Education Development Association

Child Safe Complaints Handling Procedure

July 2026

Authorisation

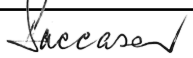
Authorised by	Authorisation date	Effective date	Next Review
Peter Saccasan	7 August 2026	7 August 2026	7 August 2027
			

Table of Contents

1 Purpose..... 3

2 Scope..... 3

3 Terms and Definitions..... 3

4 Child Safe Complaints Process..... 4

4.1 Stage 1: Identify and Receive..... 5

4.2 Stage 2: Respond..... 5

4.3 Stage 3: Record..... 6

4.4 Stage 4: Report..... 7

4.5 Stage 5: Investigation..... 8

4.6 Stage 6: Debrief and Support..... 9

5. Confidentiality..... 10

6. Information Sharing..... 10

7. Record Keeping..... 10

8. Complaints Review and Analysis..... 10

9. Review..... 10

10. Related Policies and Procedures..... 11

11. Relevant Legislation..... 11

12. Version History..... 11

Appendix A - Child Safe Complaints Flowchart..... 12

Appendix B - Child Safety Incident Report Form..... 13

Appendix C - Child Safe Legal Obligations..... 16

1. Australian Capital Territory..... 17

2. New South Wales..... 18

3. Northern Territory..... 22

4. Queensland..... 24

5. Tasmania..... 27

6. Victoria..... 30

7. Western Australia..... 34

1 Purpose

Education Development Association (EDA) takes all child safety complaints seriously and responds promptly. The *Child Safe Complaints Handling Procedure* (this Procedure) outlines how EDA responds to and manages child safety complaints.

2 Scope

This Procedure extends to EDA's child-related activities and programs. It applies to the following individuals:

- Employees
- Residents
- Third parties
- Volunteers.

(collectively referred to as 'personnel' in this Procedure).

3 Terms and Definitions

3.1. Terms used in this Procedure

For the purposes of this Procedure:

Term	Meaning
CALD	Refers to Culturally and Linguistically Diverse (CALD).
Centre	Refers to a study centre established by EDA in which its educational activities are conducted.
Child	Refers to a person under the age of 18 years, unless under the law applicable to the child, majority is attained earlier.
Child abuse	Refers to the acts or omissions (neglect) that result in, or have the likelihood to result in, harm to a child. The forms of child abuse are sexual abuse, emotional abuse, neglect, physical abuse, and exposure to family violence.
Complainant	Refers to the person who is making a complaint.
Child Safeguarding Officer	Refers to the individual appointed by EDA who is responsible for matters relating to child safety, including the management of child safety complaints.
EDA	Refers to Education Development Association (EDA).
Employee	Refers to an individual in a paid position at EDA.
Helper	Refers to a person invited to help from time to time in a particular activity at a Centre. A helper may be a person under 18 years or over 18 years of age.
Leader	Refers to an adult who has an ongoing role in the provision of services in a Centre.
Officer	Refers to the meaning given by the *Corporations Act 2001* (Cth) and includes a director or secretary of EDA.
Principal	Refers to a person appointed by EDA to direct activities at a Centre.
Resident	Refers to an individual that resides at a Centre and may be engaged to volunteer in child-related activities at EDA.
Respondent	Refers to the person who is the subject of a complaint.
Third party	Refers to an individual or entity engaged by EDA on a temporary basis, including but not limited to a: ● Contractor

	• Tradesperson • Sub-contractor • Supplier.
Volunteer	Refers to an individual in an unpaid position at EDA. This includes EDA Officers, Leaders and Helpers, and may include Principals and Residents. It also includes other individuals engaged by EDA on a voluntary basis, such as parent volunteers.
Working with Children Check	Refers to the legislative requirement for individuals to obtain a Working with Children Check (WWCC) clearance to work or volunteer with children. Reference to WWCC also includes Blue Card (QLD), Ochre Card (NT) WWVP (ACT) and RWVP (Tasmania).

