

32A. Certain applicants for assessment notice to notify proposed employer of relevant change in criminal record

If —

- (a) a person whose assessment notice has been cancelled (the ***cancelled assessment notice***) under section 31(5) has applied for a further assessment notice and the application is pending; and
- (b) a person (the ***proposed employer***) proposes to employ the person in child-related employment,

the person must give the proposed employer written notice of any relevant change in the person's criminal record since the cancelled assessment notice was issued.

Penalty: a fine of \$60 000 and imprisonment for 5 years.

[Section 32A inserted: No. 7 of 2010 s. 17; amended: No. 47 of 2022 s. 25.]

32. CEO to treat notice of relevant change under s. 29 and 30 as application for assessment notice

- (1) The CEO is to treat a notice given to the CEO under section 29(1) or 30 as an application for an assessment notice by the person to whose criminal record there has been a relevant change.
- (2) If the person to whose criminal record there has been a relevant change has a current assessment notice, section 12 applies to the application as if a reference in that section to issuing an assessment notice were a reference to issuing an assessment notice or a further assessment notice.

[Section 32 amended: No. 7 of 2010 s. 18.]

33. Class 1 offence: pending charge or conviction prevents child-related work

If the relevant change in a person's criminal record is that the person is charged with or convicted of a Class 1 offence (other than a Class 1 offence committed or allegedly committed by the person when a child), the person must not —

- (a) be employed in child-related employment; or
- (b) carry on a child-related business.

Penalty: imprisonment for 5 years and a fine of \$60 000.

[Section 33 inserted: No. 47 of 2022 s. 26.]

Division 1A — Designated changes in criminal record

[Heading inserted: No. 47 of 2022 s. 27.]

33A. Commissioner may give information about change in criminal record

- (1) This section applies in respect of a person —
 - (a) who has a current assessment notice; or
 - (b) who has applied to the CEO for an assessment notice if the application is pending; or
 - (c) who has applied to the CEO for a negative notice to be cancelled if the application is pending; or
 - (d) in relation to whom the CEO has decided to act under section 17(3)(d) or 17B(2)(b); or
 - (e) in relation to whom the CEO is acting under section 20; or
 - (f) in relation to whom the CEO has been given a notice that the CEO must treat under section 32(1) as an application by the person for an assessment notice if the application is pending.

- (2) For the purposes of this section, there is a **designated change** in the person's criminal record, whether or not the person has a criminal record, if —
- (a) the person is charged with or convicted of an offence; or
 - (b) the person becomes subject to a non-conviction charge; or
 - (c) there is a change in any other information mentioned in the person's criminal record.
- (3) The Commissioner may give the CEO the following information in connection with a designated change in the person's criminal record —
- (a) details of the change in the person's criminal record;
 - (b) information that is connected with, or otherwise related to, the change in the person's criminal record;
 - (c) any other information the Commissioner thinks fit.
- (4) The CEO may give the Commissioner any information that is reasonably required in connection with the exercise of the Commissioner's powers under this section.
- (5) This section does not limit the powers of the Commissioner to disclose information under another provision of this or any other Act.

[Section 33A inserted: No. 47 of 2022 s. 27.]

Division 2 — Criminal record checks

34. CEO may carry out criminal record check

- (1) In this section —
- DPP** means —
- (a) the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1991* section 5; or

- (b) a person or body exercising functions that substantially correspond to the functions of the Director of Public Prosecutions under a law of another jurisdiction.
- (2) This section applies in respect of a person —
 - (a) who has a current assessment notice; or
 - (b) who has applied to the CEO for an assessment notice; or
 - (c) who has applied to the CEO for a negative notice to be cancelled; or
 - (d) in relation to whom the CEO has decided to act under section 17(3)(d) or 17B(2)(b); or
 - (e) in relation to whom the CEO is acting under section 20; or
 - (f) who has applied to the State Administrative Tribunal under section 26 or who is the subject of an appeal against a decision of the Tribunal on an application under that section; or
 - (g) in relation to whom the CEO has been given a notice that the CEO must treat under section 32(1) as an application by the person for an assessment notice.
- (3) The CEO may ask a criminal records agency for information or access to the records of the criminal records agency —
 - (a) to determine whether the person has a criminal record; and
 - (b) if the person has a criminal record, to obtain details of the criminal record.
- (4) If the person has a criminal record, the CEO may ask a criminal records agency or the DPP for any information relating to the person in their possession that is connected with, or otherwise related to, a conviction or charge mentioned in the criminal record.

- (5) A person or body in this State to which a request is made by the CEO under this section is authorised to disclose the requested information to the CEO.
- (6) This section does not limit the powers of the CEO to request or obtain information under another provision of this Act.

[Section 34 amended: No. 47 of 2022 s. 28.]

Part 3A — Information gathering and sharing

[Heading inserted: No. 47 of 2022 s. 29.]

34A. General power to obtain, use and disclose information

- (1) In this section —

CEO (Education) means the chief executive officer of the department of the Public Service principally assisting in the administration of the *School Education Act 1999*;

CEO (Health) means the chief executive officer of the department of the Public Service principally assisting in the administration of the *Health Services Act 2016*;

relevant information means —

- (a) information that the CEO considers to be relevant to —

(i) a person to whom Part 2 applies (including a person who is subject to the application of section 32); or

(ii) a person who has applied to the State Administrative Tribunal under section 26;

or

- (b) information that the CEO considers to be relevant to whether —

(i) a person should be issued an assessment notice, a further assessment notice, a negative notice or an interim negative notice; or

(ii) an assessment notice or a negative notice should be cancelled;

or

- (c) any other information prescribed by the regulations for the purposes of this definition.

- (2) The CEO may request relevant information for a WWC purpose from any person or body that, in the opinion of the CEO, may possess relevant information.

- (3) A person or body in this State to which a request is made under subsection (2) is authorised to disclose relevant information to the CEO.
- (4) The following persons and bodies must comply with a request under subsection (2) —
 - (a) the CEO (Education);
 - (b) the CEO (Health);
 - (c) a health service provider as defined in the *Health Services Act 2016* section 6.
- (5) The CEO may use relevant information obtained by the CEO from any source for a WWC purpose.
- (6) The CEO may disclose relevant information for a WWC purpose to —
 - (a) a government agency; or
 - (b) a criminal records agency.
- (7) This section does not limit the powers of the CEO to request, obtain or disclose information under another provision of this Act.

[Section 34A inserted: No. 47 of 2022 s. 29.]

34B. Disclosure of information to employer or proposed employer

- (1) The CEO may disclose the following information to an employer or proposed employer who employs or proposes to employ in child-related employment a person who is applying for an assessment notice or who holds a current assessment notice —
 - (a) information relevant to the identity of the person;
 - (b) information relevant to the employer or proposed employer verifying that they employ or propose to employ the person in child-related employment;

s. 34C

- (c) any other information prescribed by the regulations for the purposes of this subsection.
- (2) This section does not limit the powers of the CEO to disclose information under another provision of this Act.

[Section 34B inserted: No. 47 of 2022 s. 29.]

34C. Power to require reports from CEO (Justice)

- (1) In this section —
prescribed report means any of the following —
 - (a) a written pre-sentence report, or a record of an oral pre-sentence report, made under the *Sentencing Act 1995* Part 3 Division 3;
 - (b) a report prepared for the purposes of the *Sentence Administration Act 2003* section 11A, 17 or 51;
 - (c) a report prepared for the purposes of the *Young Offenders Act 1994* section 47, 48(1) or 159;
 - (d) a report —
 - (i) made under, or prepared for the purposes of, the *Bail Act 1982*, the *Dangerous Sexual Offenders Act 2006* (repealed), the *High Risk Serious Offenders Act 2020*, the *Prisons Act 1981*, the *Sentence Administration Act 2003*, the *Sentencing Act 1995* or the *Young Offenders Act 1994*; and
 - (ii) of a kind prescribed by the regulations for the purposes of this definition.
- (2) The CEO may, for a WWC purpose, by written notice request the CEO (Justice) to give the CEO a copy of a prescribed report.
- (3) A request to the CEO (Justice) under this section may only relate to obtaining a report about an offender or alleged offender.

- (4) The CEO (Justice) must comply with a request under this section within a reasonable period after the request is received.
- (5) The CEO (Justice) is authorised to provide the requested report to the CEO.
- (6) This section does not limit the operation of section 34A.
[Section 34C inserted: No. 47 of 2022 s. 29.]

34D. Exchange of information with corresponding authorities

- (1) The CEO may disclose to a corresponding authority information obtained or created under this Act that —
 - (a) relates to —
 - (i) a person’s criminal record; or
 - (ii) a conduct review finding or outcome; or
 - (iii) an application made by a person under this Act; or
 - (iv) a decision to issue an assessment notice, a further assessment notice, a negative notice or an interim negative notice;
 - or
 - (b) may otherwise be relevant to the performance of a function of the corresponding authority that substantially corresponds to a function of the CEO under this Act.
- (2) The CEO may request a corresponding authority to disclose to the CEO information obtained or created by the corresponding authority that —
 - (a) corresponds to the information referred to in subsection (1)(a) and relates to a person who has made an application, or has been issued with a notice, under this Act; or

s. 34E

- (b) may otherwise be relevant to the performance of a function of the CEO under this Act.

