

Treasury consultation on a national approach to worker screening in the care and support economy

Submission of the United Workers Union

10 October 2025

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Acknowledgement of Country

The United Workers' Union is a national trade union. We acknowledge and respect the continuing spirit, culture and contribution of Traditional Custodians on the lands where we work, and pay respects to Elders – past, present and emerging. We extend our respects to Traditional Custodians of all the places that United Workers' Union members live and work around the country.

About the United Workers' Union

United Workers Union ('UWU') is a powerful union with 150,000 workers across the country from more than 45 industries and all walks of life, standing together to make a difference. Our work reaches millions of people every single day of their lives. We feed you, educate you, provide care for you, keep your communities safe and get you the goods you need. Without us, everything stops. We are proud of the work we do— our early childhood educators are shaping the future of the nation one child at a time; supermarket logistics members pack food for your local supermarket and farms workers put food on Australian dinner tables; hospitality members serve you a drink on your night off; aged care members provide quality care for our elderly and cleaning and security members ensure the spaces you work, travel and educate yourself in are safe and clean.

Introduction

UWU represents workers in aged care, disability support, and early childhood education and care (ECEC). We welcome the opportunity to respond to the Treasury's consultation on a national approach to worker screening in the care and support economy. UWU's submission focuses on aged care, disability support, and ECEC and we note that other unions may provide input on the suitability of the proposals as they relate to other sectors.

Proposal for a single national check across the care and support economy

At the outset, it is important to acknowledge that each sector has undergone significant reviews and reforms. In aged care, the Royal Commission into Aged Care Quality and Safety released its final report in March 2021. In the disability support sector, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability released its final report in September 2023. Both Royal Commissions made substantial recommendations aimed at improving quality and safety, many of which are still under consideration and subject to ongoing consultation.

Following several serious safety incidents, the ECEC sector is undergoing a significant and rapid reform process. In August 2025, Education Ministers across all jurisdictions of Australia agreed on a national reform agenda to improve safety and quality.¹ Key measures include strengthening child supervision rules, ensuring all services are assessed and rated every three years, increasing unannounced spot checks, and introducing mandatory national child safety training. Many of these reforms will be implemented within the next 12 months.

The Productivity Commission's recommendation for, and Treasury's consultation on, a single national worker screening check must be considered in the context of sector specific reforms, and be responsive to the needs of older people, people with disabilities, and children, as well as the workers who care for, support, and educate them.

UWU has members who work in personal care across both aged care and the disability support sector, and it is appropriate that they should only have to obtain one clearance. We note that the Commonwealth Department of Health, Disability, and Ageing (DHDA) has already been working with the states and territories to introduce a new aged care worker screening check for risk assessed roles to align with the National Disability Insurance Scheme (NDIS).² In addition, the NDIS worker screening check is already recognised in aged care.³ Given this, UWU supports a single national worker screening clearance across aged care, NDIS and veteran's care. However, we strongly oppose the inclusion of ECEC in such a scheme.

The role of personal care workers, and early childhood educators, are both female dominated roles, which have been undervalued based on gender, despite both being essential to society. However, beyond these similarities, the nature of the work in each role is fundamentally different. Educators must obtain sector-specific qualifications, develop a strong understanding of early childhood education pedagogy, and build the skills needed to assess and support children's development. While ECEC is often included in discussions of the "care economy," education is a core focus of the sector: educators both care for *and* educate young children. There is little crossover between workers in ECEC and workers in aged care and disability support, which means the administrative cost of setting up a joint scheme would far outweigh any limited benefit.

Further, work has already commenced on a National Educator Register. On 22 August, at a meeting of national, state, and territory Education Ministers, agreement was reached to develop a National Educator Register, which will collect and maintain information on all workers in ECEC, including their working with children checks.⁴ In response to serious safety issues in the sector, reform in ECEC is moving ahead at a rapid pace. The National Educator Register is expected to be in operation by February 2026.⁵ The National Educator Register

will be designed to meet the specific needs of the ECEC sector. UWU opposes any proposals that may delay its implementation, as it represents the appropriate and sector-specific pathway for ensuring safety and quality in early childhood education.

Proposal for expanded mutual recognition of worker screening checks across sectors

A single worker screening check across aged care and disability support is preferred. However, in the alternative, UWU also supports mutual recognition of worker screening checks across aged care and disability support, noting that the NDIS worker screening check is already recognised in aged care. As discussed earlier, it is appropriate that personal care workers, who may work across both aged care and the NDIS, should not have to obtain multiple checks.

