

Submission on
Phase 2 Reforms of Western
Australia's Working with Children
Check Law

October 2025

About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We advocate to all levels of Government on behalf of our Members, and provide expert advice, services and support to Local Governments. WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Nyoongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

Introduction

WALGA appreciates the opportunity to provide a Submission to the Western Australian Department of Communities on Phase 2 reforms to strengthen Western Australia's Working with Children Check law (Phase 2 reforms) on behalf of the Western Australian Local Government sector.

The Local Government sector in WA is diverse. There are 139 Local Governments across metropolitan and regional WA, varying in geographical size and population base. As a result, there is a significant diversity in the range of functions and services provided by Local Government, depending on the size and location of the Local Government.

Local Government intersects with WA's Working with Children Check legislation across many roles and services. In this context, the compressed consultation period made consultation with our Members challenging. WALGA appreciates the Department of Communities granting an extension to provide this Submission.

Context

WALGA's Submission considers the questions outlined in the Phase 2 reforms as they relate to Local Government. This Submission has been informed by WALGA Members.

Local Government officers undertake direct child-related work across their functions and services such as Youth Officers and Early Childhood Librarians. As of 1 July 2025, there were 57 Local Government operated child care facilities, including creches, child care centres, early education and family day care centres. Local Governments also provide the facilities for numerous child related activities led by both Local Governments and third-party organisations such as community sport, child health clinic, childcare centres and mentoring services. By association, Local Governments manage the reputational risk of any conduct of an organisation while using Local Government facilities.

This Submission aligns to the following WALGA advocacy positions:

3.6 Children and Young People:

The Local Government sector supports the development and well-being of children and young people through strategic partnerships and a combination of services and facility provision. The Association advocates that the State and Commonwealth should continue to invest in the wellbeing of young West Australians.

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3.10.2 Child Safeguarding:

1. *Local Government supports:*
 - a. *the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and*
 - b. *the ten National Principles for Child Safe Organisations (Australian Human Rights Commission).*
2. *The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:*
 - a. *supporting materials such as template policies, procedures and guidelines;*
 - b. *consistent key messaging and resources to promote and share in venues and facilities and online;*
 - c. *examples of best practice, including case studies;*
 - d. *self-assessment tools to assist Local Government;*
 - e. *ongoing training and skills development for Local Government staff, including online training options;*
 - f. *funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and*
 - g. *expert officers within each region to provide support and guidance to Local Government on child safeguarding.*
3. *The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.*

July 2024

Scope of the Act

WALGA welcomes potential future reforms to Western Australia's *Working with Children (Screening) Act 2004* and the aim to:

- improve protections for WA's children by updating the Act's scope to reflect contemporary service provision
- ensure regardless of where a child lives, they are provided a more consistent level of protection by increased national consistency across State and Territory WWC Schemes.

This Submission provides specific commentary to the relevant consultation paper questions and outlines the need for the legislation and categories of 'child-related work' to better represent child facing roles across the diversity of interactions to better protect children from harm.

Current definitions of 'contact' or 'child-related work'

Question 1. Have you had any lived experience with difficulties from the current definitions of 'contact' or 'child-related work' in the Act?

The Screening Act at section 6(1)(a) states work is child-related if the usual duties of the work involve, or are likely to involve, contact with a child in connection with one of the categories of child related work. The current definition and categories do not provide sufficient guidance for Local Governments who have broad engagement with children across a variety of services, roles and duties. Local Government roles that involve contact with children and child-related work include but are not limited to:

- Youth Workers
- Library staff
- Lifeguards
- Waste Education Officers
- Community Development
- Early Childhood Educators
- Recreation Officers
- Events Officers
- Rangers and Community Safety Officers
- Customer Service Officers
- Elected Members

In smaller rural and remote Local Governments, arguably all Local Government staff and Elected Members roles have some contact with children, reflective of smaller and closeknit communities and Local Government employees undertaking multiple roles within the organisation.

