



# Factsheet NEG01

## Negative Notice

### Review and cancellation applications

A **Negative Notice** prohibits a person from undertaking [child-related work](#) and accessing the [child volunteer exemptions](#) or [parent volunteer exemption](#) under the *Working with Children (Screening) Act 2004* (the Act). A Negative Notice remains current until it is cancelled under the Act.

This factsheet provides a summary of the process that can be undertaken to review the decision to issue a Negative Notice and to request the cancellation of a Negative Notice. If you require assistance translating or interpreting the information in this factsheet, please call the Translating and Interpreting Service (TIS National) on 131 450.

### **Review of Negative Notice by the State Administrative Tribunal**

A Negative Notice holder is entitled to have the decision to issue a Negative Notice reviewed by the State Administrative Tribunal (SAT), an independent body that reviews a wide range of government decisions and settles disputes.

Applications to the SAT must be made within 28 days after the date that the Negative Notice was issued. An application for review can be lodged by completing an application form on the eCourts portal at <https://eCourts.justice.wa.gov.au/eCourtsPortal/>.

Prior to a Negative Notice being issued, a person is provided with an opportunity to provide a submission to the Working with Children (WWC) Screening Unit for consideration before a final decision is made. See [Factsheet NEG02 – Making a submission](#) for more information. If a submission was not provided to the WWC Screening Unit prior to a Negative Notice being issued, a person cannot apply to the SAT for a review of this final decision without first obtaining permission from the SAT to do so. More information on this process and relevant application forms for the SAT can be accessed at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by telephoning 08 9219 3111 / 1300 306 017 (STD callers).

When an application is accepted by the SAT, a copy of the application must also be provided to the WWC Screening Unit by:

- email to [legal@communities.wa.gov.au](mailto:legal@communities.wa.gov.au)
- mail to PO Box 8553, Perth BC, WA 6849
- delivery in person to the WWC Screening Unit, Level 6 130 Stirling St Perth WA 6000.

## **Application to cancel a Negative Notice**

A person with a Negative Notice can apply to the WWC Screening Unit to have the Negative Notice cancelled three years after the:

- Negative Notice was issued
- person previously applied for a cancellation and was refused
- person applied to the SAT for a review, and the Negative Notice was upheld.

A Negative Notice holder may be able to apply earlier if any of the following situations apply:

- They had a pending Class 1, Class 2, or Class 3 charge when the Negative Notice was issued and were later not convicted of the offence.
- The Negative Notice was issued on the basis of conduct review authority information under Section 17A(3) and the conduct review finding or outcome to which the Negative Notice relates is subsequently quashed, set aside, withdrawn, or found to be unsubstantiated or incorrect.
- A conviction was quashed or set aside on appeal after their Negative Notice was issued.
- They had a conviction for a Class 1 offence which has now been pardoned.
- The Negative Notice was issued under section 18 of the Act.
- The Negative Notice issued was based on wrong or incomplete information.

Contact the WWC Screening Unit on [WWC.InfoResponse@communities.wa.gov.au](mailto:WWC.InfoResponse@communities.wa.gov.au) for information on how to apply to cancel a Negative Notice. Please note, a fee of \$87 will apply to an application to cancel a Negative Notice.