

LGNSW SUBMISSION

# Working with Children Check Review

FEBRUARY 2026



Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

## OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Employ nearly **50,000 people**



Manage more than **1,800 community & public centres**



Maintain more than **168,000km of roads & bridges**



Manage more than **\$220 billion of community assets**



Recycle **1.75 million tonnes of waste**



Spend more than **\$2.5 billion each year on caring for the environment**



Operate more than **380 libraries that attract tens of millions of visits each year**



Make kerbside waste collections for more than **3.1 million households**



Manage an estimated **4 million tonnes of waste each year**



Spend more than **\$2.4 billion on culture and recreation**

Local Government NSW acknowledges and pays respect to the Traditional Owners of the lands on which we work, and the lands we travel through. We also acknowledge our Elders – past, present and emerging.

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# INTRODUCTION

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective, community-based system of local government in the state.

LGNSW appreciates the opportunity to contribute to the review of the *Child Protection (Working with Children) Act 2012*, led by the Office of the Children's Guardian (OCG). LGNSW strongly support measures that enhance the safety and wellbeing of children and young people across our communities.

This submission was endorsed by the LGNSW Board in April 2026.

# THE ROLE OF LOCAL GOVERNMENT

Local governments provide a range of services and infrastructure for children and young people, including parks and playgrounds, community transport, libraries, community halls, youth centres, playing fields, skate parks, leisure and aquatic centres, entertainment centres, art galleries, patrolled beaches, and festivals and events.

Councils in NSW are also involved in the provision of early education and care (ECEC), providing over 300 services covering long day care, family day care, occasional care, preschools, playgroups, vacation care and outside-of-school-hours care (OOSH). Collectively, local government is the largest provider and operates in underserved areas across NSW.

Councils develop child safe policies, activate child safe networks and embed child safety into a range of council processes including complaints handling, Code of Conduct, staff training, and stakeholder engagement.

As Child Safe Organisations, councils implement the [NSW Child Safe Standards](#). This triggers responsibilities for all council staff, elected representatives and volunteers to protect and listen to their youngest residents and workers.

Under the Reportable Conduct Scheme, councils also have [mandatory reporting obligations](#), following any concerns about the safety, welfare and wellbeing of a child.

### **Established LGNSW positions**

The [LGNSW Policy Platform](#) sets out the policy positions of LGNSW and is established through motions voted on by councils at LGNSW Annual Conferences.

This Policy Platform specifically advocates for:

- High quality, universally accessible and affordable early childhood education and care.
- Adequate funding for council-run youth and children services and recognition that councils are an essential provider of services to children and young people.
- A dedicated local government ECEC funding stream, in recognition of the significant role of council-run services.
- Initiatives to address skill shortages and impediments to employment and training.

There are several networks for NSW council staff to connect, share information and discuss specific local government issues. The networks below have supported the development of this submission:

- **Local Government Children's Services Managers Group:** a network of managers that directly run early childhood education and care services.
- **Local Government Child Safe Network:** a community of practice for council staff implementing the Child Safe Standards.

# GENERAL LGNSW FEEDBACK

Councils operate differently to other service providers as they hold broader regulatory, compliance and community-safety obligations that require a more comprehensive approach to safeguarding children. Councils also play a backbone role in local child-safeguarding systems by coordinating networks, supporting interagencies and strengthening the capacity of organisations operating within their area to adopt child-safe practices.

The Australian Children's Education & Care Quality Authority (ACECQA) National Child Safe Review<sup>1</sup> notes that Working with Children Checks (WWCC) are only one element of protective screening in creating and maintaining a child safe environment for children. They should also be accompanied by other safeguards and compliance regimes such as reporting registers and systems, diligent recruitment practices, staff training and clearly defined roles and responsibilities.

A WWCC clearance is legislatively required for workers, including employees, self-employed persons, contractors, subcontractors and volunteers who engage in child-related work. As large employers delivering a wide range of services involving children, councils must ensure their own staff hold appropriate WWCC clearances and routinely navigate the administrative requirements of the system. Councils have provided the following feedback on the operation of the WWCC system.

## Greater alignment between relevant legislation:

- Councils operate within a range of differing legislation and frameworks, including the [NSW Children's Guardian Act 2019](#) and the [NSW Child Protection \(Working with Children\) Act 2012 \(WWC Act\)](#), as well as the [Reportable Conduct Scheme](#) and [Child Safe Standards](#).
- Councils report confusion about the different NSW and national legislation, how they interface and, where there are overlaps, what legislation takes precedence.
- Council feedback is aligned to ACECQA's findings from the National Child Safe Review<sup>2</sup>, noting the legislative system is fragmented and that staff have difficulty navigating their legislative and reporting obligations.

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<sup>1</sup> ACECQA National Child Safe Review of Child Safety Arrangements under the National Quality Framework: Final Report (2023), page 6 <https://www.acecqa.gov.au/media/39906>

<sup>2</sup> ACECQA National Child Safe Review of Child Safety Arrangements under the National Quality Framework: Final Report (2023), page 5 <https://www.acecqa.gov.au/media/39906>

- Similar to the Wheeler Report<sup>3</sup>, councils have identified that risk assessment thresholds are not aligned between the Early Learning Commissioner (the regulator) and the OCG, and that some requirements in key legislation are “*substantially inconsistent and overly complicated*”, and that it is unrealistic to expect staff to understand the complexities of the various reporting requirements.

