

Factsheet CRW04

Exemptions

Narrowing of access

This factsheet provides a summary of when an **individual** 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 an individual who holds a current **negative notice** or **interim negative notice**, or who is the subject of an **adverse interstate Working with Children (WWC) decision**, from accessing the following exemptions:

- **child** volunteer exemption
- **parent volunteer exemption**
- unpaid **student** on placement under 18 years of age.

An individual who is subject to an adverse interstate WWC decision is also prohibited from accessing the:

- short term visitor to Western Australia exemption
- one-off national events or national tours exemption.

For further information refer [Factsheet NEG06: Adverse interstate Working with Children decision](#).

It is also an offence under the Act for

- an employer or volunteer organisation to engage an individual
- an education provider to procure employment for a student as part of a course of study, in **child-related work**, including by relying on one of these exemptions, if they are aware the individual is prohibited as outlined above.

Does an individual need to tell the organisation they are prohibited from accessing an exemption?

The Act does not require an individual who:

- has a current negative notice or interim negative notice; or
- is the subject of an adverse interstate WWC decision,

to tell their organisation the reason why they are no longer able to access an exemption.

However, it is the individual's responsibility to immediately cease engaging in child-related work and stop relying on any relevant exemption or they will be in breach of the Act and can be prosecuted.

Do organisations have an obligation to check if an individual is prohibited from accessing an exemption?

No, an organisation does not have a legal obligation to check. However, if an organisation becomes aware that an individual:

- has a current negative notice or interim negative notice
- is the subject of an adverse interstate WWC decision

they must immediately take steps to ensure the individual is removed from 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 individuals who access these exemptions, to acknowledge that they understand the requirements of the Act, and to confirm their eligibility to access the relevant exemption. 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 information sessions, regional education, and online consultation opportunities. Supporting resources and toolkits 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