



**Submission to the Review of
the Working with Children
Check**

February 2026

About Fams

Fams is the NSW peak body that represents the child protection NGO early intervention and prevention sector.

Children and family's safety, health and wellbeing are at heart of all our work. Fams is dedicated to ensuring that children and families receive the support they need through evidence-informed, outcomes-based service delivery. We champion government and sector accountability and work to influence positive policy outcomes.

We collaborate closely with Government, policy and decision-makers, non-government organisations, academic institutions, peak bodies, the family and community services sector, Aboriginal Community Controlled Organisations, and groups supporting diverse communities. Our advocacy focuses on securing better policies and resources for children, young people, families, communities, and the services that support them.

Acknowledgement of Country

Fams acknowledges the Traditional Owners of Country throughout New South Wales and their continuing connection to lands, waters and communities. We pay our respect to First Nations people, and to Elders past and present.

We recognise the significant overrepresentation of First Nations children and young people in contact with the child protection system and commit to driving reform that keeps First Nations children and young people safely with family, kin and community.

This acknowledgement is wholeheartedly endorsed by the Fams Board.



Executive Summary

Fams recognises that the Working with Children Check (WWCC) is a key safeguard that helps prevent harm to children by screening out individuals who pose a risk from working in child-related roles. As of June 2025, more than two million people in NSW hold a WWCC, underscoring its central role in supporting safe environments for children.

Fams are strong supporters of the Child Safe Standards¹ and have previously partnered with the OCG to facilitate a Working Group comprised of early intervention and prevention service (EIP) providers. We engaged with the Working Group to:

- Determine what's working and what's not across the sector.
- Identify grey areas and implementation challenges
- Share practical examples or case studies that illustrate impacts.
- Understand the safeguarding needs of services that work directly with children, young people, and families.

While we recognise the importance of the Working with Children Checks as a foundational safeguarding tool, Fams will continue to advocate that it is important that there is a broader adoption of the Child Safe Standards across all spaces where children work, live, and play. It is our view that the implementation of the Child Safe Standards builds on the foundation of a strong WWCC process to ensure that children are safeguarded in every setting.

¹ [Child Safe Standards – Fams](#)

Who should be Required to have a Working with Children Check

In response to:

3.1 Clarifying the definition of child-related work

3.2 Broadening the scope of transport services included in 'child-related work'

3.3 Exemptions from the requirement for a WWCC clearance

Fams recommends that the definition of child-related work should not be qualified based on the level of contact with a child. In this instance, Fams considers a child to be anyone under 18. We recommend that any role with a reasonable likelihood of being allowed access to a child should require a WWCC. Fams does not support exemptions 20 (a), (b), (g), (h), (j), (l), (m), (n) as appropriate exclusions from a WWCC. This was supported by the Working Group who agreed that exemptions should not apply regardless of the length or frequency of contact with children. The concept of a "short period" exemption is vague and creates a grey area, as even brief or one-off interactions can provide opportunities for grooming, profiling, or forming relationships that place children at risk. For this reason, Fams also supports requiring a WWCC for staff in transport services. We are aware that rideshare providers allow children as young as 13 to request a ride independently² and that NDIS participants also utilise these services³. This means that workers in these services may have significant unsupervised contact with a child. In many instances, these workers would gain knowledge of a child's home address and place of work/education which may create opportunities for harm to occur.

² [Uber for teens | Riders and Guardians](#)

³ [Transport funding | NDIS](#)

What The Working Group said:

The Working Group agreed that a WWCC is necessary in all work or volunteering settings that are child-related including when the nature of the work is only temporary and/or seasonal. The following quote from the Working Group refers to an experience with a scuba diving instructor who was working regularly with children during the school holiday period. This service provider contacted the OCG and was told that a WWCC was not required as the activity was “not targeted at children”.

“With the schools where they're doing scuba diving courses and [where instructors are] with children for days on end in pools... I was really quite shocked that they weren't required to have a working with children check.

In this instance, the Working Group agreed the instructor should have been required to hold a valid WWCC for the duration of the period in which they were directly working with children. In this instance, we would support provision of guidance to workplaces about how they can mitigate such risks in instances where a risk assessment is required.

“...there has been a time where a Taekwondo instructor didn't have one and there was a bit of an issue She was like well, I'm not going to get one just for this.”

“...I think people only have to work with a child for one day and they can get their information, they can establish a connection and then that can then evolve outside of work. So I think personally, I think that none of them should be exempt.”

