

This factsheet provides a list of the offences that are deemed to be Class 1 and Class 2 offences under the [Working with Children \(Screening\) Act 2004](#) (the WWC Act) and the [Working with Children \(Screening\) Regulations 2005](#) (the Regulations). It is intended as a guide only.

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Class 1 offences

A 'Class 1 offence' is an offence against any of the following provisions.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 181	Carnal knowledge of animal.
s. 186(1)	Occupier or owner allowing a child to be on premises for unlawful carnal knowledge.
s. 187(2)	Facilitating sexual offence against a child outside Western Australia.
s. 191	Procure person to be a prostitute. The victim is a child.
s. 192	Procuring person to have unlawful carnal knowledge by threat, fraud or administering drug. The victim is a child.
s. 204A	Showing offensive material to child under 16. The offensive material is child exploitation material as defined in <i>The Criminal Code</i> section 217A. The offence does not fall within the ambit of section 7(3) of the WWC Act.
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 7(3) of the WWC Act.
s. 217	Involving a child in child exploitation. The offence does not fall within the ambit of section 7(3) of the WWC Act.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 218	Producing child exploitation material. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 219	Distributing child exploitation material. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 220	Possession of child exploitation material. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 279	Murder. The victim is a child.
s. 294	Act intended to cause grievous bodily harm or prevent arrest. The victim is a child.
s. 305	Setting dangerous thing. The victim is a child.
s. 306 (2)	Female genital mutilation. The victim is a child.
s. 306(4)	Female genital mutilation – taking or arranging for child to be taken from the State.
s. 317A(b)	Assault with intent to do grievous bodily harm. The victim is a child.
s. 320	Sexual offences against child under 13.
s. 321	Sexual offences against a child of or over 13 and under 16. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 321A(4)	Persistent sexual conduct with child under 16. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 322	Sexual offences against child of or over 16 by person in authority etc.
s. 323	Indecent assault. The victim is a child. The offence does not fall within the ambit of section 7(3) of the WWC Act.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 324	<p>Aggravated indecent assault.</p> <p>The victim is a child.</p> <p>The offence does not fall within the ambit of section 7(3) of the WWC Act.</p>
s. 325	<p>Sexual penetration without consent.</p> <p>The victim is a child.</p> <p>The offence does not fall within the ambit of section 7(3) of the WWC Act.</p>
s. 326	<p>Aggravated sexual penetration without consent.</p> <p>The victim is a child.</p> <p>The offence does not fall within the ambit of section 7(3) of the WWC Act.</p>
s. 327	<p>Sexual coercion.</p> <p>The victim is a child.</p>
s. 328	<p>Aggravated sexual coercion.</p> <p>The victim is a child.</p>
s. 329(2)	Sexually penetrating child known to be lineal relative or de facto child.
s. 329(3)	Procuring, inciting or encouraging child known to be lineal relative or de facto child to engage in sexual behaviour.
s. 329(4)	Indecently dealing with child known to be lineal relative or a de facto child.
s. 329(5)	Procuring, inciting or encouraging child known to be lineal relative or a de facto child to do indecent act.
s. 329(6)	Indecently recording a child known to be lineal relative or a de facto child.
s. 330	Sexual offences against incapable person.
s. 331B	<p>Sexual servitude.</p> <p>The victim is a child or an incapable person.</p>
s. 331C(2)	<p>Conducting business involving sexual servitude.</p> <p>The victim is a child or an incapable person.</p>
s. 331D	<p>Deceptive recruiting for commercial sexual service.</p> <p>The victim is a child or an incapable person.</p>

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 332	Kidnapping. The victim is a child and the offence is committed by a person other than a relative of the child.
s. 343	Child stealing. The offence is committed by a person other than a relative of the child.
Repealed s.278 (as read with repealed s.282)	Willful murder. The victim is a child.
Repealed s.281A (as read with repealed s.287A)	Infanticide

Enactment	Description of offence and conditions (if any)
<i>Children and Community Services Act 2004</i>	
s. 192	Employing child, or permitting child to be employed, to perform indecent, obscene or pornographic manner.

Enactment	Description of offence and conditions (if any)
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>	
s. 59(1)	Possessing or copying indecent or obscene article with intent to sell or supply, or selling or supplying, or offering to sell or supply, indecent or obscene article The article is child exploitation material as defined in <i>The Criminal Code</i> section 217A.
s. 59(3) or (4)	Displaying, exhibiting or demonstrating indecent or obscene article in specified circumstances.

Enactment	Description of offence and conditions (if any)
Classification (Publications, Films and Computer Games) Enforcement Act 1996	
	The article is child exploitation material as defined in <i>The Criminal Code</i> section 217A.
s. 59(5)	Possessing or copying indecent or obscene article. The article is child exploitation material as defined in <i>The Criminal Code</i> section 217A. The offence does not fall within the ambit of section 7(3) of the WWC Act.
s. 101(1)	Using computer service to transmit, obtain, demonstrate, advertise or request objectionable material. The article is child exploitation material as defined in <i>The Criminal Code</i> section 217A.
repealed s. 60	Child pornography. The offence does not fall within the ambit of section 7(3) of the WWC Act.

Enactment	Description of offence and conditions (if any)
Prostitution Act 2000	
s. 16	Causing, permitting or seeking to induce child to act as prostitute.
s. 17(1)	Obtaining payment for prostitution by child.
s. 18(1)	Agreement for prostitution of child.

- An offence under a law of another state, territory, or jurisdiction of a similar kind to these Class 1 offences is also a Class 1 offence.
- An old offence that, at the time it was committed, was an offence of a similar kind to these Class 1 offences is also a Class 1 offence.
- Offences under a law of another jurisdiction that are prescribed by the Regulations to be Class 1 offences are also Class 1 offences.
- Some offences have already been prescribed as Class 1 offences in the Regulations and are included above.