#### **Support unique council operations:**

- Contractor arrangements operate within councils in a range of settings. For example, some contractors lease premises whereas others provide a service or program on behalf of councils. Any WWCC verification roles and responsibilities with respect to subcontracted workers delivering services on the organisation’s behalf should consider the varying nature of existing contractor relationships that drive a lot of valued work for the community.
- Councils provide grant funding to community organisations to undertake a range of community-based activities including social cohesion, arts and culture, local business support and environmental improvements. Grant recipients should meet their own WWCC obligations (i.e. this responsibility should not sit with councils as the funding body).

#### **Sector support:**

- Financial sustainability is a significant concern for NSW councils which operate in an environment of increasing regulatory requirements, rising operating and compliance costs, constrained revenue-raising capacity due to rate-capping and cost-shifting from other levels of government<sup>4</sup>. Any further expansion of roles and responsibilities for councils should be appropriately funded.
- Councils have long called for clear guidance from the regulator, including model resources and practical tools that support councils to meet responsibilities and embed child-safe practices in ways that are workable and appropriate for local government’s regulatory settings.

**Recommendation 1: That the NSW Government improve alignment between the relevant legislation and frameworks, including the Reportable Conduct Scheme, Child Safe Standards and Children’s Employment legislation to ensure councils can meet their child-safety responsibilities effectively and efficiently.**

**Recommendation 2: That the NSW Government ensure any expansion of WWCC roles and responsibilities for organisations is adequately resourced to reduce financial strain on providers and families.**

<sup>3</sup> Chris Wheeler Consulting, (2025), [Final Report - Early Childhood Education and Care Regulation in NSW Independent Review - May 2025](#), page 95, 99

<sup>4</sup> LGNSW, [Cost Shifting Report 2025](#)

# WHO SHOULD HAVE A WWCC

## Clarifying the definition of child-related work

LGNSW supports the OCG's intention to clarify the definition of 'child-related work', the meaning of 'more than incidental' contact, and scenarios involving 'extended periods without adults being present'. The Discussion Paper signals that these matters are under active review in order to reduce ambiguity and ensure the framework remains fit-for-purpose.

Clarifying and modernising the definition of child-related work, including recognition of written, oral and electronic communication as forms of contact will align with contemporary service environments and digital modes of engagement with children. This will help to identify any compliance gaps, establish best practice and provide clear and consistent terminology across the *WWC Act* and the Regulation to help councils guide and align their own policy.

LGNSW advocacy<sup>5</sup> calls for the implementation of WWCC and National Police Checks for elected representatives to ensure suitability for public office, noting the varied nature of their roles within the community. Although the checks are not currently mandatory, some councils adopt both as best practice for elected representatives. Many councils also provide child safe training for newly elected representatives to strengthen their understanding of child safe responsibilities.

A consistent safeguarding approach is equally important across other council functions. Many council staff do not fall within the legislated definition of child related work, yet their work duties involve access to sensitive information. This includes rangers using body-worn cameras, staff monitoring CCTV footage, officers handling illegally dumped confidential information, managing National Redress Scheme information or requiring access to other records.

There are also environments managed by councils that are not legislatively classified as child related yet are clearly family friendly and frequently accessed by children. These include libraries, holiday parks and camping grounds, none of which currently require a WWCC clearance under the existing framework.

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<sup>5</sup> LGNSW Policy Platform (2025), Position Statement 18.12, page 35  
[https://lgnsw.org.au/Public/Public/Policy/Policy\\_Platform.aspx](https://lgnsw.org.au/Public/Public/Policy/Policy_Platform.aspx)

The Report on the Statutory Review of the Child Protection (Working with Children) Act 2012<sup>6</sup> recommended that the OCG consider whether cleaners working at overnight camps and in day programs in sports centres should hold a WWCC clearance. This recommendation aligns with council feedback, which highlights concerns about risks associated with place-based settings, including holiday parks and camping grounds.

As a matter of best practice and to strengthen local safeguarding practices, councils undertake their own risk assessment to determine which roles require a WWCC clearance. Many councils seek National Police History Checks and WWCC clearances for all new employees and contractor arrangements (including Family Daycare educators and people who reside on their premises), background checks (including National Police History Checks) for individuals moving into new positions and regularly verify WWCC for staff working in child related roles.

Organisations are notified of WWCC status changes for child-related roles where they are the direct employer. However, employers are not notified of a status change to a person's WWCC status for roles that are not classified as child-related. It is incumbent on councils to periodically review the status with the OCG. This creates a boundary in the level of safeguarding oversight available for positions that sit outside the statutory definition of child-related work.

Councils may apply to the OCG to seek consent for a role to be deemed child-related. Challenges arise when the OCG's determination differs from a council's own risk assessment, or when the nature of function of a role changes over time.

The Royal Commission's report into Working with Children Checks<sup>7</sup> recommended a standardised and simplified list of work categories be specified in state and territory WWCC legislation. This recommendation aims to reduce ambiguity, improve national consistency, and support organisations to better identify roles requiring a WWCC clearance.

Any changes to legislation should enhance an organisation's ability to embed and maintain child safe cultures. Clear statutory definitions of child-related work, supported by simple assessment tools, would enable employers, contractors,

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<sup>6</sup> Report on the Statutory Review of the Child Protection (Working with Children) Act 2012 (August 2017) [3.5] and Recommendation 4  
<https://www.parliament.nsw.gov.au/tp/files/72977/Statutory%20Review%20report%20WWC%20Act%2009082017.pdf>

<sup>7</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), page 75: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_working\\_with\\_children\\_checks\\_report.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_working_with_children_checks_report.pdf)

volunteers, and individuals to make consistent and informed decisions. An assessment tool would also promote consistency within and across organisations, ensuring that processes are transparent, streamlined and efficient.

