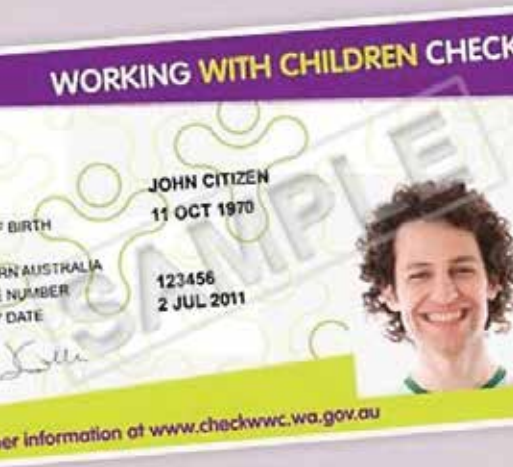
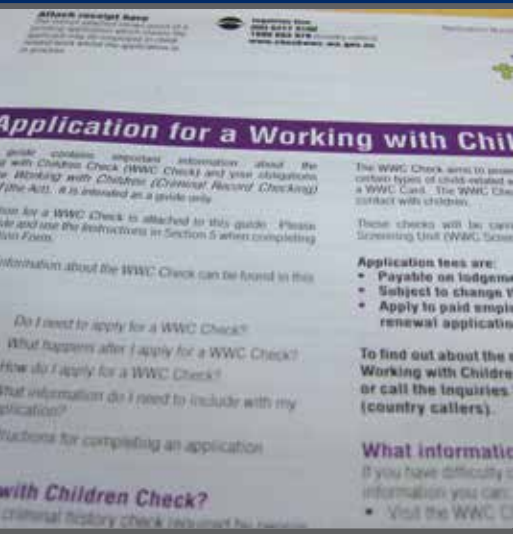


Western Australian Auditor General's Report



Working with Children Checks



Report 15: June 2014



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Working with Children Checks



**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

WORKING WITH CHILDREN CHECKS

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of the overall audit program. They seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

The information provided through this approach will, I am sure, assist Parliament in better evaluating agency performance and enhance parliamentary decision-making to the benefit of all Western Australians.

A handwritten signature in black ink, appearing to read 'C. Murphy'.

COLIN MURPHY
AUDITOR GENERAL
30 June 2014

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Auditor General's Overview

Working with children checks are a key part of creating a protective environment for children. They will not, on their own, keep all children safe, but it is important that the checks are robust and efficient, and that compliance with the scheme is monitored and enforced. If not, the credibility of the checks and their effectiveness is undermined.



Around 300 000 people in WA now have a working with children check card. As the scheme has grown and matured, both those applying to have a check and the organisations that employ them have become better educated about how the scheme works. Overall, the framework for the checks is sound and generally delivers robust results. It also enables the regular monitoring of existing cardholders.

There are areas for improvement. In some cases, it can take a long time to make a decision on whether someone should be allowed to work with children. Because people can 'work on application', the longer a decision takes the greater the risk to children. I understand the practical considerations in this approach, but the Department needs to consider how it can better manage the risks it creates.

The Department also needs to do more and better targeted monitoring of employer compliance. Sufficient monitoring and enforcement of compliance is central to the credibility and effectiveness of the scheme. Some of the largest employers are government agencies, and I expect them to do everything they can to monitor and demonstrate their compliance with working with children checks.

The Royal Commission into Institutional Responses to Child Abuse is, as part of its work, considering working with children checks nationally. This illustrates that the scheme needs to be seen as one element of broader efforts to protect children. In that context, my recommendations will, I hope, contribute to working with children checks being as effective as possible in helping to keep children safe.

Executive Summary

Background

People whose day-to-day work involves contact with children are required to have a working with children check. This will include teachers, commercial babysitters, nurses in a children's ward, foster carers and a range of other workers. The working with children check aims to prevent people who have a criminal history that indicates they may pose a risk of harm to children from working with them. It also facilitates the regular checking of criminal records for people in child-related work.

The Department for Child Protection and Family Support (the Department) is responsible for administering the working with children check in Western Australia. The Working with Children Screening Unit (the Unit) of the Department carries out the checks under the *Working with Children (Criminal Record Checking) Act 2004* and *Working with Children (Criminal Record Checking) Regulations 2005*. In 2012-13, the cost of undertaking working with children checks was \$11.6 million.

Applicants are first screened by the Department to confirm that they require a card. If required, a national criminal record history check is conducted through the CrimTrac agency with additional information from the Western Australia Police (WA Police). The Department then assesses the relevance and seriousness of any adult and juvenile conviction charges, pending charges and non-conviction charges as well as any other relevant information. People are permitted to work with children whilst their application is being processed.

If an applicant has no relevant criminal record triggering consideration and they provide correct identity documentation, an assessment notice in the form of a working with children check card will be provided. The card is valid for three years unless there are further charges of relevance resulting in its cancellation. After three years people must re-apply for a new card. At present more than 300 000 people hold a card.

The Department will issue a negative notice prohibiting a person from engaging in child-related work where criminal records or other information indicate they may be a risk of causing harm to children. An interim negative notice may also be issued before a final decision is made. In such cases, the Department will notify the applicant or the card holder and their employer who must ensure they do not engage in child-related work.

Working with children checks will not eliminate risks to children but they are an important component of a protective environment. It is therefore important that the checks are robust, the results are reliable and that people working with children, and the organisations they work for, comply with the requirements of the legislation.

This audit assessed how well the Department through its Working with Children Screening Unit administered the working with children check to help increase the safety of children. As part of the audit, we reviewed complex cases of applicants and card holders who committed offences considered the highest risk to children.

Audit Conclusion

There is a clear screening and criminal record assessment framework in place for working with children check cards. Most applicants (85 per cent) have no criminal record. Applicants with a criminal record were generally well assessed while existing card holders are monitored regularly by the Department for any offences that would warrant withdrawal of a card.

However, the Department can take a long time to reach a decision in more complex cases when criminal record information indicates that a person could be a risk to children. This delay increases the risk to children because a person can continue to work with children until their application is rejected or, if they are an existing card holder, the card is removed. For over half the applicants and a quarter of the card holders we reviewed, it took four months or more to make a decision on whether to stop them working with children.

The Department is doing very little to check that employers and volunteer organisations are making sure that all of their people in child-related work have a working with children check card or an application in process. Only 11 audits of small employers have been carried out since 2010, most of which were in 2013. As a result, the Department is unable to give assurance that the scheme is working as intended.

The Department is not meeting its own obligations as an employer. At April 2014, 115 of the Department's 2 577 foster carers did not have either a valid card or an application in process. The working with children check is only one part of the Department's monitoring of foster carers. However, all foster carers are required to have a current card. Allowing them not to weakens the protection provided to children in care, given that the Department will remove a child if a foster carer is issued with a negative notice. This non-compliance should be addressed as a matter of priority.

Key Findings

Screening applicants

- A large number of applications are received, particularly during peak periods of the year like February and March. At the end of March 2014, 9 102 applications were in process of which 7 450 had not been screened to determine whether they needed a card. Applications are not submitted for a criminal record check until they are screened. The longer it takes to screen an application, the longer the period during which an applicant can work with children without their criminal record information being checked or monitored.
- The Department does not use information on how long applications take to be screened as a basis for setting targets and for prioritising assessments. The Department introduced a new computer system in November 2013 to improve processing and management reporting. However, the system does not currently report how long applications have been waiting to be screened or assessed, or the applicants' potential risk in terms of harm to children.

