



Factsheet 5: Child-Related Work and Exemptions

What is 'child-related work'?

Under section 6 of the *Working with Children (Criminal Record Checking) Act 2004*: work is 'child-related work' if the **usual duties** of the work involve, or are likely to involve, **contact** with a child in connection with any of the categories listed in this factsheet **UNLESS** an exemption applies.

Contact includes any form of physical contact, oral communication (e.g. telephone) and electronic communication (e.g. email or internet) but **does not include** contact between employers, workplace supervisors or volunteer co-ordinators of children and workers whose fellow workers are children (unless they otherwise engage in child-related work). If a person's only contact with a child is as an employer of a child or as a fellow employee, then that person is not considered to be in child-related work.

What is an exemption?

The law provides that specific people or certain kinds of work do not require a WWC Check even if the work involves contact with children in connection with the categories in this factsheet. These situations are summarised below and are commonly referred to as "exemptions".

If all a person's work is covered by an exemption then they are NOT in child-related work and are ineligible to apply for a WWC Check. Some exemptions apply across all categories while others are specific to a particular category.

It's important for a person to consider all the categories of child-related work and all the different work they do before deciding whether a WWC Check is or is not required. If a person is involved in child-related work in more than one category, a person will require a WWC Check if an exemption applies to one category but not the other.

Exemptions which apply across all categories:

1) Child volunteers:

- work carried out on a voluntary basis by a child.

2) Unpaid students on placement under 18 years of age:

- work carried out on an unpaid basis by a student under 18 years of age as part of their educational or vocational course of study with an education provider.

3) Short-term visitors to Western Australia:

- applies to work carried out by visitors to Western Australia, where the person is not ordinarily resident in Western Australia; and
- only applies during the two week period after the person arrives in Western Australia and cannot exceed a total of two weeks in any period of 12 months; and
- cannot be used in conjunction with the one-off national events and national tours exemption (below). A person cannot use both exemptions in the same 12 month period.

****New exemption which applies to specific categories****

One-off national events and national tours exemption (commenced 1/1/2014):

- only applies to a person who is not ordinarily resident in Western Australia;
- is specifically limited to one-off national events or national tours organised by a recognised body in connection with specific categories of child-related work (applies ONLY to categories 3, 4, 5, 10, 11, 12, 14, 15, 16, 17 or 18);
- is for a non-cumulative period of 30 days within a 12 month period (the person can access the exemption once in a 12 month period whether they use 10 days or the 30 days for that one-off national event or national tour); and
- cannot be used in conjunction with the short-term visitor exemption (above). A person cannot use both exemptions in the same 12 month period.

The terms “national event” and “national tour” are defined to specifically target the exemption to those national and state organisations (recognised bodies) that organise large events or tours across the country.

A **national event** means an event taking place in Western Australia over a specific period of time:

- (a) that is organised at state, territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and
- (b) in which children from more than one state, territory or country are participating.

e.g. a national Scout jamboree.

A **national tour** means a tour taking place over a specific period of time:

- (a) that is organised at state, territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and
- (b) in which children from more than one state, territory or country are participating; and

- (c) that makes stops at several different venues and locations in Australia, including at least one stop in Western Australia.

e.g. The Australian Football League (AFL) organises for the Under 18 All Australian Team to tour football clubs in Victoria, New South Wales, Queensland, South Australia, Tasmania and Western Australia. In WA the team will be playing in Perth, Geraldton and Bunbury, where the interstate coaches and volunteers travelling with them will supervise and organise coaching clinics for WA and interstate children.

List of categories of child-related work and exemptions

Below is a table outlining individual categories and all the exemptions applicable to each. Please note some categories also specifically exclude certain situations from the WWC Act.

Category	Exemptions Specific to the Category
1. A child care service (means a child care service as defined in the <i>Child Care Services Act 2007</i> s4 or an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> s5(1)).	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child to whom the service is being provided; or who is enrolled for, or otherwise ordinarily is provided with, the service. ▪ Police officers performing functions as a member of the WA Police.
2. A community kindergarten registered under Part 5 of the <i>School Education Act 1999</i> .	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child who is enrolled at the kindergarten.
3. An educational institution for children. Includes any school as defined in the <i>School Education Act 1999</i> but does not include universities recognised or established under a written law or educational institutions prescribed by the WWC regulations.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child who is enrolled at the educational institution. ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).