3.2. Forms and Definitions of Child Abuse

Term	Meaning
Child grooming	Refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, to lower the child's inhibitions in preparation for sexual activity.
Emotional / psychological abuse	Refers to inappropriate verbal or symbolic acts by an adult towards a child and/or a persistent failure over time to provide a child with adequate nurturing and emotional availability.
Exposure to family violence	Refers to any form of abusive behaviour by a person towards another family member. The abuse can be physical, sexual, emotional, psychological, economical, threatening or coercive type behaviour. It is also a form of abuse when a child is exposed to, hears or witnesses any of the effects of the abusive behaviours.
Neglect	Refers to the failure to provide a child with conditions that are culturally accepted as being essential for their growth, development and wellbeing, such as health, education, emotional development, nutrition, shelter and safe living conditions.
Physical abuse	Refers to the use of deliberate physical force against a child that intentionally or unintentionally results, or has the likelihood of resulting, in harm.
Serious online abuse	The eSafety Commissioner defines serious online abuse as being when the internet is used to send, post or share content that is likely to harm the physical or mental health of the person targeted. It includes cyberbullying of a child and image-based abuse.
Sexual abuse	Refers to when a person exposes a child to or involves a child in, sexual activity that the child does not fully comprehend, the child is unable to give informed consent to, the child is not developmentally prepared for and that is contrary to acceptable community standards.

4 Child Safe Complaints Process

The Child Safe Complaints Process involves the following key stages:

1. Identify and Receive
2. Respond
3. Record
4. Report
5. Investigate
6. Debrief & Support

Personnel should also refer to the following for guidance:

- **Appendix A** – Child Safe Complaints Flowchart
- **Appendix C –** Child Safe Legal Obligations.

4.1 Stage 1: Identify and Receive

A child safety complaint may include the following:

- A **suspicion** that child abuse may be occurring, or that a child may be at risk of abuse
- A **concern** that has been raised about a child's safety or wellbeing
- An **allegation** that has been made against a person concerning their behaviour towards a child
- A **disclosure** of abuse made by a child, or an adult on behalf of a child
- A **breach** of EDA's *Child Safe Policy, Child Safe Code of Conduct,* or supporting procedures.

4.2 Stage 2: Respond

4.2.1. Notify the Child Safeguarding Officer

After receiving a child safety complaint, notify the Child Safeguarding Officer (CSO), Bev Eguchi (m: 0459 684 978 or e:safeguarding@eda.edu.au) and/or the Centre Principal for support and guidance on how to respond.

If there is a conflict of interest, report to an EDA Officer.

4.2.2. Responding to Child-Initiated Disclosures

When responding to a child who is making a disclosure, adhere to the following steps:

- **Listen to a child who is making a disclosure, and ensure that you:**
    - Allow the child to use their own words when expressing their concerns
    - Consider whether the child's parent/guardian should be present
    - Remain calm, patient, and be supportive
    - Ensure the environment is safe, comfortable, and respectful of the child's right to privacy
    - Do not ask suggestive or leading questions
    - Do not interrogate the child. You should avoid asking too many questions that may overwhelm them
    - If the alleged incident happened on the premises, ask the child if the person is still on site, and if they can describe the person. If the abuse happened at home, ask the child to provide more detailed information.
- **Reassure the child that:**
    - They have done the right thing by speaking up
    - What has happened is not their fault, and validate their feelings
    - You believe them and you are taking their concern seriously.

- **Respect the child and ensure that you:**

    - Allow the child to take their time to disclose information
    - Explain what the next steps will be (using age-appropriate language)
    - Avoid making promises that you cannot keep e.g. that you will not tell anyone what they have just told you
    - Explain that you may need to tell someone else to keep them safe
    - Ask the child what kind of support they would like.