[Section 34D inserted: No. 47 of 2022 s. 29.]

34E. Exchange of information under *National Disability Insurance Scheme (Worker Screening) Act 2020*

- (1) In this section —

CEO (NDIS) means the chief executive officer of the department of the Public Service principally assisting in the administration of the *National Disability Insurance Scheme (Worker Screening) Act 2020*;

interstate screening agency means an interstate screening agency as defined in the *National Disability Insurance Scheme (Worker Screening) Act 2020* section 5(1).

- (2) The CEO may disclose to the CEO (NDIS) or an interstate screening agency information obtained or created under this Act that —

- (a) relates to —

- (i) a person's criminal record; or
 - (ii) a conduct review finding or outcome; or
 - (iii) an application made by a person under this Act; or
 - (iv) a decision to issue an assessment notice, a further assessment notice, a negative notice or an interim negative notice;

or

- (b) may otherwise be relevant to the performance of a function of —

- (i) the CEO (NDIS) under a law of this State; or
 - (ii) the interstate screening agency under a law of another jurisdiction.

- (3) The CEO may request the CEO (NDIS) or an interstate screening agency to disclose to the CEO information obtained or created by the CEO (NDIS) or the interstate screening agency that —
 - (a) corresponds to the information referred to in subsection (2)(a) and relates to a person who has made an application, or has been issued with a notice, under this Act; or
 - (b) may otherwise be relevant to the performance of a function of the CEO under this Act.
- (4) However, a prescribed report obtained from the CEO (Justice) under section 34C cannot be disclosed under subsection (2) without the approval of the CEO (Justice).

[Section 34E inserted: No. 47 of 2022 s. 29.]

34F. Disclosure of information to authorised entities

- (1) In this section —
authorised entity means —
 - (a) a public authority prescribed by the regulations for the purposes of this definition; or
 - (b) a criminal records agency.
- (2) If the CEO considers it to be in the public interest to do so, the CEO may, by written notice, disclose the following information to an authorised entity —
 - (a) that an application for an assessment notice has been made by a person in respect of which no decision has yet been made under section 12;
 - (b) that an assessment notice has been issued to a person;
 - (c) that an application for an assessment notice has been withdrawn by a person;
 - (d) that a negative notice has been issued to a person;

s. 34G

- (e) that an interim negative notice has been issued to a person;
 - (f) that an assessment notice issued to a person has been cancelled under section 21A or 21C;
 - (g) that a person does not have a current assessment notice.
- (3) If the CEO gives a notice to an authorised entity under subsection (2) that discloses information about a person and an assessment notice is subsequently issued to the person, the CEO must give notice of the issuing of the assessment notice to the authorised entity.
- (4) If the CEO gives a notice to an authorised entity under subsection (2) that discloses the information referred to in subsection (2)(d) and the negative notice is subsequently cancelled without an assessment notice being issued, the CEO must give notice of the cancellation of the negative notice to the authorised entity.
- (5) This section does not limit the powers of the CEO to disclose information under another provision of this Act.

[Section 34F inserted: No. 47 of 2022 s. 29.]

34G. Disclosure of information to Australian Crime Commission

- (1) In this section —
ACC means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7.
- (2) The CEO may disclose the following information to the ACC for inclusion in a national register or database established under the *Australian Crime Commission Act 2002* (Commonwealth) —
 - (a) that a negative notice or an interim negative notice has been issued to a person;

- (b) any other information relating to a negative notice or an interim negative notice prescribed by the regulations for the purposes of this subsection;
- (c) in connection with the disclosure of information under paragraph (a) or (b) —
 - (i) the name, address and date of birth of the person to whom the information relates; and
 - (ii) any other identifying information the CEO considers to be relevant in the circumstances.
- (3) If the CEO discloses information to the ACC under subsection (2)(a) and the negative notice or interim negative notice is subsequently cancelled, the CEO must provide information about the cancellation to the ACC.
- (4) If the CEO discloses information to the ACC under subsection (2)(b) or (c) and the information is no longer up to date or found to be incorrect or inaccurate in some other respect, the CEO may disclose new or revised information to the ACC.
- (5) This section does not limit the powers of the CEO to disclose information under another provision of this Act.

[Section 34G inserted: No. 47 of 2022 s. 29.]

34H. Disclosure of information relevant to protection of children or other persons

- (1) In this section —

CEO (Children and Community Services) means the CEO as defined in the *Children and Community Services Act 2004* section 3;

prescribed authority means —

 - (a) a public authority; or
 - (b) the CEO (Children and Community Services); or

s. 34H

- (c) a person or body in another jurisdiction with functions that substantially correspond to the functions of the CEO (Children and Community Services); or
 - (d) the Commissioner; or
 - (e) the Commissioner of the Australian Federal Police; or
 - (f) the Commissioner (however designated) of the police force of another jurisdiction; or
 - (g) an external government agency prescribed by the regulations for the purposes of this definition; or
 - (h) any other person or body, or person or body of a class, prescribed by the regulations for the purposes of this definition.
 - (2) The CEO may disclose to a prescribed authority any information obtained or created as a result of the performance of a function or the exercise of a power under this Act —
 - (a) that, in the opinion of the CEO, is, or is likely to be, relevant to the wellbeing of a child or a class or group of children; or
 - (b) without limiting paragraph (a), in the case of disclosure to the CEO (Children and Community Services) — that, in the opinion of the CEO, is, or is likely to be, relevant to —
 - (i) the wellbeing of a person who under the *Children and Community Services Act 2004* section 96 qualifies for assistance for the purposes of Part 4 Division 6 of that Act; or
 - (ii) the safety of a person who has been subjected to, or exposed to, family violence; or
 - (iii) the administration of the *Children and Community Services Act 2004*;
- or
- (c) that is information of a kind prescribed by the regulations for the purposes of this subsection.

- (3) However, a prescribed report obtained from the CEO (Justice) under section 34C cannot be disclosed under subsection (2) without the approval of the CEO (Justice).
- (4) This section does not limit or derogate from any other Act or law relating to the disclosure of information for the protection of children or other persons.

[Section 34H inserted: No. 47 of 2022 s. 29.]

34I. Sharing of police information

- (1) In this section —
relevant purpose means —
 - (a) a WWC purpose; or
 - (b) a purpose that is for, or connected with, the operation or administration of, or compliance with, a corresponding law.
- (2) The Commissioner may disclose the following information about a person for a relevant purpose —
 - (a) information relating to the person's criminal record;
 - (b) without limiting paragraph (a), information relating to —
 - (i) a person that is connected with, or otherwise related to, a conviction or charge mentioned in a criminal record; or
 - (ii) the investigation or circumstances of any conduct or alleged conduct.
- (3) A disclosure under this section is limited to the following —
 - (a) the CEO;
 - (b) a corresponding authority;
 - (c) the Commissioner of the Australian Federal Police;
 - (d) the Commissioner (however designated) of the police force of another jurisdiction;

s. 34I

- (e) a person or body that is —
 - (i) established or constituted under the law of another jurisdiction; and
 - (ii) prescribed by the regulations for the purposes of this subsection.
- (4) A person to whom information is disclosed under this section may disclose that information to a corresponding authority.
- (5) This section does not limit the powers of a person or body to disclose information under another provision of this Act.
- (6) This section does not limit the persons to whom, or the circumstances in which, information may be disclosed apart from under this Act.

[Section 34I inserted: No. 47 of 2022 s. 29.]

Part 3B — Compliance and enforcement

[Heading inserted: No. 47 of 2022 s. 29.]

Division 1 — Preliminary

[Heading inserted: No. 47 of 2022 s. 29.]

34J. Terms used

In this Part —

authorised purpose means —

- (a) determining whether a person has complied with this Act; or
- (b) without limiting paragraph (a), investigating a suspected offence under this Act;

entry warrant has the meaning given in section 34V(1);

investigation means an investigation of a suspected offence under this Act;

record —

- (a) means a record of information, irrespective of how the information is recorded or stored or able to be recovered; and
- (b) includes —
 - (i) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else; and
 - (ii) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;

relevant record means a record or document that contains information that is or may be relevant to —

- (a) determining whether a person has complied with this Act; or

- (b) without limiting paragraph (a), an offence under this Act.

[Section 34J inserted: No. 47 of 2022 s. 29.]

Division 2 — Authorised officers

[Heading inserted: No. 47 of 2022 s. 29.]

34K. Designation of authorised officers

The CEO may, in writing, designate officers of the Department to be authorised officers —

- (a) generally for the purposes of this Act; or
- (b) for the purposes of a provision of this Act specified in the designation.

[Section 34K inserted: No. 47 of 2022 s. 29.]

