



## Understanding the difference between the Working with Children Check and a Police Check

The Working with Children Check and the National Police Check are two different checks.

The Working with Children Check is an ongoing assessment of a person's eligibility to work or volunteer with children and involves a check of a person's national criminal history (including all spent convictions, pending and non-conviction charges) and other disciplinary and police information.

The Police Check is only current on the day of issue and is a list of offences from a person's criminal history which can be disclosed. It does not involve an assessment by a government agency. The information in a police check report should form only one part of any process for determining a person's suitability for any entitlement, profession, undertaking, appointment or employment.

The below table is a snapshot of the main differences between the two checks.

Question	Working with Children Check	Police Check
Does it allow someone to work or volunteer with children?	Yes. If a WWCC application is approved the applicant is issued with a positive notice which allows them to work in any regulated child-related employment or conduct any regulated child-related business for 3 years while their police information continues to be monitored.	No.
How does it work?	The working with children check is an ongoing assessment of a person's eligibility to work or volunteer with children based on their known past police and disciplinary information.	A Police Check is only current at the time of issue and is a list of offences from a person's criminal history which can be disclosed.  There is no assessment or investigation made by a government agency.





<p>What does it check?</p>	<p>A person's national criminal history (including all spent convictions, pending and non-conviction charges), and other disciplinary and police information. This information is collected from sources in Australia and also includes an assessment of:</p> <ol style="list-style-type: none"> <li>1) child protection prohibition orders (whether a person is a respondent or subject to an application)</li> <li>2) disqualification orders if a person is subject to reporting obligations under the <i>Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004</i> or <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i></li> <li>3) disciplinary information held by certain professional organisations including teachers, child care providers and foster carers, and information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.</li> </ol> <p>Information about a person's criminal record may also be obtained from authorised bodies and similar interstate authorities such as:</p> <ol style="list-style-type: none"> <li>1. the Police</li> <li>2. the Office of the Director of Public Prosecutions</li> <li>3. the Department of Corrective Services</li> <li>4. the Department of Justice and Attorney-General</li> <li>5. courts</li> </ol>	<p>This depends on the type of history obtained.</p> <p>A combination of histories will be required to obtain a picture of a person's charges and convictions.</p> <div style="border: 1px solid orange; padding: 5px;"> <p><b>Queensland specific:</b> <i>This information is limited to Queensland charges and will not disclose spent convictions, interstate, pending or non-conviction charges or other information taken into account by the working with children check. For example:</i></p> <p><i>A Criminal History (Queensland only) contains disclosable convictions imposed in Queensland.</i></p> <ul style="list-style-type: none"> <li>• <i>A National Police Certificate contains only Australian disclosable convictions.</i></li> <li>• <i>A Person History contains Queensland charges only. While this includes Queensland cautions, community conferences and youth justice agreements under the Juvenile Justice Act 1992, it does not contain charges that have been preferred by police outside of Queensland.</i></li> </ul> </div>
<p>How far back does the check go?</p>	<p>Is a point in time check and is only current on the day of issue.</p> <p>The check considers all relevant offences across a person's lifetime.</p>	<p>Some offences cannot be disclosed, depending on when they were committed.</p>





<p>How long is it valid?</p>	<p>Generally a WWCC is valid for a period of time in that state or territory ie 3 years unless suspended or cancelled.</p> <p>An exemption card (for teachers and police officers undertaking work outside of their professional duties) remains valid while a person continues to be a police officer or approved teacher.</p>	<p>Only current at the time of issue.</p>
<p>Are criminal records monitored?</p>	<p>Yes. Ongoing monitoring of all card holders and applicants is conducted which enables action to be taken to protect children and young people if the person is charged with a concerning offence, including the suspending or cancelling of a card.</p>	<p>No. A police check is a point of time check. A new police check will be needed to show any new offences.</p>
<p>What happens when someone changes employers - is a new history required?</p>	<p>Once a WWCC is issued, it can be used across all categories of regulated employment and regulated business. For example, a person can use it to be a foster carer, operate a licensed child care service or coach a child's sporting team.</p> <p>Organisations are required to notify their state or territory agency if they engage an existing WWCC or exemption holder or applicant in regulated employment. This ensures appropriate action can be taken where a person's WWCC status changes.</p>	<p>Employers and organisations have their own policies around requiring police checks. The person may need a new police check when they start a new job.</p>

Notes:

- A spent conviction is one that does not need to be ordinarily declared.
- A pending charge is a charge that has not yet been decided by a court.





