



Western Australia

Working with Children (Screening) Amendment Act 2026

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Western Australia

Working with Children (Screening) Amendment Act 2026

No. 14 of 2026

An Act to amend the *Working with Children (Screening) Act 2004*.

[Assented to 25 August 2026]

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *Working with Children (Screening) Amendment Act 2026*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

This Act amends the *Working with Children (Screening) Act 2004*.

4. Section 4 amended

- (1) In section 4 insert in alphabetical order:

ACC means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cth) section 7;

adverse interstate WWC decision has the meaning given in section 8B(1);

interstate negative notice means a notice, condition or exclusion however called, under a corresponding law that —

- (a) corresponds to a negative notice; or
- (b) otherwise has the effect of prohibiting a person from carrying out child-related work;

interstate working with children authority means an authority, decision or registration, however called, under a corresponding law that —

- (a) corresponds to an assessment notice; or

- (b) otherwise has the effect of permitting a person to carry out child-related work;

subject of, in relation to a person about whom an adverse interstate WWC decision is made, has the meaning given in section 8B(2);

WWC national reference system means a national register or database established under the *Australian Crime Commission Act 2002* (Cth) that holds information about decisions made under this Act and corresponding laws, including —

- (a) decisions relating to negative notices and interim negative notices; and
- (b) adverse interstate WWC decisions;

- (2) In section 4 in the definition of **WWC purpose** paragraph (b)(vii), (viii) and (ix) after “record” insert:

, or whether an adverse interstate WWC decision about a person exists,

5. Section 8B inserted

After section 8A insert:

8B. Adverse interstate WWC decision and whether person is subject of decision

- (1) Each of the following decisions about a person made under a corresponding law is an **adverse interstate WWC decision** —
 - (a) a decision not to issue an interstate working with children authority to the person;

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- (b) a decision to issue an interstate negative notice to the person;
 - (c) a decision that an interstate working with children authority held by the person be subject to 1 or more specified conditions, including, for example —
 - (i) a condition that the person is permitted to carry out child-related work only under supervision; and
 - (ii) a condition that the person may engage in specified child-related work only for a particular employer;
 - (d) a decision to impose a restriction, described as an interim bar, a suspension or in another way, that has the effect of prohibiting the person from carrying out child-related work, whether the person is —
 - (i) the applicant for an interstate working with children authority; or
 - (ii) the holder of an interstate working with children authority;
 - (e) a decision to cancel an interstate working with children authority held by the person.
- (2) A person is the **subject of** an adverse interstate WWC decision until the decision stops having effect for any of the following reasons —
- (a) the corresponding authority that made the decision issues or otherwise grants the person an interstate working with children authority;
 - (b) the corresponding authority that made the decision makes a later adverse interstate WWC decision about the person;

- (c) for a decision to issue an interstate negative notice to a person — the notice expires, is revoked or otherwise stops having effect;
 - (d) for a decision that an interstate working with children authority held by a person be subject to 1 or more conditions mentioned in subsection (1)(c) — the interstate working with children authority held by the person stops being subject to the conditions;
 - (e) for a decision to impose a restriction mentioned in subsection (1)(d) in relation to a person — the restriction ends;
 - (f) the decision is overturned on review or appeal.
- (3) In subsection (1) —
- cancel**, in relation to an interstate working with children authority held by a person —
- (a) means cancel by a decision of a corresponding authority because the corresponding authority is satisfied that the person would be an unacceptable risk to the safety of children were the person to engage or continue to engage in child-related work, however that decision is described; but
 - (b) does not include cancel or surrender —
 - (i) at the request of the holder of the authority; or
 - (ii) only because the person is no longer carrying out child-related work; or
 - (iii) only because a corresponding authority is aware that the person is the subject of an adverse interstate WWC decision.

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6. Section 9A amended

In section 9A(2):

- (a) in paragraph (b) delete “section 11(3) applies” and insert:

sections 11(3) and 11A(3) apply

- (b) in paragraph (c) delete “13AA(4) and 20(6)” and insert:

13AA(4), 13AB(5), 19A(3), 20(6) and 20A(5)

7. Section 9B amended

- (1) After section 9B(2) insert:

- (2A) An education provider must not, for the purpose of enabling a student to complete the syllabus for a course conducted by the provider, procure child-related employment for the student if the education provider is aware that the student is the subject of an adverse interstate WWC decision.

Penalty for this subsection: a fine of \$60 000.