Assessing applicants and card holders

- From 2005-06 to 2012-13, almost 85 per cent of applicants for the check had no criminal record. Less than one per cent of all applicants (409 people) were issued with a negative notice prohibiting them from child-related work.
- The Department has suitable assessment criteria and new draft guidelines for assessing criminal record information to determine if it indicates a risk of harm to children. Between July 2012 and June 2013, the Department made decisions for over half of the applicants with criminal records within a month. However, it has not decided how long assessments should take to complete or the extent of information needed to make an assessment decision. In some cases the Department has spent months searching for more information to complete its assessments. This reflects the Department's desire to make robust decisions in situations where it has discretion but the delays can undermine the effectiveness of the check.

- Delays in assessments put children at risk because applicants and card holders can work with children until they receive a negative notice:
 - half of the assessments for applicants we reviewed with a conviction for a Class 1 offence took four months or more to complete. These are sexual offences against children under 13 years old
 - in a quarter of the cases we reviewed where monitoring had identified new criminal record information about card holders, it took longer than four months to issue an interim or negative notice. In one case it took 14 months to consider whether an interim negative notice should be issued because neither WA Police nor the Unit adequately resolved follow-up actions in response to the arrest of a card holder. The automated monitoring process also failed to detect the new criminal charge and report this to the Unit.
- The Department uses national criminal record information to assess the suitability of applicants and card holders to work with children. But this information is not always complete, particularly for older criminal records. In nine out of 214 cases we reviewed, people were able to work with children because the initial criminal record information was either incomplete or inaccurate. The Department acted once complete information was provided.

Ensuring compliance

- The Department regularly runs community engagement workshops and presentations that are useful in ensuring employers and other groups are aware of their responsibilities. Between 2010 and 2013, 1 150 employers and community organisations attended 19 community presentations in Perth and regional areas. During the same period, 1 200 people attended 40 other working with children check presentations.
- In 2012-13, the Department carried out 188 investigations of individuals and organisations as a result of information received. However, it has undertaken only 11 proactive compliance audits of small sized employers since 2011 to assess employer compliance with their responsibilities to only have card holders in child-related work. This limits the information and assurance the Department has about levels of compliance.
- In April 2014, 115 out of 2 577 Departmental foster carers (or four and a half per cent) did not have a valid card or application in process but had children in their care. Most of these carers (111) were previous card holders who had not renewed their card. The other four carers were located outside of the State and did not require a card. Although they make up a small part of the total number of card holders, foster carers have been issued negative notices more frequently than those in other child-related work. A working with children check card is only one of a number of ways that the Department monitors the safety of children in foster care. However, allowing foster carers to not have a card weakens the protection provided to children in care given that the Department will remove children if a foster carer is issued with a negative notice.

Recommendations

The Department for Child Protection and Family Support should:

- ensure the new application management system provides accurate information to support the allocating and prioritising of applications. This information should include how many and how long applications are waiting to be screened and assessed
- prioritise applications for assessment based on risk and how long they have been waiting to be screened and assessed
- review staffing levels and capacity to more efficiently manage application processing and compliance monitoring
- finalise assessment and decision-making guidelines, including setting timeframes for screening and assessing applications and issuing interim negative notices
- take a risk-based approach to reviewing criminal record notifications received about working with children check card holders from July 2011 to mid-November 2013 to ensure they were appropriately actioned
- work with WA Police to improve the matching of applicants between the two information systems
- prioritise and target audits of employers based on risk
- ensure all foster carers have a valid working with children check card or application in process.

Response from Department for Child Protection and Family Support

The Department for Child Protection and Family Support is pleased that the quality of its screening and assessment framework has been acknowledged and is already acting on recommendations to further improve the effectiveness of its functions following a review of its legislation in late 2012. It was opportune that this audit occurred during the implementation of a new information system and work practices that are aimed at improving the timeliness of the Working with Children Screening Unit's decision making.

Whilst the Department welcomes suggestions to streamline its operations, it does not accept that cases are not being effectively prioritised and considers that risk to children has been appropriately managed at all times. Although such risk cannot be eliminated, there has not been a case of a person harming a child they are working with while an application has been in process.

The new application management system will provide the type of information recommended by this audit and has been specifically designed to assist in streamlining the Unit's work and to provide improved decision making and management data.

The risk to children of certain behaviours will continue to be the major factor in prioritising cases and the time taken will remain an important but secondary factor. The focus must be on making the right and not a quick decision and this includes meeting administrative and case law standards to obtain information that is often not readily available. The Department accepts the need to finalise guidelines and will include time frames where appropriate.

The Department also accepts that the capacity of the Unit needs to increase and strategies to enable more effective use of current resources are currently being implemented. Further resources will also be requested when legislative amendments are proposed in the next few months.

The Department notes the case identified where formal notification of a new charge was not received by the Unit and supports the view that the chances of a similar case happening again are low. The Department and WA Police have been working on ways to improve the notification process including the information system linkages.

The Department is currently increasing the capacity of its compliance function, which will allow for greater auditing capabilities. Audits are currently targeted where there is risk and this focus will continue when there is sufficient capacity to expand to more proactive audits.

Whilst the Department continues to strive for full compliance in relation to foster carers having a valid working with children card, there are some unique challenges with relative foster carers renewing their cards in a timely manner. It remains particularly difficult to achieve full compliance where such carers don't see the home provided to their grandchildren, nephews and nieces as 'work' and are reluctant to renew cards after they expire.

Audit Focus and Scope

This audit assessed how well the Department for Child Protection and Family Support (the Department) administered the working with children check to help increase the safety of children. We had three main questions:

- Does the Department thoroughly assess working with children check applications?
- Does the Department appropriately monitor criminal records and other relevant information of working with children check card holders?
- Does the Department ensure all relevant employees and volunteers in child-related work have a valid working with children check card or application in process?

We reviewed the Department's processes, procedures and systems. We also reviewed the assessment of all 28 applicants with Class 1 convictions and all 186 cases of interim negative notices or negative notices issued to card holders from December 2005 to March 2014. These applicants and card holders had committed serious offences considered the greatest risk of harm to children.

We met with Australia Post who initially process applications and with the WA Police, who provide relevant criminal record information to the Department. We also met with the Department of Health and Department of Education, as employers with large numbers of staff in child-related work to understand how they measured their compliance with the working with children check requirements.

We did not review the verification process undertaken by Australia Post to confirm the identity of applicants.

The audit was conducted in accordance with Australian Auditing and Assurance Standards.

Over 300 000 people have a working with children check card and very few applicants are refused a card

All people in child-related work in Western Australia are required to have a working with children check card

In all Australian states and territories people working with children are subject to some level of screening and assessment to determine their suitability. In Western Australia, the *Working with Children (Criminal Record Checking) Act 2004* (the Act) and *Working with Children (Criminal Record Checking) Regulations 2005* require employed and self-employed people, volunteers and students on placement working in certain categories of 'child-related work' to have a working with children check card.

The Act defines child-related work as including 'work where the usual duties involve, or are likely to involve, contact with children in connection with categories of work'. Examples of the key categories of child-related work are outlined in Appendix 1 of this report. The working with children check was phased in for different categories from 2005-06 to 2010-11.

Some people are exempt from needing a working with children check card. These include:

- child volunteers – where work is carried out on a voluntary basis by a child
- unpaid students under 18 years old on placement – where work is carried out on an unpaid basis by a student under 18 years old as part of their educational or vocational course of study with an education provider
- short-term visitors to Western Australia – where the person is not ordinarily resident in Western Australia. It applies to the two week period after the person arrives in the State and cannot exceed two weeks in any 12 month period
- parents – working voluntarily who have a child where the work is being carried out or at a school where their child is enrolled.

Although the working with children check is mandatory for those in child-related work it is only one of many strategies employers and volunteer organisations can put in place to safeguard children. Others include having child protection policies, understanding child abuse, developing and maintaining an open and aware culture, having clear codes of conduct and robust recruitment, screening and reference checking processes.

