

Working with children scheme five years on, recent legislative changes

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In her article published in the latest edition of *Law Society of NSW Journal*, Office of the Children's Guardian Director of Legal Services, Sharminie Niles, outlines the development of the laws that underpin the NSW Working With Children Check.

In brief

- The *Child Protection (Working with Children) Act 2012* has been regularly improved since its enactment.
- Recent changes were made to the Act and the *Child Protection (Working with Children) Regulation 2013* largely in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and the five-year Statutory Review of the Act.

In 2000, NSW was the first state to introduce employment screening to identify people who may pose a risk to the safety of children and should be prevented from engaging in child-related work. This was called the Working With Children Check. Ten years on, the system was comprehensively reviewed and a new Working With Children Check was introduced under the current legislation.

In 2018, the legislation was improved largely in response to recommendations of the Royal Commission into Institutional Responses to Child Abuse.



The most recent improvements made in 2018 include:

- a requirement for people to keep their personal details up to date or risk a penalty
- employers must verify child-related workers or risk a fine
- WWCC is required for all parent volunteers attending overnight kids camps, with their own child
- Discretion for the Children's Guardian in regard to granting continuing residence approvals. For a child who was in out-of-home care prior to turning 18 who is refused a WWCC clearance, the Children's Guardian may now grant continuing residence approval so the young person can continue to live in their home.

The paramount consideration of the Office of the Children's Guardian in administering the WWCC continues to be the safety and welfare of children, particularly protecting them from child abuse.

However, when it comes to ensuring the ultimate child safety, including safety against offenders who have no prior record of risk to children, there is no substitute for robust child-safe strategies being embedded into the culture of child-related organisations and services.

[Read the full article](#)

[Find out more about the 2018 changes](#)