- (2) In section 9B(6) after “(2),” insert:

(2A),

8. Section 11A inserted

At the end of Part 2 Division 1 insert:

**11A. Withdrawal of application for assessment notice:
adverse interstate WWC decision**

- (1) If the CEO is aware that an applicant for an assessment notice is the subject of an adverse interstate WWC decision, the CEO must withdraw the application.
- (2) The CEO withdraws an application under subsection (1) by giving the applicant a written notice that states that —
 - (a) the CEO is aware that the applicant is the subject of an adverse interstate WWC decision; and
 - (b) because of the adverse interstate WWC decision, the CEO has withdrawn the application for an assessment notice.
- (3) If the applicant is a person who is, or is proposed to be, employed in child-related employment by another person, the CEO must also give the other person a written notice that states the matters mentioned in subsection (2)(a) and (b).
- (4) This section does not apply —
 - (a) to an application taken to be made under section 9 or 10 in accordance with section 17(3)(d)(i) or 17B(2)(b)(i); or
 - (b) if an interim negative notice issued to the applicant is current.

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9. Section 12 amended

- (1) In section 12(2):
 - (a) in paragraph (b) delete “applicant.” and insert:

applicant; and
 - (b) after paragraph (b) insert:

 - (c) checked whether the applicant is the subject of an adverse interstate WWC decision by accessing the WWC national reference system under section 34GA.
- (2) After section 12(8) insert:

- (9) Subsections (5) and (6) apply subject to section 13AB.

10. Section 13A amended

After section 13A(2) insert:

- (3) This section does not apply if section 13AB applies.

11. Section 13AB inserted

After section 13AA insert:

13AB. Interim negative notice cancelled for adverse interstate WWC decision: CEO making decision under s. 12

- (1) This section applies if —
 - (a) an interim negative notice issued to a person is current; and
 - (b) the CEO decides, under section 12(5) or (6), to issue an assessment notice to the person; and
 - (c) the CEO is aware that the person is the subject of an adverse interstate WWC decision.
- (2) The CEO must —
 - (a) cancel the interim negative notice; and
 - (b) despite section 12(5) or (6), not issue an assessment notice to the person; and
 - (c) give the person a written notice that complies with subsection (3).
- (3) A notice under subsection (2) must state that —
 - (a) the CEO is aware that the person is the subject of an adverse interstate WWC decision; and
 - (b) because of the adverse interstate WWC decision —
 - (i) the interim negative notice issued to the person is cancelled; and
 - (ii) an assessment notice will not be issued to the person under section 12.

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- (4) A notice under subsection (3) may be combined with a notice under section 11A(2) in relation to the withdrawal of the person's application for an assessment notice.
- (5) If the CEO is aware that the person is employed, or is proposed to be employed, in child-related employment by another person, the CEO must give the other person a written notice that states the matters mentioned in subsection (3)(a) and (b).

12. Section 17 amended

After section 17(3A) insert:

- (3B) The CEO must stop acting under subsection (3)(d) if the CEO becomes aware that the person is the subject of an adverse interstate WWC decision, unless the CEO has issued an interim negative notice to the person that is current.

Note for this subsection:

Section 19A provides for the cancellation of an assessment notice if the CEO becomes aware that a person is the subject of an adverse interstate WWC decision.

13. Section 17B amended

After section 17B(2) insert:

- (2A) The CEO must stop acting under subsection (2)(b) if the CEO becomes aware that the person is the subject of an adverse interstate WWC decision, unless the

CEO has issued an interim negative notice to the person that is current.

Note for this subsection:

Section 19A provides for the cancellation of an assessment notice if the CEO becomes aware that a person is the subject of an adverse interstate WWC decision.

14. Section 19 amended

- (1) In section 19(9) delete “If” and insert:

Subject to subsection (9A), if

- (2) After section 19(9) insert:

- (9A) If the person requests the issue of an assessment notice and the CEO is aware that the applicant is the subject of an adverse interstate WWC decision, the CEO —
- (a) must not issue an assessment notice under subsection (9)(b); and
 - (b) a notice under subsection (9)(a) must state that —
 - (i) the CEO is aware that the person is the subject of an adverse interstate WWC decision; and
 - (ii) because of the adverse interstate WWC decision, an assessment notice will not be issued to the person.

15. Section 19A inserted

After section 19 insert:

19A. Cancellation of assessment notice of person subject of adverse interstate WWC decision

- (1) If the CEO becomes aware that a person who has a current assessment notice is the subject of an adverse interstate WWC decision, the CEO must —
 - (a) cancel the assessment notice; and
 - (b) give the person a written notice that complies with subsection (2).
- (2) A notice given under subsection (1)(b) must state that —
 - (a) the CEO is aware that the person is the subject of an adverse interstate WWC decision; and
 - (b) because of the adverse interstate WWC decision, the assessment notice is cancelled.
- (3) If the CEO is aware that the person is or is proposed to be employed in child-related employment by another person, the CEO must give the other person a notice that states the matters mentioned in subsection (2)(a) and (b).
- (4) If an application for a further assessment notice has been made in accordance with section 15, a notice under subsection (1)(b) may be combined with a notice under section 11A(2) relating to the withdrawal of that application.