Based on local government feedback, specific areas requiring review and potential safeguards for keeping children safe include:

- The role of elected representatives
- Leadership roles within councils, including senior leaders and staff in acting duties (i.e. acting Director)
- Staff working in holiday or caravan parks such as cleaners, grounds or maintenance crew
- Staff who can access child-related information
- Staff who make decisions about child-related programs
- Staff who may temporarily move into child-related duties
- Technical or production roles (such as sound, lighting, stage crew, front of house) that work regularly around children during events or rehearsals
- Events or educational roles that engage with children and young people
- Workshops, performances and “all ages” events where children may attend
- Stallholders/retailers selling children’s products where children interact with merchandise or demonstrations
- Performers or artists who attract child audiences but are not exclusively children’s entertainment

**Recommendation 3: That the NSW Government provide clearer definitions of child-related work and simple assessment tools to guide local governments in managing employers, contractors, volunteers, and individuals to support fostering a safe environment for children.**

### **Exemptions from the requirement for a WWCC clearance**

Feedback from councils indicates ongoing challenges in interpreting or navigating WWCC exemption provisions. The exemption wording can be ambiguous and difficult to apply consistently in diverse operational contexts, particularly where staff or contractors engage in activities that may involve similar levels of risk but are treated differently under legislation.

The Royal Commission's WWCC Report<sup>8</sup> highlighted inconsistencies across jurisdictions in the application of exemptions. Risks to children may arise when some types of engagement are considered exempt, while other activities with comparable risk profiles require a WWCC clearance.

LGNSW's established advocacy seeks to reduce unnecessary administrative burden on councils, consistent with the position that regulatory and reporting requirements should be proportionate to size and risk. Councils support a framework that provides clarity while ensuring appropriate safeguards remain in place.

**Recommendation 4: That the NSW Government review and streamline WWCC exemptions to ensure they are applied consistently across comparable roles, proportionate to risk, and supported by clear, accessible guidance to assist councils in navigating their statutory obligations.**

### **Requiring under-18s to obtain a WWCC clearance**

Local governments provide a wide range of employment, training and development opportunities for young people, including school-based placements, traineeships, apprenticeships and volunteer pathways. These opportunities facilitate early workforce participation, support skills development and contribute to long-term community engagement.

Councils work hard to maintain consistent safety standards for all workers and are well positioned to undertake role-specific risk assessments. In the context of a cohort of employees, volunteers, apprentices or trainees who are under 18, the risk assessments undertaken by local government employers account for their limited experience and qualifications. This rigorous and stringent approach to the safety of under 18 workers means that they are subject to a high level of supervision and oversight. Feedback from councils highlights the practical challenges in navigating WWCC requirements for under-18s, particularly where young people participate in volunteer roles, school-based work placements, or introductory paid work.

The Royal Commission into Institutional Responses to Child Sexual Abuse<sup>9</sup> recommended that children under 18 should be exempt from WWCC requirements,

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<sup>8</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), page 76: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_working\\_with\\_children\\_checks\\_report.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_working_with_children_checks_report.pdf)

<sup>9</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), recommendation 14, page 9:

regardless of their employment status, noting that focusing on the manner of work adds unnecessary complexity.

Proposals to expand WWCC requirements to under-18s would capture a cohort of young people within the local government sector who are engaged in early childhood education and care, youth programs, learn-to-swim instruction, and lifeguards. Such changes would increase administrative complexity and risks creating barriers to youth employment, volunteering and career development – particularly where councils already apply robust supervision, induction and child-safe training frameworks.

**Recommendation 5: That the NSW Government adopt a risk-based approach to WWCC requirements for under-18s by examining available data on incidents involving young workers, maintaining exemptions unless credible risk evidence emerges, and supporting councils to focus on training, supervision and child-safe capability rather than retrospective screening.**

### **Requiring co-workers and supervisors of employed children to have a WWCC check**

Councils employ young people in a range of trainee, apprenticeship and entry-level roles, and many choose to require WWCCs for supervisors of under-18s as a matter of best practice, guided by risk assessments.

The Royal Commission's Report<sup>10</sup> recommended that employers and supervisors of children should be exempt, unless the work is child-related. The Royal Commission also noted that while there is inherent vulnerability of young people in the workplace, industrial laws can help to mitigate the risks to children<sup>11</sup>.

LGNSW supports the OCG's position that adding further administrative requirements for young people may limit employment opportunities, particularly for people in regional and remote areas, and young Aboriginal and Torres Strait Islander people.

### **Children's Employment Authority**

NSW councils regularly host community events that sometimes include performances by young people. Under s92 of the *Children's Guardian Act 2019*, organisations must hold an Employer's Authority to employ children in entertainment or exhibition where

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[https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_working\\_with\\_children\\_checks\\_report.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_working_with_children_checks_report.pdf)

<sup>10</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), page 9: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_working\\_with\\_children\\_checks\\_report.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_working_with_children_checks_report.pdf)

<sup>11</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), page 78: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_working\\_with\\_children\\_checks\\_report.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_working_with_children_checks_report.pdf)

payment or material benefit is provided. In practice, councils report that this regime is misapplied to community-based activities, imposing detailed notification, record-keeping, and compliance obligations (and fees) that are disproportionate to risk.