We do not support mutual recognition of worker clearance checks in aged care and disability support with ECEC. That is, having a clearance to work in aged care or disability support should not permit a person to work in ECEC (or vice versa). As discussed above, ECEC does not wholly fit into the care sector; a significant part of the role of educators is the education of young children. In addition, the NDIS worker screening check and the proposed aged care check are designed to assess a person's suitability to work with NDIS participants and aged care recipients, respectively. The determination of an individual's suitability to work with young children, along with any potential risk they may pose, must be the primary criterion for screening in the ECEC sector. Educators should continue to be required to obtain a Working with Children Check (WWCC) and in the future, registration under the National Educator Register.

In respect of reforms to the WWCC system, UWU supports the Commonwealth's commitment to establish a National Continuous Checking Capability (NCCC), the urgent implementation of mutual recognition of negative WWCC outcomes across jurisdictions, and efforts to strengthen and harmonise WWCC processes through a nationally consistent framework that maintains existing safeguards. These reforms are expected to significantly enhance the safety, consistency, and reliability of the WWCC system.

Treasury's consultation paper notes that under mutual recognition, a person who receives a negative outcome under any screening scheme would be prohibited from working in any of the covered sectors. UWU supports improved information sharing between regulators. If a person is barred from working in one part of the care or education sectors, it is appropriate for that information to be shared across systems. Any such information should trigger a thorough assessment of the individual's suitability to work in other sectors. However, this must be

accompanied by safeguards for affected workers, including clear guidelines, procedural fairness, and appeal rights.

Design features for a single national screening check across aged care and disability support

In respect of aged care and disability support, a national screening scheme should be a *positive* scheme. Rather than being negatively framed as a 'ban' on working in care sectors, the screening outcome should affirm people's right and ability to work, and their right to be represented industrially by their union. Access to education about workplace rights from the relevant sector unions should be part of the screening process.

Workers must have access to clear guidance around what type of convictions would preclude someone from receiving a clearance, and which convictions may trigger further assessment. Further, there must be safeguards for information collected through the screening process, and procedural fairness in decisions that impact workers, including a right for workers to appeal decisions. Migrant workers on employer-dependent visas must be protected; workers should not be forced to leave the country or lose their right to work while an appeal is underway and must have access to fair representation and protection from retaliation or visa cancellation during the appeal process.

A national worker screening scheme should also be *administered* nationally. This would avoid problems such as those experienced by UWW members with NDIS screening. The NDIS national screening check scheme is administered by states and territories, which means there are inconsistent costs and decisions across jurisdictions, and the time taken for an application to be processed can vary significantly. A national worker screening scheme should also be free, and screening processes should not create an additional financial burden for low-paid workers in aged care and disability support.

The implementation of such a national worker screening scheme in aged care, NDIS and veteran's care should also consider issues faced by First Nations and migrant workers, whose experience of screening can involve lengthy delays due to difficulties in locating identity documents (e.g., birth certificates). Indigenous workers may also have been disproportionately impacted by interactions with the criminal justice system, which can further delay the outcomes of a screening process.

We are also a signatory to the Joint Union Statement on the principles that should underpin worker screening.

UWU supports a single, nationally administered, fair, and accessible worker screening scheme for aged care and disability support workers. We strongly oppose the inclusion of ECEC in a unified scheme given the distinct nature of the sector and the reforms already underway. We urge Treasury to ensure that reforms build on existing sector-specific progress and reflect the needs of care recipients, and the workers who care for and support them.

For more information about this submission, please contact Natalie Dabarera, Research Coordinator, at natalie.dabarera@unitedworkers.org.au.

Yours sincerely,



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¹ Department of Education. (2025, August 22). *Education Ministers Meeting Communiqué – August 2025*. Australian Government, available at <https://www.education.gov.au/download/19434/education-ministers-meeting-communique-august-2025/41840/document/pdf>

² DHDA, 'Screening requirements for the aged care workforce' <https://www.health.gov.au/topics/aged-care-workforce/screening-requirements>

³ <https://www.health.gov.au/topics/aged-care-workforce/screening-requirements>

⁴ Education Ministers Meeting, 'Joint action on strengthening the safety and quality of early childhood education and care across Australia' (22 August 2025) <https://www.education.gov.au/early-childhood/announcements/joint-action-child-safety>

⁵ <https://www.education.gov.au/early-childhood/announcements/joint-action-child-safety>