



Patrons

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Mr Mike Rowe

Director General
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By email: WWCReform@communities.wa.gov.au

Dear Mike

Phase 2 reform- WA's Working with Children legislation

I write in response to the email of 26 August from your A/Executive Director – Strategy and Partnerships; inviting submissions on the Phase 2 reform - Western Australia's Working with Children legislation.

Volunteering WA strongly supports your intent to protect the wellbeing and safety of children and young people in WA. We have promoted this important consultation to our members in our August e-news, emphasising the 23 September 2025 deadline for submissions.

We seek a further opportunity to review and comment on the draft legislation once agreement with other States and Territories on key reforms has been reached.

About Us

Established in 1988, Volunteering WA is the peak body for volunteering in Western Australia. With a membership of 850 Volunteering involving Organisations (VIOs) we work in partnership with community, corporate, educational and government organisations to provide leadership, advancement, and promotion of volunteering to achieve the greatest impact for Western Australia.

Overall Volunteering WA Feedback on Potential Reforms

The Act and Explanatory Memorandum should explicitly recognise the vital contribution made by volunteers, acknowledging the significant decline in volunteering in societyⁱ ii. We believe that the significant increase in regulatory pressures on volunteers and volunteer involving organisations is a contributing factor to this declineⁱⁱⁱ.

The reforms must be drafted to prevent further decline in volunteer numbers. This requires legislative reforms to explicitly recognise the special circumstances of volunteers and volunteer involving organisations, many of which are volunteer run. There are numerous examples of legislation in WA which

have tailored provisions or implementation approaches to support volunteer involvement including most recently:

- Transport (Road Passenger Services) Act 2018;
- Work Health and Safety Act 2020;
- Public Health Directives (in 2021) under the Public Health Act 2016 pertaining to the State Government's Mandatory Vaccination Policy;
- Amendments (in 2022) to the Parliamentary Commissioner Act 1971 to introduce a Reportable Conduct Scheme.

Introducing a user-friendly online portal with efficient alternatives for the digitally excluded; and streamlining volunteer screening check application and renewal processes, including abolishing fees for volunteer checks; will also be critical to the success of the proposed Phase 2 reforms.

The reforms must provide clarity for volunteers and volunteer involving organisations about which volunteers need a Working with Children Check.

Volunteer involving organisations currently need to call or email Communities to seek clarification and rulings about whether certain volunteer roles require a screening check. Publication of this advice, either in the form of fact sheets, FAQs or published rulings about particular types of volunteer roles, would greatly enhance transparency, clarity and efficiency.

The reforms must embody a proportionate, evidence-based approach to managing risk. Imposing penalties such as fines on volunteers and Volunteering involving Organisations for non-compliance is counterproductive and will also likely exacerbate the steep decline in volunteering. Instead, legislative reforms must be designed to educate, support and encourage compliance by volunteers and VIOs.

Volunteering WA endorses the position expressed in the consultation paper at page 9^{iv}:

- *The Scheme is not intended to capture every situation where risk of harm to a child may exist. All the various child safety strategies should be implemented, as appropriate;*
- *WWCCs should not be solely relied on or over relied on to the exclusion of other systems, policies and practices. Consideration will be given to submissions consistent with this risk-based approach;*

The adoption by COAG of the [National Principles for Child Safe Organisations](#) constitutes an important, broader complementary framework. Volunteering WA recommends that this should be explicitly referenced in the Act and the Explanatory Memorandum for the Phase 2 legislative reforms.

Specific Volunteering WA Feedback on Part 1- The definition of child-related work and exemptions and other provisions relevant to the scope of WA's WWC Scheme (consultation questions 1-15)

Question 1 Lived experience with difficulties from definition of contact or child related work in the Act

Our members have provided Volunteering WA with informal feedback about the operation of the Act:

Current definitions and exemptions lack clarity and cause confusion for volunteers and volunteer-involving organisations. This no doubt results in many demands on the screening unit's time as well as applications for un-necessary screening checks.

For example, aged care providers who wish to host inter-generational volunteering involving children find it hard to navigate and understand the definitions and what is required of their organisation. Are they caught by the very broadly worded children's entertainment or party provision discussed on page 13 of the consultation paper if the children play games or undertake craft activities with the residents?

The wording of the available exemptions also still cause confusion. These could perhaps be further clarified in the regulation and Department policy and fact sheets.

Organisations with a national footprint report that the current approach, with different requirements in each State and Territory, causes red tape, confusion, and delay.

Volunteering WA has the following general feedback on Questions 2, 3, 4, 6, 7, 8, 9, 10 and 11.

Legislative reforms need to explicitly consider the needs of both formal and informal volunteers and volunteer involving organisations and should be risk proportionate, for example any case for extension of non-commercial services for children captured by the legislative reforms should be clearly made out with any legislative reforms clearly defined.

Volunteering WA feedback on Question 5 - What types of disability services for children should be captured by the Act?

Any legislative reform involving disability services should be drafted in consultation with volunteering involving organisations and volunteers, to ensure it does not inadvertently result in the exclusion of children with disabilities and their carers.