Class 2 offences

A 'Class 2 offence' is an offence against any of the following provisions.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 192	Procuring person to have unlawful carnal knowledge by threat, fraud or administrating drug. The victim is person other than a child.
s. 204A(2)	Showing offensive material to child under 16. The offensive material is child exploitation material as defined in <i>The Criminal Code</i> section 217A. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 204B	Using electronic communication to procure, or expose to indecent matter, child under 16. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 217	Involving child in child exploitation. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 218	Producing child exploitation material. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 219	Distributing child exploitation material. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 220	Possession of child exploitation material. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 221BD(2)	Distribution of intimate image. The image is of a child.
s.279	Murder. The victim is a person other than a child.
s.280	Manslaughter.
s.281	Unlawful assault causing death.
s. 284(3)(c)	Culpable driving (not of motor vehicle) causing death.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 284(3)(d)	Culpable driving (not of motor vehicle) causing grievous bodily harm.
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.
s. 294	Act intended to cause grievous bodily harm or prevent arrest. The victim is a person other than a child.
s. 297	Grievous bodily harm.
s. 298	Suffocation and strangulation.
s. 300	Persistent family violence. One or more of the prescribed offences under <i>The Criminal Code</i> section 299 are offences listed in Schedule 1 or Schedule 2 of the WWC Act.
s. 301	Wounding and similar acts.
s. 305	Setting dangerous thing. The intended victim is a person other than a child.
s. 306(2)	Female genital mutilation. The victim is a person other than a child.
s. 317A(b)	Assault with intent to do grievous bodily harm. The victim is a person other than a child.
s. 321	Sexual offences against child of or over 13 and under 16. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 321A(4)	Persistent sexual conduct with child under 16. The offence falls within the ambit of section 7(3) of the WWC Act.
s. 323	Indecent assault. The victim is a person other than a child or the offence falls within the ambit of section 7(3) of the WWC Act.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
s. 324	<p>Aggravated indecent assault.</p> <p>The victim is a person other than a child or the offence falls within the ambit of section 7(3) of the WWC Act.</p>
s. 325	<p>Sexual penetration without consent.</p> <p>The victim is a person other than a child or the offence falls within the ambit of section 7(3) of the WWC Act.</p>
s. 326	<p>Aggravated sexual penetration without consent</p> <p>The victim is a person other than a child or the offence falls within the ambit of section 7(3) of the WWC Act.</p>
s. 327	<p>Sexual coercion.</p> <p>The victim is a person other than a child.</p>
s. 328	<p>Aggravated sexual coercion.</p> <p>The victim is a person other than a child.</p>
s. 329(7)	Sexually penetrating a person of or over 18 known to be a lineal relative.
s. 329(8)	Consenting to being sexually penetrated by a person known to be a lineal relative.
s. 331B	<p>Sexual servitude.</p> <p>The victim is a person other than a child or an incapable person.</p>
s. 331C(2)	<p>Conducting business involving sexual servitude.</p> <p>The victim is a person other than a child or an incapable person.</p>
s. 331D	<p>Deceptive recruiting for commercial sexual services.</p> <p>The victim is a person other than a child or an incapable person.</p>
s. 332	<p>Kidnapping.</p> <p>The victim is a person other than child or the victim is a child and the offence is committed by a relative of the child.</p>
s. 343	<p>Child stealing.</p> <p>The offence is committed by a relative of the child.</p>
Repealed s.	Willful murder.

Enactment	Description of offence and conditions (if any)
<i>The Criminal Code</i>	
278 (as read with repealed s. 282)	The victim is a person other than a child.

Enactment	Description of offence and conditions (if any)
<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.

Enactment	Description of offence and conditions (if any)
<i>Children and Community Services Act 2004</i>	
s. 101(1)	Failing to protect child from significant harm.
s. 102	Leaving child unsupervised in vehicle.

Enactment	Description of offence and conditions (if any)
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>	
s. 59(5)	Possession or copying indecent or obscene article. The article is child exploitation material as defined in <i>The Criminal Code</i> section 217A. The offence falls within the ambit of section 7(3) of the WWC Act.
Repealed s. 60	Child pornography. The offence falls within the ambit of section 7(3) of the WWC Act.

Enactment	Description of offence and conditions (if any)
<i>Disability Services Act 1993</i>	
s. 53	Offence of ill-treatment.

Enactment	Description of offence and conditions (if any)
<i>Misuse of Drugs Act 1981.</i>	
s. 7B(4)	Selling drug paraphernalia to child.
Repealed s. 19A(2)	Selling, or offering to sell, cannabis smoking paraphernalia to child.
Repealed s. 19B(2)	Selling, or offering to sell, ice pipe to child.

Enactment	Description of Offence
<i>Road Traffic Act 1974</i>	
s. 59	Dangerous driving causing death.
s. 59	Dangerous driving causing grievous bodily harm.

Enactment	Description of Offence
<i>Western Australian Marine Act 1982</i>	
s. 75B(1) and (2)	Dangerous navigation of vessel occasioning death.
s. 75BA(1) and (2)	Dangerous navigation of a vessel occasioning grievous bodily harm.

- An offence under a law of another state, territory, or jurisdiction of a similar kind to these Class 2 offences is also a Class 2 offence.
- An old offence that, at the time it was committed, was an offence of a similar kind to these Class 2 offences is also a Class 2 offence.
- An offence of attempting, or of conspiracy or incitement to commit an offence that is a Class 1 or Class 2 offence.
- Offences under a law of another jurisdiction that are prescribed by the Regulations to be Class 2 offences are also Class 2 offences.
- Some offences have already been prescribed as Class 2 offences in the Regulations and are included above.