

Class 1 offences

Comparison between the *Working with Children (Criminal Record Checking) Act 2004* and the *Working with Children (Criminal Record Checking) Amendment Bill 2022*

The following sets out the offences captured in the Working with Children (Criminal Record Checking) Amendment Bill 2022 (Bill) as Class 1 offences that are not currently part of Schedule 1.

A number of offences have been listed in both Schedules and will be considered Class 1 or Class 2 depending on whether or not they meet certain attached conditions.

Provision & Description of offence	Current WWC Act 2004	WWC Amendment Bill 2022
WA Criminal Code		
181 Carnal knowledge of animal	Class 2	Class 1
187 Facilitating sexual offence against child outside WA	Class 2	Class 1
191 Procure person to be a prostitute	Class 3	Class 1 (the victim is a child) Class 3 otherwise
192 Procuring person to have unlawful carnal knowledge by threat, fraud or administering drug	Class 3	Class 1 (the victim is a child) Class 2 (victim is other than a child)
204A Showing offensive material to a child under 16	Class 3	Class 1 (the offensive material is child exploitation material as defined in s.217A <i>The Criminal Code</i> ; offence does not fall into the carve out in s.7(3)). Class 2 (the offensive material is child exploitation material as defined in s.217A <i>The Criminal Code</i> ; offence falls into the carve out in s.7(3)).
204B Using electronic communication to procure, or expose to indecent matter, a child under 16 or believed to be under 16	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).
217 Involving a child in child exploitation	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).

Provision & Description of offence	Current WWC Act 2004	WWC Amendment Bill 2022
218 Producing child exploitation material	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).
219 Distributing child exploitation material	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).
220 Possession of child exploitation material	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).
279 Murder	Class 2	Class 1 (victim is a child) Class 2 otherwise
294 Act intended to cause grievous bodily harm	Class 3	Class 1 (the victim is a child) Class 2 (the victim is other than a child)
305 Setting dangerous things	Class 3	Class 1 (intended victim is a child) Class 2 (intended victim is a person other than a child)
306(2) Female genital mutilation	Class 3	Class 1 (victim is a child) Class 2 (victim is other than a child)
306(4) Female genital mutilation – takes child from state	Class 3	Class 1
317A(b) Assault with intent to do grievous bodily harm	Class 3	Class 1 (victim is a child) Class 2 (victim is person other than a child)
320 Sexual offences against child under 13	320(1) Class 1 320(4), (5) and (6) Class 2	Class 1
321 Sexual offences against child of or over 13 and under 16	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)) Class 2 (offence falls into the carve out in s.7(3)).

Provision & Description of offence	Current WWC Act 2004	WWC Amendment Bill 2022
322 Sexual offences against child of or over 16 by person in authority etc.	Class 2	Class 1
323 Indecent assault	Class 2	Class 1 (victim is a child; offence does not fall into the carve out in s.7(3)) Class 2 (victim is person other than a child OR offence falls into the carve out in s.7(3)).
324 Aggravated indecent assault	Class 2	Class 1 (victim is a child; offence does not fall into the carve out in s.7(3)) Class 2 (victim is person other than a child OR offence falls into the carve out in s.7(3)).
329(4) Indecently dealing with a child who the offender knows is his or her lineal relative or a de facto child	Class 2	Class 1
329(5) Procuring, inciting or encouraging a child who the offender knows is his or her lineal relative or a de facto child to do an indecent act	Class 2	Class 1
329(6) Indecently recording a child who the offender knows is his or her lineal relative or a de facto child	Class 2	Class 1
330 Sexual offences against incapable person	Class 2	Class 1
331B Sexual servitude	Class 2	Class 1 (victim is a child or an incapable person) Class 2 (victim is a person other than child or an incapable person)
331C Conducting business involving sexual servitude	Class 2	Class 1 (victim is a child or an incapable person) Class 2 (victim is a person other than child or an incapable person)

Provision & Description of offence	Current WWC Act 2004	WWC Amendment Bill 2022
331D Deceptive recruiting for commercial sexual service	Class 2	Class 1 (victim is a child or an incapable person) Class 2 (victim is a person other than child or an incapable person)
332 Kidnapping	Class 2	Class 1 (victim is a child and the offence is committed by a person other than a relative of the child) Class 2 (victim is a person other than a child OR the victim is a child and the offence is committed by a relative of the child)
343 Child stealing	Class 2	Class 1 (the offence is committed by a person other than a relative of the child) Class 2 (the offence is committed by a relative of the child)
Repealed s.278 (as read with repealed s.282) Wilful murder	Inserted in 2008 and captured before its repeal Class 2	Class 1 (the victim is a child) Class 2 (victim is a person other than a child)
Repealed s.281A (as read with repealed s.287A) Infanticide	Captured before its repeal Class 2	Class 1
Children and Community Services Act 2004		
192 Employing a child to perform in an indecent, obscene or pornographic manner in the course of participating in an entertainment or exhibition or in the making of an advertisement	Class 2	Class 1
Classification (Publications, Films and Computer Games) Enforcement Act 1996		
59(1) Possessing or copying an indecent or obscene article with intent to sell or supply, or selling or supplying an indecent or obscene article	Class 3	Class 1 (if the article is child exploitation material as defined in s.217A <i>The Criminal Code</i>). Class 3 otherwise
59(3) or (4) Displaying, exhibiting or demonstrating an indecent or obscene article in a public place	Class 3	Class 1 (if the article is child exploitation material as defined in s.217A <i>The Criminal Code</i>). Class 3 otherwise

Provision & Description of offence	Current WWC Act 2004	WWC Amendment Bill 2022
59(5) Possession of, or copying, an indecent or obscene article	Class 3	Class 1 (the article is child exploitation material as defined in s.217A <i>The Criminal Code</i> ; offence does not fall into the carve out in s.7(3)). Class 2 (the offensive material is child exploitation material as defined in s.217A <i>The Criminal Code</i> ; offence falls into the carve out in s.7(3)). Class 3 otherwise
101(1) Using a computer service to transmit, obtain, demonstrate, advertise or request objectionable material	Class 2 (if the objectionable material is child pornography)	Class 1 (the material is child exploitation material as defined in s.217A <i>The Criminal Code</i>) Class 3 otherwise
repealed s 60 Child pornography	Class 2	Class 1 (offence does not fall into the carve out in s.7(3)). Class 2 (offence falls into the carve out in s.7(3)).
<i>Prostitution Act 2000</i>		
16 Causing, permitting or seeking to induce a child to act as a prostitute	Class 2	Class 1
17 Obtaining payment for prostitution by child	Class 2	Class 1
18 Entering into an agreement under which a child is to act as a prostitute	Class 2	Class 1