4.2.3. Responding to Adult-Initiated Complaints

When responding to an adult who is initiating a child safety complaint on behalf of a child, you should, **if the child is present**, adopt the process outlined at *Section 4.2.2.*

If the affected child is **not present** at the time an adult-initiated complaint is made, the following factors should be identified:

- Whether the child is aware that the complaint has been raised on their behalf.
- The nature of any communication between the complainant and the affected child.
- How involved the affected child would like to be in the complaints process.
- When to contact the child or their parent/guardian.
- How much information to provide the child about the next steps.
- The extent of the parent/guardian's involvement in the complaints process.

4.3 Stage 3: Record

- Record the complaint using the *Child Safety Incident Report Form* (**Appendix B**).
- When completing the form, personnel must record:
    - The complainant's details, including name, email and the date
    - Category of the incident
    - Details of the affected child, including name and contact details
    - Incident description, including any witness accounts
    - Whether any interim immediate action was taken
    - Whether police or Child Protection Authorities have been contacted.

- Personnel should consider whether information should be obtained directly from the child, or whether the parent/guardian should be involved. This may depend on the following factors:
    - The age, maturity, physical and emotional development of the child
    - Cultural barriers, cognitive impairment or communication difficulties
    - The child's level of understanding of what has happened and the potential consequences
    - Whether the complaint involves the parent/guardian.

- Provide the completed form to the CSO and/or Centre Principal to ensure that all records of complaints are kept in accordance with EDA's confidentiality and record keeping obligations (refer to EDA's *Child Safe Policy*).

4.4 Stage 4: Report

Child safe reporting requirements are outlined in the table below. The CSO is responsible for the direct reporting of allegations to external authorities, if the incident was not immediately reported at the time it occurred.

Personnel should also refer to **Appendix C – Child Safe Legal Obligations** for guidance on reporting requirements specific to each State/Territory.

Child Safe Reporting Requirements	
1. Police	Contact the police, DIAL 000, if: ● A child is in **immediate danger** ● The complaint involves an allegation or disclosure of any criminal conduct that requires police involvement ● You have a legal obligation to make a report, refer to Failure to Report/Disclose legislation at **Appendix C.** For non-emergency related matters, contact the police on **131 444.** The Centre Principal and/or the CSO will support personnel if an immediate report to police is required.
2. Child Protection Authorities	The CSO will determine (in consultation with the Safeguarding Committee) whether a report to Child Protection Authorities is required. For guidance on how and when to report to Child Protection Authorities in your State/Territory, refer to **Appendix C.**
3. Reportable Conduct	If the Reportable Conduct Scheme applies in your State/Territory, and the complaint involves a reportable allegation: 1. **Internal report:** Notify the CSO and/or the Centre Principal, who is to report to the relevant EDA Officer. 2. **Notify Government Department –** The EDA Officer notifies the relevant authority in accordance with the Centre's relevant State/Territory legislation. ● ***NOTE:*** *Reportable allegations must be notified to the relevant government department within* ***7 days*** *of becoming aware,* ***except*** *in* ***Tasmania, Victoria*** *and* ***QLD,*** *where notification must be made within* ***3 business days.*** 3. **Internal Investigation –** The EDA Officer is required to conduct an internal investigation into the complaint concerning reportable conduct, in accordance with legislative requirements.
4. eSafety Commissioner	If the complaint involves a **serious online abuse** offence or **illegal and restricted online content**, consider whether a report to the eSafety Commissioner is required. The eSafety Commissioner provides guidance on what you can report and how to make a report for the following reportable behaviours: ● Cyberbullying of a child (under 18 years of age) ● Image-based abuse (sharing, or threatening to share, an intimate image or video without the consent of the person shown) ● Illegal and restricted content. Make a report online at: Report forms | eSafety Commissioner.