The Working Group was in unanimous agreement that there should be instances where certain roles and workplaces should be identified as “high risk” and prioritised for WWCC and risk assessments. It was also discussed that it would be appropriate to have expedited employer notification systems in place to ensure that employers are urgently notified of a potentially disqualifying offence.

“...I find it a little bit hard to believe that for children who are non-verbal and children who are verbal, employees require only the same sort of [checks]. Working with those [non-verbal] children really should be much higher than the processes of employees working with, you know, teenagers, for example, or anybody under 18 who can verbalize...”

The Working Group unanimously agreed that workers in point-to-point transport services such as taxis and rideshare services should be required to hold a valid WWCC.

“...they should require a working with children's check, especially under the NDIS, they're transporting kids all the time.”

Our Recommendations:

1. We recommend requiring a WWCC whenever a role has substantive contact with children, even if it is considered an “incidental” aspect of the role.
2. We recommend requiring a WWCC when a role includes a possibility of unsupervised contact with children
3. We recommend a WWCC for point-to-point transport services.
4. We recommend considerations for “high-risk” settings such as working with infants or children with a disability where all roles should be required to possess a valid WWCC.

In response to:

3.5 Requiring co-workers and supervisors of employed children to have a WWCC

Fams believes that it should be a requirement that supervisors of employed children to have a WWCC. Supervisors, regardless of age are responsible for enforcing workplace safety and handling reportable conduct allegations. These roles carry direct responsibility for ensuring safe environments for employed children. It is therefore essential that individuals in supervisory positions are appropriately screened to prevent circumstances in which child safety may be compromised. Power imbalances are a risk factor for abuse⁴ within institutions, highlighting the importance of assessing supervisors of children.

Fams also agrees that under-18s should require a WWCC when engaged in paid or unpaid work with children. The Working Group noted that this was required especially in instances such as swim teaching, tutoring, or sports coaching. The clear power imbalance between teenagers and younger children mean risks still exist, and safeguards are necessary.

The safety of children should be prioritised especially when considering 1 in 10 Australians experienced sexual harassment from their peers in childhood⁵. Implementing WWCC in all workplaces that employ children is a foundational step towards improving child safety in these settings. Fams acknowledges that requiring all co-workers of children to complete a WWCC could create administrative and financial burdens for those seeking employment. The Working Group noted that there may be administrative and technical improvements to WWCC processes that would mitigate the additional administrative load generated by this change.

Requiring WWCC for children in paid or unpaid employment will mean that risk assessments will need to be undertaken with a limited number of children. In this instance we would strongly encourage the OCG to undertake the necessary steps to ensure that

⁴ [Research Report - Risk profiles for institutional child sexual abuse - Causes-1.pdf](#)

⁵ [The prevalence of peer sexual harassment during childhood in Australia - The Australian Child Maltreatment Study \(ACMS\)](#)

these risk assessments are age-appropriate and considerate of the cultural and accessibility needs of children. In the instance of First Nations children, we support the implementation of culturally appropriate decision-making groups as noted in section 3.6.

What the Working Group Said:

In this instance, the Working Group drew from their own personal experiences of working as a child. They reflected on wanting to be protected in such instances. The Working Group expressed concern that WWCCs are not required for child employees in NSW considering that there are no minimum age restrictions for employment⁶. The Working Group also expressed concerns that the OCG only regulates under-16s employed in modelling or acting services. The Working Group felt that industries which frequently employ children such as hospitality and retail also require improved oversight. The Working Group also expressed concerns about children working or volunteering in settings such as early childhood education and the disability sector where there would be a greater need for safeguarding.

"I remember working when I was, I was 14 and two months, I had to get special permission from my mum to start working. And I worked with people over the age of 18, like alone all the time. So, you hope that in that situation I was protected."

Our Recommendations:

1. We recommend requiring that under-18s should be required to obtain a WWCC clearance if engaging in paid child-related work and/or as part of a workplace placement during a post-school qualification.
2. We recommend requiring WWCC for all classes of people who work with or are responsible for supervising a child employee. (option f.)
3. As the recommendations above are likely to increase the number of checks required, we recommend process and efficiency improvements to minimise the administrative and financial burden.
4. When risk assessments of a child employee are required, we recommend that the OCG ensure that these processes are child-safe and trauma-informed. We would

⁶ [Starting work: Your rights and responsibilities | NSW Government](#)

welcome a co-design approach to ensure that these processes are appropriate for use with children.