Councils expected that clause 55 of the *Children's Guardian Regulation 2022* would exempt most civic events from needing an Employer's Authority and reduce sensitive data collection, yet definitions and exemptions remain unclear, and "entertainment" continues to capture low-risk community performances alongside commercial photography, modelling and advertising. This is inconsistent with the intent expressed through the Report on the Statutory Review of the Children's Guardian Act 2019 (Rec. 16)<sup>12</sup> to refine child employment settings and reduce complexity.

The result is a regime that limits young people's participation in civic life and burdens councils as venue hosts and community event coordinators, even where risk sits primarily with community groups directing and supervising the performance, contrary to a proportionate, risk-based approach.

**Recommendation 6: That the NSW Government undertake an urgent legislative review of child employment requirements as they apply to council-run community events.**

## APPLYING FOR A WWCC

### Renewal of WWCC clearances and expiry periods

A WWCC clearance is valid for five years. To minimise unnecessary disruption for workers, the *WWC Act* should include a general discretion for the OCG to extend a person's WWCC clearance in exceptional circumstances (i.e. loss of identity documents, hospitalisation, or natural disasters) when renewal is temporarily not possible.

### Mandatory training before receiving a WWCC

LGNSW welcomes materials and training that is clear and accessible to embed a culture of child safety.

To meet regulatory requirements for the [Child Safe Scheme](#) and [Mandatory Reporting Framework](#), councils provide targeted training for staff, including orientation programs, eLearning modules, and ongoing professional development. Staff working

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<sup>12</sup> [Report on the Statutory Review of the Children's Guardian Act 2019](#) (2024) page 5.

directly with children, as well as those in supervisory or management roles, receive more frequent and specialised training to ensure compliance with child safety standards. These costs, including staff time and the eLearning platforms, are absorbed within councils' existing budgets.

The OCG's Discussion Paper proposes standardised training to be part of existing responsibilities and strategies (i.e. not a replacement)<sup>13</sup>.

ACECQA's 2023 Child Safe Review<sup>14</sup> recommended mandatory training on child safe standards, principles and practices as part of the application process for a WWCC.

However, any training should be evidence-based, concise and accessible, culturally appropriate and free of cost. It would also need to be flexible to suit all providers, regardless of size or location (metro, regional, rural) and consider existing sector training to identify any gaps or duplication.

**Recommendation 7: That the OCG consider the associated costs for councils for standardised WWCC training including associated on-costs, any prospective renewal training, travel, staff backfill, administrative and compliance obligations.**

### **Eligibility to work while an application is assessed: 'Working on an application'**

Consideration should be given to the Royal Commission's<sup>15</sup> comments proposing to restrict the ability for someone to work while an application is being assessed if the individual has been previously denied a WWCC or convicted of sexual offences against children.

Noting that it can take four weeks until a WWCC is verified, LGNSW would support guidance and tools that allow entities to undertake their own risk assessment process while a WWCC application is being assessed. For example, councils' existing risk assessments include not allowing volunteers access to council buildings or being left alone with children or not allowing people to work alongside children while an application is pending assessment.

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<sup>13</sup> Office of the Children's Guardian Review of the Child Protection (Working with Children) Act 2012, Discussion Paper (2025) page 38 [https://www.haveyoursay.nsw.gov.au/download\\_file/12246](https://www.haveyoursay.nsw.gov.au/download_file/12246)

<sup>14</sup> ACECQA Review of Child Safety Arrangements under the National Quality Framework (2023), page 12, Recommendation 14 [Review of Child Safety Arrangements under the National Quality Framework Final Report](#)

<sup>15</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, Working With Children Checks Report (2015), page 99 [Working with Children Checks report](#)

The tools and guidance should apply for a range of scenarios, including for child related work (or not) and where councils are the contractor.

# ASSESSMENT OF APPLICATIONS

## Matters leading to a risk assessment or disqualification

LGNSW welcomes the Standing Council of Attorney-General's (SCAG) commitment to working towards a national approach to WWCCs, including a consistent assessment framework and criteria for excluding a person from holding a WWCC clearance<sup>16</sup>.

LGNSW supports mutual recognition of negative notice<sup>17</sup> changes, which will assist organisations screen prospective applicants by ensuring they are not inadvertently employing someone who is barred in another jurisdiction.

Section 30D(5) of the *WWC Act*<sup>18</sup> states that it "must be presumed, unless the applicant proves to the contrary, that the applicant poses a risk to the safety of children." Some offences are so serious to the safety of children that they warrant the applicant being automatically prohibited from working with children.

Organisations face challenges whereby a WWCC is not required for certain roles if they are not specifically child related. However, some roles may be in family friendly spaces, such as caravan parks and camping grounds. In these circumstances, a person may not be given a WWCC due to potential risks to children but could be legally allowed to work in spaces where children are present. These two things are incongruent and need consideration.

## Alignment with the Reportable Conduct Scheme

Councils provide information to the Reportable Conduct Scheme which provides an avenue for relevant entities covered by the Reportable Conduct Scheme to investigate and report inappropriate conduct towards children that does not meet the criminal threshold. The Reportable Conduct Scheme also helps the OCG identify patterns of behaviour of individuals and build a historical record relevant to child safety.