The Department is responsible for screening and assessing applications for the working with children check card

The Working with Children Screening Unit of the Department is responsible for screening and assessing applications for a working with children check card. In 2012-13, the cost of undertaking working with children checks was \$11.6 million. The Unit works with Australia Post, CrimTrac (the national information-sharing service for police, law enforcement and national security agencies) and the WA Police in screening and assessing applications (Figure 1).

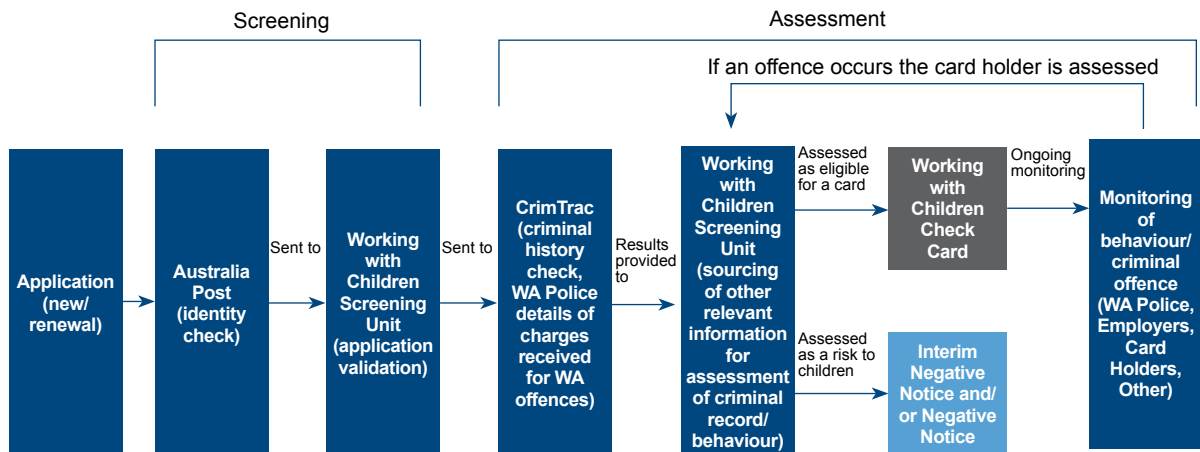


Figure 1: The working with children check process

Screening applicants

Most people submit an application for a working with children check card at an Australia Post outlet. There are alternative processes for people in remote areas where there is no authorised Australia Post outlet, or who cannot provide standard proof of identification. Most applicants can start child-related work as soon as Australia Post accepts their completed application, confirms their identity documentation, and receives the application fee. Completed applications are generally scanned and sent by Australia Post to the Unit in two to five days.

The Unit validates the information, ensuring the applicant is in child-related work and is not exempt from needing a card. They also check whether the applicant matches any existing card holders or has previously been issued with a negative notice. Where further information is required, the Unit will contact the applicant and/or their employer. When the application is validated, the applicant's details are submitted to CrimTrac for a criminal record check.

Assessing applicants

CrimTrac obtains criminal history information held in all Australian police jurisdictions based on the applicant's details. This information includes all juvenile and adult spent and unspent convictions and pending charges. It also includes charges that have not resulted in a conviction, including acquittals and discontinued charges (except from Victoria). Where there is a match with an applicant, CrimTrac provide this information to the Unit generally within a day.

Where CrimTrac finds a criminal record for an applicant, it provides the Unit with details about the date, description and where the offence occurred and any court details and outcomes. For offences in Western Australia, a statement of material facts about the offence is also provided automatically through the Unit's information systems link to the WA Police system. For offences in other states, the Unit can seek further information from the relevant authorities. Police charge details are not always the same as the offences prosecuted and these may emerge through court proceedings. As a result further information about prosecution details or court transcripts may need to be sourced to determine the class of the offence.

The Unit's assessment of an applicant's criminal record and behaviour is guided by the Act. Convictions for Class 1 offences committed as an adult result in an automatic bar on child-related work. These are serious sexual offences against a child under 13 years old. Refer to Appendix 2 for details of Class 1, 2 and 3 offences. Other than adult convictions for Class 1 offences, having a criminal record will not necessarily prohibit a person from child-related work.

The assessment must consider a range of factors including:

- the best interests of children
- when the offence was committed or is alleged to have been committed
- the age of the applicant and victim at the time of the offence or alleged offence
- the nature, circumstances and pattern of charges or convictions
- their relevance to child-related work
- the impact of harm to a child should the type of behaviour be repeated
- any information provided by the applicant
- any other relevant information.

After assessment, applicants are either issued an assessment notice in the form of a working with children check card or a negative notice. A card allows a person to carry out child-related work for three years in WA subject to any relevant new charges. Any changes to their criminal record are regularly monitored and there are also reporting requirements for card holders and employers. After three years a card holder must re-apply for a card to continue in child-related work.

A negative notice prohibits a person from child-related work. An interim negative notice may also be issued, which immediately prohibits a person from child-related work. These are required to be issued for those with an adult conviction for any Class 1 offence. Before a negative notice decision is made, pending applicants and card holders are required by legislation to be notified and are invited to provide a submission within 28 days. Interim negative notices will also be issued if the person's criminal record indicates they are likely to be issued a negative notice and where children are exposed to immediate risk of harm while a final assessment decision is being made.

Negative notice decisions may be appealed to the State Administrative Tribunal. Interim negative notice decisions may not be appealed. Once employers or volunteer organisations are notified of a negative notice or an interim negative notice, they must ensure the employee or volunteer is not engaged in any child-related work in their organisation.

The number of people with a working with children check card has increased and most applicants do not have a criminal record

At 31 March 2014, there were 305 563 people who held a working with children check card. This represents about one in every six adults across the State. The significant growth in the number of card holders since 2005-06 reflects the phasing-in of all child-related work categories (Table 1). Large increases between 2006-07 and 2007-08 resulted from the education and health work categories being phased into the scheme at that time. The increase between 2007-08 and 2008-09 shows the first round of card renewals.

Year	Number of people with a card
2005-06	8 579
2006-07	55 169
2007-08	128 282
2008-09	202 662
2009-10	248 116
2010-11	272 919
2011-12	284 105
2012-13	300 849

Table 1: The number of people with a working with children check card from 2005-06 to 2012-13

People in education account for about 35 percent of all applicants. People in hospitals represented about 17 per cent of applicants, religious organisations about eight per cent, and child care and coaching or a private tuition service at about seven per cent each were the other highest work categories.

Almost 85 per cent of applicants between 2005-06 and 2012-13, had no criminal record (Table 2) and only 409 people or less than one per cent were found unsuitable and issued a negative notice. Another 47 card holders had their cards cancelled as a result of amendments to the Act in 2010, which allowed for those notified as having a new criminal record and not in child-related work to have their cards cancelled.

Year	Number of applications for a card	Number of applicants with a criminal record	Number of negative notices issued
2005-06	9 118	579	1
2006-07	49 804	4 664	19
2007-08	74 894	10 532	29
2008-09	83 862	12 779	59
2009-10	95 260	14 881	85
2010-11	101 755	17 098	56
2011-12	101 617	16 665	61
2012-13	106 217	16 858	99
Total	622 527	94 056	409

Table 2: The number of working with children check applications, number of applicants with a criminal record, and number of negative notices issued from 2005-06 to 2012-13

Prior to 2009 it was not compulsory to classify an applicant's offence so 2005-06 to 2008-09 figures are not as complete as subsequent years.

The largest individual child-related work category of people issued with a negative notice is education (27 per cent). This is somewhat lower than the overall proportion of applicants from education (about 35 per cent). However, some other work categories are over represented. For example, 11 per cent of people issued negative notices were foster carers, but this group only represents less than two per cent of all applicants. Also, 10 per cent of negative notice recipients worked in transport services for children but they made up only two per cent of all applicants.

