

Consultation Summary Report

Report from the consultations on the 2025
Review of the *Child Protection (Working with
Children) Act 2012*

October 2026

Foreword

Children's Guardian



The Working with Children Check (WWCC) has been a crucial tool for safeguarding children in NSW since it commenced in 2013. More than 2 million people in NSW hold a WWCC clearance and in the 2024–25 financial year alone the Office of the Children's Guardian processed nearly 500,000 applications

for a WWCC, half of which were new applications.

When used as a part of a broader child safe strategy, the WWCC helps protect children by preventing adults with known child-related offences or risky behaviours from working with children thanks to robust screening and continuous monitoring processes. It can also help deter would-be abusers from seeking to work with children.

My sincere thanks go to everyone who took the time to share their knowledge and experiences with us in writing or in person.

Our review of the *Child Protection (Working with Children) Act 2012* has been one of the largest consultations we've conducted, and I had the pleasure to attend sessions with stakeholders and community across NSW.

With more than 2,000 survey responses, 130 written submissions and 50 consultation and information sessions, we have heard the community's passion and dedication for protecting children and young people. We also heard many wise and useful ideas for improving the WWCC, including changes to the legislation behind the WWCC and improvements to my team's systems and processes.

We are committed to improving our systems and processes and are working through your feedback to identify improvements we can make, including to address the barriers faced by Aboriginal and Torres Strait Islander peoples. Your contributions will be crucial for our work to make these improvements.

I look forward to building a stronger WWCC and to continuing to play a part alongside you in protecting children and young people in NSW.

Rachael Ward
Children's Guardian

Deputy Children's Guardian



We recognise the history and ongoing impacts of government policy on the lives of Aboriginal and Torres Strait Islander people. Going into this review, we wanted to ensure culturally safe engagement with Aboriginal and Torres Strait Islander communities.

To support Aboriginal and Torres Strait Islander engagement in the WWCC Review consultations, we worked with Cox Inall Ridgeway, an Aboriginal social change agency, to engage people in ways that suited them.

Thank you to the Aboriginal and Torres Strait Islander communities, Aboriginal peak bodies, community organisations, service providers and people from Countries across NSW who took the time to share their knowledge with us so that we can work together to improve the experience of the WWCC in NSW.

More than half of our consultation sessions in this review were with Aboriginal and Torres Strait Islander communities. We heard time and time again of the importance of transparency, fairness and the necessity of embedding Aboriginal governance in WWCC decision making.

I joined the OCG as the consultation period began. In my first month as Deputy Children's Guardian, I was honoured to be invited to attend consultation sessions with Aboriginal and Torres Strait Islander people and organisations. I heard directly their experiences of the WWCC system and how we can do more to work together with communities to support children's safety in NSW.

Thank you for entrusting us with your stories and ideas. We look forward to working and walking with Aboriginal communities to protect children and young people and build a WWCC system we can all be proud of.

Bianca Dufty
Deputy Children's Guardian

Context of the review

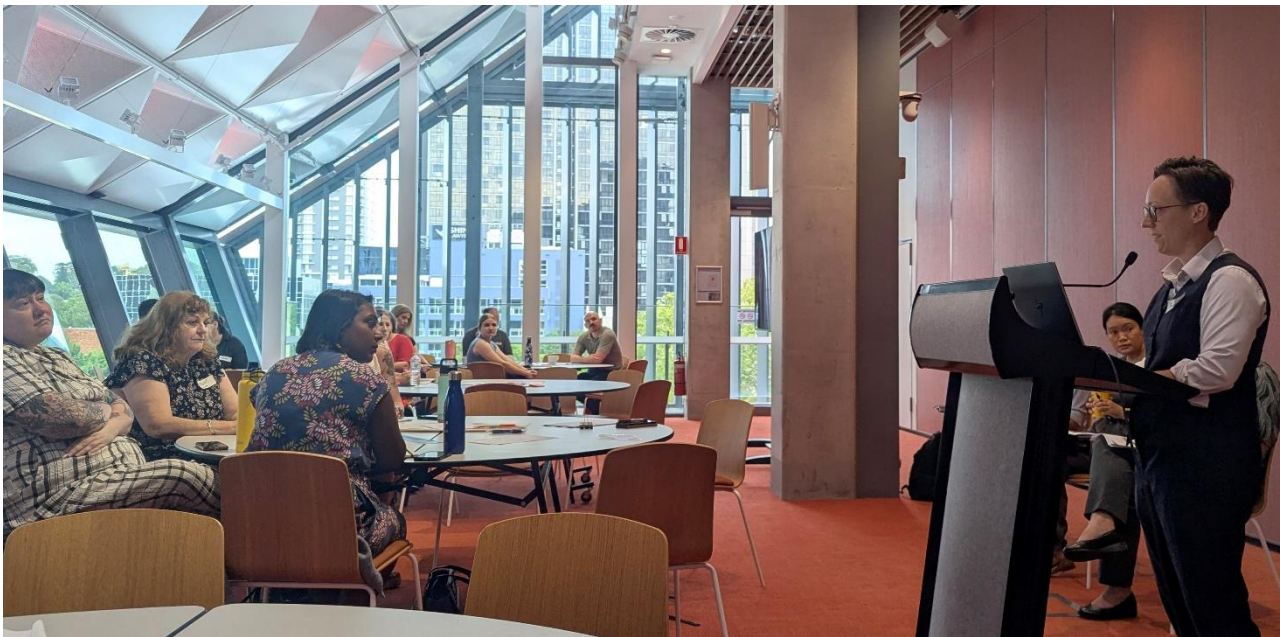
The Working with Children Check (WWCC) is an important tool for protecting children when used by organisations as part of broader child safe strategies under the Child Safe Scheme. It helps employers identify and manage the risks workers and carers may pose to children they work with.