16. Section 20 amended

- (1) In section 20(2)(a) delete “on the application for” and insert:

to issue
- (2) After section 20(6) insert:

 - (7) This section applies subject to sections 20A and 20B.

17. Sections 20A and 20B inserted

After section 20 insert:

20A. CEO acting under s. 20 if adverse interstate WWC decision exists: first notice is assessment notice

- (1) This section applies if the CEO —
 - (a) is acting under section 20 in relation to a decision to issue an assessment notice to a person; and
 - (b) becomes aware that the person is the subject of an adverse interstate WWC decision.
- (2) Unless an interim negative notice issued to the person is current, the CEO must —
 - (a) stop acting under section 20; and
 - (b) cancel the person’s assessment notice under section 19A.
- (3) If an interim negative notice issued to the person is current, the CEO must —
 - (a) in the case that the CEO decides that the correct notice to be substituted under section 20(2) is a

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negative notice — continue acting under section 20 and substitute the negative notice; or

(b) otherwise —

- (i) cancel the interim negative notice issued to the person; and
- (ii) despite section 20(2), not issue an assessment notice to the person; and
- (iii) give the person a written notice that complies with subsection (4).

(4) A notice under subsection (3)(b)(iii) must state that —

- (a) the CEO is aware that the person is the subject of an adverse interstate WWC decision; and
- (b) because of the adverse interstate WWC decision —
 - (i) the interim negative notice issued to the person is cancelled; and
 - (ii) an assessment notice will not be issued to the person.

(5) If the CEO is aware that the person is employed, or is proposed to be employed, in child-related employment by another person, the CEO must give the other person a written notice that states the matters mentioned in subsection (4)(a) and (b).

20B. CEO acting under s. 20 if adverse interstate WWC decision exists: first notice is negative notice

- (1) This section applies if the CEO, in acting under section 20(2) in relation to a decision to issue a negative notice to a person —
 - (a) decides that the correct notice to be substituted under that section is an assessment notice; and

- (b) becomes aware that the person is the subject of an adverse interstate WWC decision.
- (2) The CEO must —
 - (a) despite section 20(2), cancel the negative notice issued to the person but not issue an assessment notice to the person; and
 - (b) give the person a notice stating that —
 - (i) the person’s negative notice is cancelled under section 20; and
 - (ii) the CEO is aware that the person is the subject of an adverse interstate WWC decision; and
 - (iii) because of the adverse interstate WWC decision, an assessment notice will not be substituted under section 20.

18. Section 22 amended

- (1) After section 22(3) insert:

- (3A) An employer must not employ a person in child-related employment if the employer is aware that the person is the subject of an adverse interstate WWC decision.

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

- (2) In section 22(7) after “(3),” insert:

(3A),

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19. Section 25 amended

In section 25(4):

- (a) in paragraph (c) delete “21A(1) or (2) or 21C(1).” and insert:

19A, 21A(1) or (2) or 21C(1); or

- (b) after paragraph (c) insert:

- (d) who is the subject of an adverse interstate WWC decision.

20. Section 32 amended

After section 32(2) insert:

- (3) The CEO must stop acting under subsection (2) if the CEO becomes aware that the person is the subject of an adverse interstate WWC decision, unless the CEO has issued an interim negative notice to the person that is current.

Note for this subsection:

Section 19A provides for the cancellation of an assessment notice if the CEO becomes aware that a person is the subject of an adverse interstate WWC decision.

21. Section 34D amended

Delete section 34D(2)(b) and insert:

- (b) relates to an adverse interstate WWC decision about a person made by the corresponding authority; or

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

22. Section 34G amended

- (1) Delete section 34G(1).
- (2) In section 34G(2) delete “a national register or database established under the *Australian Crime Commission Act 2002* (Commonwealth) —” and insert:

the WWC national reference system —

23. Section 34GA inserted

After section 34G insert:

34GA. Obtaining information from WWC national reference system

- (1) In this section —
relevant person means 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) 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.
- (2) The CEO may access the WWC national reference system and obtain information for any of the following purposes —
 - (a) to determine whether a relevant person is the subject of an adverse interstate WWC decision;
 - (b) to obtain details about a relevant person and an adverse interstate WWC decision related to the relevant person;
 - (c) for a WWC purpose.
- (3) An authorised officer may, in performing a function or exercising a power under Part 3B, access the WWC national reference system and obtain information for an authorised purpose (as defined in section 34J).
- (4) The CEO may enter into an arrangement with the ACC which provides for —
 - (a) the CEO or an authorised officer to access the WWC national reference system to obtain information for a purpose mentioned in subsection (2) or (3); and
 - (b) the CEO or an authorised officer to disclose information about a person to the ACC for the purpose of obtaining information about the person under subsection (2) or (3); and

- (c) the CEO to disclose information to the ACC for inclusion in the WWC national reference system under section 34G.
- (5) Without limiting subsection (4), the arrangement may provide for the electronic transfer of information, including for information to be requested, obtained, disclosed or notified electronically.
- (6) This section does not limit the powers of the CEO to request, obtain or disclose information under another provision of this Act.