The Department is not effectively prioritising applications for assessment

The Department uses temporary staffing and overtime to screen a high number of applications during peak periods

Since 2009-10, the Department has received around 100 000 applications a year but these do not come in as an even flow throughout the year. A significant number of applications are received during peak periods, particularly during February and March reflecting preparations for the start of the academic year (Figure 2). During these periods, the Department has used temporary staff and overtime to screen applications.

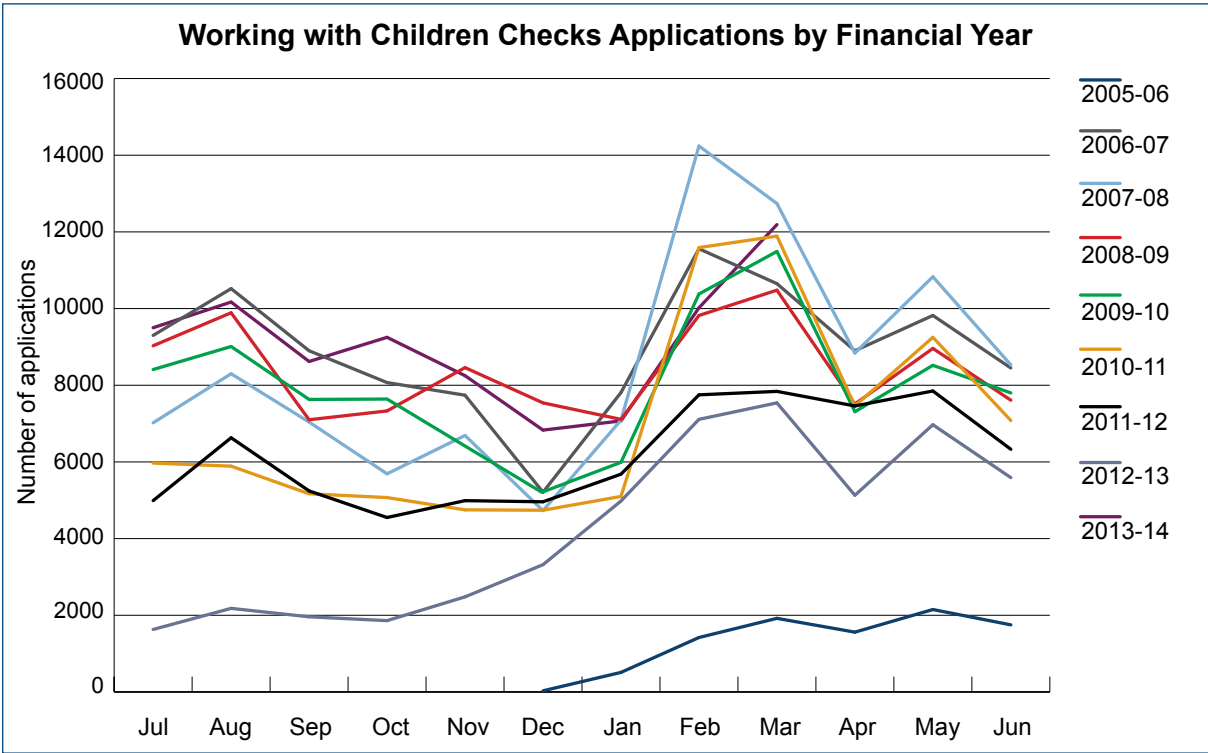


Figure 2: The number of working with children check applications received from 2005-06 to 2013-14

Between March 2013 and March 2014, on average the Unit received 9 224 new applications per month. The highest number of applications received were in March 2014 (12 198), March 2013 (10 744) and August 2013 (10 358). For the same period, the Unit completed on average 8 900 assessments per month. This includes assessments undertaken as a result of criminal record notifications of card holders as well as new applications received from previous months.

The Unit uses temporary staff and overtime to help screen applications during peak periods. At April 2014, the Unit had 47 full time equivalent (FTE) staff. Although there was a 100 per cent increase in FTEs in the eight years from June 2006 to June 2013 (mainly allocated to the Unit’s application screening team), the Unit estimates the number of applications received for the same period increased 500 per cent. As a result of the increasing volume of applications to process during certain periods, staff overtime was used regularly in 2013, particularly in September and October to screen applications. Additional staff and overtime costs associated with the higher throughput of applications in 2012-13 contributed to the total costs for the Unit being 14 per cent higher than its budget.

An independent review of the structure of the Unit in 2014 recommended up to six new positions be created in addition to moving a number of roles from temporary to permanent. While there has been an increase in staff since the 2014 review, the Unit plans to apply for additional resources when the amendments to the Act are completed by the end of 2014.

The Department does not use information about how long applications are waiting to be screened to prioritise assessments

Most applications in process are waiting to be sent to CrimTrac for a criminal record check, but the Department's application management system does not currently track the length of time they have been waiting to give them priority for screening. This puts children at risk because the Department cannot monitor the criminal record of pending applicants or card holders while they are being processed through screening. It also means that the Department cannot give priority to screening those applications that have waited the longest time or those in higher risk occupations.

At 31 March 2014, there were 9 102 applications in process. Most (7 450) were waiting to be screened prior to sending to CrimTrac. The balance (1 652) primarily included new applications waiting for a CrimTrac response and assessments for new applications and existing card holders yet to be finalised.

From March 2013 to March 2014, an average of 79 per cent of applications at the end of each month were waiting to be screened. These are pending applications that cannot be monitored for new criminal activity by the Unit prior to being sent to CrimTrac. For the 214 applications and card holders we reviewed it took an average of 13 and a half days from the receipt of the application from Australia Post to screen the applications.

The Unit has information about how long individual applications have been waiting but it is not being used to prioritise applications for assessment. The Unit implemented a new computer system called 'Screening Application and Assessment Management' (SAAM) in mid-November 2013 to better process applications and improve management reporting. SAAM addressed many of the processing and reporting issues with the Unit's old system. While it has the capability to further improve management reporting, it could not at the time of the audit identify how long applications had been waiting to be screened.

SAAM also could not at the time of the audit categorise the number of applications by criminal record classification, assessment outcome or applicant or employer type. Such reporting would help the Unit to set timeframe targets for processing or help prioritise applications for screening for a criminal record check. While it does not systematically prioritise higher risk applications, SAAM has enabled the Unit to improve how it processes some applications. For example, where the correct information is received, applications in some child-related work categories such as education, foster care and child care are automatically sent to CrimTrac because there is a very low chance of them not being in child-related work.

The Department's assessment of applications is generally robust but the length of time it takes puts children at risk

The Department's assessment of applications is generally robust

The Department's assessment of the applications we reviewed was generally robust and appropriate as was its responses to updated criminal record information for card holders. However, in one case neither WA Police nor the Unit adequately resolved follow-up actions in response to the arrest of a card holder, resulting in a delay in considering whether an interim negative notice should be issued. Subsequent system improvements mean the chances of a similar case happening again are low.

The assessment reports for the applications we reviewed contained detailed information, evidence of review by the Unit's legal staff where appropriate, a clear rationale for recommendations and suitable approval for all decisions. The reliability of the assessment process was evident from the low number of successful appeals. Of the 409 negative notifications issued up to 31 March 2014, 54 appeals had been lodged with the State Administrative Tribunal of which five were successful.

Our testing showed appropriate assessment and action was taken for almost all updated criminal record information provided by WA Police in respect of existing card holders. In one case WA Police informed the Unit in mid 2011 that a card holder had been arrested for indecent dealings and recording of a child under 16 years old. Within seven days of being advised the Unit twice requested WA Police issue the Unit a formal notification so that the suitability of the card holder could be reassessed. However, WA Police did not provide formal notification and the Unit did not continue to pursue the matter further. After 415 days, the Unit received formal notification from WA Police of the card holder's conviction. On the day it received the notification, the Unit issued an interim negative notice prohibiting the card holder from child-related work.