The *Child Protection (Working with Children) Act 2012* (WWC Act) commenced on 15 June 2013, replacing the previous worker checking scheme under the *Commission for Children and Young People Act 1998*.

Since its commencement, there have been changes in the legislative, policy and operational context supporting the intended outcomes of the WWC Act. This includes the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), the development of the National Standards for Working with Children Checks (WWCC National Standards) in 2018 and the commencement of the Child Safe Scheme on 1 February 2022.

The WWC Act has changed over time in response to the above, including in response to the Royal Commission, previous reviews and other responsive legislative amendments.

The Office of the Children's Guardian last reviewed the full WWC Act in 2017 and has undertaken this review of the WWC Act to assess whether it provides a 'fit-for-purpose' framework for the protection of children in NSW.



Deputy Children's Guardian Bianca Dufty at the WWCC Review Community Sector Forum in Parramatta.

First Nations people and the WWCC

The Office of the Children's Guardian acknowledges that Aboriginal and Torres Strait Islander peoples face barriers when seeking a WWCC. These can include obstacles for satisfying identification requirements, accessibility of the online application, lack of information about the WWCC system, and the impact of increased contact with the criminal justice system, old convictions or past charges in the context of systemic disadvantage.

We are committed to improving its systems and policies to address barriers for Aboriginal and Torres Strait Islander peoples. As part of the review, the OCG engaged Aboriginal and Torres Strait Islander peak bodies and organisations in partnership with Cox Inall Ridgeway, who ran consultation sessions targeted at First Nations communities to ensure their voices could be heard.

Consultation Overview

How we consulted

Public consultation
across a period of

 **14** weeks

from 26 November
2025 to 5 March

Ways people could participate



Have Your
Say survey



Guided
submissions



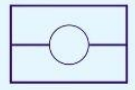
In-person
consultations



Written
submissions



Online
consultation



First Nations*
consultations

What information did we provide?



1
Discussion
Paper



Have Your Say
Webpage
15,167 visits

Easy Read Versions
in **5** languages

- English
- Arabic
- Simplified Chinese
- Nepalese
- Vietnamese

Consultation Activity snapshot



2,027
Surveys
received



51
Consultation
sessions



130*
Submissions
received
*43 guided 87 written

Consultation breakdown

51

20 General
consultations

22 First Nations
consultations

9 Information
sessions

2 Recordings

sessions

General consultation sessions included:

- 6 regional, including 2 cross-border regions
- 11 sector-focused forums
- 2 online forums
- 1 youth consultation

First Nations consultation included:

- 14 in person
- 8 online

What did the WWCC review cover?

- the scope and application of the WWCC, including what is child-related work
- the approach taken in the WWC Act to applications, assessments and offences
- the definition of employers and employer obligations
- the powers available to enforce compliance with obligations in the WWC Act.

Who we heard from

Where we consulted

General community in-person consultation

- Albury
- Dubbo
- Lismore
- Newcastle
- Parramatta
- Tamworth
- Wollongong



First Nations in-person consultation

- Dubbo
- Gunnedah
- Lismore
- Newcastle
- Sydney
- Tamworth
- Tweed Heads
- Western Sydney

Sectors engaged



Community

- ACCOs
- Volunteers
- Community and youth services
- Religious services
- Sporting organisations
- Clubs and other bodies



Education and care

- Early education and childcare
- Education - Public Schools, Independent, VET



Health and support

- Children's health services
- Disability and NDIS services
- Culturally and linguistically diverse organisations
- Domestic and family violence services



Workplaces

- Government
- Business including retail, hospitality and small businesses
- Legal services
- Transport
- Unions

Survey respondents profile



47%

Parent or guardian of a child/children under 18



13%

Live with a disability or long-term health condition



9%

Culturally or linguistically diverse



8%

LGBTIQ+



6%

NSW authorised carer



5%

Aboriginal and/or Torres Strait Islander

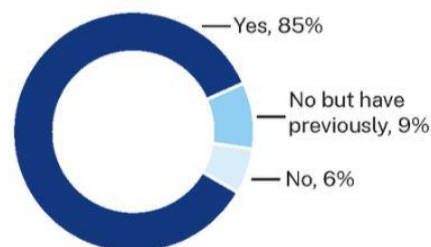


1%
Non-binary /Other

N=1,971

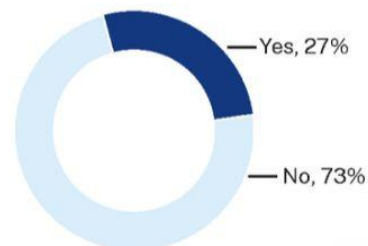
Q. Please indicate your gender?