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<sup>16</sup> Attorney-General's portfolio, Delivering urgent reform of Working with Children Checks (2025)

<https://ministers.ag.gov.au/media-centre/delivering-urgent-reform-working-children-checks-15-08-2025>

<sup>17</sup> Office of the Children's Guardian Amendment of Working with Children Check (WWCC) laws to remove rights of external review and mutually recognise negative notices in other jurisdictions (2025)

<https://ocg.nsw.gov.au/legislation/child-protection-working-children-act-2012/amendment-working-children-check-wwcc-laws>

<sup>18</sup> Child Protection (Working with Children) Act 2012, section 30D(5)

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051#sec.30D>

However, councils currently operate with limited visibility. They can only assess a person's suitability for the role based on what the applicant discloses and the outcome of their WWCC, which does not always provide the full picture (as highlighted in the OCG's Discussion Paper).

LGNSW seeks clarification from the OCG on how the information councils contribute through the Reportable Conduct Scheme is used in the WWCC risk-assessment process, as well as state and national intelligence record keeping.

**Recommendation 8: That the OCG consider ways that information collated via the Reportable Conduct Scheme can assist local government entities with their own obligations in keeping children safe.**

### **Domestic and Family Violence**

Councils are closely attuned to the significant harm that Domestic, Family and Sexual Violence (DFSV) causes to individuals, families and communities.

LGNSW has consistently advocated for funding, resources and initiatives to address DFSV in NSW, including *Crimes Act* recognition that coercive control and dowry abuse are forms of DFSV.

LGNSW has also advocated for the NSW Government to adequately resource frontline support services to meet local community need, to ensure equitable and accessible services for people who live with disability, First Nations communities and LGBTIQ+ people.

LGNSW is developing a DFSV primary prevention toolkit to support council led action that aligns with the NSW Government's Pathways to Prevention Strategy for the Prevention of Domestic, Family and Sexual Violence 2024 to 2028, which identifies local government as a key partner in DFSV primary prevention.

Under the *WWC Act*, only DFSV offences committed against a child trigger a risk assessment by the OCG. LGNSW supports broadening the scope of risk assessments of WWCC checks to include violent offences against adults, offences that are known precursors to domestic and family violence fatalities and repeated breaches of Apprehended Domestic Violence Orders.

OCG's Discussion Paper highlights the risk that these proposed changes may disproportionately impact on Aboriginal and Torres Strait Islander people, who are

more likely to experience higher rates of criminal justice contact and in some cases, victims – particularly women, may be misidentified as DFSV offenders.

LGNSW urges that equity measures and safeguards be embedded to ensure clear and evidence-based trigger thresholds, strong cultural safety practices, fair assessment processes and improved access to legal and advocacy supports, so that all vulnerable communities are not unfairly affected by reforms to WWCC risk assessments.

### **Extending the limits on Interim Bars**

The OCG can place an Interim Bar when it identifies a potential risk to children, preventing an individual from working with children to allow the OCG to make further investigations. However, under the *WWC Act*<sup>19</sup>, an Interim Bar can only remain in effect for 12 months. If the OCG has not finalised its investigation or made a decision within that timeframe, the Interim Bar automatically expires, and the individual may legally return to child-related work, even though the underlying concerns may still be unresolved.

Given that a potential risk to children does not cease after an arbitrary timeframe of 12 months, it would seem sensible to amend the legislation so that Interim Bars remain in place until a final decision is made, consistent with arrangements in other jurisdictions.

**Recommendation 9: That the NSW Government amend the relevant legislation so that Interim Bars remain in place until a final decision is made.**

## **EMPLOYER VERIFICATION AND NOTIFICATION**

### **Clarifying and expanding the scope of employers subject to WWCC obligations**

A motion from Bayside Council was resolved at LGNSW's 2025 Annual Conference to support the elimination of private labour hire to ensure WWCC are never circumvented. However, due to severe workforce shortages currently facing the sector, many councils rely on private labour hire as a last resort to maintain required staffing ratios and meet service demand.

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<sup>19</sup> NSW Child Protection (Working with Children) Act (2012), section 17(4)(c). [Child Protection \(Working with Children\) Act 2012 No 51 - NSW Legislation](#)

Where councils engage third party contractors, the primary employer obligations rest with the labour-hire agency. However, under the Children’s Guardian Act, councils still have employer obligations for the purposes of the Reportable Conduct Scheme.

Once an incident is reported via the Reportable Conduct Scheme, separate yet concurrent investigations need to take place between Police, the Department of Communities and Justice (DCJ) and councils as the related entity. Each organisation is required to investigate but will have differing legislative thresholds<sup>20</sup>. This level of duplication could be distressing for the person or people at the centre of the incident.

The Wheeler Report<sup>21</sup> recommends establishing a one-stop-shop for non-police mandatory reporting for ECEC, allowing matters to be triaged to the appropriate authority.

A triaged, joined-up approach to Reportable Conduct Scheme investigations would improve co-ordination between relevant entities, reduce duplication, support more efficient processes, and help ensure safer environments for children. However, any model that limits an employer’s ability to conduct its own timely investigation could hinder an organisation’s capacity to take appropriate industrial action, including termination of employment where warranted.

### **Council contractors**

Council contractor relationships operate across a range of different settings. Some contractors simply lease council premises (for example, an independent dance group operating in a council owned community hall). Others deliver a service or program on behalf of councils such as a swim school or labour hire employee in council-run ECEC services.

Councils are required to verify the WWCC of contractors directly engaged, but they do not have the same obligations for external contractors. Councils must also rely on the contractor to share relevant information. This creates challenges, particularly given councils’ mandatory reporting responsibilities. If a contractor does not provide relevant information promptly, it can delay councils’ reporting timeframes and increase compliance risks. It is complex for those responsible for implementing the correct child-safety processes within organisations.