4.5 Stage 5: Investigation

4.5.1. Risk Evaluation and Safety Measures

After a child safety complaint is received, the CSO and the Safeguarding Committee evaluates the level of risk the respondent poses to children *(refer to the Child Safe Risk Management Procedure* for guidance*).* After assessing the risk level, EDA implements actions to ensure the safety of children at EDA.

EDA may implement appropriate risk management measures while the matter is being assessed or investigated. Measures may include:

- Removal and/or ban of the alleged perpetrator from EDA premises
- Restrictions against an individual e.g. removal from rostered duties or attendance at child-related activities
- Disciplinary action *(as outlined in Section 4.5.4)*
- Provision of ongoing monitoring of and support for the affected child
- Delivery of further training to employees and volunteers.

A decision to implement a safety measure following a risk evaluation will not influence the final outcome of a child safety complaint. Until the investigation is complete and a determination is made, any measures implemented should not be seen as an indication that the alleged conduct by the employee or volunteer occurred.

4.5.2. Internal Investigation

EDA communicates with the relevant external authority (if the complaint was reported) prior to initiating EDA's internal investigation. This is to ensure that EDA does not compromise or interfere with any criminal or child protection investigations.

The CSO is responsible for initiating EDA's internal investigation process (in consultation with the Safeguarding Committee and EDA Officers).

4.5.3. Investigation Principles

As appropriate, the following factors may be addressed throughout an internal investigation:

- Immediate risks to a child's safety are identified and addressed. Risk mitigation strategies are implemented while an allegation or complaint is being assessed and/or investigated (refer to *Section 4.5.1.)*
- Any affected child is offered continuous support, including access to a support person
- The CSO, the Safeguarding Committee and EDA Officers will provide assistance to, and co-operate with, police and child protection authorities (as required)
- Principles of procedural fairness are applied
- Parents/guardians are kept informed of the progress and actions taken throughout the complaint process. The affected child will also be informed with appropriate information.
- All information and evidence collected is managed securely in accordance with privacy and confidentiality requirements, with access only by persons approved by the CSO
- Affected parties are kept informed with relevant information throughout the process
- The investigation process, findings and outcome are documented clearly in a report
- The relevant EDA Officer ensures the investigation process complies with Reportable Conduct requirements in accordance with relevant State/Territory legislation.

4.5.4. Disciplinary Action

Once reporting obligations have been met and depending on the outcome of an investigation, EDA may take disciplinary action against the respondent:

- If the respondent is an **employee or volunteer**, EDA may:
  - Increase supervision
  - Remove and/or ban the individual from EDA premises
  - Suspend or terminate the individual's involvement with EDA.
- If the respondent is a **resident,** EDA may:
  - Remove and/or ban the individual from EDA premises
  - Suspend or terminate the individual's involvement with EDA, including residency arrangements.
- If the respondent is a **third party**, EDA will take appropriate disciplinary action in accordance with the particular circumstances.
- If the respondent is a **child**, measures imposed will be proportionate and appropriate to their age and development. In all circumstances, the child's parent/guardian will be informed and involved. Depending on the severity, measures may include:
  - Verbal or written warnings outlining behavioural expectations
  - Behavioural support plans and/or agreements to address the behaviour
  - Modified program arrangements, such as closer supervision
  - Temporary suspension and/or permanent ban from the premises and/or program.
- If the respondent is **a parent, guardian or other adult** associated with EDA, the following actions may be taken:
  - Immediate removal from EDA premises
  - Temporary or permanent ban from EDA premises.

4.6 Stage 6: Debrief and Support

4.6.1. Debrief

At the conclusion of the complaints process, the CSO:

- Debriefs affected parties on the final outcome and reasons for the decision, in accordance with privacy and confidentiality requirements
- Provides relevant parties with referrals to external agencies for additional and ongoing support such as counselling services (if required)
- Liaises with police and/or child protection authorities
- Records all communications with relevant parties.

