



# Factsheet PEN01

## Offences and penalties

### Employees, volunteers, students and self-employed

There are a range of penalties for not complying with the [Working with Children \(Screening\) Act 2004](#) (the Act). This factsheet provides a summary of the offences and penalties that apply to employees, **volunteers**, **students**, and self-employed people engaged in [child-related work](#). For the exact wording of offences please refer to the Act. If you require assistance translating or interpreting the information in this factsheet, please call the Translating and Interpreting Service (TIS National) on 131 450.

It is an offence to:	Penalty and reference
<ul style="list-style-type: none"><li>engage in child-related work without a current Working with Children (WWC) Card or pending application.</li></ul>	A fine of \$60,000 and imprisonment for 5 years. Section 24.
<ul style="list-style-type: none"><li>fail to apply for a WWC Card within 10 days of receiving a written notice from the WWC Screening Unit instructing you to do so.</li></ul>	A fine of \$1,000 Sections 16(5), 17B(3) and 17(4).
<ul style="list-style-type: none"><li>engage in child-related work if you have a current <b>Interim Negative Notice</b> or <b>Negative Notice</b>.</li></ul>	A fine of \$60,000 and imprisonment for 5 years. Section 23.
<ul style="list-style-type: none"><li>access the <a href="#">child volunteer exemptions</a> or <a href="#">parent volunteer exemption</a> if you have a current Negative Notice or Interim Negative Notice.</li></ul>	A fine of \$60,000 and imprisonment for 5 years. Section 23.
<ul style="list-style-type: none"><li>engage in child-related work if:<ul style="list-style-type: none"><li>you have a current WWC Card, but have not been engaged in child-related work and</li><li>there has been a <b>relevant change</b> in your criminal record since the WWC Card was issued without re-applying for a new WWC Card.</li></ul></li></ul>	A fine of \$60,000 and imprisonment for 5 years. Section 31(2).
<ul style="list-style-type: none"><li>engage in child-related work if you have been charged with or convicted of a <b>Class 1 offence</b>, committed, or allegedly committed as an adult.</li></ul>	A fine of \$60,000 and imprisonment for 5 years. Section 33.

It is an offence to:	Penalty and reference:
<ul style="list-style-type: none"> <li>• fail to provide written notice to the WWC Screening Unit of a relevant change in your criminal record as soon as practical after the change occurs.</li> </ul> <p>Applies if you:</p> <ul style="list-style-type: none"> <li>○ have a current WWC Card</li> <li>○ have a current WWC Card but are not currently engaged in child-related work</li> <li>○ have a pending application for a WWC Check or</li> <li>○ have a pending application for the <a href="#">cancellation</a> of your Negative Notice.</li> </ul>	<p>A fine of \$60,000 and imprisonment for 5 years.</p> <p>Sections 28(2), 29(1), 30 and 31(4).</p>
<ul style="list-style-type: none"> <li>• fail to provide written notice to your employer/volunteer organisation/<b>education provider</b> of a relevant change in your criminal record as soon as practical after the change occurs</li> </ul> <p>Applies if you:</p> <ul style="list-style-type: none"> <li>○ are a WWC Card holder or</li> <li>○ have a pending application for a WWC Card</li> </ul> <p>Does not apply if you are self-employed.</p>	<p>A fine of \$60,000 and imprisonment for 5 years.</p> <p>Section 29(1) and 32A.</p>
<ul style="list-style-type: none"> <li>• fail to provide written notice to your employer/volunteer organisation/education provider of a relevant change in your criminal record as soon as practical after the change occurs and that you have re-applied for a WWC Card.</li> </ul> <p>Applies if you:</p> <ul style="list-style-type: none"> <li>○ have a current WWC Card but have not been engaged in child-related work</li> <li>○ have had a relevant change in your criminal record since your WWC Card was issued</li> <li>○ wish to re-engage in child-related work and</li> <li>○ have re-applied for a new WWC Card.</li> </ul>	<p>A fine of \$60,000 and imprisonment for 5 years.</p> <p>Section 31(3).</p>

It is an offence to:	Penalty and reference
<ul style="list-style-type: none"> <li>fail to comply with the instructions of an <b>Authorised Officer</b>.</li> </ul>	<p>A fine of \$12,000 and imprisonment for 12 months. Section 34Q.</p>
<ul style="list-style-type: none"> <li>interfere or deal with any thing that has been seized by an Authorised Officer.</li> </ul>	<p>A fine of \$12,000 and imprisonment for 12 months. Section 34T(5).</p>
<ul style="list-style-type: none"> <li>give information that is false or misleading to: <ul style="list-style-type: none"> <li>your current or proposed employer/volunteer organisation (who is engaging who in child-related work)</li> <li>your education provider</li> <li>the WWC Screening Unit or</li> <li>an Authorised Officer.</li> </ul> </li> </ul>	<p>A fine of \$24,000 and imprisonment for 2 years. Section 35.</p>
<ul style="list-style-type: none"> <li>obstruct or hinder an Authorised Officer.</li> </ul>	<p>A fine of \$12,000 and imprisonment for 12 months. Section 35A.</p>
<ul style="list-style-type: none"> <li>impersonate an Authorised Officer.</li> </ul>	<p>A fine of \$12,000 and imprisonment for 12 months. Section 35B.</p>
<ul style="list-style-type: none"> <li>fail to notify the WWC Screening Unit of a change in particulars as soon as practical after the change occurs (refer to <a href="#">Factsheet APP02: Change in particulars, updating of details</a>).</li> </ul> <p>Applies if you:</p> <ul style="list-style-type: none"> <li>have a current WWC Card</li> <li>have a pending application for a WWC Card</li> <li>have a pending application for the cancellation of your Negative Notice</li> <li>are aware that you are subject to a <a href="#">reassessment</a> or</li> <li>are subject to any circumstances prescribed by the <a href="#">Working with Children (Screening) Regulations 2005</a>.</li> </ul>	<p>A fine of \$5,000. Section 35C(2).</p>

It is an offence to:	Penalty and reference
<ul style="list-style-type: none"> <li>• fail to return your WWC Card as soon as practical after:               <ul style="list-style-type: none"> <li>○ you have been charged or convicted of a Class 1 offence, committed, or allegedly committed as an adult</li> <li>○ you have been issued with a Negative Notice or Interim Negative Notice or</li> <li>○ your WWC Card has been cancelled.</li> </ul> </li> </ul>	<p>A fine of \$12,000 and imprisonment for 12 months. Section 36.</p>

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)