In response to:

3.6 Exempting relative and kinship carers

Fams supports AbSec's recommendations that relative and kinship carers should be exempt from WWCCs in line with the Family is Culture Report⁷. There continues to be significant overrepresentation of First Nations children and young people in contact with the child protection system. This represents an opportunity for the OCG to remove barriers for First Nations children to be cared for by their kin⁸. Fams supports AbSec's call for relevant local Aboriginal governance groups such as Aboriginal Community Controlled Mechanisms and Local Decision-Making panels to be empowered to provide that oversight and accountability. This change is an opportunity for the OCG to acknowledge that First Nations communities hold knowledge about who is safe to provide care to First Nations children.

Our Recommendations:

1. We recommend removing the requirement for WWCCs for kinship and relative carers.
2. We support the implementation of First Nations governance groups and First Nations community-led decision making to enable culturally appropriate oversight of these processes.

⁷ [Family is Culture Review Report 2019](#)

⁸ [Protecting Indigenous children: Views of carers and young people on out-of-home care](#)

Applying for a Working with Children Check

In response to:

4.2 Mandatory training before receiving a WWCC

Fams is in support of mandatory training before receiving a WWCC. We would recommend that the OCG consider training based on a summary of the Child Safety Risk Management Resources⁹ and the Child Safe Standards¹⁰. Evidence¹¹ suggests that preventative efforts should consider training and education to reduce the opportunities for harm to occur to a child. Mandatory training represents an opportunity to ensure that everyone who works with children is aware of their shared safeguarding responsibilities and appropriate mandatory reporting pathways. We also welcome the OCG's desire to explore potential equity and accessibility issues with mandatory training. We recommend an inclusive and considered co-design process to develop a program that is accessible and effective.

What the Working Group said:

The Working Group supported implementation of training prior to completing a WWCC. They believed this would help future applicants and holders understand their responsibilities to prioritise the safety of children. The Working Group proposed an online training module with a brief quiz at the end as a suitable format.

"There's so much that should be included about what a working with children check should actually mean for somebody."

"I think people think they've got their [WWCC] number, like that's all good, it's all done. And it's like, actually, no, that's just you getting like, you know, the ID of it"

Our Recommendations:

1. We recommend that a brief module on reportable conduct and child-safe behaviours should be a pre-requisite for obtaining a WWCC.
2. We recommend a consultation and co-design process to ensure that training is culturally appropriate and accessible.

⁹ [Child Safety Risk Management Resources | National Office for Child Safety](#)

¹⁰ [Guide to the Child Safe Standards](#)

¹¹ [Research Report - Risk profiles for institutional child sexual abuse - Causes-1.pdf](#)

Assessment of Applications

In response to:

5.3 Domestic and Family Violence (DFV)

As noted in the OCG's review, there are substantial links between domestic violence offending and increased risk of harm to children¹². There is also evidence that young people in Australia frequently experience intimate partner violence¹³. Therefore, we support making changes so that choking, strangulation, and coercive control offences are a trigger for a WWCC risk assessment.

We do not support changes that would require all applicants with a final or interim ADVO to automatically complete a WWCC risk assessment. This could exacerbate instances of systems abuse where perpetrators misuse ADVOs to further perpetrate harm towards victim survivors¹⁴¹⁵. We share the OCG's concerns that the implementation of this may have a disproportionate impact on First Nations people and impact victim survivors who are often misidentified as perpetrators.

In response to this, a trauma-informed and expedited risk assessment process should be implemented to circumvent this issue. We support AbSec's recommendations that this process should involve co-design with First Nations community leaders and organisations to develop a culturally safe approach to risk assessment that distinguishes between genuine child-safety risk and criminalization arising from historic and systemic bias. We also recommend that the OCG considers ways that WWCC processes can better align with the Building Better Responses strategy¹⁶. A more holistic and comprehensive approach to WWCC risk management in relation to DFV will help balance the needs of victim survivors with the safeguarding needs of children.

¹² [Statutory Review of the Child Protection \(Working with Children\) Act 2012](#)

¹³ [Australian Adolescents' Experiences of Aggression and Abuse by Intimate Partners - Elizabeth S. Daff, Troy E. McEwan, Stefan Luebbers, 2021](#)

¹⁴ [Women Defendants to AVOs](#)

¹⁵ [PI.17.02-Fitz-Gibbon-RR.pdf](#)

¹⁶ [Building Better Responses: NSW Strategy to Respond to the Use of Domestic and Family Violence 2026-2030](#)

What the Working Group said:

"I think all domestic violence related offences or behaviours should trigger a risk assessment."