WALGA notes and agrees with the consultation paper that the WWCC system will be most effective when targeted at people who:

- work with children in situations where they have opportunity to develop relationships and where persons are familiar to and trusted by the children and their caregivers
- work in roles which have authority, power and influence over children
- work with children who are of increased vulnerability, due to the type of work, the environment where the work occurs or the circumstances of the care required by the child
- undertake roles which are directed primarily towards children, increasing the opportunity for harm.

WALGA strongly encourages the phase 2 reforms to consider how these targeted cohorts are provided for under the legislation definition and categories. This is particularly important for organisations, including Local Governments, that provide a range of services and roles that intersect with children that are not adequately covered under the current categories.

WALGA recognises the need to ensure balance between identifying the risks associated with a person's contact with a child and ensuring effectiveness of the Working with Children Checks (WWCC) system. However, the lack of clarity around the current definitions of child related work is resulting in significant volume of enquiries to the WWCC Screening Unit and creating an administration burden on both Local and State Government.

As the closest level of government to the community, Local Governments are at the forefront of the application of the WWCC Scheme. In some cases, decisions to not grant WWCC is impacting the services that Local Governments can offer to their community. A remote Local Government has been advised library staff are ineligible for WWCCs despite the fact that it is a low barrier community facility for vulnerable children and adults and children are often present in the library for extended periods of time without a parent or guardian.

Local Governments are having to manage community expectations and increased child harm risks created by the current definitions. WALGA Members report responding to community concern around the lack of WWCC required for lifeguards and facilitators of child programs when parents and carers are not present. Advice that these types of roles are ineligible under the current legislative definitions does not align with community expectations.

The definitions within the legislation need to acknowledge the nuances and flexible nature of Local Government's roles and services and their role as a key sector in ensuring child safeguarding. Local Government staff perform a number of different child-related work that are not always captured in their job titles. For example, school-based educational programs on waste education, dog and wildlife safety, and disability employment programs. Whilst these programs might not form day-to-day duties they are increasingly expected by the community and Local Governments wider relationships are impacted if staff do not have the required WWCC to comply with school child safeguarding policies.

WALGA acknowledges that other jurisdictions are also yet to establish clear categories for roles and organisations that involve child-related work within the context of broader services.

The proposed reforms need to appropriately capture the vast range of roles and services that Local Governments provide for children and the wide community and better reflect contemporary service provision. These reforms would positively impact organisations from other sectors as well as reduce the administration burden on both Local Governments and the WWCC Screening Unit.

Recommendation 1: That the phase 2 reforms review the definitions of 'contact' or 'child-related work' and categories to more appropriately reflect contemporary service models and the variety of engagement Local Government staff and Elected Members have with children.

Types of 'other support services'

Question 3. What types of 'other support services' should be captured by the Act?

Many Local Governments provide or facilitate support services to their communities that are not currently captured under the WWC Act. This includes but is not limited to, fitness classes, social work services, digital services and public health programs. These services can either be provided directly to a child or part of a family or community context and therefore, should be adequately captured under the WWC Act.

Local Governments facilitate Youth Advisory Councils, as encouraged by the State Government in the Koorlangka Bidi - WA Youth Action Plan 2024-2027, action 1.2:

Supporting Youth Advisory Councils and Youth Action Plans
The department will provide funding and resources for local governments, not-for-profits, and community groups to establish Youth Advisory Councils and develop local Youth Action Plans.

Local Government staff and Elected Members form relationships with children throughout these programs, providing education and career guidance as well as informal mentoring like support. Youth Advisory Councils are accessible to all youth community members, including those with increased vulnerabilities. The existing WWCC categories do not include Local Government programs such as Youth Advisory Councils, designed for ongoing child-related work, exacerbating risk to both children and the Local Government sector.

Recommendation 2: That the current WWCC categories are reviewed to ensure they adequately capture the extent of support services provided by Local Governments.

