

Classification of Offences

DISQUALIFIED PERSON (Automatic exclusion)	PRESUMPTIVELY DISQUALIFIED PERSON (Presumed exclusion, unless exceptional circumstances exist)	NO PRESUMPTION (No presumed exclusion)
<p>Where there is a conviction for a Class 1 offence committed as an adult (at least 18 years old)</p> <p>(permanent exclusion with no right of appeal, except on grounds of mistaken identity)</p>	<p>Where there is a conviction for a Class 2 offence, or specific Class 3 offences* as an adult, or a pending charge for a Class 1 or Class 2 offence as an adult (at least 18 years old)</p> <p>(exclusion unless exceptional circumstances are identified)</p>	<p>All other offences not included in the categories of Disqualified Person or Presumptively Disqualified Person</p> <p>(certain Class 3 offences may trigger a risk assessment)</p>
<p>Offences include (but are not limited to):</p> <ul style="list-style-type: none"> • Murder and attempted murder • Serious assault against a child or vulnerable person • Sexual assault of a child or vulnerable person including incest • Child pornography-related offences • Abduction or kidnapping offences against a child or vulnerable person involving a sexual or abusive element • Bestiality. <p>(See Schedule 1- Class 1 offences)</p>	<p>Offences include (but are not limited to):</p> <ul style="list-style-type: none"> • Manslaughter • Assault and sexual offences not captured as disqualifying offences • Dangerous or negligent acts against a person under care • Abduction or kidnapping offences not captured as disqualifying offences • Animal cruelty offences not captured as disqualifying offences • Drug trafficking offences • Fraud and deception offences against a child or vulnerable person • National security offences • Pending charges for disqualifying offences. <p>*Class 3 offence convictions as an adult where there is reasonably believed to have been an indecent act performed <u>in the course of</u> committing the offence, and the offence occurred in the presence of a child or vulnerable person.</p> <p>(See Schedule 1- Class 1 offences and Schedule 2- Class 2 offences)</p>	

(Note – each risk assessment category can also include the consideration of relevant misconduct and disciplinary matters and other information deemed relevant to a person’s suitability to hold a clearance)

Definitions relating to offences

- ‘Conviction’** refers to a court:
- making a formal finding of guilt in relation to the offence
 - convicting the person of the offence, if there has been no formal finding of guilt before conviction
 - accepting a plea of guilty from the person in relation to the offence
 - acquitting the person following a finding under The Criminal Code section 27 that the person is not guilty of the offence on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another jurisdiction.
- Spent conviction** means a conviction where the person concerned is permitted not to disclose the fact that they were convicted or found guilty of the offence. Under the NDIS Worker Screening Act 2020 a spent conviction is **also regarded as a conviction**.
- Pending charge** means a current charge for a criminal offence that has not yet been finalised, whether the person is being dealt with as an adult or a child.
- ‘Non-conviction charge’** means a charge for an offence that has been disposed of by a court otherwise than by way of a conviction. Examples of a non-conviction charge include:
- where a person is found not guilty of a charge for an offence
 - where a charge against a person is withdrawn or a prosecution is discontinued
 - where a conviction is overturned or set aside on appeal.

Full Schedule of Offences

Schedule 1 - Class 1 Offence Schedule

Provision	Description of Offence	Condition
<i>The Criminal Code</i>		
s. 181	Carnal knowledge of animal	
s. 186	Occupier or owner allowing young person to be on premises for unlawful carnal knowledge	
s. 187	Facilitating sexual offence against child outside Western Australia	
s. 191	Procuring person to be prostitute	The victim is a child or a vulnerable person
s. 192	Procuring person to have unlawful carnal knowledge by threat, fraud or administering drug	The victim is a child or a vulnerable person
s. 204A	Showing offensive material to child under 16	The offensive material is child exploitation material as defined in The Criminal Code section 217A The offence does not fall within the ambit of section 6(4)
s. 204B	Using electronic communication to procure, or expose to indecent matter, child under 16	The offence does not fall within the ambit of section 6(4)*
s. 217	Involving child in child exploitation	The offence does not fall within the ambit of section 6(4)*
s. 218	Producing child exploitation material	The offence does not fall within the ambit of section 6(4)*