Volunteering WA Feedback on Question 12 - Should the Act be amended to exclude work undertaken for an informal, private, or domestic purpose? Consideration of this recommendation is limited to examining whether to extend the private or domestic purpose exclusion to the following categories of child-related work, where informal, private or domestic arrangements can also arise:

- a counselling or other support service
- a transport service specifically for children
- a school crossing service, being a service provided to assist children to crossroads on their way to or from school
- a children's entertainment or party service.

Volunteering WA seeks further clarification on the scope and intent of this proposed reform, including specific examples illustrating its application. The current wording seems to provide greater clarity to informal volunteers, for example parents arranging carpooling for groups of children to attend after school activities.

Volunteering WA feedback on Question 13. Should the Act be amended to prevent persons with a Negative Notice or Interim Negative Notice from WA from accessing all or any of the other exemptions?

Yes, the Act should be amended to explicitly exclude individuals with a NN or INN from accessing the short-term visitor and national events/tours exemptions to enhance child safety.

Volunteering WA Feedback on Question 14. Should the Act be amended to prevent persons accessing the Parent Volunteer Exemption where the services involve close, personal contact with a child with a disability other than their own child?

While we agree that the Act should be amended, it is crucial to clearly define "close personal contact" to avoid unintended consequences. Without a definition, parents may be unnecessarily excluded from accessing the exemption, which could increase demand on the WWC Screening Unit and reduce overall child safety as well as unintentionally excluding children with disabilities from activities where their parents do not obtain a WWCC.

Volunteering WA Feedback on Question 15. Should the Act be amended to prevent persons from accessing the five-day defence in relation to overnight camps? Why or why not?

Yes. Overnight camps can place children in vulnerable situations, and the five-day defence should not apply in such contexts. Volunteering WA suggests the 5-day defence which is currently in place is confusing and

does not align with other jurisdictions. It is also a potential barrier for volunteers. Instead, we suggest that Western Australia align with the Royal Commission recommendation that no WWC is required for:

- people who engage in child-related work for seven days or fewer in a calendar year, except in respect of overnight excursions or stays.

Specific Volunteering WA feedback on part 2 - Mutual recognition and national portability of WWC outcomes across jurisdictions (consultation questions 16 and 17)

Volunteering WA considers mutual recognition and national portability of WWC outcomes across jurisdictions to be a priority legislative reform. Implementation needs to consider the specific needs and circumstances of volunteers and volunteer involving organisations.

Volunteering WA Feedback on Question 16. Should employers be required to inform the WWC Screening Unit when a person commences or ceases being engaged by them in child-related employment, with a penalty if they do not? Why or why not? How often should such mandatory notifications be required?

Volunteering WA agrees with the intent of this proposal but opposes the application of a penalty to volunteers or volunteer involving organisations. Instead, each time the employer applies for a new volunteer screening check on the portal, they could be provided with a link to their organisation's volunteers with current screening checks and prompted to update any volunteers who may have left the organisation list before adding a new volunteer.

Volunteering WA strongly supports the suggestion on page 29 of the consultation paper that *“employers should be able to request from the CEO, and the CEO be able to advise employers of, a list and relevant details of the current WWCC applicants and cardholders who have named that employer in their notifications to the CEO.”*

It will be vital that the new online screening portal allows the WWC Screening unit to provide this information to volunteer involving organisations, to support them to comply with the legislation.

Volunteering WA Feedback on Question 17. In the case of a student on placement as part of their educational or vocational course of study, should a mandatory notification requirement be applied to both the placement provider as the employer and the student's education provider? Or only one such party? If so which one?

A mandatory notification requirement should apply only to one party, the student's education provider. This removes duplication and minimises regulatory burden on not for profits.

Specific Volunteering WA feedback on part 3- Other potential reforms – operation and effectiveness – publication of information (consultation questions 18 and 19)

Question 18. Should the Act authorise the publication of information about a prosecution for an offence under the Act after commencement of the prosecution or after conviction?

19. Should the Act provide the CEO discretion to either proactively advise relevant people and/or publish a public warning notice that a person with a current Negative Notice continues to carry out child-related work, before a prosecution of that person has commenced? Why or why not?

In response to the above questions Volunteering WA submits that the CEO should have discretion to proactively advise relevant people and/or publish a public warning notice that a person with a current Negative Notice continues to carry out child-related work, before a prosecution of that person has commenced.

Thank you for the opportunity to make this submission on behalf of volunteers and volunteering-involving organisations. We will be happy to provide further insights as required.

Sincerely,



Tina Williams
CEO, Volunteering WA

23 September 2025

ⁱ Australian Bureau of Statistics [General Social Survey: Summary Results, Australia | Australian Bureau of Statistics](#) downloaded 22 September 2025 shows that formal volunteers as a percentage of the Australian population over 15 years have declined from a high in 2010 of 36% to only 25% in the most recent survey conducted in 2020.

ⁱⁱ WA State of Volunteering Report 2023 page 56 Immediate need for more volunteers

ⁱⁱⁱ IBID page 53 [Volunteer-involving] "Organisations cited increasing regulatory and administrative complexity as the most significant change in the past three years."

^{iv} Department of Communities Consultation Paper Phase 2 reform – Western Australia's Working With Children Check legislation page 9