

Factsheet 5: Child-related work and exemptions



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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 below,
 UNLESS one of the exemptions listed below applies.

Category	Parent exemption	Other exemptions
(i) a child care service <i>(has the meaning given to that term under section 4 of the Child Care Services Act 2007)</i>	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Police officers performing functions as a member of the WA Police.
(ii) a community kindergarten registered under Part 5 of the <i>School Education Act 1999</i>	<ul style="list-style-type: none"> Work carried out on a voluntary basis by a parent of a child who is enrolled at the kindergarten. 	<ul style="list-style-type: none"> No other exemptions apply.
(iii) an educational institution for children	<ul style="list-style-type: none"> Work carried out on a voluntary basis by a parent of a child who is enrolled at the educational institution. 	<ul style="list-style-type: none"> Police officers performing functions as a member of the WA Police. Universities established under a written law are excluded from the definition of educational institution for children.
(iv) a coaching or private tuition service of any kind	<ul style="list-style-type: none"> 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 is also in connection with a category xii) club, association or movement, the following broader exemption applies. Parent volunteers are exempt whose child is involved or ordinarily involved in at least some of the 'club' activities. 	<ul style="list-style-type: none"> an informal arrangement entered into for private or domestic purposes. Police officers performing functions as a member of the WA Police. Coaching or private tuition provided to a class of 2 or more students, that is not provided primarily for children.

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(v) an arrangement for the accommodation or care of children, whether in a residential facility or private residence	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ an informal arrangement made by a parent of the child concerned. ▪ Police officers performing functions as a member of the WA Police. ▪ accommodation or care provided by a relative of the child. ▪ 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.
(vi) a placement arrangement under the <i>Children and Community Services Act 2004</i>	<ul style="list-style-type: none"> ▪ No parent exemption 	<ul style="list-style-type: none"> ▪ No other exemptions apply.
(vii) the performance by an officer, as defined in the <i>Children and Community Services Act 2004</i> , of a function given to the officer under that Act	<ul style="list-style-type: none"> ▪ No parent exemption. 	<ul style="list-style-type: none"> ▪ No other exemptions apply.
(viii) a detention centre, as defined in the <i>Young Offenders Act 1994</i> section 3	<ul style="list-style-type: none"> ▪ No parent exemption. 	<ul style="list-style-type: none"> ▪ Police officers performing functions as a member of the WA Police.
(ix) a community child health service	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ No other exemptions apply.
(x) a counselling or other support service	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ Police officers performing functions as a member of the WA Police.
(xi) a religious organisation	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ No other exemptions apply.
(xii) 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	<ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ an informal arrangement entered into for private or domestic purposes. ▪ Police officers performing functions as a member of the WA Police.

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(xiii) a ward of a public or private hospital in which children are ordinarily patients	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> No other exemptions apply.
(xiv) a baby sitting or child minding service	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> an informal arrangement entered into for private or domestic purposes.
(xv) an overnight camp, regardless of the type of accommodation or how many children are involved	<ul style="list-style-type: none"> No parent exemption. 	<ul style="list-style-type: none"> Police officers performing functions as a member of the WA Police.
(xvi) a transport service specifically for children	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> No other exemptions apply.
(xvii) 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"> Work carried out on a voluntary basis by a parent of a child who is enrolled at the school. 	<ul style="list-style-type: none"> Police officers performing functions as a member of the WA Police.
(xviii) a children's entertainment or party service	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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. Police officers performing functions as a member of the WA Police.

Other exemptions which apply in all categories:

Child volunteers

- Work carried out on a voluntary basis by a child (i.e. volunteer under 18 years of age).

Employers / workplace supervisors of children

- Employers of children, or if you have fellow workers who are children (unless you otherwise carry out child-related work).
- Supervisors of volunteers who are children (unless you otherwise carry out child-related work).

Short-term visitors to Western Australia

- Work carried out by visitors to Western Australia, where the person is not ordinarily resident in Western Australia.
- The exemption only applies during the 2 week period after the person arrives in Western Australia and cannot exceed 2 weeks in any 12 month period.