Prior to the implementation of SAAM, manual systems were used to track offence notifications. Since the introduction of SAAM, notifications and all subsequent actions are automatically tracked and recorded. This reduces the risk of a similar mistake occurring in the future. However, there is a risk that similar mistakes could have occurred with notifications received between July 2011 and mid-November 2013 for card holders who had not yet gone through a card renewal process. The Unit needs to take a risk-based approach to a review of criminal record notifications received during this period to ensure they were appropriately actioned.

Some assessments take too long to complete and this puts children at risk

Between 1 July 2012 and 30 June 2013, 57 per cent of all 17 694 applications with any criminal record took the Department up to 30 days to make a decision on whether to issue a card. However, the Department can take a long time to reach a decision in more complex cases when criminal record information indicates that a person could be a risk to children.

We assessed the time taken to assess and issue negative notices to 28 new applicants who had Class 1 convictions and found that half took over four months to issue. The time taken to assess new information in respect of existing card holders and issue an interim or negative notice was also slow, with a quarter of the 186 cases we reviewed taking over four months.

The Unit advised that the delays arose from waiting to receive additional information from police and other external bodies or for submissions from applicants and existing card holders. Taking this length of time to issue a negative notice puts children at risk because people can work until they are issued with a notice.

The Unit uses interim negative notices as a means of responding to concerns about the immediate risk of harm to children of pending applicants and existing card holders while its assessments are being finalised. However, it is not clear that this objective is being achieved given that some assessments took over four months to issue an interim negative notice. Over half (67 per cent) of the 186 card holders we reviewed were issued an interim negative notice. Most of these (71 per cent) were issued within a month, but ten took over four months and one took up to nine months.

Applicants with either juvenile or adult Class 1 offences took between one day and 22 months to assess (Figure 3). Although seven took ten days or less, half of the 28 applications we reviewed took four months or more to assess, and the remaining seven were spread between three weeks and four months.

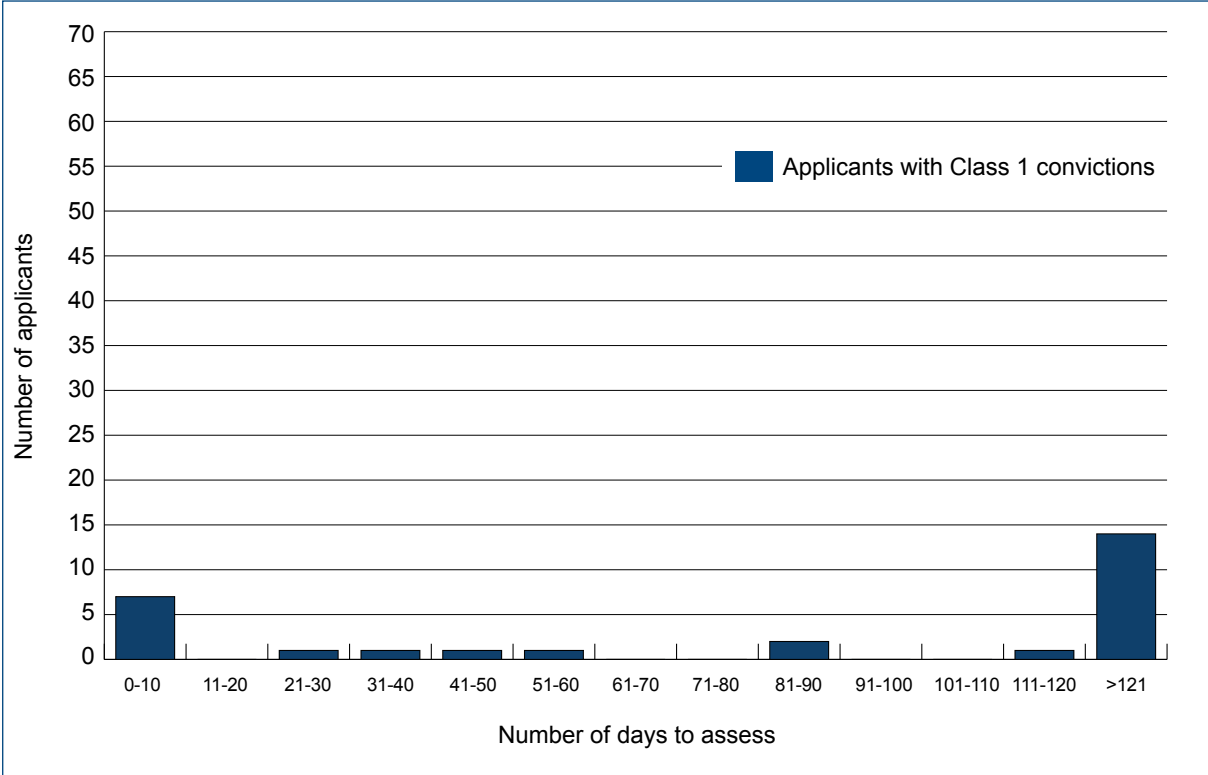


Figure 3: Time taken to assess applicants with Class 1 convictions from receipt of CrimTrac record to issue of card, interim negative notice or negative notice

Assessments for card holders issued with an interim negative notice or negative notice ranged from one day to 26 months to complete (Figure 4). Although the highest proportion (35 per cent) took ten days or less mostly for Class 1 and two offences, 25 per cent took over four months and 40 per cent between 11 days and four months. These were mostly for Class 2 and 3 offences.

