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Compliance program

Employers and sole traders in child-related work have legal obligations around the Working with Children Check.

The Working with Children Check in NSW is an online system and organisations and sole traders are required to make the link between their workers and volunteers, themselves and the Office of the Children's Guardian by verifying their workers and volunteers, and by keeping a record that they have done so.

The Office of the Children's Guardian monitors and audits how organisations are meeting their obligations.

Which organisations are selected for audits

Organisations may be selected if we have chosen to work with a particular sector or industry or it may be chosen at random.

The compliance process

We contact organisations firstly to establish if they are providing services to children. Contact is mostly by email but can also be by phone or post.

We may also include a visit to the organisation by compliance officers. The main purpose of our audit visits is to help employers and workers understand and comply with their legal responsibilities.

We will request and analyse certain records relating to the WWCC, and let the organisation know our findings.

While offences and fines exist for non-compliance, we aim to help organisations to reach compliance. Find our Compliance and Enforcement policy on [our policies and procedures page](#).

[More information on what employers need to do to be compliant.](#)

Do organisations have to take part in audits?

Yes. As an employer in child-related work, you have responsibilities under the law.

Refusing to participate in the audit may lead to the organisation receiving a fine for non-compliance with the Act.

Under Section 39 of the Act, the Office of the Children's Guardian has powers to monitor and audit compliance with the Act and Regulation.

What happens if an organisation is not compliant?

Penalties can apply if we find breaches, however part of our audit process is to help organisations learn about what they need to do to meet the requirements of the Working with Children Check. Your cooperation during the audit, and the type of breach will be considered before action is taken.

We will help you through the processes of what you need to do to register, verify workers and volunteers in child-related work and provide templates to keep records.

If your organisation is not doing everything you need to do, we will provide information to help. You will also be given a timeline within which to become compliant.

If you do not comply according to the timeline, the matter can escalate, and further penalties may apply. We may also inform other regulatory organisations.

The Penalty Notices guideline provides guidance, particularly for OCG employees, for how and when penalty infringement notices may be a relevant course of action.

Penalty infringement notification for a corporation attracts 100 penalty units or 50 penalty units for other entities.

A penalty infringement notification needs to be an appropriate response to an offence – alternatives are a caution or negotiation to gain compliance. An offence must first be assessed and a warning notice issued before an infringement notice is given.