4.6.2. Referral and Support

National support and referral services are provided below. Additional services relevant to each State/Territory are provided in **Appendix C.**

Service	Description	Contact
Kids Helpline	Provides support and advice for children and young people (5 - 25 years) who are in need.	1800 55 1800
Lifeline	Provides all Australians access to crisis support and suicide prevention services.	13 11 14
1800 Respect	A national sexual assault, domestic and family violence counselling service.	1800 737 732
13 YARN	An Aboriginal and Torres Strait Islander national crisis support line to speak about any needs, worries or concerns.	13 92 76

5. Confidentiality

EDA keeps information relating to complaints confidential, to the extent permitted by law. All personal information obtained throughout the complaints process is recorded, stored, and managed in accordance with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles.

6. Information Sharing

EDA may share information that relates to the protection, safety and wellbeing of children with prescribed bodies. Refer to **Appendix C** for guidance on information sharing legislation specific to each State/Territory.

7. Record Keeping

EDA keeps complete and accurate records of all serious child abuse matters for a period of **45 years.** All other documents are retained for a minimum of **7 years.** For further guidance, refer to EDA's *Child Safe Policy*.

8. Complaints Review and Analysis

EDA conducts a comprehensive review following a child safety complaint to ensure any systemic issues, organisational risks and required improvements to existing policies and procedures can be identified.

The review is conducted by the Safeguarding Committee. EDA keeps accurate records of the complaints review, findings and any improvements made to the organisation's systems, processes, or practices.

9. Review

The Procedure will be reviewed annually, or earlier as required in accordance with legislative and/or regulatory updates.

10. Related Policies and Procedures

This Procedure should be read in conjunction with the following related documents:

- *Child Safe Policy*

- *Child Safe Code of Conduct*
- *Child Safe Risk Management Procedure*

11. Relevant Legislation

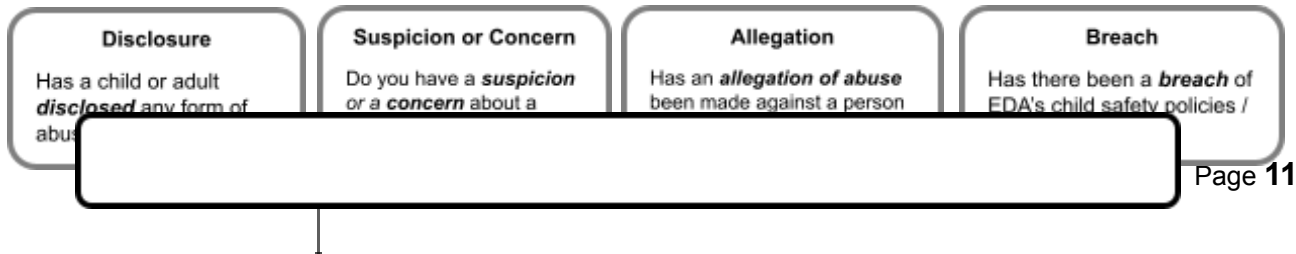
Care and Protection of Children Act 2007 (NT)
Child and Youth Safe Organisations Act 2023 (Tas)
Child Protection Act 1999 (QLD)
Child Safe Organisations Act 2024 (QLD)
Child Wellbeing and Safety Act 2005 (Vic)
Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
Children and Community Services Act 2004 (WA)
Children and Young People Act 2008 (ACT)
Children and Young People (Safety) Act 2017 (SA)
Children and Young Persons (Care and Protection) Act 1998 (NSW)
Children's Guardian Act 2019 (NSW)
Children, Young Persons and their Families Act 1997 (Tas)
Children, Youth and Families Act 2005 (Vic)
Civil Liability Act 1936 (SA)
Civil Liability Act 2002 (NSW)
Civil Liability Act 2002 (Tas)
Crimes Act 1900 (ACT)
Crimes Act 1900 (NSW)
Crimes Act 1958 (Vic)
Criminal Code Act 1924 (Tas)
Criminal Code Act 1899 (Qld)
Criminal Law Consolidation Act 1935 (SA)
Domestic and Family Violence Act 2007 (NT)
Ombudsman Act 1989 (ACT)
Parliamentary Commissioner Act 1971 (WA)
Privacy Act 1988 (Cth)
Wrongs Act 1958 (Vic)