Provision	Description of Offence	Condition
s. 219	Distributing child exploitation material	The offence does not fall within the ambit of section 6(4)*
s. 220	Possession of child exploitation material	The offence does not fall within the ambit of section 6(4)*
s. 279	Murder	
s. 283	Attempt to unlawfully kill	
s. 284(3)(c)	Culpable driving (not of a motor vehicle) causing death	The offence is committed with intent to cause death
s. 284(3)(d)	Culpable driving (not of a motor vehicle) causing grievous bodily harm	The offence is committed with intent to cause grievous bodily harm to a child or a vulnerable person
s. 293	Stupefying in order to commit indictable offence	The victim is a child or a vulnerable person
s. 294	Act intended to cause grievous bodily harm or prevent arrest	The victim is a child or a vulnerable person
s. 305	Setting dangerous thing	The intended victim is a child or a vulnerable person
s. 306(2)	Female genital mutilation	The victim is a child or a vulnerable person
s. 306(4)*	Female genital mutilation — taking or arranging for a child to be taken from the State	
s.317A(b)	Assault with intent to do grievous bodily harm	The victim is a child or a vulnerable person
s. 320	Sexual offences against child under 13	
s. 321	Sexual offences against child of or over 13 and under 16	The offence does not fall within the ambit of section 6(4)*
s. 321A	Persistent sexual conduct with child under 16	The offence does not fall within the ambit of section 6(4)*
s. 322	Sexual offences against child of or over 16 by person in authority	
s. 323	Indecent assault	The victim is a child or a vulnerable person The offence does not fall within the ambit of section 6(4)*
s. 324	Aggravated indecent assault	The victim is a child or a vulnerable person The offence does not fall within the ambit of section 6(4)*
s. 325	Sexual penetration without consent	The victim is a child or a vulnerable person The offence does not fall within the ambit of section 6(4)*
s. 326	Aggravated sexual penetration without consent	The victim is a child or a vulnerable person The offence does not fall within the ambit of section 6(4)*
s. 327	Sexual coercion	The victim is a child or a vulnerable person
s. 328	Aggravated sexual coercion	The victim is a child or a vulnerable person
s. 329(2)	Sexual penetration of a child who the offender knows to be his or her lineal relative or de facto child	
s. 329(3)	Procuring, inciting or encouraging a child who the offender knows is his or her lineal relative or a de facto child to engage in sexual behaviour	
s. 329(4)	Indecently dealing with a child who the offender knows is his or her lineal relative or a de facto child	

Provision	Description of Offence	Condition
s. 329(5)	Procuring, inciting or encouraging a child who the offender knows is his or her lineal relative or a de facto child to do an indecent act	
s. 329(6)	Indecently recording a child who the offender knows is his or her lineal relative or a de facto child	
s. 329(7)	Sexually penetrating a person who the offender knows is his or her lineal relative	The victim is a vulnerable person
s. 330	Sexual offences against incapable person	
s. 331B	Sexual servitude	The victim is a child or a vulnerable person
s. 331C	Conducting business involving sexual servitude	The victim is a child or a vulnerable person
s. 331D	Deceptive recruiting for commercial sexual service	The victim is a child or a vulnerable person
s. 332	Kidnapping	The victim is a child or a vulnerable person, other than where the victim is a child and the offender is a family member of the child
s. 343	Child stealing	The offence is committed by a person other than a family member of the child
s. 562	Accessory after the fact to an indictable offence	The principal offence is the offence of murder
<i>Children and Community Services Act 2004</i>		
s. 192	Employing a child, or permitting a child to be employed, to perform in an indecent, obscene or pornographic manner	
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>		
s. 59(1)	Possessing or copying an indecent or obscene article with intent to sell or supply, or selling or supplying, or offering to sell or supply, an indecent or obscene article	The article is child exploitation material as defined in The Criminal Code section 217A
s. 59(3) or (4)	Displaying, exhibiting or demonstrating an indecent or obscene article in specified circumstances	The article is child exploitation material as defined in The Criminal Code section 217A
s. 59(5)	Possessing or copying an indecent or obscene article	The article is child exploitation material as defined in The Criminal Code section 217A The offence does not fall within the ambit of section 6(4)*
s. 101	Using a computer service to transmit, obtain, demonstrate, advertise or request transmission of objectionable material	The article is child exploitation material as defined in The Criminal Code section 217A
<i>Prostitution Act 2000</i>		
s. 16	Causing, permitting or seeking to induce a child to act as a prostitute	
s. 17	Obtaining payment for prostitution by a child	
s. 18	Agreement for prostitution of a child	
<i>Road Traffic Act 1974</i>		
s. 59	Dangerous driving causing death	The offence is committed with intent to cause death
s. 59	Dangerous driving causing grievous bodily harm	The offence is committed with intent to cause grievous bodily harm to a child or a vulnerable person

