

# Factsheet 4: Class 1 and Class 2 Offences

## Class 1 Offences

A “Class 1 Offence” is an offence against any of the following provisions:-

<u>Enactment</u>	<u>Description of Offence</u>
<b><i>The Criminal Code</i></b>	
s. 320(2)	Sexually penetrating child under 13
s. 320(3)	Procuring, inciting or encouraging child under 13 to engage in sexual behaviour
s. 321A	Persistent sexual conduct with child under 16 (if the offence includes a sexual act on at least one occasion when the child against whom the offence is committed is under 13)
s. 329(2)	Sexually penetrating child known to be lineal relative or de facto child (if the child against whom the offence is committed is under 13)
s. 329(3)	Procuring, inciting or encouraging child known to be lineal relative or de facto child to engage in sexual activity (if the child against whom the offence is committed is under 13)
<b><i>Crimes Act 1914 of the Commonwealth</i></b>	
s. 50BA	Sexual intercourse with child under 16 (if the child against whom the offence is committed is under 13)
s. 50BB	Inducing child under 16 to engage in sexual intercourse (if the child against whom the offence is committed is under 13)

An offence under a law of another state, territory or jurisdiction of a similar kind to these Class 1 Offences is also a Class 1 Offence.

An old offence that, at the time it was committed, was an offence of a similar kind to these Class 1 Offences is also a Class 1 Offence.

Offences under a law of another jurisdiction that are prescribed by the Regulations to be Class 1 Offences are also Class 1 Offences. Currently, there are no such offences prescribed by the Regulations.

## Class 2 Offences

A “Class 2 Offence” is an offence against any of the following provisions:-

<u>Enactment</u>	<u>Description of Offence</u>
<b><i>The Criminal Code</i></b>	
s. 181	Carnal knowledge of animal
s. 186	Occupier or owner allowing child to be on premises for unlawful carnal knowledge
s. 187	Facilitating sexual offences against children outside Western Australia
s. 204B	Using electronic communication to procure or expose to indecent matter, children under 16
s.279	Murder
s.280	Manslaughter
s.281	Unlawful assault causing death
s. 290	Killing unborn child
s. 297	Grievous bodily harm
s. 320(4)	Indecent dealing with child under 13
s. 320(5)	Procuring, inciting or encouraging child under 13 to do indecent act
s. 320(6)	Indecently recording child under 13
s. 321	Sexual offences against child of or over 13 and under 16
s. 321A	Persistent sexual conduct with child under 16 (if the offence does not include a sexual act on any occasion when the child against whom the offence is committed is under 13)
s. 322	Sexual offences against child of or over 16 by person in authority etc.
s. 323	Indecent assault
s. 324	Aggravated indecent assault
s. 325	Sexual penetration without consent
s. 326	Aggravated sexual penetration without consent
s. 327	Sexual coercion
s. 328	Aggravated sexual coercion
s. 329(2)	Sexually penetrating child known to be lineal relative or de facto child (if the child against whom the offence is committed is 13 or over)
s. 329(3)	Procuring, inciting or encouraging child known to be lineal relative or de facto child to engage in sexual activity (if the child against whom the offence is committed is 13 or over)
s. 329(4)	Indecent dealing with child known to be lineal relative or de facto child

## **Enactment**

## **Description of Offence**

s. 329(5)	Procuring, inciting or encouraging child known to be lineal relative or de facto child to engage in sexual activity
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
s. 331C	Conducting business involving sexual servitude
s. 331D	Deceptive recruiting for commercial sexual services
s. 332	Kidnapping
s. 343	Child stealing

### ***Classification (Publications, Films and Computer Games) Enforcement Act 1996***

s. 60	Child pornography
s. 101	Objectionable material offences (if the objectionable material is child pornography)

### ***Prostitution Act 2000***

s. 16	Causing, permitting or seeking to induce child to act as prostitute
s. 17	Obtaining payment for prostitution by child
s. 18	Agreement for prostitution by child

### ***Children and Community Services Act 2004***

s. 101	Failing to protect child from significant harm
s. 102	Leaving child unsupervised in vehicle
s. 192	Employing child, or permitting child to be employed, to perform in indecent, obscene or pornographic manner

### ***Crimes Act 1914 of the Commonwealth***

s. 50BA	Sexual intercourse with child under 16 (if the child against whom the offence is committed is 13 or over)
s. 50BB	Inducing child under 16 to engage in sexual intercourse (if the child against whom the offence is committed is 13 or over)
s. 50BC	Sexual conduct involving a child under 16
s. 50BD	Inducing child under 16 to be involved in sexual conduct
s. 50DA	Benefiting from offence against Part IIIA
s. 50DB	Encouraging offence against Part IIIA

### ***Criminal Code Act 1995 of the Commonwealth***

<b><u>Enactment</u></b>	<b><u>Description of Offence</u></b>
s. 271.4	Offence of trafficking in children
s. 271.7	Offence of domestic trafficking in children
s. 309.2	Supplying controlled drugs to children
s. 309.3	Supplying marketable quantities of controlled drugs to children for trafficking
s. 309.4	Supply controlled drugs to children for trafficking
s. 309.7	Procuring children for trafficking marketable quantities of controlled drugs
s. 309.8	Procuring children for trafficking controlled drugs
s. 309.10	Procuring children for pre-trafficking marketable quantities of controlled precursors
s. 309.11	Procuring children for pre-trafficking controlled precursors
s. 309.12	Procuring children for importing or exporting marketable quantities of border controlled drugs or border controlled plants
s. 309.13	Procuring children for importing or exporting border controlled drugs or border controlled plants
s. 309.14	Procuring children for importing or exporting marketable quantities of border controlled precursors
s. 309.15	Procuring children for importing or exporting border controlled precursors
s. 310.2	Danger from exposure to unlawful manufacturing
s. 310.3	Harm from exposure to unlawful manufacturing
s. 310.4	Aggravated offences – manufacturing controlled drugs and controlled precursors
s. 474.19	Using a carriage service for child pornography material
s. 474.20	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service
s. 474.22	Using a child carriage service for child abuse material
s. 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
s. 474.26	Using a carriage service to procure persons under 16
s. 474.27	Using a carriage service to “groom” persons under 16

***Customs Act 1901 of the Commonwealth***

s. 233BAB	Special offences relating to tier 2 goods (if the offence involves items of child pornography or of child abuse material)
-----------	---

An offence under a law of another state, territory or jurisdiction of a similar kind to these Class 2 Offences is also a Class 2 Offence.

An old offence that, at the time it was committed, was an offence of a similar kind to these Class 2 Offences is also a Class 2 Offence.

Offences under a law of another jurisdiction that are prescribed by the Regulations to be Class 2 Offences are also Class 2 Offences.

Some offences have already been prescribed as Class 2 Offences in regulations and are included above.



Working with Children Screening Unit

Level 5, Dumas House

2 Havelock Street

West Perth WA 6005

Ph: 08 6217 8100

Email: [checkquery@dcp.wa.gov.au](mailto:checkquery@dcp.wa.gov.au)

**[www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)**