

# Factsheet CRW04

## Exemptions

### Narrowing of access

The *Working with Children (Screening) Act 2004* (the Act) prohibits a person with a current **Interim Negative Notice** or **Negative Notice** from undertaking [child-related work](#). As of 1 July 2023, changes to the legislation also prohibit a person with a current Interim Negative Notice or Negative Notice from accessing the [child volunteer exemptions](#) or [parent volunteer exemption](#).

In addition to existing offences and penalties, it is now a breach of the Act:

- for a person with a current Interim Negative Notice or Negative Notice to access the **child volunteer** exemptions or the **parent** volunteer exemption.
- for an organisation to engage a person using the child volunteer exemptions or parent volunteer exemption if they are aware that they have a current Interim Negative Notice or Negative Notice.

An individual and/or organisation could be liable for a maximum penalty of a fine up to \$60,000 and five years' imprisonment.

### What are the person's obligations?

Under the Act, a person with a current Interim Negative Notice or Negative Notice must not carry out child-related work.

As of 1 July 2023, if a person with a current Interim Negative Notice or Negative Notice is using the child volunteer exemptions or parent volunteer exemption, they must immediately stop, or they will be breaching the Act and can be [prosecuted](#). If a person is unsure, they can contact the Working with Children (WWC) Screening Unit for more information.

### Will a person have breached the Act if they have used the child volunteer exemptions or parent volunteer exemption before 1 July 2023?

No. A person with a current Interim Negative Notice or Negative Notice will only breach the Act if they continue to access the child volunteer exemptions or parent volunteer exemption after 1 July 2023.

## **Does a person need to tell the organisation they have been volunteering with (as a parent or child volunteer) that they have a current Interim Negative Notice or Negative Notice?**

The Act does not require a parent or child volunteer with a current Interim Negative Notice or Negative Notice to tell the organisation the reason why they are no longer able to volunteer for them. However, they must immediately stop accessing the child volunteer exemptions or parent volunteer exemption or they will be breaking the law and can be prosecuted.

## **Do organisations have an obligation to check if volunteers have an Interim Negative Notice or Negative Notice?**

No, an organisation does not have a legal obligation to check. However, if an organisation 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 volunteering with children. Failure to act on this knowledge is an offence, and the organisation and the parent or child volunteer can be prosecuted.

To manage this risk, organisations can update their practices and policies to include a process for child and parent volunteers to acknowledge they understand the new laws and confirm that they are eligible to access the child volunteer exemptions or the parent exemption. The WWC Screening Unit has developed a template that can help with this, please refer to [Template ORG04: Working with Children Check, volunteer declaration](#). If the WWC Screening Unit were to conduct a Compliance Check on the organisation these records would then form part of their documentation demonstrating compliance with the Act.

## **What education and support will be available for organisations?**

A range of [education and engagement activities](#) are available to organisations, including workshops, regional education, and online consultation opportunities. Supporting resources and checklists to help organisations understand and meet their new WWC Check obligations are available on the [WWC website](#).

Definitions of **bold** terms can be found in the Working with Children Check glossary at [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)