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<sup>20</sup> Chris Wheeler Consulting, Early Childhood Education and Care Regulation in NSW Independent Review (2025), page 95 [Final Report - Early Childhood Education and Care Regulation in NSW Independent Review - May 2025](#)

<sup>21</sup> Chris Wheeler Consulting, Early Childhood Education and Care Regulation in NSW Independent Review (2025), page 15 [Final Report - Early Childhood Education and Care Regulation in NSW Independent Review - May 2025](#)

In ECEC services, many councils rely on labour hire to meet mandatory staffing ratios. It is not practicable to expect ECEC managers and directors to verify the WWCC of casual staff who may be needed at very short notice, noting that the verification process can take weeks. Imposing such expectations risks ECEC centres failing to meet ratio requirements and being unable to open for the day.

Many councils maintain WWCC verification registers covering volunteers, contractors and sub-contractors, often centralised within governance or HR teams to meet privacy requirements. Some councils also conduct regular verification checks with contractors and require contractors and subcontractors to complete an abridged version of their Child Safety training as part of broader auditing and compliance processes activities.

However, managing these processes is a labour intensive task for councils, particularly for those with resourcing constraints. Council-wide support would be welcomed to update all WWCC registers in line with any new changes in a timely and consistent manner.

Any legislative WWCC obligations should clearly specify the verification roles and responsibilities for subcontracted workers delivering services on the organisation's behalf. This should also explicitly address Reportable Conduct Scheme arrangements. Importantly, any responsibilities imposed on councils must recognise that the contractor (not councils) is the primary employer and is responsible for recruitment, performance management and maintaining staff information.

### **Grants and Funding**

Councils provide a wide range of grants and funding opportunities that deliver significant community benefits. Council led grants programs funds support activities such as social cohesion initiatives, arts and culture, local business development and environmental improvements.

These programs come with a range of compliance responsibilities to ensure public funds are used appropriately. However, councils (and other funders) should *not* be responsible for verifying WWCCs on behalf of grant recipients. Grant recipients are the entities that employ staff or engage volunteers, and they hold the direct employment relationship. As such, they must meet their own WWCC obligations and ensure compliance with all relevant legislation.

**Recommendation 10:** That the NSW Government support local governments to update all WWCC verifications and registers in line with any new changes.

**Recommendation 11:** That the NSW Government ensure legislation clearly states roles and responsibilities for WWCC verifications in contractor and sub-contractor arrangements to ensure Reportable Conduct obligations can be met.

**Recommendation 12:** That the NSW Government ensure council led grants and funding programs are *not* responsible for verifying WWCCs on behalf of grant recipients. Grant recipients should retain responsibility for meeting their own WWCC obligations.

### **Expanding who should be notified of clearance refusal, cancellation and interim bars**

The OCG's Discussion Paper seeks feedback on potential amendment to the definition of 'notifiable person' so that the OCG can provide updates about a barred status to all nominated employers, even if the employee is not in 'child-related work'. OCG is also seeking input on expanding the definition of 'notifiable person' to include any verifying organisation, even if they are not the employer.

LGNSW supports the proposal to expand the OCG's powers to notify of any WWCC status changes to other relevant entities.

Local governments have significant child safety responsibilities, including mandatory reporting and investigative obligations under the Reportable Conduct Scheme. However, current legislation prevents the OCG from notifying councils when there is a change to a person's WWCC status if the individual is not in child related work or if the council has verified the WWCC but is not the direct employer. This creates a substantial information gap that limits councils' ability to identify and respond to potential risks to children.

Councils frequently verify WWCCs for roles that fall outside the legal definition of child related work. This includes contractors, sub-contractors and staff working in facilities regularly used by children and families. Despite undertaking verification, councils are not notified if the person's clearance is cancelled or barred. As a result, councils are unable to make fully informed risk-based decisions or meet their responsibilities under the Reportable Conduct Scheme.

The 2023 ACECQA Child Safe Review<sup>22</sup> recommended that staff, regardless of roles /service types, notify their Approved Provider of a change to their WWCC status or teacher registration/accreditation obligations.

Any expansion of notification powers must protect individual privacy and recognise the allegations-based nature of the WWCC system. At the same time, councils differ in their capacity to maintain and monitor WWCC registers, particularly where resourcing is limited. Without timely information from the OCG, councils may unknowingly retain individuals whose WWCC status has changed, which increases compliance risks and compromises child safety.

**Recommendation 13: That the NSW Government consider the OCG’s proposal to expand notification arrangements so that councils are advised of any WWCC status changes where they have verified the WWCC, including when the role is not identified as child related or when the council is not the direct employer.**

## **TECHNICAL AMENDMENTS**

### **Prohibition on lodging an application within 12 months of termination of a WWCC application**

Currently, a person is permitted to work in child-related roles while their WWCC application is being processed. The OCG has identified cases where individuals reapply multiple times while a risk assessment is underway. The current system permits a person to continue working in child related roles while their application remains active, and the OCG cannot refuse an application when there is insufficient information to determine likely risk. This enables individuals to remain in child related work during an unresolved assessment.

To address this issue, the OCG proposes a 12-month prohibition on lodging a new application after an application is terminated. LGNSW supports measures that prevent re-applying for WWCC clearance, whilst a risk assessment is taking place. Such gaps would support councils’ efforts in creating a safe environment for children, in ensuring only people who are fully cleared to work with children can access WWCC.

