



Guidance Document: Who Must Obtain a Working with Children Check?

Under the Child Protection (Working with Children) Act 2012 (NSW), Workers must obtain Working with Children Checks before they can be engaged in Child-Related Work.

This document provides guidance on who is required to obtain a Working with Children Check.

Overview

The *Child Protection (Working with Children) Act 2012 (NSW)* requires workers to obtain Working with Children Checks **before** they can be engaged in Child-Related Work.

A "Worker" is a person engaged in work as an Employee; Volunteer; self-employed contractor or sub-contractor; a person undertaking practical training as part of an educational or vocational course; or a minister, priest or other like religious leader or spiritual officer of a religion, or other member of a religious organisation.

Parish Priests, Chaplains and Agency Heads must verify the Working with Children Checks of all Workers.

A Worker is engaged in Child-Related Work if they have physical or face-to-face contact with Children during work performed for, or in connection with:

1. Child development and family welfare services;
2. Child protection;
3. Children's health services;
4. Clubs or other bodies that provide services primarily for Children;
5. Disability services;
6. Early education and child care;
7. Education;
8. Entertainment services primarily for Children;
9. Justice services;
10. Religious services;
11. Residential services (including overnight camps for Children);
12. Transport services provided especially for Children;
13. Youth work; and
14. School cleaning.

Specific descriptions

<p>What is “child development and family welfare services”?</p>	<p>This includes:</p> <ol style="list-style-type: none"> 1. mentoring and counselling services for Children, if those services are provided as part of a formal mentoring program; and 2. family welfare services, if clients are ordinarily Children.
<p>What is “child protection”?</p>	<p>Providing Child protection services, for example, acting as a child protection officer.</p>
<p>What are “children’s health services”?</p>	<p>This is unlikely to arise in a Parish, Chaplaincy or Agency context, but refers to the provision of health services to a Child by a medical practitioner or another person who provides health and care services in paediatric or adolescent health services.</p>
<p>What are “clubs and other bodies that provide services primarily for children”?</p>	<p>This refers to clubs, associations, movements, societies or other bodies of a cultural, recreational, sporting or community service nature that involves providing programs or services primarily for Children.</p>
<p>What are “disability services”?</p>	<p>This includes respite care or other support services for Children with a disability, if that work ordinarily involves contact with Children for extended periods without other adults being present.</p>
<p>What is “early education and child care”?</p>	<p>This includes education and care services, Child care centres, nanny services and other Child minding services provided on a commercial basis. It includes babysitting, unless the services are provided under a private arrangement.</p>
<p>What is “education”?</p>	<p>Work at schools and other educational institutions (other than universities) and private coaching or tuition of Children.</p>
<p>What are “entertainment services primarily for children”?</p>	<p>This includes:</p> <ol style="list-style-type: none"> 1. sporting, cultural or other entertainment venues used primarily by Children where services, activities or entertainment is provided on a commercial basis; and 2. providing entertainment services primarily for Children on a commercial basis. <p>It does not include:</p> <ol style="list-style-type: none"> 1. providing food or equipment at or for a sporting, cultural or other entertainment venue; or 2. simply providing a venue.

<p>What are “justice services”?</p>	<p>This is unlikely to arise in a Parish, Chaplaincy or Agency context, but refers to:</p> <ol style="list-style-type: none">1. work in detention centres and juvenile correctional centres;2. work as a supervisor or case manager of Children on community justice placements; and3. work for a residential parent and child program involving inmates or detainees and their Children at a correctional centre, juvenile correctional centre or detention centre or other place.
<p>What are “religious services”?</p>	<p>This includes work for a religious organisation where Children form part of the congregation or organisation if the work is carried out:</p> <ol style="list-style-type: none">1. as a minister, priest, seminarian, or other like religious leader or spiritual officer of the organisation; or2. in any other role in the organisation involving activities primarily related to Children, including youth groups, youth camps, teaching Children and child care. <p>Note that as a matter of policy, the Archdiocese requires people fulfilling certain roles at Parishes and Chaplaincy Communities to obtain Working with Children Check even if they are not Workers because of their positions of perceived authority and trust to Children, such as readers and those taking up collections at Mass.</p>
<p>What are “residential services”?</p>	<p>This includes work at overnight camps for Children, refuges used by Children, long term home stays for Children (3 weeks or more) and boarding houses or other places providing residential services for Children.</p>
<p>What are “transport services provided especially for children”?</p>	<p>This includes school bus services and taxi services for Children with a disability and supervision of school road crossings, if provided on a government funded or commercial basis.</p>
<p>Important exemptions</p>	<p>The following persons are not required to obtain a Working with Children Check even if they are engaged in Child-Related Work:</p> <ol style="list-style-type: none">1. a worker (other than a school cleaner) who only provides administrative, clerical or maintenance services, if the work does not ordinarily involve contact with Children for extended periods;

2. a worker who works for a period of not more than a total of 5 working days in a calendar year, if that work involves minimal direct contact with Children or the person is supervised while Children are present;
3. a worker whose work involves direct contact only with Children who are close relatives of the worker (except in circumstances where the worker is acting as an authorised carer);
4. a parent or close relative of a Child, when volunteering in connection with a team, program or other activity of which the Child is a member or in which the Child usually participates (unless providing personal care services to Children with disabilities);
5. a worker who is under the age of 18;
6. a worker who is a co-worker of a Child or who is a work supervisor or work placement supervisor of a Child;
7. a worker who is working in and visiting NSW from outside the state for the purposes of a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only Child-Related Work carried out by the worker in NSW in that calendar year and the period of the work does not exceed 30 days;
8. a worker who is working in and visiting NSW from outside the state for the purposes of Child-Related Work (other than a one-off event of the kind described above), if the worker is the holder of an interstate Working with Children Check in the state or territory in which the person ordinarily resides (see below), or is exempt from the requirement to have such a check in that state or territory, and the period of the Child-Related Work in NSW does not exceed a total of 30 days in any calendar year; and
9. a visiting speaker, adjudicator, performer, assessor or other similar visitor at a place where Child-Related Work is carried out if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults.

Which states and territories other than NSW require working with children checks?

For up-to-date information on state by state pre-employment screening processes, please refer to:

<https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks>