



Factsheet 8: Offences and Penalties for Education Providers

This factsheet should be read in conjunction with **Factsheet 7: Information for Education Providers**.

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 education providers. This summary relates only to education providers who procure practical placements for students undertaking an educational or vocational course of study with the *education provider* and who may or must undertake child-related work as part of that course.

If an education provider otherwise engages paid staff or volunteers to carry out child-related work, other obligations and penalties will also apply. If applicable please refer to **Factsheet 5: Information for Employers and Volunteer Organisations** and **Factsheet 6: Offences and Penalties for Employers 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 education provider, for the purpose of enabling a student to complete the syllabus for a course conducted by the provider, to procure:	Penalty
child-related employment for the student if: <ul style="list-style-type: none"> (a) the education provider is aware the student has a conviction or pending charge for a Class 1 or Class 2 offence; and (b) the student does not have a current WWC Card and has not made an application for a WWC Check that is pending. 	Fine of \$60 000

It is an offence for an education provider, for the purpose of enabling a student to complete the syllabus for a course conducted by the provider, to procure:	Penalty
employment for the student in child-related employment if the education provider is aware that a Negative Notice or Interim Negative Notice has been issued to the student and is current.	Fine of \$60 000
child-related employment for the student in connection with a child care service (category 1) if the student does not have a current WWC Card and has not made an application for a WWC Check that is pending.	Fine of \$12 000
employment for the student in child-related employment if the education provider is aware that the student has withdrawn an application for a WWC Check.	Fine of \$12 000
child-related employment for the student with a person (an employer) if: <ul style="list-style-type: none"> (a) the student has previously been employed by the employer in child-related employment for the purpose of enabling the student to complete the syllabus for that course for more than five days in a calendar year; and (b) the student does not have a current WWC Card and has not made an application for a WWC Check that is pending. 	Fine of \$12 000
It is an offence for an education provider 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 education provider's compliance with the WWC Act.	Fine of \$12 000 and imprisonment for 12 months

More Information

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

Factsheet 5: Information for Employers and Volunteer Organisations

Factsheet 6: Offences and Penalties for Employers and Volunteer Organisations

Factsheet 7: Information for Education Providers

WWC Check Health Check

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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