There was strong consensus from the Working Group that new domestic and family violence offences, including choking, strangulation and coercive control, should trigger a WWCC risk assessment. The Working Group strongly agreed that these offences indicate patterns of behaviour that can pose direct risks to children. They also supported assessing other DV-related offences and behaviours for the same reason. A further example given was uncertainty about whether a coercive control charge against a partner should trigger a WWCC assessment for a parent-support worker. Organisations felt offences of this nature clearly warrant scrutiny and further investigation under the WWCC framework.

Our Recommendations:

1. We recommend that DFV offences such as coercive control, strangulation, and choking should trigger a WWCC risk assessment.
2. We do not recommend that final ADVOs as grounds for mandating a WWCC risk assessment.
3. We recommend that improvements and redesign of the current WWCC risk assessment to integrate a violence informed and culturally appropriate lens will help mitigate the risk of systems abuse.

Technical Amendments

In relation to:

8.2: Other technical and miscellaneous amendments to the WWCC Act

Fams would support any changes to the WWCC Act that would facilitate and expedite implementation of the National Continuous Checking Capability (NCCC). We would also be in support of any changes to the Act that would mitigate some of the risks presented by the current inconsistencies between disqualifying offences across states and territories in Australia.

The Working Group unanimously supported nationally consistent disqualifying offences and risk-assessment triggers and the introduction of a National WWCC. The Working Group reported significant safeguarding gaps where workers move between states as disqualifying offences and eligibility criteria vary across jurisdictions. This inconsistency allows individuals who are denied or cancelled in one state to re-apply elsewhere, creating serious safeguarding gaps.

The Working Group also agreed that employers should be notified immediately by the OCG if a worker's WWCC status changes. One example highlighted involved an NSW service provider employing a worker who had previously worked interstate where the service later discovered that offences considered "disqualifying" in the other jurisdiction were not treated the same in NSW.

Our Recommendations:

1. Fams supports changes to the WWCC to facilitate and expedite the implementation of the National Continuous Checking Capability (NCCC).
2. In the interim period until the NCCC is established, Fams recommends improving the consistency between existing state-based systems to reduce safeguarding gaps.

Summary of Our Recommendations:

1. A WWCC should be required whenever a role has substantive contact with children, even if it is considered an “incidental” aspect of the role.
2. A WWCC should be required when a role includes a possibility of unsupervised contact with children
3. A WWCC should be required for workers in point-to-point transport services.
4. Staff in “High-risk” settings such as working with infants or children with a disability where all roles should be required to possess a valid WWCC.
5. Under-18s should be required to obtain a WWCC clearance if engaging in paid child-related work and/or as part of a workplace placement during a post-school qualification.
6. All classes of people who work with or are responsible for supervising a child employee should be required to hold a valid WWCC.
7. As the recommendations above are likely to increase the number of checks required, we recommend process and efficiency improvements to minimise the administrative and financial burden.
8. When risk assessments of a child employee are required, the OCG should ensure that these processes are child-safe and trauma-informed. A co-design approach should be undertaken to ensure these processes are age appropriate.
9. Remove the requirement for WWCCs for kinship and relative carers.
10. The OCG should support First Nations governance groups and community led decision making to enable culturally appropriate oversight and accountability.
11. A brief mandatory training module that covers reportable conduct and child-safe behaviours should be a pre-requisite for obtaining a WWCC.
12. Consultation and co-design should be implemented to ensure that mandatory training is culturally appropriate and accessible.
13. We recommend that DFV offences such as coercive control, strangulation, and choking should trigger a WWCC risk assessment.

14. We do not recommend using ADVOs as automatic triggers for a WWCC risk assessment. Evidence shows this approach disproportionately impacts First Nations people and can further penalise victim survivors who are misidentified as perpetrators.
15. We recommend that improvements and redesign of the current WWCC risk assessment to integrate a violence informed and culturally appropriate lens will help mitigate the risk of systems abuse.
16. Changes to the Act should facilitate the adoption of a National Working with Children Check.
17. Fams supports changes to the WWCC to facilitate and expedite the implementation of the National Continuous Checking Capability (NCCC).
18. In the interim period until the NCCC is established, Fams recommends improving the consistency between of existing state-based systems to reduce safeguarding gaps.