



# Factsheet CRW04

## Exemptions

### Narrowing of access

This factsheet provides a summary of when a person is prohibited from accessing certain [exemptions](#). If you require assistance translating or interpreting the information in this factsheet, please call the Translating and Interpreting Service (TIS National) on 131 450.

The *Working with Children (Screening) Act 2004* (the Act) prohibits a person with a current **Interim Negative Notice** or **Negative Notice** from undertaking [child-related work](#). It is also a breach of the Act:

- for a person with a current Interim Negative Notice or Negative Notice to access the **child** or **parent volunteer**, or unpaid **student** on placement under 18 years of age exemptions.
- for an **organisation** to engage a person using the child or parent volunteer, or unpaid student on placement under 18 years of age exemptions if they are aware that they have a current Interim Negative Notice or Negative Notice.

An individual and/or organisation could be liable for a maximum penalty of a fine up to \$60,000 and five years' imprisonment.

### What are the person's obligations?

A person with a current Interim Negative Notice or Negative Notice must not carry out child-related work or access the above exemptions, or they are breaching the Act and can be [prosecuted](#). If a person is unsure, they can contact the Working with Children (WWC) Screening Unit for more information.

### Does a person need to tell the organisation they have been volunteering with (as a child or parent volunteer, or unpaid student on placement under 18 years of age) that they have received an Interim Negative Notice or Negative Notice?

The Act does not require a child or parent volunteer, or unpaid student on placement under 18 years of age who receives an Interim Negative Notice or Negative Notice to tell their organisation the reason why they are no longer able to volunteer for them. However, they must immediately stop accessing the exemption or they will be breaking the law and can be prosecuted.

## **Do organisations have an obligation to check if volunteers have an Interim Negative Notice or Negative Notice?**

No, an organisation does not have a legal obligation to check. However, if an organisation becomes aware that a child or parent volunteer, or unpaid student on placement under 18 years of age has a current Interim Negative Notice or Negative Notice, they must immediately take steps to ensure the person does not continue engaging in child-related work. Failure to act on this knowledge is an offence, and the organisation and the individual can be prosecuted.

To manage this risk, organisations can update their practices and policies to include a process for child and parent volunteers, and unpaid students on placement under 18 years of age, to acknowledge they understand this law and confirm that they are eligible to access the child or parent volunteer, or unpaid student on placement under 18 years of age exemptions. The WWC Screening Unit has developed a template that can help with this, please refer to [Template ORG04: WWC Check, Volunteer declaration](#). If the WWC Screening Unit were to conduct a Compliance Check on the organisation these records would then form part of their documentation demonstrating compliance with the Act.

## **What education and support are available for organisations?**

A range of [education and engagement activities](#) are available to organisations, including workshops, regional education, and online consultation opportunities. Supporting resources and checklists to help organisations understand and meet their WWC Check obligations are available on the [WWC website](#).

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)