34L. Identity cards

- (1) The CEO must ensure that each authorised officer is issued with an identity card in an approved form.
- (2) An authorised officer must display the authorised officer's identity card whenever dealing with a person in respect of whom the officer has exercised, is exercising, or is about to exercise, a power under this Act.
- (3) In any proceedings the production by an authorised officer of the authorised officer's identity card is conclusive evidence of their designation under section 34K.

[Section 34L inserted: No. 47 of 2022 s. 29.]

Division 3 — Powers of authorised officers

[Heading inserted: No. 47 of 2022 s. 29.]

34M. Entry to places

- (1) An authorised officer may, for an authorised purpose, enter a place if —
 - (a) its occupier gives informed consent to the entry; or
 - (b) the entry is authorised by an entry warrant.
- (2) An occupier gives informed consent to entry to a place if the occupier gives consent after being informed by an authorised officer —
 - (a) of the powers the officer wants to exercise in respect of the place; and
 - (b) of the reasons why the officer wants to exercise those powers; and
 - (c) that the occupier can refuse to consent to the officer entering the place.

[Section 34M inserted: No. 47 of 2022 s. 29.]

34N. Powers after entering place

An authorised officer who enters a place under section 34M(1) may, for an authorised purpose, do any of the following —

- (a) inspect the place and any thing at the place;
- (b) search the place and any thing at the place;
- (c) measure, test, photograph or film any part of, or any thing at, the place;
- (d) take any thing, or a sample of or from any thing, at the place for analysis or testing;
- (e) operate equipment or facilities at the place or direct a person at the place to do so;

- (f) make a copy of, or take an extract from, any record or document at the place;
- (g) seize any thing at the place that is or may afford evidence of an offence under this Act;
- (h) direct (orally or in writing) the occupier of the place, or a person at the place, to give the officer any assistance the officer reasonably requires.

[Section 34N inserted: No. 47 of 2022 s. 29.]

34O. Directions to provide information or documents

- (1) An authorised officer may, for an authorised purpose, do any of the following —
 - (a) direct a person —
 - (i) to give information; or
 - (ii) to answer a question put by the officer;
 - (b) direct a person to produce a record or document that is in the person's possession or under the person's control;
 - (c) make a copy of a record or document produced in response to a direction under paragraph (b).
- (2) A direction under subsection (1)(a) —
 - (a) must specify the time at or within which the information or answer must be given; and
 - (b) may require that the information or answer —
 - (i) be given orally or in writing; and
 - (ii) be given at, or sent or delivered to, a place specified in the direction; and
 - (iii) in the case of written information or a written answer — be sent or delivered by a means specified in the direction; and
 - (iv) be verified by statutory declaration.

- (3) A direction under subsection (1)(b) —
 - (a) must specify the time at or within which the record or document must be produced; and
 - (b) may require that the record or document be produced —
 - (i) at a place specified in the direction; and
 - (ii) by a means specified in the direction.
- (4) A person is not excused from complying with a direction under this section to give information, answer a question or produce a record or document on the ground that complying with the direction might tend to incriminate the person or render the person liable to a penalty.
- (5) However, any information or answer given by an individual in compliance with a direction under this section is not admissible in evidence against the individual in criminal or civil proceedings other than proceedings for perjury or for an offence under section 35.
- (6) In directing a person under this section, an authorised officer must explain to the person —
 - (a) that it is an offence to contravene the direction; and
 - (b) the effect of subsections (4) and (5).
- (7) A direction under this section may be given orally or in writing.
[Section 34O inserted: No. 47 of 2022 s. 29.]

34P. Additional powers for relevant records

An authorised officer may, for an authorised purpose, do any of the following —

- (a) operate a computer or other thing on which the officer suspects on reasonable grounds a relevant record is or may be stored or direct a person who has the custody or control of the computer or thing to do so;

- (b) direct (orally or in writing) a person who is, or appears to be, in control of a record or document that the officer suspects on reasonable grounds is a relevant record to give the officer a translation, code, password or other information necessary to gain access to, or interpret and understand, the record or document;
- (c) make a copy of, take an extract from, download, print, photograph or film a record or document that the officer suspects on reasonable grounds is a relevant record;
- (d) seize a record or document that the officer suspects on reasonable grounds is a relevant record and retain it for as long as is necessary for the purposes of this Act;
- (e) seize a computer or other thing on which the officer suspects on reasonable grounds a relevant record is or may be stored and retain it for as long as is necessary for the purposes of this Act;
- (f) take reasonable measures to secure or protect a relevant record, or computer or other thing on which a relevant record is or may be stored, against damage or unauthorised removal or interference.

[Section 34P inserted: No. 47 of 2022 s. 29.]

34Q. Offence to contravene direction

A person who, without reasonable excuse, fails to comply with a direction given to the person under this Division commits an offence.

Penalty: imprisonment for 12 months and a fine of \$12 000.

[Section 34Q inserted: No. 47 of 2022 s. 29.]

34R. Exercise of power may be recorded

An authorised officer may record the exercise of a power under this Division, including by making an audiovisual recording.

[Section 34R inserted: No. 47 of 2022 s. 29.]

34S. Assistance and use of force to exercise power

- (1) An authorised officer exercising a power under this Division may authorise as many other people to assist in exercising the power as are reasonably necessary in the circumstances.
- (2) In exercising the power, an authorised officer, and a person authorised under subsection (1) to assist the officer, may use force that is reasonably necessary in the circumstances.

[Section 34S inserted: No. 47 of 2022 s. 29.]

34T. Procedure for seizing things

- (1) If an authorised officer seizes any thing under this Division, the officer must give the person who was in possession of the thing a receipt for it in the approved form.
- (2) If an authorised officer seizes any thing under this Division, the officer must, if practicable, allow a person who is otherwise entitled to possession of the thing to have reasonable access to it.
- (3) An authorised officer who seizes any thing under this Division may take reasonable measures to prevent the thing being concealed, lost, damaged or destroyed.
- (4) If it is not practicable to move a thing that has been seized under this Division, an authorised officer may do whatever is reasonably necessary to secure the thing where it is situated and to notify people that it is under seizure.
- (5) A person must not, without the approval of an authorised officer, interfere or deal with any thing that the person knows, or ought reasonably to know, has been seized under this Division by an authorised officer.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

[Section 34T inserted: No. 47 of 2022 s. 29.]

34U. Application of *Criminal and Found Property Disposal Act 2006*

- (1) The *Criminal and Found Property Disposal Act 2006* applies to any thing that is seized under this Division.
- (2) For the purposes of the *Criminal and Found Property Disposal Act 2006*, the Department is a prescribed agency.

[Section 34U inserted: No. 47 of 2022 s. 29.]

Division 4 — Entry warrants

[Heading inserted: No. 47 of 2022 s. 29.]

34V. Application for entry warrant

- (1) An authorised officer may apply to a magistrate for a warrant (an **entry warrant**) authorising the entry of a place for an authorised purpose.
- (2) Subject to this section —
 - (a) an application for an entry warrant must be in writing and include the information prescribed by the regulations; and
 - (b) the grounds of the application must be verified by affidavit; and
 - (c) the applicant must appear in person before the magistrate to provide information in support of the application on oath.
- (3) An application for a warrant may be made by remote communication if a magistrate considers that such an application is reasonable in the circumstances.
- (4) If an application for an entry warrant is made by remote communication and it is not practicable to send the magistrate written material —
 - (a) the application may be made orally; and

- (b) the magistrate must make a written record of the application and any information given in support of it; and
- (c) if the warrant is issued — the applicant must, as soon as practicable, send the magistrate an affidavit verifying the application and any information given in support of it.

[Section 34V inserted: No. 47 of 2022 s. 29.]

34W. Issue and content of entry warrant

- (1) On an application for an entry warrant, a magistrate may issue the warrant if satisfied that it is necessary for an authorised officer to enter a place for an authorised purpose.
- (2) An entry warrant must contain the following information —
 - (a) a reasonably particular description of the place to which the warrant relates;
 - (b) a reasonably particular description of the authorised purpose for which entry to the place is required;
 - (c) if the authorised purpose is the investigation of a suspected offence under this Act – the provision of the Act suspected of being contravened;
 - (d) the period, not exceeding 14 days, during which the warrant may be executed;
 - (e) the name of the magistrate who issued the warrant;
 - (f) the date and time when the warrant was issued.
- (3) An entry warrant must be in the form prescribed by the regulations.
- (4) If a magistrate issues an entry warrant on an application made by remote communication —
 - (a) if it is practicable to send a copy of the original warrant to the applicant by remote communication — the magistrate must do so; or

- (b) if it is not practicable —
 - (i) the magistrate must provide the applicant, by remote communication, with the information that must be set out in the warrant; and
 - (ii) the applicant must complete a form of warrant with the information received and give the magistrate a copy of the form as soon as practicable after doing so; and
 - (iii) the magistrate must attach the copy of the form to the original warrant and any affidavit received from the applicant, and make them available for collection by the applicant.
- (5) The copy of the original warrant sent, or the form of the warrant completed, under subsection (4) has the same force and effect as the original warrant.

[Section 34W inserted: No. 47 of 2022 s. 29.]