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<sup>22</sup> ACECQA Review of Child Safety Arrangements under the National Quality Framework Final Report – Findings and recommendations for the NQF and inter-related child safety mechanisms (2023) page 11 [Review of Child Safety Arrangements under the National Quality Framework Final Report](#)

## Standardising terminology for WWCC decisions

LGNSW is pleased that there is a concerted effort to improve consistency across state and national regulatory bodies, through mutual national recognition and assessment frameworks. Any NSW reforms should be consistent with any incoming federal reforms.

The 2023 ACECQA Child Safe Review<sup>23</sup> called for a national register to share information and more effectively monitor and respond to suspected misconduct and allegations. The Review recommended that:

*Recommendation 15: Enabling information sharing and streamlining reporting within jurisdictions and nationally to reduce complexity and over-reporting, enabling appropriate agencies to receive and effectively respond to reports by exploring:*

*15.1 nationally consistent WWCC schemes*

*15.2 the alignment of thresholds for what constitutes reportable conduct, mandatory reporting and information sharing.*

*ACECQA 2023 Child Safe Review*

The Review<sup>24</sup> also recommended a mechanism to share information about persons of interest across sectors and jurisdictions as an early warning system, such as a national WWCC, to be developed in consultation with stakeholders.

Nationally consistent terminology would support a national register and/or national WWCC, enable navigating the relevant legislation and ensure that relevant critical information is effectively shared across jurisdictions – effectively supporting organisations’ efforts in creating spaces that are safe for children.

**Recommendation 14: That the NSW Government work with other state and territory governments and the Australian government to improve coordination and information/intelligence sharing across state and national regulatory bodies for WWCC.**

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<sup>23</sup> ACECQA Review of Child Safety Arrangements under the National Quality Framework Final Report – Findings and recommendations for the NQF and inter-related child safety mechanisms (2023) page 12 [Review of Child Safety Arrangements under the National Quality Framework Final Report](#)

<sup>24</sup> ACECQA Review of Child Safety Arrangements under the National Quality Framework Final Report – Findings and recommendations for the NQF and inter-related child safety mechanisms (2023) page 13 [Review of Child Safety Arrangements under the National Quality Framework Final Report](#)

# RECOMMENDATIONS

1. That the NSW Government improve alignment between the relevant legislation and frameworks, including the Reportable Conduct Scheme, Child Safe Standards and Children's Employment legislation to ensure councils can meet their child-safety responsibilities effectively and efficiently
2. That the NSW Government ensure any expansion of WWCC roles and responsibilities for organisations is adequately resourced to reduce financial strain on providers and families
3. That the NSW Government provide clearer definitions of child-related work and simple assessment tools to guide local governments in managing employers, contractors, volunteers, and individuals to support fostering a safe environment for children
4. That the NSW Government review and streamline WWCC exemptions to ensure they are applied consistently across comparable roles, proportionate to risk, and supported by clear, accessible guidance to assist councils in navigating their statutory obligations
5. That the NSW Government adopt a risk-based approach to WWCC requirements for under-18s by examining available data on incidents involving young workers, maintaining exemptions unless credible risk evidence emerges, and supporting councils to focus on training, supervision and child-safe capability rather than retrospective screening
6. That the NSW Government undertake an urgent legislative review of child employment requirements as they apply to council-run community events
7. That the OCG consider the associated costs for councils for standardised WWCC training including associated on-costs, any prospective renewal training, travel, staff backfill, administrative and compliance obligations
8. That the OCG consider ways that information collated via the Reportable Conduct Scheme can assist local government entities with their own obligations in keeping children safe
9. That the NSW Government amend the relevant legislation so that Interim Bars remain in place until a final decision is made
10. That the NSW Government support local governments to update all WWCC verifications and registers in line with any new changes
11. That the NSW Government ensure legislation clearly states roles and responsibilities for WWCC verifications in contractor and sub-contractor arrangements to ensure Reportable Conduct obligations can be met
12. That the NSW Government ensure council led grants and funding programs are *not* responsible for verifying WWCCs on behalf of grant recipients. Grant recipients should retain responsibility for meeting their own WWCC obligations
13. That the NSW Government consider the OCG's proposal to expand notification arrangements so that councils are advised of any WWCC status changes where they have verified the WWCC, including when the role is not identified as child related or when the council is not the direct employer
14. That the NSW Government work with other state and territory governments and the Australian government to improve coordination and information/intelligence sharing across state and national regulatory bodies for WWCC.

