



CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 6 OF 2008

WORKING WITH CHILDREN CHECK (WWC Check)

The *Working with Children (Criminal Record Checking) Act 2004* (the Act), was proclaimed on 1 January 2006. The Act provides a framework of rigorous criminal checks for employees in child-related work and is being phased in over five years.

'Child-related work' means that the 'usual duties involve, or are likely to involve, contact with a child', in connection with one of the categories of work defined in section 6 of the Act.

Phasing in arrangements for the WWC Check apply differently to various groups of employees. The Act requires:

- employees who started child-related work during 2006 to have applied for a WWC Check by the end of 2007;
- employees who started child-related work during 2007 to have applied for a WWC Check at the same time as they commenced that work; and
- existing employees in child-related work to apply for a WWC Check between 1 January 2008 and 31 December 2010, depending on their type of work.

Volunteers are also considered to be employees under the Act and the WWC Check requirements for this group are as follows:

- all volunteers working with children between the ages of 0 and 12 years were required to have applied for a WWC Check by the end of 2007;
- all existing volunteers working with children between the ages of 13 and 17 years have until 31 December 2008 to apply for a WWC Check; and
- from 1 January 2008, all new volunteers working with children between the ages of 0 and 17 years are required to apply as they commence child-related work.

Under the Act, 'existing employees' are those employees and volunteers who are undertaking child-related work for the employer at the time they are obliged, under the Act, to apply for a WWC Check.

It is important for employers to be aware of all their obligations under the Act. If the required WWC Check has not occurred, agencies should ensure those employees apply immediately as both employer and employee are in breach of the legislation. Penalties for employers allowing employees to work without a current WWC Card, or application for WWC Card, include fines of up to \$60,000 and imprisonment for five years.

Information about who requires a WWC Check and full details of the phasing in schedule are available from the Working With Children Check website: www.checkwwc.wa.gov.au.

The WWC Check must be renewed by employees every three years.

PAYMENT AND/OR REIMBURSEMENT FOR WWC CHECK

To ensure consistency across the public sector, the following labour relations policy is to be adopted by all agencies in relation to reimbursement to employees (including fixed term contract employees, casual employees and volunteers) for a WWC Check.

1. New employees obliged to obtain a WWC Check as part of their commencing employment must pay for their initial WWC Check.
2. Agencies have discretion to reimburse new employees who commenced employment after 1 January 2006 and who have paid for their initial WWC Check.
3. Agencies are required to pay the cost for employees obliged to obtain a WWC Check after their employment has already commenced.
4. Agencies are required to pay the cost for all employees' WWC Check renewals.

If you require further information regarding this Circular please contact your DOCEP Labour Relations Adviser.



**BOB HORSTMAN
A/EXECUTIVE DIRECTOR
LABOUR RELATIONS**

30 May 2008