34X. Refusal of entry warrant

If a magistrate refuses to issue an entry warrant, the magistrate must record on the application, or the written record of the application, the fact of, the date and time of, and the reasons for, the refusal.

[Section 34X inserted: No. 47 of 2022 s. 29.]

34Y. Effect of entry warrant

- (1) An entry warrant comes into force when it is issued by a magistrate.
- (2) An entry warrant may be executed according to its terms by an authorised officer entitled to enter the place for the authorised purpose specified in the warrant.
- (3) However, if an applicant for an entry warrant contravenes section 34V(4)(c) or 34W(4)(b)(ii), evidence obtained under the

entry warrant is not admissible in proceedings in a court or tribunal.

[Section 34Y inserted: No. 47 of 2022 s. 29.]

Division 5 — Additional power to request or provide information

[Heading inserted: No. 47 of 2022 s. 29.]

34Z. Additional power to request information

(1) In this section —

prescribed entity means —

- (a) a public authority; or
- (b) a criminal records agency; or
- (c) a corresponding authority; or
- (d) a Commonwealth agency or instrumentality; or
- (e) a person or body, or person or body of a class, prescribed by the regulations for the purposes of this definition.

(2) The CEO may request the following information from a prescribed entity —

- (a) information that is relevant to determining whether a person has complied with this Act, including in relation to the investigation or prosecution of a suspected or alleged offence under this Act;
- (b) information that is relevant to the safety of an officer of the Department performing a function or exercising a power under this Act.

(3) A person or body in this State to which a request is made by the CEO under subsection (2) is authorised to disclose the requested information to the CEO.

- (4) This section does not limit the powers of the CEO to request or obtain information under another provision of this Act.

[Section 34Z inserted: No. 47 of 2022 s. 29.]

34ZA. Provision of information to justice authorities

- (1) In this section —

justice authority means —

- (a) a public authority; or
 - (b) a government agency; or
 - (c) a criminal records agency; or
 - (d) a corresponding authority; or
 - (e) any other person or body that performs a function connected with the administration or operation of a law of this State or another jurisdiction that imposes a penalty or sanction; or
 - (f) a person or body, or person or body of a class, prescribed by the regulations for the purposes of this definition.
- (2) The CEO may give a notice as described in subsection (3) to a justice authority in relation to a particular person if the CEO considers that the information to be contained in the notice is relevant to —
- (a) determining or ensuring compliance with any law, including a law of another jurisdiction; or
 - (b) the investigation of a contravention (or alleged contravention) of any law, including a law of another jurisdiction; or
 - (c) any other matter prescribed by the regulations.

- (3) A notice under this section may include the following information —
- (a) contact details, employment details and identifying information about a person who has made an application under this Act;
 - (b) other information about the activities of a person who is employed, or proposed to be employed, in child-related employment or who is carrying on, or proposing to carry on, a child-related business;
 - (c) any other information prescribed by the regulations for the purposes of this subsection.
- (4) A notice under this section must be in writing.
- (5) This section does not limit the powers of the CEO to disclose information under another provision of this Act.

[Section 34ZA inserted: No. 47 of 2022 s. 29.]

Part 4 — General

35. False or misleading information

A person must not give information for the purposes of this Act that the person knows to be false or misleading in a material particular to —

- (a) a person who employs, or proposes to employ, the person in child-related employment; or
- (b) the CEO; or
- (ba) an authorised officer; or
- (c) if the person is a student, the person's education provider.

Penalty: a fine of \$24 000 and imprisonment for 2 years.

[Section 35 amended: No. 7 of 2010 s. 19; No. 47 of 2022 s. 30.]

35A. Obstruction of authorised officer

A person must not obstruct or hinder an authorised officer who is performing or attempting to perform a function under this Act.

Penalty: imprisonment for 12 months and a fine of \$12 000.

[Section 35A inserted: No. 47 of 2022 s. 31.]

35B. Impersonation of authorised officer

A person must not falsely represent, by words or conduct, that the person or another person is an authorised officer.

Penalty: imprisonment for 12 months and a fine of \$12 000.

[Section 35B inserted: No. 47 of 2022 s. 31.]

35C. Change in particulars

- (1) This section applies to a person —
- (a) who has a current assessment notice; or
 - (b) who has applied to the CEO for an assessment notice and the application is pending; or
 - (c) who has applied to the CEO for a negative notice to be cancelled and the application is pending; or
 - (d) who is aware that the CEO is in the process of making a decision under section 12 in relation to the person because of the operation of section 17(3)(d) or 17B(2)(b); or
 - (e) who is aware that the CEO is acting under section 20 in relation to the person; or
 - (f) who has given a notice to the CEO that the CEO must treat under section 32(1) as an application for an assessment notice and the application is pending; or
 - (g) in any other circumstances prescribed by the regulations.
- (2) The person must notify the CEO of a relevant change of particulars in accordance with this section as soon as practicable after the change occurs.
- Penalty for this subsection: a fine of \$5 000.
- (3) For the purposes of subsection (2), a relevant change of particulars is any of the following —
- (a) a change in the person's name, residential address or contact details;
 - (b) the person starting child-related employment with a particular employer;
 - (c) the person not starting child-related employment with a particular proposed employer;
 - (d) the person ceasing child-related employment with a particular employer;

- (e) the person starting to carry on a child-related business;
 - (f) the person deciding not to start to carry on a proposed child-related business;
 - (g) the person ceasing to carry on a child-related business;
 - (h) if the person is a student —
 - (i) the person completing or otherwise ceasing a course of study under which the person may or must undertake child-related work as part of that course; or
 - (ii) a change in the person's education provider with whom the person is completing a course of study under which the person may or must undertake child-related work as part of that course;
 - (i) a change prescribed by the regulations.
- (4) A notification under subsection (2) must be in the approved form.
- (5) The approved form may require the provision of any information the CEO thinks fit in connection with a relevant change of particulars.

[Section 35C inserted: No. 47 of 2022 s. 31.]

36. Assessment notice to be returned to CEO in certain cases

A person must return to the CEO an assessment notice issued to the person as soon as is practicable after —

- (a) the person is charged with or convicted of a Class 1 offence (other than a Class 1 offence committed or allegedly committed by the person when a child); or
- (b) the CEO issues a negative notice or an interim negative notice to the person; or

- (c) the CEO gives the person a notice of cancellation of the assessment notice under section 21A(3), 21B(2), 21C(2) or 31(6).

Penalty: a fine of \$12 000 and imprisonment for 12 months.

[Section 36 amended: No. 7 of 2010 s. 20; No. 47 of 2022 s. 32.]

[37, 37A, 38. Deleted: No. 47 of 2022 s. 33.]

39. Use and disclosure of information obtained or created in course of official functions

A person who is or has been engaged in the performance of functions under this Act must not, directly or indirectly, disclose or make use of information obtained or created in the course of performing those functions except —

- (a) for the purpose of, or in connection with, performing functions under this Act; or
- (b) for the purpose of the investigation of a suspected offence under this Act or the conduct of proceedings against a person for an offence under this Act; or
- (c) as required or allowed under this Act or another written law; or
- (ca) if the information relates to proceedings before a court or tribunal and the proceedings are or were open to the public; or
- (cb) if the disclosure or use involves the provision of statistical information that could not reasonably be expected to identify a specific person; or
- (d) with the written consent of the Minister or the person to whom the information relates.

Penalty: a fine of \$24 000 and imprisonment for 2 years.

[Section 39 amended: No. 47 of 2022 s. 34.]

39A. Ability to provide information and protection from liability

- (1) In this section —
law includes the common law and any rules of equity.
- (2) This subsection applies to information disclosed —
 - (a) to the CEO for the purposes of, or in connection with, any provision of this Act; or
 - (b) without limiting paragraph (a), in connection with the administration or enforcement of this Act; or
 - [(c) *deleted*]
 - (d) as otherwise authorised or required under any provision of this Act; or
 - (e) as authorised by the regulations.
- (3) In a case where subsection (2) applies, information may be disclosed despite any other enactment, law or agreement that prohibits or restricts its disclosure.
- (4) Subsection (3) does not derogate from the operation of —
 - (a) section 34E(4) or 34H(3); or
 - (b) the *National Disability Insurance Scheme (Worker Screening) Act 2020* section 34(6).
- (5) Subsections (2) and (3) extend to information relating to —
 - (a) spent convictions; or
 - (b) children.
- (6) If information is disclosed by a person in good faith in a case where subsection (2) applies, the person —
 - (a) does not incur any civil or criminal liability; and
 - (b) is not to be taken to have breached any duty of confidentiality or secrecy imposed by law; and
 - (c) is not to be taken to have breached any professional ethics or standards or any principles of conduct

applicable to the person's employment or to have engaged in unprofessional conduct.

- (7) Subsection (6) does not apply to the disclosure of information by an external government agency.

[Section 39A inserted: No. 48 of 2020 s. 90; amended: No. 47 of 2022 s. 35.]