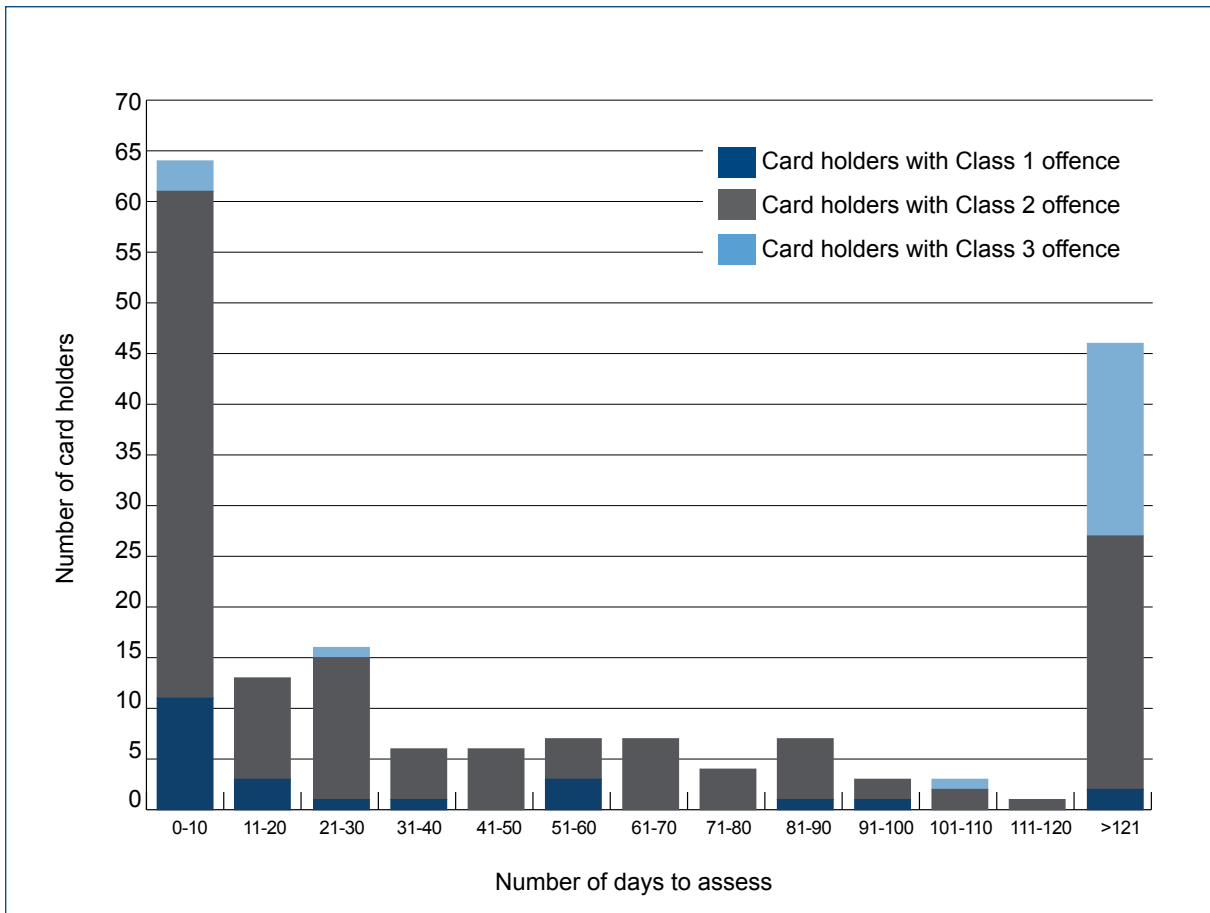


Figure 4: Time taken to assess card holders issued with an interim negative notice or negative notice from offence notification and time taken to issue an interim negative notice and negative notice by offence class

This figure includes 183 card holders assessed due to an offence notification. It does not include three card holders who were assessed because of a card renewal.

The Department has no timeframes for completing assessments making it difficult to monitor or assess their performance

The Department has developed new draft guidelines for assessing the identity and criminal record of applicants and card holders. However, this guidance does not provide timeframes for completing assessments or issuing interim negative notices. The lack of timeframes makes it difficult to monitor its performance or manage the risk of those applications which take longer to assess.

The Unit has significant discretion in making final assessment decisions and seeks to make its assessments robust given the impact on applicants and children. When assessing an applicant's criminal record information the Unit is directed by the Act, its draft guidelines, relevant case law and specialist behavioural research and advice it commissions.

The Act requires the Unit to issue an interim negative notice and negative notice for all applicants with adult convictions for Class 1 offences. In issuing interim negative notices, the Unit is guided by the seriousness of a criminal record and the immediate risk of harm to children. All other applicants with Class 1, 2 and 3 offences must be assessed on a case-by-case basis.

There are, however, no recommended or required timeframes to complete assessments or issue interim negative notices. It is also not clear from the draft guidelines the extent to which further information should be pursued in order to make a decision. This can lead to the Unit spending months in some cases seeking additional information to inform its assessments, which can delay final decisions. While this may make the decision more robust, the longer a decision takes the greater the risk that an applicant who should not be working with children has been able to do so.

Limitations in the criminal record information can result in extra work and time for the Department in completing assessments

The Department uses criminal record information from CrimTrac to assess the risk of applicants and information provided by the WA Police to monitor card holders. While the information is reliable in the large majority of cases, it has limitations and is not always complete or accurate and further work may be required to determine the classification and nature of offences. As a result, nine card holders were issued cards they may not have been issued had their full criminal record been provided to the Department at the time of initial assessment.

The accuracy of CrimTrac checks depends on correct information being provided in the application and on the completeness of criminal records provided by police from each state. Also, the information provided may not be up to date or as comprehensive as more recent records and may not include convictions prosecuted by non-police agencies.

Of the 214 applicants and card holders we reviewed, we found nine instances where the criminal record information provided through CrimTrac was incomplete. Seven of the nine were historic Class 1 or 2 offences, not identified initially by CrimTrac. The Unit issued interim negative notices or negative notices to eight of the nine card holders. The remaining case continued as a card holder because the offence was committed 42 years prior as a juvenile. The Unit regularly monitors card holders and pending applications using up-to-date criminal record information from the WA Police. Each card holder and pending applicant is automatically checked every 12 days and the Unit receives daily reports which show any changes to criminal records of card holders or pending applicants.

But there are limitations to this checking. For example, the Unit is unable to automatically match the identity and obtain information for card holders and pending applicants where certain data does not match. The Unit estimates that this situation applies to about 14 per cent of all card holders and pending applicants. For these card holders and pending applicants, the Unit relies on direct notification by the WA Police of any changes to their criminal record.

In one case we reviewed, some of the personal information recorded by WA Police did not match that recorded by the Unit, with the result that updated criminal record information was not provided to the Unit automatically before it issued an interim negative notice. The Unit needs to work with WA Police to improve the matching of applicants between the two information systems.

All updated criminal record information is checked by the Unit. Where new information about a card holder is not considered relevant to them working with children, it is reviewed and cleared by the Unit's Compliance Manager or Screening Manager.

The Department does not effectively monitor whether people in child-related work have a working with children check card

The Department does little monitoring of employers to verify that their staff have a working with children check card

Employers are required under the working with children check scheme to employ only those people who have a working with children check card in child-related work. Although the Department runs regular education workshops with employers it has done almost no monitoring of, and has almost no assurance about, employer compliance. Some limited audits of smaller sized employers have been undertaken, but these have been reactive and piecemeal. Monitoring and enforcing compliance is essential to making the scheme credible and effective, and undetected non-compliance can put the safety of children at risk.

The Unit has had limited compliance capacity and much of its work has been focused on investigations. In 2012-13, 188 compliance investigations were carried out. These were investigations of individuals and organisations as a result of information received. However, far fewer proactive audits of employer compliance have been undertaken.

Since 2011, only 11 audits have been completed of which eight were conducted in April 2013. The audits resulted in four organisations being given cautions for non-compliance. Most of the audits were of smaller organisations like schools, childcare centres, churches, recreation centres and sports clubs. Most of the audits were initiated from information received from external sources.

Although the Unit has done only minimal monitoring of compliance, it has run workshops with employers and other groups about complying with their working with children check responsibilities. Between 2010 and 2013, 1 150 people representing a wide range of employers and community organisations attended 19 community presentations in Perth and regional areas. During the same period, 1 200 people attended 40 other customised working with children check presentations. Feedback from the community presentations has been positive. The high quality of the community engagement activities was also recognised in the 2012 review of the Act.

There will always be practical reasons for some people in child-related work to not have a valid card or application in process. This could include employees whose card has expired while on maternity leave and those who are within the legally allowable five day period of not needing a card or proof of an application in process. The Unit has provided valuable advice and assistance to employers of large numbers of employees who work with children, on how they can structure their systems and processes for ensuring compliance. For example, the information systems between the Unit and the Department of Education interface with each other to enable the Department of Education to monitor compliance. Also, the Department of Health submits regular reports for confirmation of their compliance.

On the next page is further detail about how these agencies and the Unit's own Department are seeking to improve their compliance (Figure 5).

Department for Child Protection and Family Support

Department for Child Protection and Family Support (DCPFS) employees working with children in the Director General's care are required to have a working with children check card. In April 2014, DCPFS identified 2 525 positions in child-related work. Of these, 17 (or less than one per cent) did not have a valid card or application in process.

Like all other applications for a check, applications from DCPFS employees are screened and assessed by the Working with Children Check Screening Unit (the Unit). The Director of the Unit has delegated decision-making responsibilities under the Act and is required to treat DCPFS like any other employer. Where Unit staff are allocated applications of people they know (either within DCPFS or any other person) for processing or assessment they are required to notify their line manager and the application is reallocated to another staff member for processing.