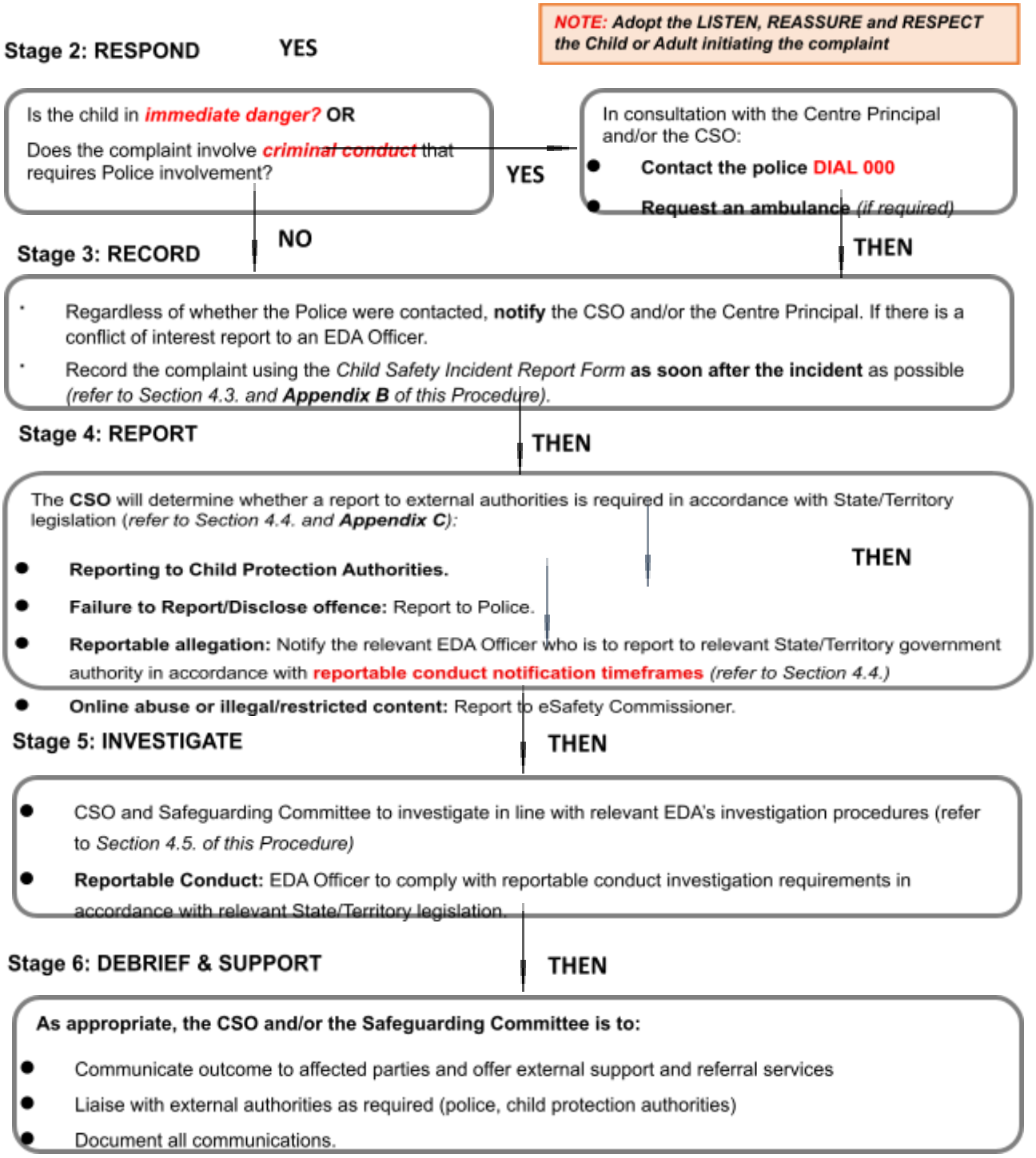
12. Version History

Version	Effective From	Amendment	Author(s)	Approved by

Appendix A - Child Safe Complaints Flowchart

Stage 1: IDENTIFY AND RECEIVE





Appendix B - Child Safety Incident Report Form

This form should be completed for all child safety complaints. Before completing this form, please ensure that all requirements outlined in the *Child Safe Complaints Handling Procedure* have been followed and advice has been sought from external authorities where appropriate. This record and any notes must be

kept confidential and stored securely in accordance with record keeping guidelines outlined in the *Child Safe Policy*.

Child Safety Incident Report Form	
Complainant's Details	Name: Phone: Email Address:
Classification of Complainant *E.g. Officer, Principal, Leader, Helper, contractor, parent volunteer, member of the public etc.*	
Date Complaint received:	
Child's Details	Name: Age: Address:
Does the child identify as being from a First Nations background?	☐ No ☐ Yes ☐ Unknown
Does the child have a disability?	☐ No ☐ Yes, please provide relevant details:.....……..…….. …… ……
Does the child come from a Culturally and Linguistically Diverse background?	☐ No ☐ Yes, please specify……. …… …….
Does the child require communication support? *Communication support may include an interpreter, a support person, family member etc.*	☐ No ☐ Yes, please specify……. …… …… If yes, please provide any information relating to the child's preferred communication methods, support needs and involvement in the complaints process:

Category of the Incident	□ Emotional or psychological abuse □ Neglect □ Sexual Abuse □ Grooming □ Physical abuse □ Exposure to family violence □ Breach of EDA's Child Safe Policy/Code of Conduct □ Online harm or abuse □ Other inappropriate behaviour. Please detail: ……. …… ……
Name of person complained about (Respondent)	
Classification of Respondent *e.g. Officer, Principal, Leader, Helper, member of the public, contractor etc.*	
Date of incident	