Provision	Description of Offence	Condition
<i>Western Australian Marine Act 1982</i>		
s. 75B(1)	Navigation of vessel occasioning death while under influence of alcohol, a drug or alcohol and a drug	The offence is committed with intent to cause death
s. 75B(2)	Dangerous navigation of vessel occasioning death	The offence is committed with intent to cause death
s. 75BA(1)	Navigation of vessel occasioning grievous bodily harm while under influence of alcohol, a drug or alcohol and a drug	The offence is committed with intent to cause grievous bodily harm to a child or a vulnerable person
s. 75BA(2)	Dangerous navigation of vessel occasioning grievous bodily harm	The offence is committed with intent to cause grievous bodily harm to a child or a vulnerable person

Schedule 2 - Class 2 Offence Schedule

Provision	Description of Offence	Condition
<i>The Criminal Code</i>		
s. 192	Procuring person to have unlawful carnal knowledge by threat, fraud or administering drug	The victim is a person other than a child or a vulnerable person
s. 204A	Showing offensive material to child under 16	The offensive material is child exploitation material as defined in The Criminal Code section 217A The offence falls within the ambit of section 6(4)*
s. 204B	Using electronic communication to procure, or expose to indecent matter, child under 16	The offence falls within the ambit of section 6(4)*
s. 217	Involving child in child exploitation	The offence falls within the ambit of section 6(4)*
s. 218	Producing child exploitation material	The offence falls within the ambit of section 6(4)*
s. 219	Distributing child exploitation material	The offence falls within the ambit of section 6(4)*
s. 220	Possession of child exploitation material	The offence falls within the ambit of section 6(4)*
s. 221BD	Distribution of intimate image	The image is of a child or a vulnerable person
s. 262	Failing to provide necessities of life in breach of duty	The victim is a child or a vulnerable person, the offender is involved in the provision of care, support or services to the child or vulnerable person, and the care, support or services relate to the vulnerability of the child or the vulnerable person but are not care, support or services provided by a member of the family of the child or the vulnerable person as part of a normal familial care relationship
s. 263	Duty of head of family	
s. 280	Manslaughter	
s. 281	Unlawful assault causing death	
s. 284(3)(c)	Culpable driving (not of motor vehicle) causing death	The offence causes death but without intent to cause death

Provision	Description of Offence	Condition
s. 284 (3)(d)	Culpable driving (not of a motor vehicle) causing grievous bodily harm	The offence causes grievous bodily harm but without intent to cause harm to a child or a vulnerable person
s. 288	Procuring, counselling or aiding another to commit suicide	
s. 290	Preventing birth of live child	
s. 292	Disabling in order to commit indictable offence	
s. 293	Stupefying in order to commit indictable offence	The victim is a person other than a child or a vulnerable person
s. 294	Act intended to cause grievous bodily harm or prevent arrest	The victim is a person other than a child or a vulnerable person
s. 297	Grievous bodily harm	
s. 298	Suffocation and strangulation	
s. 300	Persistent family violence	One or more of the prescribed offences applying under The Criminal Code section 299 are offences listed in Schedule 1 or of this Schedule and the victim is a child or a vulnerable person
s. 301	Wounding and similar acts	
s. 305	Setting dangerous thing	The intended victim is a person other than a child or a vulnerable person
s. 306(2)	Female genital mutilation	The victim is a person other than a child or a vulnerable person
s. 317A(b)	Assault with intent to do grievous bodily harm	The victim is a person other than a child or a vulnerable person
s. 321	Sexual offences against child of or over 13 and under 16	The offence falls within the ambit of section 6(4)*
s. 321A	Persistent sexual conduct with child under 16	The offence falls within the ambit of section 6(4)*
s. 323	Indecent assault	The victim is a person other than a child or a vulnerable person or The offence falls within the ambit of section 6(4)*
s. 324	Aggravated indecent assault	The victim is a person other than a child or a vulnerable person or The offence falls within the ambit of section 6(4)*
s. 325	Sexual penetration without consent	The victim is a person other than a child or a vulnerable person or The offence falls within the ambit of section 6(4)*
s. 326	Aggravated sexual penetration without consent	The victim is a person other than a child or a vulnerable person or The offence falls within the ambit of section 6(4)*
s. 327	Sexual coercion	The victim is a person other than a child or a vulnerable person
s. 328	Aggravated sexual coercion	The victim is a person other than a child or a vulnerable person

