

Factsheet PEN02

Offences and penalties

Employers, volunteer organisations and education providers

There are a range of penalties for not complying with the [Working with Children \(Screening\) Act 2004](#) (the Act). This Factsheet provides a summary of the offences and penalties that apply to employers, volunteer organisations and **education providers** engaging people in [child-related work](#). For the exact wording of offences please refer to 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.

It is an offence for:	Penalty and reference
<ul style="list-style-type: none"> an education provider to obtain child-related work for a student at a child care service if the student does not have a current WWC Card or a pending application. 	A fine of \$12,000. Section 9B(3).
<ul style="list-style-type: none"> an employer/volunteer organisation to engage a person in child-related work in connection with a child care service (category 1) if the person does not have a WWC Card or a pending application. 	A fine of \$12,000 and imprisonment for 12 months. Section 22(4).
<ul style="list-style-type: none"> an education provider to obtain child-related work for a student if they are aware that the student has withdrawn their application for a WWC Card. 	A fine of \$12,000. Section 9B(4).
<ul style="list-style-type: none"> an employer/volunteer organisation to engage a person in child-related work if they are aware that the person has withdrawn their application for a WWC Card. 	A fine of \$12,000 and imprisonment for 12 months. Section 22(5).
<ul style="list-style-type: none"> an education provider to obtain child-related work for a student if they are aware that: <ul style="list-style-type: none"> the student has a pending charge or conviction of a Class 1 or Class 2 Offence and the student does not have a WWC Card or a pending application for one. 	A fine of \$60,000. Section 9B(1).

It is an offence for:	Penalty and reference
<ul style="list-style-type: none"> • an employer/volunteer organisation to engage a person in child-related work they are aware that: <ul style="list-style-type: none"> ○ the person has a pending charge or conviction of a Class 1 or Class 2 Offence and ○ they do not have a WWC Card or a pending application. 	<p>A fine of \$60,000 and imprisonment for 5 years. Section 22(2).</p>
<ul style="list-style-type: none"> • an education provider to obtain child-related work for a student if they are aware that the student has a current Negative Notice or Interim Negative Notice. 	<p>A fine of \$60,000. Section 9B(2).</p>
<ul style="list-style-type: none"> • an employer/volunteer organisation to engage a person in child-related work they are aware that the person has a current Negative Notice or Interim Negative Notice. 	<p>A fine of \$60,000 and imprisonment for 5 years. Section 22(3).</p>
<ul style="list-style-type: none"> • an employer/volunteer organisation to engage a person in child-related work using the child or parent volunteer exemption, if they are aware that the volunteer has a current Interim Negative Notice or Negative Notice. 	<p>A fine of \$60,000 and imprisonment for 5 years. Section 22(3).</p>
<ul style="list-style-type: none"> • an education provider to obtain child-related work for a student if the student: <ul style="list-style-type: none"> ○ has been engaged by the employer/volunteer organisation in child-related work for more than five days in a calendar year and ○ does not have a WWC Card or a pending application. 	<p>A fine of \$12,000. Section 9B(5).</p>
<ul style="list-style-type: none"> • an employer/volunteer organisation to engage a person in child-related work if the person: <ul style="list-style-type: none"> ○ has been engaged by the employer/volunteer organisation in child-related work for more than five days in a calendar year and ○ does not have a WWC Card or a pending application. 	<p>A fine of \$12,000 and imprisonment for 12 months. Section 22(6).</p>

It is an offence for:	Penalty and reference
<ul style="list-style-type: none"> • a person to fail to comply with the instructions of an Authorised Officer. 	A fine of \$12,000 and imprisonment for 12 months. Section 34Q.
<ul style="list-style-type: none"> • a person to interfere or deal with any thing that has been seized by an Authorised Officer. 	A fine of \$12,000 and imprisonment for 12 months. Section 34T(5).
<ul style="list-style-type: none"> • a person to give information that is false or misleading to: <ul style="list-style-type: none"> ○ the WWC Screening Unit or ○ an Authorised Officer. 	A fine of \$24,000 and imprisonment for 2 years. Section 35(b) and (ba).
<ul style="list-style-type: none"> • a person to obstruct or hinder an Authorised Officer, 	A fine of \$12,000 and imprisonment for 12 months. Section 35A.
<ul style="list-style-type: none"> • a person to impersonate an Authorised Officer. 	A fine of \$12,000 and imprisonment for 12 months. Section 35B.

Definitions of **bold** terms can be found in the Working with Children Check glossary at www.workingwithchildren.wa.gov.au