Types of commercial or non-commercial services

Question 4. What types of commercial or non-commercial services for children should be captured by the Act, beyond a children's entertainment or party service?

WALGA agrees with the consultation paper that limiting the definition to commercial services under category 18 may unintentionally exclude non-commercial children's entertainment or party services that should remain covered by the Act.

Further reducing the scope of category 18 to focus solely on commercial services would result in even less coverage for Local Government roles and services and create increased risk for Local Government and potentially reduce child safety.

WALGA notes there is little consistency between the eight different jurisdictional WWCC systems on the capturing of commercial or non-commercial services beyond a children's entertainment or party service.

Recommendation 3: That both commercial and non-commercial services remain captured under the legislation.

Under the current child related work categories, nearly all Local Government services are non-commercial in nature and currently categorised under the 'children's entertainment or party service' - category 18. This category is not an accurate representation of Local Government staff's engagement with children, nor do these roles fit well under any of the other categories. Furthermore, Local Government staff have received inconsistent advice from the WWCC Screening Unit on the applicability of this category.

Recommendation 4: That a category that better defines community facing services undertaken by Local Governments is introduced.

Question 16. Should employers be required to inform the WWCC Screening Unit when a person commences or ceases being engaged by them in child-related employment, with a penalty if they do not? How often should such mandatory notifications be required?

Additional requirements to inform the WWCC Screening Unit when child-related activities change or cease would place an additional administrative burden on Local Governments, given the fluidity of Local Government roles and responsibilities. It is therefore impractical to expect Local Governments to undertake the necessary notifications to the WWCC Screening Unit following role or recruitment changes. Local Governments, particularly large metropolitan Local Governments, often employ a large, transient, seasonal, casual workforce in their event and leisure areas. Requirements and penalties could have the unintended consequence of negatively elevating child safeguarding processes over organisational culture and increase the risk of non-compliance.

Recommendation 5: That employers are not required to inform the WWCC Screening Unit when a person commences or ceases being engaged by them in child-related employment, and that penalties are not applied.

National consistency and portability of WWCC decisions across Australia

The Royal Commission recommended the implementation of nationally consistent WWCC schemes across Australia, providing for WWCC decisions to be mutually recognised and accepted across State and Territory borders. WALGA strongly supports this recommendation to improve child safeguarding mechanisms across jurisdictions and to reduce risk to children and organisations.

WALGA also notes that any implementation would need to be cognisant of the WA context and avoid additional administration impost on the Screening Unit or organisations. Due consideration should be given to transitional costs and process to ensure continuation of child safeguarding.

Recommendation 6: That a nationally consistent WWCC scheme is implemented and accepted across all jurisdictions, with provisions for transitional and processing costs.

General Comment

The Screening Act and the potential Phase 2 reforms form part of the WA Government's response to the recommendations of the *Royal Commission into Institutional Response to Child Sexual Abuse 2017* (Royal Commission). WALGA notes the consultation paper cautions against an overreliance on the WWCC system which could be detrimental to children's safety.

Local Governments are committed to implementing the National Principles as they undertake many activities that intersect with children, including direct service provision and the management of infrastructure and facilities used by children. WALGA continues to call for the establishment of an independent child safeguarding oversight body ensure improvement of child safe systems and practices, and the appropriate handling of child abuse complaints as stated in the Royal Commission recommendations.



Recommendation 7: That the WA Government mandate the 10 National Principles for Child Safe Organisations.

Recommendation 8: That the WA Government establish an independent child safeguarding oversight body.

Conclusion

WALGA appreciates the opportunities provided by the Department of Communities to inform Phase 2 Reforms to strengthen WA's Working with Children Check law on behalf of the Western Australian Local Government sector. Local Governments have a key role in community to safeguard children from harm.

WALGA strongly recommends further consultation is undertaken with the Local Government sector and is happy to facilitate. WALGA looks forward to continuing to work with the State Government to ensure a statewide culture of child safety.

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