

The Working with Children (WWC) Screening Unit is responsible for making sure individuals and organisations comply with the *Working with Children (Screening) Act 2004* (the Act). As of 1 July 2023, amendments to the Act include additional powers for Authorised Officers to enter a place, and inspect, search, and remove anything at the place that may be evidence of an offence under the Act.

This factsheet provides a simple summary of these powers to help people and organisations understand their legal rights and obligations if they become subject of an investigation under the Act. Nothing in this document should be taken to be, or relied upon as, legal advice. For the exact wording of these powers, please refer to Part 3B of 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.

Who is an Authorised Officer?

An Authorised Officer is an officer from the WWC Screening Unit who has been appointed to the role by the Chief Executive Officer of the Department of Communities.

An Authorised Officer can authorise other people to assist them in carrying out their powers, for example a locksmith to open a locked cabinet or door.

What powers does an Authorised Officer have?

Authorised Officers can:

- enter a place (either by consent or with an entry warrant)
- inspect the place and anything at the place
- search the place and anything at the place
- measure, test, photograph or film any part of, or anything at, the place
- take anything, or a sample of or from anything, at the place for analysis or testing
- operate equipment or facilities at the place or direct a person at the place to do so

- make a copy of, or take an extract from, any record or document at the place
- remove anything at the place that is, or may provide, evidence of an offence
- instruct (verbally or in writing) the occupier (a person who lives, works in or uses a particular room, building, piece of land or vehicle) of the place, or a person at the place, to give the officer any assistance the officer reasonably requires.

How can I be sure that the authorised officer is who they say they are?

Authorised Officers must always wear their Identity Card when they are exercising powers under the Act.

When can an authorised officer search my property?

Authorised Officers can only enter the premises if:

- the occupier of the premises has given their informed consent after they have been informed of the powers of the Authorised Officer and the reason why the powers are being used to enter the premises. The occupier has the legal right to refuse consent to the officer
- they have an entry warrant granted by a magistrate.

If a search is undertaken using an entry warrant, the search can only be completed during the time stated on the warrant.

What is informed consent?

Informed consent is consent given after the person has been informed of the powers the Authorised Officer wants to use, the reasons why the authorised officer wants to exercise those powers and that the person can refuse to consent to the officer entering the place. This can be given verbally or in writing.

If consent is given verbally, the Authorised Officer may ask the person to sign to confirm that consent has been given or a video recording may be taken.

Can consent be withdrawn by the occupier at any time?

Yes. Where an Authorised Officer has entered a place after receiving the consent of the occupier, the occupier may withdraw their consent at any time. If this occurs, the Authorised Officer will be required to stop any action they are carrying out and leave immediately.

However, consent is not needed to carry out a search of a place if the Authorised Officer has an entry warrant. The access and search of a place by entry warrant may be videotaped by an Authorised Officer.

Can an Authorised Officer remove items from the premises?

Yes, they can. If anything is removed from the place the Authorised Officer must give the occupier a formal written receipt for all items taken at the completion of the visit. The removed items will be returned to the occupier or the rightful owner once the investigation or prosecution is complete. However, the Authorised Officer must, if possible, allow a person to have reasonable access to the item(s) taken.

Does an Authorised Officer have the right to access my computer/laptop/iPad and documents?

Yes. The Authorised Officer has the power to search a computer, laptop, iPad or other electronic device and make copies of relevant information.

Can I refuse to follow an Authorised Officer's direction?

A person who, without reasonable excuse, fails to comply with a direction given to them by an Authorised Officer exercising their powers under the Act, is committing an offence and could be subject to fine of \$12,000 or a term of imprisonment.