DCPFS have a working with children policy for employees and carers and procedures to ensure all their relevant employees and carers have a card or application in process. Employees and carers requiring a working with children check are identified and the expiry date of their card or date of their application is recorded and monitored internally by the relevant work units across DCPFS. The DCPFS Screening Unit responsible for screening staff and foster carers (a separate team from the Working with Children Check Screening Unit) coordinates actions required to ensure compliance in relation to negative notices. Employees and carers who do not have a valid card or application in process are reported to their line management to address and resolve. There is regular reporting of non-compliance to executive management.

Department of Health

People employed in child-related work in WA Health are required to have a working with children check card. In April 2014, the Department of Health (DOH) identified 25 692 employees in child-related work. Of those, 1 851 (or seven per cent) did not have a valid card or application in process. DOH regularly monitors the status of employees required to have a card. Non-compliance is escalated where it is clear that the issue is not related to a transitory or employees status related matter. If required, employees are immediately removed from child-related work until they can provide proof of an application in process.

DOH have recently reviewed how they identify Health positions in child-related work as a result of the Working with Children Check Screening Unit rejecting applications from some Health employees because they were not in child-related work. The initiative resulted in DOH reviewing all Health positions in child-related work needing a card, raising awareness among staff about the meaning of child-related work and streamlining the position flagging process in its human resources system. As a result, the number of applications from Health staff that have been rejected by the Unit because applicants are not in child-related work has decreased significantly.

DOH have a working with children check policy for its employees, and procedures and guidance notes to ensure all relevant employees have a card or an application in process. In the DOH human resource systems, employees requiring a card are identified and the expiry date of their card or date of their application is recorded and monitored internally by Health Corporate Network Employment Services. Employees who do not have a valid card or application in process are reported internally to their line management to address and resolve. There is also regular reporting of non-compliance internally to executive management.

Department of Education

Teachers, education assistants and non-teaching employees who have contact with children are required to have a working with children check card. In May 2014, the Department of Education (DOE) identified 34 854 positions in child-related work involving 46 236 individual employees (this includes individuals in job sharing arrangements and casual or relief staff).

The DOE human resource system does not at present allow individuals to be placed against a position flagged as involving child-related work unless they hold a valid card, or have applied for a working with children check. DOE maintains a dedicated recording system for working with children checks and is currently working on developing more accurate compliance reporting.

DOE have a working with children check policy and guidelines for principals and managers in confirming, recording and storing working with children check details. There is also guidance for employees on notifying non-compliance, adverse outcomes and appeals. In DOE's human resource systems, employees requiring a card are identified and the expiry date of their card or date of their application is recorded and monitored internally by principals and managers at each work site. Employees who do not have a valid card or application in process are flagged internally to their line management at each work site to address and resolve. DOE are in the process of building their capacity to report and analyse compliance across the organisation.

Figure 5: The approach of the Department for Child Protection and Family Support, Department of Health and Department of Education towards the working with children check

The Department is not ensuring all foster carers have a valid working with children check card or application in process

In April 2014, 115 out of 2 577 Departmental foster carers (or four and a half percent) did not have a valid card or application in process. Most of them (111) had previously held a card, but it had lapsed and not been renewed. The Department has procedures in place, separate to the working with children check, to monitor the safety of children in care. Nonetheless, it will remove children if a carer receives a negative notice. Given the nature of the role of carers, non-compliance with the check weakens the protection provided to some of the most vulnerable children in the community. The Department needs to ensure all foster carers have a valid working with children check card or application in process and provide regular compliance reporting to the Unit.

The Director General of the Department is responsible for all children in care. Many of these children are placed in the care of relatives. All foster carers including relatives looking after a child in care are required to have a working with children check. This is in addition to undergoing a detailed assessment to meet carer competencies which are reviewed annually, as set out in the *Children and Community Services Regulations 2006*.

Arguably, the need for foster carers to have a working with children check card is greater than other categories because foster carers can have children in their care 24 hours a day. For this reason, we can foresee no ongoing circumstances where a foster carer should not have a valid card or application in process.

The Department informed us that 111 of the 115 carers without a valid card or application in process were previous card holders that had not yet renewed their card. These carers had at least one child in their care at the time. The remaining four carers had never had a card because they were caring for children in another state and therefore were not required to have one in Western Australia. The cards of 79 carers had been expired for three months or less, another 26 (or 23 per cent) for between three and six months and six carers' cards (five per cent) had been expired for between six and 12 months.

Although they make up a small part of the total number of card holders, foster carers have been issued negative notices more frequently than those in other child-related work categories. Eighteen of the 186 card holders we reviewed who received interim negative notices or negative notices were foster carers. These carers committed serious Class 1, 2 and 3 offences.

The expiry of a person's card in any other child-related work would mean that they could not continue to work with children, and their employer would be required to ensure that they did not do so until they had applied for a new card. Allowing a category of card holder employed by the Department to continue working with children without a card reduces the credibility of the working with children check and the Department.

The Department has been aware of these issues with its foster carers for some time:

- In August 2011, the Unit examined the issue in some detail and found a higher proportion of foster carers had a criminal record (35 per cent) compared with all other applicants (14 per cent). Of the 31 cases examined, the majority of the carers were relatives (65 per cent) and 20 received a negative notice. Two of these carers had children placed with them at the time the negative notice was issued, and it took up to 14 days for these children to be placed elsewhere. The remaining children had been moved by the time the negative notice was issued. The study also found that in four placements, the compulsory Departmental criminal record check required at the time may not have occurred.

- In December 2011, the Unit undertook a matching exercise of 411 foster carers. It found 268 of these carers (or 65 per cent) had expired cards with no record of renewal applications and 18 (or four per cent) had no record of applying for a card. However, the Department considered these figures as unreliable due to systems reporting errors at that time.
- In January 2012, the Department reported 293 foster carers did not have a valid card. It developed new reporting to provide more accurate and up to date information to identify carers without cards.

Appendix 1: Child related work category examples

	Category	Examples of types of jobs
1	Child care service; as defined by the <i>Child Care Services Act 2007</i> or an education and care service defined in the <i>Education and Care Services National Law (Western Australia)</i>	Managerial officers Childcare workers
2	Community kindergarten; registered under the <i>School Education Act 1999</i>	Teacher in charge Education Assistant
3	Educational institution for children	Teachers Non-teaching staff who have contact with children
4	Coaching or private tuition service of any kind (not including an informal arrangement entered into for private or domestic purposes)	Music tutors for children Driving instructors who teach people under the age of 18 years
5	An arrangement for accommodation or care of children, whether in a residential facility or private residence (not including an informal arrangement made by a parent of the child concerned or accommodation or care provided by a relative of the child)	Youth refuge workers People providing 'home stay' accommodation for individual children
6	A placement arrangement or secure care arrangement under the <i>Children and Community Services Act 2004</i>	Foster carers Relative carers
7	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	Department for Child Protection and Family Support case managers of children in the CEO's care
8	A detention centre; as defined in the <i>Young Offenders Act 1994</i>	Group workers at a youth detention centre
9	Community child health service	Child health nurse School health nurse
10	Counselling or other support service	Child counsellors and similar professionals who treat emotional or psychological problems
11	Religious organisation	Religious leaders including Ministers and chaplains
12	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 (not including an informal arrangement entered into for private or domestic purposes)	Sport coaches and umpires who coach children for a club Guides and Scout leaders
13	Ward of a public or private hospital in which children are ordinarily patients	Nurse working at a children's hospital
14	Babysitting or child minding service (not including an informal arrangement entered into for private or domestic purposes)	Formal babysitter Babysitting staff of a babysitting agency
15	Overnight camp, regardless of the type of accommodation or how many children are involved	People who supervise children and activities on overnight camps
16	Transport service specifically for children	Bus drivers on dedicated school bus services
17	School crossing service, being a service provided to assist children to cross roads on their way to and from school	'Lollipop' school cross walk attendants (traffic wardens)
18	Children's entertainment or party service	Magicians/clowns who provide public entertainment services specifically for children if they have physical contact with children

Appendix 2: Class 1, 2 and 3 offences

The following provides an outline of the types of offences under each Class. Due to the ability to include offences 'of a kind', this does not include offences that are old offences in Western Australia, or old or new offences from other states that need to be classified as to which Class they fit.