Provision	Description of Offence	Condition
s. 329(7)	Sexually penetrating a person who the offender knows is his or her lineal relative	The victim is a person other than a vulnerable person
s. 329(8)	Consenting to be penetrated by a person who the offender knows to be his or her lineal relative	
s. 331B	Sexual servitude	The victim is a person other than a child or a vulnerable person
s. 331C	Conducting business involving sexual servitude	The victim is a person other than a child or a vulnerable person
s. 331D	Deceptive recruiting for commercial sexual service	The victim is a person other than a child or a vulnerable person
s. 332	Kidnapping	The victim is a person other than a child or a vulnerable person or The victim is a child and the offender is a family member of the child
s. 343	Child stealing	The offence is committed by a family member of the child
s. 380	Concealing a will	A beneficiary of the testamentary instrument is a child or a vulnerable person
s. 381	Concealing a document that is evidence of title to any land or estate in land	A person with an interest in the land is a child or a vulnerable person
s. 409	Fraud	The victim is a child or a vulnerable person
s. 473	Forgery and uttering	The victim is a child or a vulnerable person
s. 510	Personation	The victim is a child or a vulnerable person
s. 511	Personating owner of shares	The victim is a child or a vulnerable person
<i>Animal Welfare Act 2002</i>		
s. 19	Cruelty to animals	This item does not apply if the CEO is satisfied that the offence did not involve serious cruelty to an animal
<i>Children and Community Services Act 2004</i>		
s. 101	Failing to protect child from harm	
s. 102	Leaving child unsupervised in vehicle	
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>		
s. 59(5)	Possessing or copying an indecent or obscene article	The article is child exploitation material as defined in The Criminal Code section 217A The offence falls within the ambit of section 6(4)*
<i>Disability Services Act 1993</i>		
s. 53	Offence of ill-treatment	The victim is a child or a vulnerable person, the offender is involved in the provision of care, support or services to the child or the vulnerable person, and the care, support or services relate to the vulnerability of the child or the vulnerable person but are not care, support or services provided by a member of the family of the child or the vulnerable person as part of a normal familial care relationship

Provision	Description of Offence	Condition
<i>Misuse of Drugs Act 1981</i>		
s. 6(1)(a) or (c)	Offence concerned with prohibited drugs	The sale or supply was to, or intended to be to, a child or a vulnerable person
s. 6(1)(b)	Offence concerned with prohibited drugs	The act constituting the offence endangered the life, health or safety of a child under the age of 16 years or of a vulnerable person
s. 7(1)(a)	Offences concerned with prohibited plants or drugs generally	The act constituting the offence endangered the life, health or safety of a child under the age of 16 years or of a vulnerable person
s. 7(1)(b)	Offences concerned with prohibited plants generally	The sale or supply was to, or intended to be to, a child or a vulnerable person
s. 7(2)	Offences concerned with prohibited plants generally	The act constituting the offence endangered the life, health or safety of a child under the age of 16 years or of a vulnerable person
s. 7B(4)	Selling drug paraphernalia to a child	
s. 8Q(1)	Manufacturing a psychoactive substance	The act constituting the offence endangered the life, health or safety of a child under the age of 16 years or of a vulnerable person
s. 8Q(2)	Sale or supply of psychoactive substance	The sale or supply was to a child or a vulnerable person
s. 15	Sale or supply of category 1 item	The sale or supply was to a child or a vulnerable person
s. 17	Sale or supply of category 2 item	The sale or supply was to a child or a vulnerable person
<i>Road Traffic Act 1974</i>		
s. 59	Dangerous driving causing death	The offence causes death but without intent to do so
s. 59	Dangerous driving causing grievous bodily harm	The offence causes grievous bodily harm but without intent to cause grievous bodily harm to a child or a vulnerable person
<i>Western Australian Marine Act 1982</i>		
s. 75B(1)	Navigation of vessel occasioning death while under influence of alcohol, a drug or alcohol and a drug	The offence causes death but without intent to do so
s. 75B(2)	Dangerous navigation of vessel occasioning death	The offence causes death but without intent to do so
s. 75BA(1)	Navigation of vessel occasioning grievous bodily harm while under influence of alcohol, a drug or alcohol and a drug	The offence causes grievous bodily harm but without intent to cause grievous bodily harm to a child or a vulnerable person
s. 75BA(2)	Dangerous navigation of vessel occasioning grievous bodily harm	The offence causes grievous bodily harm but without intent to cause grievous bodily harm to a child or a vulnerable person

*Section 6 (4)

6. Class 1 offence and Class 2 offence

(4) For the purposes of Schedule 1 or 2, an offence falls within the ambit of this subsection if —

(a) the victim of the offence is a child who has reached 14 years of age; and

(b) the age difference between the victim and the offender does not exceed five (5) years.

Additional Class 1 and Class 2 offences are prescribed in the [National Disability Insurance Scheme \(Worker Screening\) Regulations 2021](#).