17% 82%



N=2,020

Q. Do you have a current Working with Children Check?

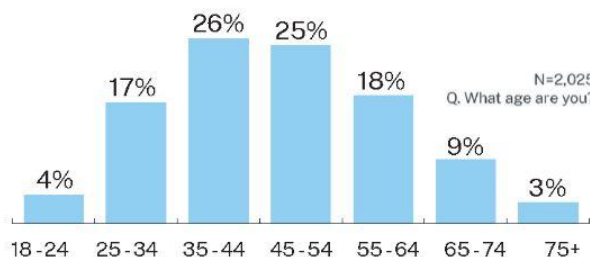


N=1,913

Q: Are you responsible for managing the Working with Children Checks of employees or volunteers at your organisation or place of employment?

N=1,992

Q. Which of the following apply to you?



What we heard

Strong support for strengthening child safety

The community cares about strengthening child safety through the WWCC scheme, and that the WWCC is a crucial screening tool. We also heard many suggestions on how the WWCC could be stronger and more effective. We are working through them all to develop and strengthen the WWCC further, to ensure the scheme is fit for purpose to safeguard children and young people in NSW.



Senior Policy Officer, John Reynolds presenting at the WWCC Review Community Forum in Newcastle.

Strong support for nationally consistent WWCC schemes

The community wants the NSW WWCC to align with other states and territories' worker checks. We heard that consistency in WWCC schemes is important as it could make screening more effective and promote more consistent community awareness of working with children requirements. The NSW Government is working closely with other jurisdictions through the Standing Council of Attorneys-General to achieve meaningful consistency.

NSW has already implemented mutual recognition of negative notices, so if someone is banned in one state or territory, they are banned in all. NSW is also working closely towards meaningful consistency in the list of offences that disqualify someone from holding a WWCC across jurisdictions, and on how risk is assessed. The feedback we heard will help us in this work.

Strong support for clear definitions

The community wants clear and updated definitions in the WWCC, so it is easy to understand and comply with. This includes the definition of child-related work, which we heard could be complex and confusing to understand or miss some relevant services, workers or workplaces. We are closely examining the definition of child-related work and the list of exemptions, to make it easier to understand and to cover the situations that it should.

We also heard about the definition of an employer and what that means for verifying and checking their worker's WWCCs. We are also closely examining these definitions and obligations, to make sure that the definition of employer is consistent and that all workers who work with children are verified with the Office of the Children's Guardian.

Strong support for improving WWCC processes

The community wants streamlined and improved WWCC processes, to make it easier for workers and employers to meet their obligations and protect children and young people. We heard a range of suggestions, covering both changes to the law and changes to how we operate. This included possible changes to the WWCC application and risk assessment processes, as well as producing new training and resources for people to understand the WWCC and its verification process.

We are looking at ways to make practical improvements to the WWCC to help people protect children and young people. For example, we have already started looking at how we can help employers understand the importance of verification and how to make it easier for them to verify.

Strong support for transparency, fairness and Aboriginal involvement in decision-making for First Nations people

Aboriginal and Torres Strait Islander people highlighted the importance of the WWCC as a key tool for protecting the safety and well-being of children and young people. We also heard that to help ensure that the WWCC protects all children, the process to apply for a WWCC needs to be culturally safe and informed by Aboriginal perspectives.

Feedback highlighted:

- the importance of Aboriginal governance and involvement in decision-making processes
- the need for greater transparency, clearer information and improved communication about WWCC processes and decisions
- ensuring that regulatory settings remain proportionate to risk to children while avoiding unintended barriers to employment, volunteering, kinship care or community participation.

Next steps

The NSW Government remains committed to improving child safety through the WWCC scheme. The NSW Government is working productively with other states and territories to respond to the communities' expectations for national harmonisation of WWCC schemes across Australia, including at the recent meeting of the Standing Council of Attorneys-General, where NSW reaffirmed its commitment to delivering reforms agreed by the Council.

The Office of the Children's Guardian is reviewing the feedback that we have received and is working on identifying how to best update the WWCC to ensure it continues to protect children and young people, while considering the many options and issues raised to further strengthen the scheme during the consultation period.

Our advice, including advice from the findings of Cox Inall Ridgeway's WWCC Review consultations with Aboriginal communities on options to update the WWC Act, will be presented to the NSW Government for consideration.

We are meeting with key stakeholders and other government agencies to ensure that the advice we provide prioritises the safety of children and young people, while limiting impacts on the broader community.

We are now working on practical ways to respond to feedback about how the WWCC system operates to strengthen child safety, and look forward to updating the community as this work progresses.

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