40. Protection from personal liability

- (1) A person does not incur civil liability for anything that the person has done in good faith in the performance or purported performance of a function under this Act.
- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) The State is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1).
- (4) In this section, a reference to the doing of anything includes a reference to the omission to do anything.

41. Employer to comply with Act despite other laws etc.

- (1) If it would be a contravention of a provision of this Act for a person (the **employer**) to employ another person in child-related employment, the employer is to comply with the provision despite another Act or law or any industrial award, order or agreement.
- (2) The employer does not commit an offence or incur any liability because, in complying with the provision, the employer does not start or continue to employ the person in child-related employment.

- (3) Nothing in this section operates to affect a person's right to seek or obtain a remedy under the *Industrial Relations Act 1979* unless —
- (a) the remedy is for the dismissal of the person by the employer; and
 - (b) the reason the employer dismissed the person was to comply with this Act; and
 - (c) the grounds on which the person seeks the remedy relate to the fact that the person was dismissed for that reason.

[42. Deleted: No. 47 of 2022 s. 36.]

43. Liability of partners for certain offences

- (1) If —
- (a) a breach of a provision of this Act by a person (the **employer**) who employs, or proposes to employ, another person in child-related employment is an offence; and
 - (b) the employer that breaches the provision is a partnership,
- the offence is taken to have been committed by each of the partners in the partnership.
- (2) Subsection (1) does not apply to a partner who proves that —
- (a) the offence was committed without the partner's consent or connivance; and
 - (b) the partner exercised all due diligence to prevent the commission of the offence that ought to have been exercised having regard to the nature of the partner's functions and to all the circumstances.

43A. Protection of legal professional privilege

Nothing in this Act requires a person to disclose information that is the subject of legal professional privilege.

[Section 43A inserted: No. 47 of 2022 s. 37.]

44. Evidentiary matters

- (1) In proceedings for an offence against this Act, an allegation in the prosecution notice of any of the following matters is, in the absence of evidence to the contrary, taken to be proved —
 - (a) that at a specified time a specified person did not have a current assessment notice;
 - (b) that at a specified time a negative notice or an interim negative notice had been issued to a specified person and was current.
- (2) In proceedings for an offence against subsection (2), (3) or (5) of section 22, an allegation in the prosecution notice that an employer was aware of a specified matter referred to in that subsection is, in the absence of evidence to the contrary, taken to be proved.
- (3A) In proceedings for an offence against section 9B(1), (2) or (4), an allegation in the prosecution notice that an education provider was aware at a specified time of a specified matter referred to in that subsection is, in the absence of evidence to the contrary, taken to be proved.
- (3B) In proceedings for an offence against section 9B(1), (2), (3), (4) or (5), an allegation in the prosecution notice that the procurement by an education provider of employment for a student in child-related employment was for the purpose of enabling the student to complete the syllabus for a course conducted by the provider is, in the absence of evidence to the contrary, taken to be proved.

- (3) In proceedings for an offence against this Act, an assessment notice, negative notice, interim negative notice or other notice issued under this Act may be proved by tendering a copy of it certified by the CEO to be a true copy of the original.
- (4) Unless the contrary is proved, it is to be presumed that a document purporting to have been signed by the CEO was signed by a person who at the time was the CEO.
- (5) Unless the contrary is proved, it is to be presumed that a document purporting to have been signed by a delegate of the CEO was signed by a person who at the time was a delegate of the CEO and was authorised to sign it.
- (6) This section is in addition to, and does not affect the operation of, the *Evidence Act 1906*.

[Section 44 amended: No. 7 of 2010 s. 23.]

45. Delegation by CEO etc.

- (1) The CEO may delegate to a public sector employee or, with the approval of the Minister, another person any power or duty of the CEO under another provision of this Act.
- (2) In subsection (1) —
public sector employee means an employee as defined in the *Public Sector Management Act 1994* section 3(1).
- (3) The delegation is to be in writing signed by the CEO.
- (4) A person to whom a power or duty is delegated under this section cannot subdelegate that power or duty unless the person is expressly authorised by the CEO to do so.
- (5) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.

- (6) Nothing in this section limits the ability of the CEO to perform a function through an officer of the Department or an agent.

45A. Delegation by public authority or other body

- (1) In this section —

chief executive officer, in relation to a relevant authority, means the principal officer (however described) of that body;

relevant authority means —

- (a) a public authority; or
 - (b) any other body prescribed by the regulations for the purposes of this definition.
- (2) The chief executive officer of a relevant authority may delegate to an officer or employee of the relevant authority any power or duty of the relevant authority under this Act.
- (3) The delegation must be in writing signed by the chief executive officer.
- (4) A delegation may expressly authorise the delegate to further delegate the power or duty.
- (5) A person exercising or performing a power or duty that has been delegated to the person under this section or as authorised under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this section limits the ability of the relevant authority to perform a function through an officer of the relevant authority or an agent.

[Section 45A inserted: No. 47 of 2022 s. 38.]

45B. Commencement of proceedings

- (1) Proceedings under this Act for an offence or in respect of any other matter may be commenced in the name of the CEO by —
- (a) the CEO; or

s. 45C

- (b) a person authorised to do so by the CEO.
- (2) In any proceedings no proof is required of —
 - (a) the appointment of the CEO; or
 - (b) the authorisation of a person under subsection (1)(b).
- (3) An averment in a prosecution notice that a person is authorised under subsection (1)(b) is taken to be proved unless the contrary is proved.
- (4) Subsection (1) does not limit the ability of a person to commence or conduct the prosecution of an offence if the person has authority at law to do so.

[Section 45B inserted: No. 47 of 2022 s. 38.]

45C. Time for commencement of prosecution

Proceedings under this Act for an offence must be commenced —

- (a) if the penalty for the offence specified by this Act includes a term of imprisonment for 5 years — within 5 years after the day on which the offence is alleged to have been committed; or
- (b) if the offence is under section 9B(1) or (2) — within 5 years after the day on which the offence is alleged to have been committed; or
- (c) in any other case — within 2 years after the day on which the offence is alleged to have been committed.

[Section 45C inserted: No. 47 of 2022 s. 38.]

45D. Service of documents

- (1) In this section —
 - document** includes any written notice or decision;
 - give** includes serve, send, issue and notify.

- (2) A document that is authorised or required by this Act to be given to a person may be given by any of the following methods —
- (a) delivering the document to the person personally;
 - (b) leaving the document for the person at the person's last known principal place of residence or ordinary place of business;
 - (c) sending the document by post to the person's last known principal place of residence or ordinary place of business;
 - (d) sending the document by email to an email address specified by the person for giving documents under this Act;
 - (e) any other method to which the person agrees for giving documents under this Act;
 - (f) any other method (including electronic means) prescribed by the regulations.
- (3) The regulations may make provision for or in relation to the time at which a document that is given by a particular method is taken to have been given.

[Section 45D inserted: No. 47 of 2022 s. 38.]

46. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may —
- (a) provide for the receipt and storage of information obtained or created under this Act that relates to a person's criminal record and the restriction of access to that information; and

s. 47

- (b) create offences and provide, in respect of an offence so created, for the imposition of a penalty not exceeding \$6 000.

[Section 46 amended: No. 47 of 2022 s. 39.]

47. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which the *Working with Children (Criminal Record Checking) Amendment Act 2022* section 40 comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary or the expiry of the period of 5 years, as the case may be.

[Section 47 inserted: No. 47 of 2022 s. 40.]

[Part 5 (s. 48-55) omitted under the Reprints Act 1984 s. 7(4)(e).]

Part 6 — Transitional provisions

Division 1 — Transitional provisions for this Act

[Heading inserted: No. 47 of 2022 s. 41.]

56. Term used: commencement day

In this Division —

commencement day means the day on which section 24 comes into operation.

[Section 56 amended: No. 47 of 2022 s. 42.]

57. People carrying on a child-related business, when s. 24(b) applies to

- (1) Until the day prescribed by the regulations for the purposes of this section, section 24(b) does not apply to a person who carries on a child-related business.
- (2) Different days may be prescribed by the regulations for the purposes of subsection (1) by reference to the following —
 - (a) the kind of child-related work carried out by the person;
 - (b) the kind of person who carries out child-related work;
 - (c) the kind of place where child-related work is carried out by the person;
 - (d) whether the person is a continuing operator or a new operator.
- (3) In subsection (2) —

continuing operator means a person —

- (a) who carried on a child-related business immediately before the commencement day; and
- (b) who continues to carry on that same business;

new operator means a person who starts to carry on a child-related business on or after the commencement day

(whether or not the person has ever carried on a child-related business before that day).

58. Volunteers continuing in child-related employment, when s. 22(6) and 24(a) apply to

(1) In this section —

continuing volunteer means a person —

- (a) who was employed on a voluntary basis in child-related employment by another person immediately before the commencement day; and
 - (b) who continues to be employed on that basis in that employment by that person.
- (2) Until the day prescribed by the regulations for the purposes of this subsection, sections 22(6) and 24(a) do not apply in relation to a person being employed in child-related employment as a continuing volunteer.
- (3) Different days may be prescribed by the regulations for the purposes of subsection (2) by reference to the ages of the children in respect of whom child-related work is carried out by a continuing volunteer.

59. Ministers of religion etc. continuing in child-related employment, when s. 22(6) and 24(a) apply to

(1) In this section —

continuing minister of religion means a person —

- (a) who was employed in child-related employment by another person immediately before the commencement day as a minister of religion or in any other capacity for the purposes of a religious organisation; and
- (b) who continues to be employed in that employment by that person in that capacity.

- (2) Until the day prescribed by the regulations for the purposes of this subsection, sections 22(6) and 24(a) do not apply in relation to a person being employed in child-related employment as a continuing minister of religion.

60. Other people in child-related employment, when s. 22(6) and 24(a) apply to

- (1) This section does not apply to a person to whom section 58 or 59 applies.
- (2) Until the day prescribed by the regulations for the purposes of this subsection, sections 22(6) and 24(a) do not apply in relation to a person being employed in child-related employment.
- (3) Different days may be prescribed by the regulations for the purposes of subsection (2) by reference to the following —
- (a) the kind of child-related work carried out by the person;
 - (b) the kind of person who carries out child-related work;
 - (c) the kind of place where child-related work is carried out by the person;
 - (d) whether the person is a continuing employee or a new employee;
 - (e) whether a criminal record check (however described) has been made in respect of the person —
 - (i) under another Act; or
 - (ii) as prescribed by the regulations.
- (4) In subsection (3) —
- continuing employee*** means a person —
- (a) who was employed in child-related employment by another person immediately before the commencement day; and
 - (b) who continues to be employed in that employment by that person;

new employee means a person who starts to be employed in child-related employment on or after the commencement day (whether or not the person has ever been employed in child-related employment before that day).

60A. Wilful murder charges and convictions between 1 Jan 2006 and 2 Jul 2008 taken to be relevant changes in criminal record

Without limiting Part 3 Division 1, if a person was charged with or convicted of an offence against *The Criminal Code* section 278 (as read with section 282) on or after the commencement day and before the day on which the *Community Protection (Offender Reporting) Amendment Act 2008* section 13 came into operation (the **relevant day**) —

- (a) there is a relevant change in the person's criminal record for the purposes of that Division; and
- (b) the relevant change is to be taken to have occurred on the relevant day.

[Section 60A inserted: No. 27 of 2008 s. 13(2).]

61. Transitional regulations

- (1) If this Division does not provide sufficiently for a matter or issue of a transitional nature that arises as a result of the coming into operation of this Act, the Governor may make regulations prescribing all matters that are required, necessary or convenient to be prescribed for providing for the matter or issue.
- (2) Regulations made under subsection (1) may provide that specified provisions of this Act —
 - (a) do not apply; or
 - (b) apply with specified modifications,to or in relation to any specified person, matter or issue.
- (3) If regulations made under subsection (1) provide that a specified state of affairs is taken to have existed, or not to have existed,

on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.

- (4) In subsections (2) and (3) —
specified means specified or described in the regulations.
- (5) If regulations contain a provision referred to in subsection (3), the provision does not operate so as —
- (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the day of publication; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication.

[Section 61 amended: No. 47 of 2022 s. 43.]

Division 2 — Transitional provisions for *Working with Children (Criminal Record Checking) Amendment Act 2022*

[Heading inserted: No. 47 of 2022 s. 44.]

Subdivision 1 — Preliminary

[Heading inserted: No. 47 of 2022 s. 44.]

62. Terms used

In this Division —

2022 Amendment Act means the *Working with Children (Criminal Record Checking) Amendment Act 2022*;

commencement day means the day on which section 44 of the 2022 Amendment Act comes into operation;

former classification provisions means section 7, and Schedules 1 and 2, as in force immediately before commencement day;

new classification provisions means section 7, and Schedules 1 and 2, as in force on and after commencement day;

pre-commencement assessment application means an application for an assessment notice that is pending immediately before commencement day;

pre-commencement cancellation application means an application for the cancellation of a negative notice under section 19 that is pending immediately before commencement day.

[Section 62 inserted: No. 47 of 2022 s. 44.]

Subdivision 2 — Classification of offences

[Heading inserted: No. 47 of 2022 s. 44.]

63. Pre-commencement assessment applications

- (1) This section applies to a person who has a pre-commencement assessment application.
- (2) Subject to this Subdivision, the former classification provisions continue to apply to and in relation to the person until the CEO makes a decision under section 12 in relation to the application and then —
 - (a) if an assessment notice is issued — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or
 - (b) if a negative notice is issued —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a

further assessment notice under Part 2 Division 1
(whichever occurs first).

[Section 63 inserted: No. 47 of 2022 s. 44.]

64. Pre-commencement cancellation applications

- (1) This section applies to a person who has a pre-commencement cancellation application.
- (2) Subject to this Subdivision, the former classification provisions continue to apply to and in relation to the person until the CEO makes a decision on the application and then —
 - (a) if an assessment notice is issued — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or
 - (b) if the application is unsuccessful —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

[Section 64 inserted: No. 47 of 2022 s. 44.]

65. Decision to act under s. 17(3)(d)

- (1) This section applies to a person if —
 - (a) the person is subject to a decision of the CEO to act under section 17(3)(d) made before commencement day; and
 - (b) the CEO has not made a decision under section 12 in respect of the person before commencement day.

- (2) Subject to this Subdivision, the former classification provisions continue to apply to and in relation to the person until the CEO makes a decision under section 12 and then —
- (a) if an assessment notice is issued — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or
 - (b) if a negative notice is issued —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

[Section 65 inserted: No. 47 of 2022 s. 44.]

66. Decision to act under s. 20

- (1) This section applies to a person if —
- (a) the person is subject to a decision of the CEO to act under section 20 made before commencement day; and
 - (b) the processes provided for, or referred to, in section 20 (the **relevant processes**) have not been completed in respect of the person immediately before commencement day.
- (2) Subject to this Subdivision, the former classification provisions continue to apply to and in relation to the person until the relevant processes are completed and then —
- (a) if an assessment notice is issued — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

- (b) if a negative notice is issued or is not cancelled —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

[Section 66 inserted: No. 47 of 2022 s. 44.]

67. Processes associated with s. 32

- (1) This section applies to a person if —
 - (a) the person is the subject of a notice given to the CEO before commencement day that the CEO must treat under section 32(1) as an application for an assessment notice; and
 - (b) the CEO has not made a decision under section 12 in respect of the person before commencement day.
- (2) Subject to this Subdivision, the former classification provisions continue to apply to and in relation to the person until the CEO makes a decision under section 12 and then —
 - (a) if an assessment notice is issued — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or
 - (b) if a negative notice is issued —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a

further assessment notice under Part 2 Division 1
(whichever occurs first).

[Section 67 inserted: No. 47 of 2022 s. 44.]

68. Proceedings before State Administrative Tribunal or court

- (1) Subject to this Subdivision, the former classification provisions continue to apply (to the extent relevant) to and in relation to a person who is the subject of proceedings before the State Administrative Tribunal or a court under or in respect of this Act that were commenced —
 - (a) before commencement day; or
 - (b) on or after commencement day if the proceedings relate to —
 - (i) any proceedings commenced before commencement day; or
 - (ii) any matter where the right to commence those proceedings arose before commencement day and the period for commencing those proceedings had not expired before commencement day; or
 - (iii) any matter where the right to commence those proceedings expired before commencement day but the State Administrative Tribunal or a court grants an extension of time to commence those proceedings; or
 - (iv) any matter to which subsection (4) or any of sections 63 to 67 apply.
- (2) Subsection (1)(b)(i) and (ii) extend to a case where the period for commencing proceedings expires and the State Administrative Tribunal or a court grants an extension of time to commence the proceedings.

- (3) The former classification provisions apply under subsection (1) pending the outcome of the proceedings (and subject to subsection (4) and the other provisions of this Subdivision).
- (4) Subject to this Subdivision —
 - (a) if, as a result of proceedings referred to in subsection (1), an assessment notice is issued to the person who was the subject of the proceedings, the former classification provisions continue to apply to and in relation to the person until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); and
 - (b) if, as a result of proceedings referred to in subsection (1), a negative notice still applies in relation to the person who was the subject of the proceedings, the former classification provisions continue to apply to and in relation to the person —
 - (i) until all rights of review and appeal have been exhausted; and
 - (ii) if an assessment notice is issued as a result of a review or appeal — until that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

[Section 68 inserted: No. 47 of 2022 s. 44.]

69. Rights of review and appeal: related provision

- (1) This section applies if a provision of this Subdivision provides that the former classification provisions continue to apply to and in relation to a person until all rights of review and appeal have been exhausted.
- (2) Subject to this Subdivision, if the State Administrative Tribunal or a court grants an extension of time to commence review or

appeal proceedings, the former classification provisions continue to apply to and in relation to the person pending the outcome of those proceedings.

[Section 69 inserted: No. 47 of 2022 s. 44.]

