case, the offender was employed as a bus driver by a school. When he was employed, he'd been convicted of three sexual offences against children. The school had no obligation to check his criminal history and didn't check this. Years later, he was convicted of five sexual offences against three of the school's students.

A WWC Check would have likely revealed his previous sexual offences and prevented the abuse. The example highlights the importance of taking a conservative approach to WWC Checks.

Do youth working in your organisation need to be screened?

Generally, under the WWC Act, workers under 18 years and engaged in 'child-related' work (including volunteers) **will not require** a WWC Check until they turn 18.

Student volunteers **aged 18 years** whose volunteer work has been organised by their educational institution **will not require** a WWC Check.

Depending on a youth volunteer's role and responsibilities, your organisation may choose to do other appropriate screening such as police and reference checks.



For more detailed information about WWC checks and police checks, see [part 2](#) and [part 4](#) of this guide and our [National Volunteering Guide](#).

For further information about duties of care, negligence and occupational health and safety, see to our [webpage on managing risk and insurance](#).

Insurance considerations

Even if your community organisation puts measures in place to avoid or minimise risk to the safety and well-being of children, there may be potential risks that can't be avoided. Your community organisation can look at available insurance options to protect against those risks.

An insurance policy is a contract – a legally binding document between you and the insurance company. This means that your organisation will have to do certain things – for example, provide full and accurate information and notify incidents – to make sure the contract remains valid. Make sure you understand the terms and conditions of the policy so that you know what these obligations are.



For more information about risk and insurance see [our guide to insurance and risk management for community organisations](#).

It's also important that your community organisation is aware of what is and isn't covered in the insurance contract. In particular – whether your insurance policies cover all people involved in your organisation, including children, and in what circumstances.

To assess your organisation's coverage, review your current policies and, if in doubt, ask your insurer or insurance broker the following questions:

- does the policy have any age limits that may affect a claim?
- are actions of children covered?

- are injuries sustained by children covered?
- are there any particular reporting, record keeping or other requirements for claims involving children?
- do any exclusions that might affect the organisation's coverage apply?

**Tip**

When your organisation signs an agreement with another party, check whether there is any requirement to take out particular insurance. This is reasonably common, particularly in agreements to provide services.

Insurance is often a complex issue for community organisations. You may want to contact an insurance broker who has experience in arranging insurance for not-for-profit organisations to ensure the insurance you take out is suited to your particular needs.

Record-keeping obligations

All community organisations will need to keep documents and records. Requirements to keep certain documents and records may be set out in your organisation's rules, policies or resolutions, funding agreements and other contracts, or in legislation.

The timing and specific requirements for keeping documents and records will differ. Sometimes, the requirements depend on your legal structure or state of incorporation. For example, charities registered with the Australian Charities and Not-for-profits Commission must keep a range of financial, operational and other records for seven years.

There are also many sources of record keeping obligations for specific types of information or in certain circumstances – for example:

- funding agreements may ask that specific records are kept for an extended period of time
- insurance contracts may require that records be held for an extended period of time
- certain employee records must be kept for seven years, and
- criminal litigation – under the *Criminal Code Act 1913 (WA)* it is a criminal offence to destroy documents if a person intends to prevent the document from being used in evidence

Typically an action can be brought against a person or entity within six years of the cause of action occurring (for example, a breach of contract or an act of negligence). Therefore, any legal documents that may be relevant if legal action was to be taken (but is not actual or threatened), for example contracts, should be kept for at least six years.

If the documents relate to a death or personal injury, the documents may need to be retained for 12 years, as such an action may be brought within the period of 12 years from the date of the act or omission alleged to have resulted in the death or personal injury.

However, where a claim involves a child, the situation is different and your organisation should keep records for as long as possible.

Each state and territory has passed laws which remove the limitation period for bringing a claim for personal injury resulting from child sexual abuse.

There is no limitation period for child sexual abuse actions in Western Australia, pursuant to the *Limitation Act 2005 (WA)*. This means that a person can bring a claim at any point in their life.

In other some states and territories (but not Western Australia) this extends to other forms of child abuse. This means a person can bring a claim at any point in their lifetime, regardless of how long ago the act causing the harm took place. This is why it is important for your organisation to be mindful of recordkeeping long after an event.

Generally a person can bring a claim for personal injury (which is not the result of child sexual abuse) within:

- three years from the date of the act causing injury, or

- three years from the first symptom or manifestation of the injury

If a child suffers a personal injury (which is not the result of child sexual abuse):

- a person who was under the age of 15 at the time of a personal injury must start their claim within six years, and
- a person aged between 15 and 17 years at the time of the personal injury must start their action by the time they are 21 years old



Case study – the Royal Commission

The Royal Commission provided case studies that demonstrate the long-term consequences of an institution's failure to keep adequate documents and records.

The destruction of critical documents, or inconsistent record-keeping, meant that, in many circumstances, schools and other institutions couldn't confirm whether and to what extent they conducted investigations in response to allegations of abuse, and if they had, the outcomes. Further, institutions couldn't connect information about an offender's behaviour or respond adequately to subsequent concerns years later. Similarly, many young victims weren't able to get answers about the circumstances of their abuse.

