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## Working With Children Checks

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### New South Wales

#### Legislation

All organisations within NSW that employ people in child-related employment (in a paid or unpaid capacity) must meet the requirements of the Working With Children Check (WWCC). In NSW, the WWCC for people in sport and recreation involves three components:

- **Ensuring** volunteer employees sign the Volunteer/Student Declaration which states they are not prohibited from working with children.
- **Ensuring** all paid employees who will be working in child-related employment, sign the Applicant Declaration and Consent and produce 100 points of ID.

(*Note:* Volunteers who mentor disadvantaged children or who provide intimate personal care to disabled children also sign this form and are now background checked).

**Submitting** all paid applicants for child-related employment (as well as the volunteers mentioned) to the Commission for Children and Young People for a WWCC background check – this involves a check for relevant criminal records, any relevant Apprehended Violence Orders (AVOs) and any relevant employment proceedings.

- **Reporting** relevant employment proceedings (REPs) to the Commission for Children and Young People for any paid and unpaid employees. A relevant employment proceeding involves any reportable conduct committed outside of work as well as in the workplace with or in the presence of a children.

#### Where can I get a criminal history or police check done?

The Approved Screening Agency for sporting and recreation organisations within NSW is the **Commission for Children and Young People**.

#### Who has to apply?

The employer (sporting organisation) is responsible for managing the WWCC process. Individuals cannot apply for a WWCC directly. The organisation should register with the Commission for Children and Young People and nominate a contact person (eg. Club

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Administrator or General Manager) who will receive the information relating to the background checks.

Self employed people over the age of 18 years who work with children must obtain a Certificate for Self Employed People. The Certificate gives self-employed people the opportunity to demonstrate to their clients they do not have criminal records that ban them from working with children. Penalties will apply if you do not have a valid Certificate.

People who have previously had a WWCC as an employee of another organisation are still required to get the Certificate if they work with children in a self employed capacity, as the WWCC is not transferable between organisations.

For forms and information, visit [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au).

## What does a Working with Children Check?

The records considered in the NSW Working with Children Check include:

- relevant criminal records
- relevant AVOs
- any relevant employment proceedings.

## Are there penalties for not conducting the Working with Children Check?

Yes. Information about [fines / gaol terms](#) for non-compliance is available on the website of the Commission for Children and Young People.

## What are the requirements for visitors from other states/territories?

If an employee is engaged to work with children outside NSW but their work occasionally requires them to work with children in NSW, the WWCC does not apply.

You should **always** ensure that you comply with the background checking legislation in your own State.

## Relevant information

### How much does it cost?

There is no cost for a background check.

### How long is it valid for?

The check is valid as long as the individual remains in the same position within the organisation for which they were checked.

Also, “short-term employees” (i.e. where the person is being employed for periods of less than six months and returning for short periods throughout a 12 month period) only need to be checked **once** every 12 months.

### Is it transferable to a different organisation?

No. The new employer must apply for another WWCC for that individual.

## Resources

### Where can I get further information or resources?

- [NSW Commission for Children and Young People](#)