24. Section 36 amended

In section 36(c) after “section” insert:

19A(1)(b),

25. Section 44 amended

- (1) In section 44(1):
 - (a) in paragraph (b) delete “current.” and insert:

current;
 - (b) after paragraph (b) insert:
 - (c) that at a specified time a specified person was the subject of an adverse interstate WWC decision.

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- (2) In section 44(2) delete “subsection (2), (3) or (5) of section 22,” and insert:

section 22(2), (3), (3A) or (5),

- (3) In section 44(3A) delete “(2)” and insert:

(2), (2A)

- (4) In section 44(3B) after “(2),” insert:

(2A),

- (5) After section 44(3) insert:

(3AA) In proceedings for an offence against this Act, a certificate signed by a corresponding authority, or a delegate of a corresponding authority, that states any of the following matters is proof of the matter, in the absence of evidence to the contrary —

- (a) that the corresponding authority issued, or otherwise granted, an interstate working with children authority to a specified person on a specified day;
- (b) that an interstate working with children authority was in effect on a specified day or for a specified period;
- (c) that the corresponding authority made an adverse interstate WWC decision of a specified nature about a specified person on a specified day;

- (d) that an adverse interstate WWC decision was in effect on a specified day or for a specified period.

(6) After section 44(5) insert:

- (5A) Unless the contrary is proved, it is presumed that —
 - (a) a document purporting to have been signed by a corresponding authority was signed by a person who at the time was the corresponding authority; and
 - (b) a document purporting to have been signed by a delegate of a corresponding authority was signed by a person who at the time was a delegate of the corresponding authority and was authorised to sign it.

26. Part 6 Division 3 inserted

After section 76 insert:

Division 3 — Transitional provisions for *Working with Children (Screening) Amendment Act 2026*

77. Terms used

In this Division —

amended Act means this Act as amended by the *Working with Children (Screening) Amendment Act 2026*;

commencement day means the day on which the *Working with Children (Screening) Amendment Act 2026* section 3 comes into operation.

78. Adverse interstate WWC decisions

The amended Act applies in relation to an adverse interstate WWC decision, regardless of whether the decision was made before, on or after the commencement day.

79. Amended Act applies to CEO's action underway on commencement day

- (1) The amended Act applies for the purposes of the CEO doing any of the following after the commencement day —
- (a) dealing with an application for an assessment notice that was pending immediately before the commencement day;
 - (b) making a decision under section 12 if any of the following circumstances existed immediately before the commencement day and the CEO had not made a decision under that section —
 - (i) the CEO had decided to act under section 17(3)(d) or 17B(2)(b);
 - (ii) the CEO was given a notice that the CEO must treat under section 32(1) as an application for an assessment notice;
 - (iii) an interim negative notice issued to the person was current;
 - (c) dealing with an application for the cancellation of a negative notice under section 19 that was pending immediately before the commencement day;
 - (d) acting under section 20 if, immediately before the commencement day, the CEO has started, but not finished, acting under section 20.

- (2) Before the CEO finishes taking any action mentioned in subsection (1), the CEO must access the WWC national reference system under section 34GA to determine whether the person who is the subject of the action being taken by the CEO is the subject of an adverse interstate WWC decision.

80. Effect of adverse interstate WWC decision made before commencement day on existing assessment notice

- (1) This section applies in relation to a person who, immediately before the commencement day, holds a current assessment notice.
- (2) As soon as practicable after the commencement day, the CEO must access the WWC national reference system under section 34GA to determine whether the person is the subject of an adverse interstate WWC decision.

81. Review by State Administrative Tribunal

- (1) This section applies if an application to the State Administrative Tribunal for a review of a decision of the CEO —
 - (a) was started but not decided or otherwise ended before the commencement day; or
 - (b) is started after the commencement day in relation to a decision made by the CEO before the commencement day.
- (2) The Tribunal must apply the amended Act in relation to the subject matter of the review.

- (3) As soon as practicable after the commencement day, the CEO must —
 - (a) access the WWC national reference system under section 34GA to determine whether the person who applied for the review is the subject of an adverse interstate WWC decision; and
 - (b) advise the Tribunal whether or not the person is the subject of an adverse interstate WWC decision.

82. 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 *Working with Children (Screening) Amendment Act 2026*; 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 accordance with the *Interpretation Act 1984* section 41(1)(a) 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.

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