- A non-conviction charge is a charge that has been finalised by a court but did not result in a conviction. For example, a charge: that has been withdrawn; that has been the subject of a nolle prosequi; a no true bill or a submission of no evidence to offer; that led to a conviction that was quashed on appeal; or upon which a person was acquitted or disposed of by a court otherwise than by way of conviction.

## State and Territory WWCC and Child Protection Legislation

State or Territory	Legislation	Coverage
ACT	<p>Children and Young People Act 2008 (ACT)  <a href="http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf">http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf</a></p> <p>Working with Vulnerable People (Background Checking) Act 2011  <a href="http://www.legislation.act.gov.au/a/2011-44/">http://www.legislation.act.gov.au/a/2011-44/</a></p>	<ul style="list-style-type: none"> <li>• Child protection definitions including mandatory reporting</li> <li>• Working With Children Check requirements</li> </ul>
NSW	<p>Children and Young Persons (Care and Protection) Act 1998  <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/">http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/</a></p> <p>Child Protection (Working with Children) Act 2012  <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/">http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/</a></p>	<ul style="list-style-type: none"> <li>• Child protection definitions including mandatory reporting</li> <li>• Working With Children Check requirements</li> </ul>
NT	<p>Care and Protection of Children Act 2007 (NT)  <a href="http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/">http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/</a></p>	<ul style="list-style-type: none"> <li>• Child protection definitions including mandatory reporting and Working With Children Check requirements</li> </ul>
QLD	<p>Child Protection Act 1999 (Qld)  <a href="https://www.legislation.qld.gov.au/legisln/current/c/childprotecta99.pdf">https://www.legislation.qld.gov.au/legisln/current/c/childprotecta99.pdf</a></p> <p>Working with Children (Risk Management and Screening) Act 2000  <a href="https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkwithChildrenRMSA00.pdf">https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkwithChildrenRMSA00.pdf</a></p>	<ul style="list-style-type: none"> <li>• Child protection definitions including mandatory reporting</li> <li>• Working With Children Check requirements</li> </ul>
SA	<p>Children's Protection Act 1993 (SA)  <a href="https://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993/CURRENT/1993.93.UN.PDF">https://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993/CURRENT/1993.93.UN.PDF</a></p>	<ul style="list-style-type: none"> <li>• Child protection definitions including mandatory reporting and Working With Children Check requirements</li> </ul>





State or Territory	Legislation	Coverage
TAS	<p>The Children Young Persons and their Families Act (1997) <a href="http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/">http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/</a></p> <p>The Registration to Work with Vulnerable People Act 2013 (Tas) <a href="http://www.austlii.edu.au/au/legis/tas/num_act/rtww/vpa201365o2013527/">http://www.austlii.edu.au/au/legis/tas/num_act/rtww/vpa201365o2013527/</a></p>	<ul style="list-style-type: none"><li>• Child protection definitions including mandatory reporting</li><li>• Working With Children Check requirements</li></ul>
VIC	<p>The Child Youth and Families Act (2005) as amended 2007 <a href="http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/">http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/</a></p> <p>The Working with Children Act 2005 as amended 2014 <a href="http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/">http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/</a></p>	<ul style="list-style-type: none"><li>• Child protection definitions including mandatory reporting</li><li>• Working With Children Check requirements</li></ul>
WA	<p>Children and Community Services Act 2004 (WA) <a href="http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/">http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/</a></p> <p>Working with Children (Criminal Record Checking) Act 2004 (WA) <a href="https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1095_homepage.html">https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1095_homepage.html</a></p>	<ul style="list-style-type: none"><li>• Child protection definitions including Mandatory reporting</li><li>• Working With Children Check requirements</li></ul>

