



Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations

This factsheet should be read in conjunction with **Factsheet 5: Information for Employers and Volunteer Organisations**.

There are a range of penalties for not complying with the *Working with Children (Criminal Record Checking) Act 2004* (WWC Act). Below is a summary of offences and penalties which apply to employers. Reference to “employer” includes those that engage volunteers and volunteer organisations.

Child-related employment for the purposes of the WWC Act means:

- (a) Child-related work carried out by an individual under a contract of employment or training contract (whether written or unwritten),
- (b) Child-related work carried out on a voluntary basis by an individual under an agreement (whether written or unwritten) with another person,
- (c) Child-related work carried out by an individual as a minister of religion or in any other capacity for the purposes of a religious organisation, or
- (d) Child-related work carried out by a student with another person that may or must be undertaken as part of the student’s course of study.

Offences and Penalties

It is an offence for an employer to employ a person in child-related employment:	Penalty
if: (a) the employer is aware the person has a conviction or pending charge for a Class 1 or Class 2 offence; and (b) the person does not have a current WWC Card and has not made an application for a WWC Check that is pending.	Fine of \$60 000 and imprisonment for 5 years
if the employer is aware that a Negative Notice or Interim Negative Notice has been issued to the person and is current.	Fine of \$60 000 and imprisonment for 5 years
in connection with a child care service (category 1) if the person does not have a current WWC Card and has not made an application for a WWC Check that is pending.	Fine of \$12 000 and imprisonment for 12 months
if the employer is aware that the person has withdrawn an application for a WWC Check.	Fine of \$12 000 and imprisonment for 12 months

It is an offence for an employer to employ a person in child-related employment:	Penalty
if: (a) the person has been employed by the employer in that employment for more than five days in a calendar year; and (b) the person does not have a current WWC Card and has not made an application for a WWC Check that is pending.	Fine of \$12 000 and imprisonment for 12 months
It is an offence for an employer to:	Penalty
give information to the WWC Screening Unit for the purposes of the WWC Act that the person knows to be false or misleading in a material particular.	Fine of \$24 000 and imprisonment for 2 years
fail to provide, within a specified time, specified information or documents requested by the WWC Screening Unit to establish the employer's compliance with the WWC Act.	Fine of \$12 000 and imprisonment for 12 months

More Information

For more information visit the website www.workingwithchildren.wa.gov.au and specifically:

Factsheet 5: Information for Employers and Volunteer Organisations

Disclaimer

The WWC Screening Unit is committed to providing clear information to help you understand your rights and meet your obligations. Every reasonable effort has been made to ensure information is accurate and up to date. However, errors can occur and changes after the time of publication may impact on the accuracy of the information in a factsheet.

The latest publication of a factsheet and further information about the Working with Children law is available on our website at www.workingwithchildren.wa.gov.au. If you require additional assistance you may also contact us on (08) 6217 8100, for country callers using a landline 1800 883 979 (toll free).

The information in this factsheet is provided on the understanding that it is not to be relied on for legal or professional advice.

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Working with Children Screening Unit

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