Class 1 Offences

A "Class 1 Offence" is an offence against any of the following provisions:

The Criminal Code
s. 186(1) Occupier or owner allowing a child to be on premises for unlawful carnal knowledge (if the child in relation to whom the offence is committed is under 13)
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. 325 Sexual penetration without consent (if the person against whom the offence is committed is a child under 13)
s. 326 Aggravated sexual penetration without consent (if the person against whom the offence is committed is a child under 13)
s. 327 Sexual coercion (if the person against whom the offence is committed is a child under 13)
s. 328 Aggravated sexual coercion (if the person against whom the offence is committed is a child 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 behaviour (if the child against whom the offence is committed is under 13)
Crimes Act 1914 of the Commonwealth
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)
Criminal Code Act 1995 (Commonwealth)
s. 272.8(1) Engaging in sexual intercourse with child outside Australia (if the child against whom the offence is committed is under 13)
s. 272.8(2) Causing child to engage in sexual intercourse in presence of accused person outside Australia (if the child against whom the offence is committed is under 13)
Additional Information
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.
Some offences have already been prescribed as Class 1 Offences in Regulations and are included above.

Class 2 Offences

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

The Criminal Code
s. 181 Carnal knowledge of animal
s. 186(1) Occupier or owner allowing a child to be on premises for unlawful carnal knowledge (if the child in relation to whom the offence is committed is 13 or over)
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. 217 Involving child in child exploitation
s. 218 Production of child exploitation material
s. 219 Distribution of child exploitation material
s. 220 Possession of child exploitation material
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 behaviour (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
s. 329(5) Procuring, inciting or encouraging child known to be lineal relative or de facto child to do indecent act.
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
The deleted – s. 60 Child pornography
s. 101 Objectionable material offences (if the objectionable material is child pornography)
Misuse of Drugs Act 1981
s. 7B(4) Selling drug paraphernalia to a child
s. 19B(2) Selling, or offering to sell, ice pipe to child
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
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)
Criminal Code Act 1995 (Commonwealth)
s. 271.4 Trafficking in children
s. 271.7 Domestic trafficking in children
s. 272.8(1) Engaging in sexual intercourse with child outside Australia (if the child against whom the offence is committed is 13 or over)
s. 272.8(2) Causing child to engage in sexual intercourse in presence of accused person outside Australia (if the child against whom the offence is committed is 13 or over)
s. 272.9(1) Engaging in sexual activity with child outside Australia
s. 272.9(2) Causing child to engage in sexual activity in presence of accused person outside Australia
s. 272.10 Aggravated offence – child with mental impairment or under care, supervision or authority of accused person
s. 272.11 Persistent sexual abuse of child outside Australia
s. 272.12(1) Engaging in sexual intercourse with young person outside Australia – accused person in position of trust or authority
s. 272.12(2) Causing young person to engage in sexual intercourse in presence of accused person outside Australia – accused person in position of trust or authority
s. 272.13(1) Engaging in sexual activity with young person outside Australia – accused person in position of trust or authority
s. 272.13(2) Causing young person to engage in sexual activity in presence of accused person outside Australia – accused person in position of trust or authority
s. 272.14 Procuring child to engage in sexual activity outside Australia
s. 272.15 “Grooming” child to engage in sexual activity outside Australia
s. 272.18 Benefiting from offence against Division 272
s. 272.19 Encouraging offence against Division 272
s. 272.20(1) Preparing for or planning offence involving sexual intercourse or other sexual activity with child
s. 272.20(2) Preparing for or planning offence involving sexual intercourse or other sexual activity with young person
s. 273.5 Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia
s. 273.6 Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
s. 273.7 Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people
s. 309.2 Supplying controlled drug to child
s. 309.3 Supplying marketable quantity of controlled drug to child for trafficking
s. 309.4 Supplying controlled drug to child for trafficking

s. 309.7 Procuring child for trafficking marketable quantity of controlled drug
s. 309.8 Procuring child for trafficking controlled drug
s. 309.10 Procuring child for pre-trafficking marketable quantity of controlled precursor
s. 309.11 Procuring child for pre-trafficking controlled precursor
s. 309.12 Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant
s. 309.13 Procuring child for importing or exporting border controlled drug or border controlled plant
s. 309.14 Procuring child for importing or exporting marketable quantity of border controlled precursor
s. 309.15 Procuring child for importing or exporting border controlled precursor
s. 310.2 Creating danger to child under 14 from exposure to unlawful manufacturing
s. 310.3 Causing harm to child under 14 from exposure to unlawful manufacturing
s. 310.4 Aggravated offences – manufacturing controlled drugs and controlled precursors
s. 471.16(1) Causing child pornography material to be carried by a postal or similar service
s. 471.16(2) Requesting person to cause child pornography material to be carried by a postal or similar service
s. 471.17 Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service
s. 471.19(1) Causing child abuse material to be carried by a postal or similar service
s. 471.19(2) Requesting person to cause child abuse material to be carried by a postal or similar service
s. 471.20 Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
s. 471.22 Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people
s. 471.24 Using a postal or similar service to procure child under 16 to engage in sexual activity
s. 471.25 Using a postal or similar service to “groom” child under 16
s. 471.26 Using postal or similar service to send indecent material to child under 16
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 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. 474.24A Aggravated offence – offence involving conduct on 3 or more occasions and 2 or more people
s. 474.25A(1) Engaging in sexual activity with child under 16 using a carriage service
s. 474.25A(2) Causing child under 16 to engage in sexual activity with another person using a carriage service
s. 474.25B Aggravated offence – child with mental impairment or under care, supervision or authority of accused person
s. 474.26 Using a carriage service to procure persons under 16
s. 474.27 Using a carriage service to “groom” persons under 16
s. 474.27A Using a carriage service to transmit indecent communication to child under 16
Additional Information
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.
An offence of attempting, or of conspiracy or incitement to commit an offence that is a Class 1 or 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.

Class 3 Offences

A “Class 3 Offence” is an offence that is not a Class 1 offence or a Class 2 offence.

Auditor General's Reports

REPORT NUMBER	2014 REPORTS	DATE TABLED
14	Information Systems Audit Report	30 June 2014
13	Royalties for Regions - are benefits being realised?	25 June 2014
12	Government Funded Advertising	25 June 2014
11	Licensing and Regulation of Psychiatric Hostels	25 June 2014
10	Universal Child Health Checks Follow-Up	18 June 2014
9	Governance of Public Sector Boards	18 June 2014
8	Moving On: The Transition of Year 7 to Secondary School	14 May 2014
7	The Implementation and Initial Outcomes of the Suicide Prevention Strategy	7 May 2014
6	Audit Results Report – Annual 2013 Assurance Audits (Universities and state training providers – Other audits completed since 1 November 2013)	7 May 2014
5	Across Government Benchmarking Audits – Controls Over Purchasing Cards – Debtor Management – Timely Payment of Invoices	1 April 2014
4	Behaviour Management in Schools	19 March 2014
3	Opinion on ministerial decision not to provide information to Parliament about funding for some tourism events	18 March 2014
2	Charging Card Administration Fees	12 March 2014
1	Water Corporation: Management of Water Pipes	19 February 2014



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