Category	Exemptions Specific to the Category
<p>4. A coaching or private tuition service of any kind but not including an informal arrangement entered into for private or domestic purposes.</p>	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates. ▪ When the coaching or private tuition service is also carried out in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children (category 12), and the work is carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement. ▪ A coaching or private tuition service provided to a class of two or more persons that is not provided primarily for children. ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).
<p>5. An arrangement for the accommodation or care of children, whether in a residential facility or private residence but not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child.</p>	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates. ▪ Arrangements for accommodation or care of children in a residential facility connected to, or used predominantly by students of, a university or other institution of tertiary accommodation. ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).

Category	Exemptions Specific to the Category
6. A placement arrangement or secure care arrangement under the <i>Children and Community Services Act 2004</i> .	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2).
7. The performance by an officer, as defined in the <i>Children and Community Services Act 2004</i> , s3 of a function given to the officer under that Act. Officer means a person employed or engaged by the Department for Child Protection and Family Support, whether as a public service officer under the <i>Public Sector Management Act 1994</i> , under a contract for services, or otherwise.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2).
8. A detention centre, as defined in the <i>Young Offenders Act 1994</i> s3.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Police officers performing functions as a member of the WA Police.
9. A community child health service.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates.
10. A counselling or other support service.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates. ▪ Police officers performing functions as a member of the WA Police.

	<ul style="list-style-type: none"> ▪ One-off national events and national tours (pg 2).
Category	Exemptions Specific to the Category
11.A religious organisation.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates. ▪ One-off national events and national tours (pg 2).
12. A club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children but not including an informal arrangement entered into for private or domestic purposes.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement. ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).
13. A ward of a public or private hospital in which children are ordinarily patients.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates.
14. A baby sitting or child minding service but not including an informal arrangement entered into for private or domestic purposes.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child, to whom the service is being provided in connection with an activity in which the child is participating, or ordinarily participates. ▪ One-off national events and national tours (pg 2).

Category	Exemptions Specific to the Category
15. An overnight camp, regardless of the type of accommodation or how many children are involved.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).
16. A transport service specifically for children.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child who is a passenger on the transport service, or is ordinarily a passenger on the transport service. ▪ One-off national events and national tours (pg 2).
17. A school crossing service, being a service provided to assist children to cross roads on their way to or from school.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child who is enrolled at the school. ▪ Police officers performing functions as a member of the WA Police. ▪ One-off national events and national tours (pg 2).
18. A children's entertainment or party service.	<ul style="list-style-type: none"> ▪ Child volunteers (pg 1). ▪ Unpaid students on placement under 18 (pg 1). ▪ Short-term visitors to WA (pg 2). ▪ Work carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating or ordinarily participates ▪ Performances open to the general public, not involving physical contact with children, whether on payment of a fee or otherwise. ▪ Where the service only involves the provision of equipment, food or a venue, and no other children's entertainment or party service.

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| | <ul style="list-style-type: none">▪ Police officers performing functions as a member of the WA Police.▪ One-off national events and national tours (pg 2). |
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More Information

For more information about the responsibilities and obligations for employees, volunteers, students on placement, self employed people, education providers, child safe practices and the parent volunteer exemption visit the website www.checkwwc.wa.gov.au and specifically:

Factsheet 6: Information for Employees and Volunteers

Factsheet 13: Information for Self Employed People

Factsheet 16: The Parent Volunteer Exemption

Child Safe and Friendly Organisations Factsheet

Disclaimer

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The latest publication of a factsheet and further information about the Working with Children law is available on our website at www.checkwwc.wa.gov.au. If you require additional assistance you may also contact us on (08) 6217 8100, for country callers 1800 883 979 (toll free).

The information in this factsheet is provided on the understanding that it is not to be relied on for legal or professional advice.

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General information and summary only - please visit the WWC website at www.checkwwc.wa.gov.au for further details.