# APPENDIX A: RELEVANT LGNSW ANNUAL CONFERENCE RESOLUTIONS

## Early childhood education reforms

*2025- resolution 119 - Inner West Council*

1. That Local Government NSW notes that:
  - a. The NSW Government is working on comprehensive reforms to strengthen child safety in Early Childhood Education and Care (ECEC) which will strengthen laws, increase fines for poor quality operators and require the publication of safety and performance records.
  - b. The Commonwealth Government has established new powers to stop child care subsidy funding to providers with safety or quality concerns. That Local Government NSW calls on the NSW Government to:
  - c. the vast majority of ECEC providers are delivering excellent services that deliver quality and safety for children.
2. That Local Government NSW calls on the NSW Government to:
  - d. Affirm the critical importance of providing safe and high quality to care for children in Early Childhood Education and Care settings;
  - e. Recognise the systemic failure of current systems to ensure quality standards have been met, and as a consequence children have been endangered;
  - f. Acknowledge that for-profit service providers are more likely to fall below acceptable standards, and that Early Childhood Education is best delivered by not-for-profit organisations;
  - g. Acknowledge the need to move from a market driven model to a system that is actively managed with greater emphasis on quality and safety for children;
  - h. Work with the Commonwealth and other States and Territories to:
    - i. work together to clarify and resolve their responsibilities in ECEC.
    - ii. move from a market driven model to a system that is actively managed with greater emphasis on quality and safety for children.
    - iii. develop and implement a broad intergovernmental agreement that addresses the whole ECEC system and any funding implications addressed through a national agreement.
    - iv. invest and support high quality providers, especially not for profit, including local government providers, who may need additional help.
    - v. establish an Early Childhood Reform Commission.
    - vi. reinstate Commonwealth funding for state and territory regulators.

## Deliver and support for not-for-profit safe early childhood education

*2025 - resolution 121 - Bayside Council*

That Local Government NSW:

1. Calls on the NSW Government to recognise that local government is well placed to provide and to support not-for-profit early childhood education
2. Supports eliminating the use of private labour hire to ensure Working With Children Checks are never circumvented, and all employees are paid fairly on the award

3. Will assist councils in delivering a shared benchmark of safe staffing levels across council-run centres, in consultation with the United Services Union and relevant peak bodies
4. Supports in its advocacy the principle that no centre-based educator is left alone with children and that CCTV is not used as a substitute for supervision
5. Encourages staffing levels to be increased in the National Quality Framework (NQF) to be applied to all services.

### **Trainees and apprentices**

*2024 - resolution 11 - LGNSW Board*

That Local Government NSW (LGNSW) writes to the NSW Premier and relevant ministers to:

1. commend the NSW Government's commitment of \$252 million in funding for councils to employ an additional 1,300 apprentices and trainees, noting that:
  - a. LGNSW has long advocated for the State Government to introduce initiatives to increase trainee, cadet and apprentice employment to build a strong and diverse local government workforce.
  - b. this funding investment will greatly improve councils' ability to deliver the infrastructure and services their communities expect and deserve.
2. ask the NSW Government to work closely with local government and other key stakeholders to ensure the detail in the guidelines for this funding announcement deliver the best outcomes for the local government sector, noting that:
  - c. Local government has historically been a skills incubator, and many skilled workers in a diverse range of industries commenced their employment journey and career within a local council.
  - d. the most common skills shortages in NSW councils are for engineers, urban and town planners, building surveyors and project managers, but shortages of water treatment operators, accountants, computing and ICT professionals, mechanical tradespersons and early childhood education workers have worsened in recent years.
  - e. there are many long-term local government staff who will be retiring in the coming years, so it is vital that councils have the means to safeguard their workforce while providing career opportunities for their local communities.

### **Early childhood education and care**

*2024 - resolution 12 - LGNSW Board*

That Local Government NSW:

1. Provide reasonable support to members to assist them in accessing Federal funded Early Childhood Education and Care Worker Retention Payments ("ECEC Retention Payments"), including but not limited to negotiating with the United Services Union (USU) an industrial instrument that complies with the eligibility requirements for the ECEC Retention Payments.
2. Call for the Federal Government to commit to extend its newly released funding for Early Childhood Education and Care (ECEC) retention payments beyond the two-year period of November 2026.
3. Assist members to address issues of concern in the local government ECEC sector by way of an education campaign, including but not limited to disseminating relevant information about how the industry can best support educators and carers,

highlight the benefits of working in the local government sector, and promote the inclusion of appropriate cultural practices and language programs as part of the ECEC learning curriculum.

### **Support for early childhood education in the local government sector**

*2023 – resolution 32 – Randwick City Council*

*This issue was also raised by City of Sydney, Inner West councils.*

That Local Government NSW commits to supporting councils to recruit and retain early childhood educators by:

1. Calling on the NSW State Government to:
  - a. increase support for public early childhood education services, including extending the paid placement funding offered to ECT students to Diploma and Certificate III students, and;
  - b. support councils to expand high quality early childhood education and care through long daycare, out of hours care, pre-school, and occasional care.
2. Bargaining with the United Services Union and its members in good faith to achieve an increase to wages for early childhood educators above inflation, as well as leave provisions and hazard pay that reflect the risk of infection associated with work in early childhood education.

### **Early education and care**

*2023 – resolution 52 – Waverley Council*

That Local Government NSW:

1. Establishes a taskforce to work collaboratively with the State and Federal governments on urgently needed sector reforms following this year's early childhood education and care services inquiries by the Australian Competition and Consumer Commission, the Independent Pricing and Regulatory Tribunal and Deloitte.
2. Advocates to the NSW Government to set up a dedicated local government funding stream in recognition of councils' significant role and status in the early education and care sector.

### **Local government's role in children's & youth services**

*2020 – resolution 95 – Snowy Valleys Council*

Following the much-welcomed April funding package from the NSW Government of \$82 million for 260 council-run early childhood education and care (ECED) services in response to the COVID-19 pandemic; that Local Government NSW:

1. Advocates to the NSW Government to continue to recognise the essential role of local government in early childhood education and care, and fund it accordingly, particularly as council-run services often cater to vulnerable, low-income families, regional and rural communities and children with disability; and
2. Enhances Local Government NSW's Strong and Inclusive Communities Position Statement, and the Services in Rural Communities Position Statement, by including the recognition that local government is an essential provider of services to young people 0-24 years old.