

## Application form

# Disqualification Reassessment of Working with Children Check decision

October 25

### Are you eligible to apply for a disqualification reassessment?

You may apply for a disqualification reassessment only if:

- you have been refused a WWCC clearance because you are a disqualified person
- your WWCC clearance has been cancelled because you are a disqualified person.

If you are a disqualified person, you will have received a notice from the OCG explaining that your application for a WWCC has been refused or your WWCC cancelled because you are a disqualified person.

Certain disqualified persons are not entitled to apply for a disqualification reassessment. Section 27 of the *Child Protection (Working with Children) Act 2012* lists the persons not entitled to apply.

If unsure, you are encouraged to check your eligibility before applying, because there are no refunds. You can do this by emailing [review@ocg.nsw.gov.au](mailto:review@ocg.nsw.gov.au) your APP/WWC number (found on your decision notice). You may also be able to obtain free advice about your eligibility from Law Access (1300 888 529) or Aboriginal Legal Services NSW/ACT (1800 765 767).

### When do you need to apply?

You must apply within 28 days of the date of the notice of decision. If applying late, you'll need to explain in your application why an extension should be granted. An application fee of \$214 must be paid by Electronic Funds Transfer (EFT) before our team will consider if your application can be accepted. If we need further information or your application is not accepted, we will let you know.

### Can you work with children while the disqualification reassessment takes place?

No. The decision remains in effect until there is an outcome of your Disqualification Reassessment and offence provisions apply if you do not comply with your obligations under the *Child Protection (Working with Children) Act 2012* (the Act).

### Documents to be submitted with your application

To avoid delays in processing, please ensure you provide the below documents with your application.

- A copy of the notice of decision
- Evidence of Proof of Payment (for example, a screenshot)
- A copy of the front and back of your NSW Driver's License or Proof of Identity card
- Any supporting documents you want to provide (this may include your resume, certificates or letters showing engagement in professional services)
- For late applications, evidence supporting the reasons for your late application

Note: if your application is accepted, you will have opportunity to submit further information.

Disqualification Reassessment decisions are published on the Determinations and notices page of our website.

## Next steps

Your application will be assessed by the Internal Review team to determine if it is eligible for disqualification reassessment. If it is not accepted, we will let you know. The fee is non-refundable. If accepted, you may be contacted for more information. The outcome of your application will be provided to you in writing.

## Need help?

For details on the disqualification reassessment, refer to the [Disqualification Reassessment Policy](#) on our [website](#). For help lodging an application, contact [review@ocg.nsw.gov.au](mailto:review@ocg.nsw.gov.au).

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## Section 1 – Applicant details

### Your details

First name	
Middle name	
Last name	
Alias or previous names	
Date of birth	
Driver's License Number	
Your Working with Children Check or Application Number <i>This number can be found on your decision notice</i>	
Do you identify as Aboriginal and/or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say

### Your contact details

We will communicate with you in writing via email. Please make sure your contact details are correct as we may need to send you confidential information.

If you have specific communication needs due to disability, a non-English speaking background or other reasons, please advise us below. You may nominate a support person to speak to us on your behalf.

Phone number		Email	
Postal address			
Previous address			
Please use this space below to indicate if you require any support or accommodations in communicating with us.			
Would you like us to contact you using an interpreter? If yes, please tell us the language or dialect			

## Legal Advice and Representation

You are not required to have a lawyer to have an Internal Review. You may be able to obtain free legal help from [Law Access](#) (1300 888 529) or [Aboriginal Legal Services](#) (1800 733 233). If you do have a lawyer and want us to speak with them, please provide their details below.

Name			
Organisation			
Email		Phone	
Do you want your legal representative to provide and receive correspondence on your behalf? <i>By giving this authority, the OCG can get information from and provide information to your legal representative for the purposes of your application</i>			

## Section 2 – Details of the disqualification decision

Date of decision		Date you received the decision	
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### Is your application late?

Is the application made within 28 days after notice of the reviewable decision?

- Yes
- No – please provide details below

If you are making an application for Disqualification Reassessment out of time, please indicate the reason why your application was made outside of the time allowed. Please provide documents in support of your late application (for example, a medical certificate). You may be asked to provide further information to show why your application was not made within 28 days.

## Reasons for your application

Please explain your reasons for applying for disqualification reassessment and why you think we should grant you a WWCC clearance.