70. Rights of review and appeal no longer apply if application made under s. 19 or 20

If a person to whom a negative notice has been issued applies to the CEO on or after commencement day for the notice to be cancelled under section 19 or 20 —

- (a) all rights of review and appeal in relation to the negative notice are taken to have been exhausted for the purposes of this Subdivision; and
- (b) the former classification provisions cease to apply to and in relation to the person.

[Section 70 inserted: No. 47 of 2022 s. 44.]

71. Application of new classification provisions

- (1) Despite any other section in this Subdivision, the new classification provisions apply to and in relation to a person if the person is charged with, or convicted of, an offence on or after commencement day that is classified as a Class 1 offence or a Class 2 offence under those provisions.
- (2) Despite any other section in this Subdivision, the new classification provisions apply to and in relation to a person if the person is subject to a decision of the CEO to act under section 17(3)(d) or 17B(2)(b) made on or after commencement day.
- (3) If the new classification provisions apply to a person by operation of subsection (1) or (2), a classification of an offence by virtue of those provisions applies to and in relation to the person even if the offence was not a Class 1 offence or a Class 2

offence (as the case may be) at the time when the offence was committed or allegedly committed.

[Section 71 inserted: No. 47 of 2022 s. 44.]

Subdivision 3 — Other provisions

[Heading inserted: No. 47 of 2022 s. 44.]

72. Application of amended s. 12

Section 12, as in force on and after commencement day, applies to and in relation to a person who is subject to Subdivision 2.

[Section 72 inserted: No. 47 of 2022 s. 44.]

73. Processes associated with interim negative notice

- (1) Section 13, as in force immediately before commencement day, continues to apply in relation to an interim negative notice issued before commencement day.
- (2) Unless subsection (1) applies, section 13AA applies to and in relation to the following —
 - (a) a pre-commencement assessment application;
 - (b) a decision of the CEO to act under section 17(3)(d) if the CEO has not made a decision under section 12 before commencement day;
 - (c) a decision by the CEO to act under section 20 before commencement day if the correct notice to be substituted would be a negative notice and the CEO has not made a decision under that section before commencement day;
 - (d) a notice that the CEO must treat under section 32(1) as an application for an assessment notice if the CEO has not made a decision under section 12 before commencement day.

[Section 73 inserted: No. 47 of 2022 s. 44.]

74. Application of Part 3B

The powers conferred by Part 3B may be exercised in relation to a suspected offence under this Act, or other conduct, whether occurring before, on or after commencement day.

[Section 74 inserted: No. 47 of 2022 s. 44.]

75. Disclosure of information by CEO

- (1) This section applies if the CEO has given a notice to a person under section 38(2) or (3) before commencement day.
- (2) Despite the repeal of section 38 by the 2022 Amendment Act, the CEO must comply with subsection (4) of that section if circumstances referred to in that subsection occur on or after commencement day.

[Section 75 inserted: No. 47 of 2022 s. 44.]

76. Transitional regulations

- (1) In this section —
specified means specified or described in the regulations;
transitional matter —
 - (a) means a matter or issue of a transitional nature that arises as a result of any of the amendments to this Act made by the 2022 Amendment Act; and
 - (b) includes a saving or application matter.
- (2) If there is not sufficient provision in this Division for dealing with a transitional matter, the regulations may prescribe all matters that are required, necessary or convenient to be prescribed for dealing with the matter.
- (3) If regulations made under subsection (2) provide that a specified state of affairs is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than

commencement day, the regulations have effect according to their terms.

- (4) If regulations made under subsection (2) contain a provision of a kind described in subsection (3), the provision does not operate so as —
- (a) to affect in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before the day of publication of those regulations; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

[Section 76 inserted: No. 47 of 2022 s. 44.]

Schedule 1 — Class 1 offences

[s. 7(1)]

[Heading inserted: No. 47 of 2022 s. 45.]

Enactment	Description of offence	Conditions
<i>The Criminal Code</i>		
s. 181	Carnal knowledge of animal	
s. 186(1)	Occupier or owner allowing child to be on premises for unlawful carnal knowledge	
s. 187(2)	Facilitating sexual offence against child outside Western Australia	
s. 191	Procuring person to be 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(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 does not fall within the ambit of section 7(3)
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)
s. 217	Involving child in child exploitation	The offence does not fall within the ambit of section 7(3)

Enactment	Description of offence	Conditions
s. 218	Producing child exploitation material	The offence does not fall within the ambit of section 7(3)
s. 219	Distributing child exploitation material	The offence does not fall within the ambit of section 7(3)
s. 220	Possession of child exploitation material	The offence does not fall within the ambit of section 7(3)
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 intended 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 child of or over 13 and under 16	The offence does not fall within the ambit of section 7(3)
s. 321A(4)	Persistent sexual conduct with child under 16	The offence does not fall within the ambit of section 7(3)
s. 322	Sexual offences against child of or over 16 by person in authority etc.	

Enactment	Description of offence	Conditions
s. 323	Indecent assault	The victim is a child The offence does not fall within the ambit of section 7(3)
s. 324	Aggravated indecent assault	The victim is a child The offence does not fall within the ambit of section 7(3)
s. 325	Sexual penetration without consent	The victim is a child The offence does not fall within the ambit of section 7(3)
s. 326	Aggravated sexual penetration without consent	The victim is a child The offence does not fall within the ambit of section 7(3)
s. 327	Sexual coercion	The victim is a child
s. 328	Aggravated sexual coercion	The victim is a child
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 de facto child	

Enactment	Description of offence	Conditions
s. 329(5)	Procuring, inciting or encouraging child known to be lineal relative or de facto child to do indecent act	
s. 329(6)	Indecently recording child known to be lineal relative or de facto child	
s. 330	Sexual offences against incapable person	
s. 331B	Sexual servitude	The victim is a child or an incapable person
s. 331C(2)	Conducting business involving sexual servitude	The victim is a child or an incapable person
s. 331D	Deceptive recruiting for commercial sexual services	The victim is a child or an incapable person
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)	Wilful murder	The victim is a child
repealed s. 281A (as read with repealed s. 287A)	Infanticide	

Enactment	Description of offence	Conditions
<i>Children and Community Services Act 2004</i>		
s. 192	Employing child, or permitting child to be employed, to perform in indecent, obscene or pornographic manner	
<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	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)
s. 101(1)	Using computer service to transmit, obtain, demonstrate, advertise or request objectionable material	The material 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)

Enactment	Description of offence	Conditions
<i>Prostitution Act 2000</i>		
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	

[Schedule 1 inserted: No. 47 of 2022 s. 45.]

Schedule 2 — Class 2 offences

[s. 7(2)]

[Heading inserted: No. 47 of 2022 s. 45.]

Enactment	Description of offence	Conditions
<i>The Criminal Code</i>		
s. 192	Procuring person to have unlawful carnal knowledge by threat, fraud or administering drug	The victim is a 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)
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)
s. 217	Involving child in child exploitation	The offence falls within the ambit of section 7(3)
s. 218	Producing child exploitation material	The offence falls within the ambit of section 7(3)
s. 219	Distributing child exploitation material	The offence falls within the ambit of section 7(3)
s. 220	Possession of child exploitation material	The offence falls within the ambit of section 7(3)
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	

Enactment	Description of offence	Conditions
s. 281	Unlawful assault causing death	
s. 284(3)(c)	Culpable driving (not of motor vehicle) causing death	
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 this Schedule
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

Enactment	Description of offence	Conditions
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)
s. 321A(4)	Persistent sexual conduct with child under 16	The offence falls within the ambit of section 7(3)
s. 323	Indecent assault	The victim is a person other than a child or The offence falls within the ambit of section 7(3)
s. 324	Aggravated indecent assault	The victim is a person other than a child or The offence falls within the ambit of section 7(3)
s. 325	Sexual penetration without consent	The victim is a person other than a child or The offence falls within the ambit of section 7(3)
s. 326	Aggravated sexual penetration without consent	The victim is a person other than a child or The offence falls within the ambit of section 7(3)
s. 327	Sexual coercion	The victim is a person other than a child
s. 328	Aggravated sexual coercion	The victim is a person other than a child

Enactment	Description of offence	Conditions
s. 329(7)	Sexually penetrating person of or over 18 known to be lineal relative	
s. 329(8)	Consenting to being sexually penetrated by person known to be lineal relative	
s. 331B	Sexual servitude	The victim is a person other than a child or an incapable person
s. 331C(2)	Conducting business involving sexual servitude	The victim is a person other than a child or an incapable person
s. 331D	Deceptive recruiting for commercial sexual services	The victim is a person other than a child or an incapable person
s. 332	Kidnapping	The victim is a person other than a child or The victim is a child and the offence is committed by a relative of the child
s. 343	Child stealing	The offence is committed by a relative of the child
repealed s. 278 (as read with repealed s. 282)	Wilful murder	The victim is a person other than a child
<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	Conditions
<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	
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i>		
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 falls within the ambit of section 7(3)
repealed s. 60	Child pornography	The offence falls within the ambit of section 7(3)
<i>Disability Services Act 1993</i>		
s. 53	Offence of ill-treatment	
<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	
<i>Road Traffic Act 1974</i>		
s. 59	Dangerous driving causing death	

Enactment	Description of offence	Conditions
s. 59	Dangerous driving causing grievous bodily harm	

[Schedule 2 inserted: No. 47 of 2022 s. 45.]

=====

Notes

This is a compilation of the *Working with Children (Screening) Act 2004* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Working with Children (Criminal Record Checking) Act 2004</i> ¹	65 of 2004	8 Dec 2004	s. 1 and 2: 8 Dec 2004; Act other than s. 1, 2 and 50-52: 1 Jan 2006 (see s. 2 and <i>Gazette</i> 30 Dec 2005 p. 6875); s. 50-52: 1 Jan 2007 (see s. 2 and <i>Gazette</i> 29 Dec 2006 p. 5867)
<i>Criminal Code Amendment (Cyber Predators) Act 2006</i> s. 7	3 of 2006	30 Mar 2006	30 Mar 2006 (see s. 2(1))
<i>Child Care Services Act 2007</i> Pt. 7 Div. 4	19 of 2007	3 Jul 2007	10 Aug 2007 (see s. 2(b) and <i>Gazette</i> 9 Aug 2007 p. 4071)
<i>Criminal Law and Evidence Amendment Act 2008</i> s. 74	2 of 2008	12 Mar 2008	27 Apr 2008 (see s. 2 and <i>Gazette</i> 24 Apr 2008 p. 1559)
<i>Criminal Law Amendment (Homicide) Act 2008</i> s. 40	29 of 2008	27 Jun 2008	1 Aug 2008 (see s. 2(c) and (d) and <i>Gazette</i> 22 Jul 2008 p. 3353)
<i>Community Protection (Offender Reporting) Amendment Act 2008</i> s. 13	27 of 2008	1 Jul 2008	2 Jul 2008 (see s. 2(b))
Reprint 1: The <i>Working with Children (Criminal Record Checking) Act 2004</i> as at 14 Nov 2008 (includes amendments listed above)			
<i>Statutes (Repeals and Miscellaneous Amendments) Act 2009</i> s. 140	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Act 2010</i> Pt. 2	7 of 2010	27 May 2010	6 Oct 2010 (see s. 2(b) and <i>Gazette</i> 5 Oct 2010 p. 5113)

Short title	Number and year	Assent	Commencement
<i>Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010 s. 15</i>	21 of 2010	7 Jul 2010	28 Aug 2010 (see s. 2(b) and <i>Gazette</i> 27 Aug 2010 p. 4105)
<i>Cannabis Law Reform Act 2010 Pt. 6</i>	45 of 2010	28 Oct 2010	1 Aug 2011 (see s. 2(b) and <i>Gazette</i> 29 Jul 2011 p. 3127)
<i>Children and Community Services Amendment Act 2010 Pt. 2 Div. 2</i>	49 of 2010	24 Nov 2010	31 Jan 2011 (see s. 2(b) and <i>Gazette</i> 28 Jan 2011 p. 241)
<i>Misuse of Drugs Amendment Act (No. 2) 2010 Pt. 3</i>	50 of 2010	24 Nov 2010	25 Nov 2010 (see s. 2(b))
Reprint 2: The Working with Children (Criminal Record Checking) Act 2004 as at 7 Jan 2011 (includes amendments listed above except those in the <i>Cannabis Law Reform Act 2010</i> and <i>Children and Community Services Amendment Act 2010</i>)			
<i>Child Care Services Amendment Act 2011 Pt. 3</i>	38 of 2011	4 Oct 2011	7 Jan 2012 (see s. 2(b) and <i>Gazette</i> 6 Jan 2012 p. 3)
<i>Misuse of Drugs Amendment Act 2011 Pt. 5</i>	56 of 2011	21 Nov 2011	30 Jan 2013 (see s. 2(b) and <i>Gazette</i> 29 Jan 2013 p. 324-5)
Reprint 3: The Working with Children (Criminal Record Checking) Act 2004 as at 17 Feb 2012 (includes amendments listed above except those in the <i>Misuse of Drugs Amendment Act 2011</i>)			
<i>Education and Care Services National Law (WA) Act 2012 Pt. 4 Div. 9</i>	11 of 2012	20 Jun 2012	1 Aug 2012 (see s. 2(c) and <i>Gazette</i> 25 Jul 2012 p. 3411)
<i>Education and Care Services National Law (WA) Amendment Act 2018 Pt. 4</i>	18 of 2018	7 Sep 2018	1 Oct 2018 (see s. 2(b)(i))
<i>Historical Homosexual Convictions Expungement Act 2018 Pt. 5</i>	20 of 2018	18 Sep 2018	15 Oct 2018 (see s. 2(b) and <i>Gazette</i> 12 Oct 2018 p. 4059)
<i>Criminal Law Amendment (Intimate Images) Act 2019 Pt. 4</i>	4 of 2019	26 Feb 2019	15 Apr 2019 (see s. 2(b) and <i>Gazette</i> 9 Apr 2019 p. 1041)
<i>National Disability Insurance Scheme (Worker Screening) Act 2020 Pt. 7 Div. 2</i>	48 of 2020	9 Dec 2020	1 Feb 2021 (see s. 2(1)(b) and SL 2021/4 cl. 2)

Short title	Number and year	Assent	Commencement
<i>Working with Children (Criminal Record Checking) Amendment Act 2022 Pt. 2</i>	47 of 2022	7 Dec 2022	1 Jul 2023 (see s. 2(b) and SL 2023/90 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Commissioner for Children and Young People Act 2006</i> s. 65 (Sch. 1 cl. 3)	48 of 2006	4 Oct 2006	To be proclaimed (see s. 2)
<i>Prostitution Amendment Act 2008</i> s. 35	13 of 2008	14 Apr 2008	To be proclaimed (see s. 2(b))
<i>Criminal Law (Mental Impairment) Act 2023</i> Pt. 15 Div. 28 and s. 412	10 of 2023	13 Apr 2023	To be proclaimed (see s. 2(b))
<i>Western Australian Marine Amendment Act 2023</i> s. 38	31 of 2023	11 Dec 2023	To be proclaimed (see s. 2(c))

Other notes

- ^{1.} Now known as the *Working with Children (Screening) Act 2004*; short title changed (see note under s. 1).

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
2022 Amendment Act	62
ACC	34G(1)
another jurisdiction	4
approved	4
assessment notice	4
authorised entity	34F(1)
authorised officer	4
authorised purpose	34J
cancelled assessment notice	32A
CEO	4
CEO (Children and Community Services)	34H(1)
CEO (Education)	34A(1)
CEO (Health)	34A(1)
CEO (Justice)	4
CEO (NDIS)	34E(1)
charge	4
chief executive officer	45A(1)
child	4
child care service	4
child-related business	4
child-related employment	4
child-related work	4, 6(1)
Class 1 offence	4, 7(1)
Class 2 offence	4, 7(2)
Class 3 offence	4
commencement day	56, 62
Commissioner	4
conduct review authority	4
conduct review finding or outcome	4
contact	4
contact with a child	6(2)
continuing employee	60(4)
continuing minister of religion	59(1)
continuing operator	57(3)
continuing volunteer	58(1)
conviction	4
correct notice	20(1)
corresponding authority	4
corresponding law	4

Defined terms

criminal record.....	4
criminal record check.....	4
criminal records agency	4
defined period	26(1)
Department.....	4
designated authority	17(1A)
designated change	33A(2)
designated conduct review authority.....	17A(1)
designated information.....	17(1A)
document.....	45D(1)
DPP	34(1)
educational institution for children	4
education provider	4
employee.....	16(1)
employer	9B(5), 16(1), 22(1), 41(1), 43(1)
entry warrant	34J, 34V(1)
external government agency	4
first notice	20(2)
former classification provisions	62
give	45D(1)
government agency	4
interim negative notice.....	4
interstate screening agency	34E(1)
investigation.....	34J
justice authority.....	34ZA(1)
law.....	39A(1)
managerial officer	5(1)
negative notice	4
new classification provisions	62
new employee	60(4)
new operator	57(3)
non-conviction charge.....	4
officer of the Department.....	4
outcome.....	4
parent	4
pending charge.....	4
pre-commencement assessment application	62
pre-commencement cancellation application	62
prescribed authority	34H(1)
prescribed entity.....	34Z(1)
prescribed report	34C(1)
proposed employer.....	32A
public authority	4
public sector employee	45(2)

record	34J
related authority	17C(1)
relative	4
relevant authority	45A(1)
relevant conduct	4
relevant day	60A
relevant information	34A(1)
relevant processes	66(1)
relevant purpose	34I(1)
relevant record	34J
specified	4, 61(4), 76(1)
student	4
transitional matter	76(1)
work	4
WWC purpose	4

© State of Western Australia 2023.
 This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
 To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
 Attribute work as: © State of Western Australia 2023.
 By Authority: GEOFF O. LAWN, Government Printer