Under the WWC Act, it is presumed, unless the applicant proves to the contrary, that a disqualified person poses a risk to the safety of children.

This means that you will need to provide sufficient information to rebut the presumption that you pose a risk to the safety of children. This may involve demonstrating that there has been a significant change in your circumstances since the disqualifying offence occurred. For example, you may provide evidence of:

- a lengthy crime free period
- efforts at rehabilitation and behaviour change, such as educational programs and therapeutic interventions
- efforts to address any causes of offending behaviour, such as drug and alcohol misuse or anger management
- a consistent and stable employment record.

Under the WWC Act, in order to determine that you are not a disqualified person, the Children's Guardian must be satisfied that –

- a. a reasonable person would allow the person's child to have direct contact with you that is not directly supervised by another person while you are engaging in child-related work, and
- b. it is in the public interest to make the decision.

*We encourage you to provide information concerning why you no longer pose a risk to the safety of children, including significant changes in circumstances since the disqualifying offence and attach any supporting documents. If you need more space, you may attach this separately to your application.*

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for providing a response or information.

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### Section 3 – Children known to you

Please list full names and dates of birth of any children (biological or other) who reside with you or have previously resided with you. This will be used if we need to request information from Department of Communities and Justice.

First name	Last name	Date of birth	Relationship to you

Have the children been known to any child protection services in NSW or any other state or territory in Australia? If yes, please provide details.

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## Section 4 – Reason for needing a Working with Children Check clearance

Why do you need a Working with Children Check clearance? If you are self-employed, please include your ABN.

Please provide details of any previous paid or volunteer child-related work, including the organisation, dates of engagement, your role and any contact you had with children. *You may attach your resume to your application.*

Have you ever been the subject of any complaints, disciplinary proceedings or risk assessments during your current or previous paid or volunteer work? If yes, please provide details of the employment in which you were engaged at the time(s) and of the nature of the complaints, disciplinary proceedings or risk assessments.

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## Section 5 – Police history

Have you ever been convicted of, or charged with, any criminal offences anywhere in Australia or overseas? Please provide the details below.

Offence	Court outcome	Date of court outcome	Jurisdiction (State/territory / country)

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## Section 6 – Professional services and treatment

If you have ever attended any counselling, psychological, psychiatric and/or rehabilitation services, please provide details of this involvement with the service including the name of the service provider, the nature of the service provided and the period and frequency in which you attended the service. *You may attach documents showing completion or participation in services (for example, certificates, letters) to your application.*

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## Section 7 – Your declaration

For the purpose of assessing my application under the *Child Protection (Working with Children) Act 2012* for disqualification reassessment of a working with children check decision, I consent to:

- the collection, use and disclosure of my personal information, in accordance with the *Privacy and Personal Information Act 1998*;
- the conduct of criminal record checks in relation to myself; and
- inquiries being made about me of third parties and the individuals and organisations whose contact details I have provided in this form.

I consent to any information about me obtained in connection with the disqualification reassessment of a working with children check decision being used for the purposes of the Children’s Guardian exercising other functions under the *Child Protection (Working with Children) Act 2012*, *National Disability Insurance Scheme (Worker Checks) Act 2018* or the *Children’s Guardian Act 2019*, including for the purposes of assessing an application for a working with children check clearance or a National Disability Insurance Scheme Worker Check.

I confirm that:

- The information provided in this form is complete and correct; and
- I understand that the provision of false and misleading information is a serious offence under the *Child Protection (Working with Children) Act 2012*.

Full name		Date	
Signature			

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## Section 8 – Application fee

The application for disqualification reassessment will not be valid until the application fee of \$214 is received. Payment can be made by Electronic Funds Transfer (EFT). Please attach proof that EFT payment has been made (e.g. a screenshot).

**Subject description:** APP Number SURNAME DR (for example: APP1234567 SMITH DR)

**Pay:** Office of the Children’s Guardian

**Bank:** Westpac

**BSB:** 032001

**Account number:** 174359

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## Section 9 – Lodgement of form

Email a copy of the form along with proof of payment and any supporting documentation to [review@ocg.nsw.gov.au](mailto:review@ocg.nsw.gov.au). You may also post this form along with proof of payment and any supporting documentation to:

**Disqualification Reassessment  
Office of the Children’s Guardian  
Locked Bag 5100  
Strawberry Hills NSW 2012**