Time of incident	
Location of incident	
Witnesses *(if more than 3 witnesses, attach additional details to this form)*	Name (1): Contact details: Name (2): Contact details: Name (3): Contact details:
Details of complaint / reason for suspecting abuse *Use as much detail here as necessary including:* ● *what was said, (where possible, noting the exact words used by the person making the allegation);* ● *what you observed (e.g. injury, harm, disclosure) and any other details relevant to the incident.*	

Interim immediate action (if any) taken to ensure child's safety and/or to support needs of person complained about ● *Interim action may include transfer of alleged perpetrator to non-child-related duties, suspension, removal*	
Provide details of any harm or injuries to the child, and if the child or others received medical attention.	
Police contacted *Complete if relevant*	Who: *name of Police Officer reported to* When: *date and time you contacted the Police* Advice provided: Case reference number (if known):
Child Protection Authorities *Complete if relevant*	Who: *name of contact person* When: *date and time you made contact* Advice provided: Case reference number (if known):
Child Safeguarding Officer, EDA Officer or Centre Principal	Who: *name of person reported to* When: *when did you contact them*
Completed by	Name: Position: Signature: Date:
Signed by	 Complainant name (if it is not a child):

Appendix C - Child Safe Legal Obligations

The legislation governing child safe obligations varies across jurisdictions. Some of the key legal reporting obligations applicable to EDA and its personnel, are outlined in this section. Refer to the section relevant to your Centre's State/Territory of operation (or location of activity/program) for guidance:

1. Australian Capital Territory
2. Northern Territory
3. New South Wales
4. Queensland
5. South Australia
6. Tasmania
7. Victoria
8. Western Australia

Legal Obligations

The following child safe legal obligations are outlined in this section:

Legal Obligation	Description
Reportable Conduct	Reportable Conduct Schemes are established in some jurisdictions and require staff to report known, suspected or alleged abuse, harm, misconduct or inappropriate behaviour to the head of the organisation. The head of the organisation is required to notify the relevant State/Territory government department and conduct internal investigations.
Failure to Report / Disclose offence	The offence imposes a responsibility on adults to make a report to Police, if they have knowledge that a child abuse offence has been committed against a child.
Failure to Protect offence	The offence imposes responsibility on all adults engaged in child-related work to ensure that the children and young people under EDA's care are protected from risks of harm and abuse.
Duty to Prevent Harm to a Child	A civil duty which requires child-related organisations to take reasonable precautions to prevent an individual associated with the organisation from perpetrating child abuse.
Mandatory Reporting	The legislative requirement for selected classes of people to make a report to government authorities, if they have reasonable grounds to suspect that a child is at risk of abuse.

1. Australian Capital Territory

1.1. Failure to Report Child Sexual Offence – *Crimes Act 1900* (ACT) s 66AA

An adult who has a reasonable belief that a sexual offence has been committed against a child (under 18 years of age) must make a report to the ACT Police.

A failure to make a report is a criminal offence and has a maximum penalty of imprisonment for 2 years.

There are a range of sexual offences in the ACT, some of the common offences include:

- Sexual intercourse with a child or young person
- Grooming
- Committing an act of indecency on or in the presence of a child or young person
- Using children to produce child pornography.

1.2. Failure by person in authority to protect child or young person from sexual offence - *Crimes Act 1900* (ACT) s 66A

The offence applies to adults who work in institutions that engage in activities with or provide services to children **(relevant institution).** An adult in a relevant institution commits an offence if:

(a) The person is in a person of authority in a relevant institution, and is aware of a substantial risk that a sexual offence will be committed:

- Against a child (under 16 years) in the institution's care, supervision or control by **a person associated with the institution**; or
- Against a young person (16 years or 17 years) in the institution's care, supervision or control by another person in authority in the institution; and

(b) They have the power to reduce or remove the risk
(c) They intentionally or negligently fail to reduce or remove the risk.

The maximum penalty is imprisonment for 5 years.

A **'person associated with the institution'** includes an adult who:

- Owns, manages, or controls the institution
- Is employed or engaged by the institution
- Works as a volunteer for the institution
- Engages in a regulated activity with or for the institution.

1.3. Voluntary Reporting

Under s 354 of the *Children and Young People Act 2008* (ACT), a person may make a report to Child Protection Authorities if they believe or suspect that a child (under 12 years) or young person (12 – 17 years) is at risk of significant harm.

If you think a child is at risk of significant harm by a family member or guardian:

- Make a report online
- Call Children, Youth and Families on 1300 556 729

If your concerns are about abuse outside of the family, contact **ACT Policing** on **131 444.**

Significant harm to a child or young person means any detrimental effect of a significant nature on the safety, welfare or wellbeing of the child or young person. Significant harm may be caused by the child or young people experiencing:

- Sexual abuse, grooming or sexual exploitation
- Physical or emotional abuse
- Neglect of their basic physical, emotional, developmental or psychological needs
- Exposure to family violence.

1.4. Information and Support Services

The table below contains information on support services available to children and families in the ACT.

For children:	• **Kids Helpline:** call 1800 55 1800 for free counselling and advice for young people between the ages of 5 and 25. • **Beyond Blue:** call 1300 22 4636 for immediate mental health support and information.
For adults:	• Child and Family Centres provide support for children and families. • Lifeline: call **13 11 14** for this free Australia-wide crisis support and suicide prevention service. • ACT Government Families provides services to support families and children, including child development, parenting support, foster care, and adoption.

2. New South Wales

2.1. Voluntary Reporting

Under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), a person who has reasonable grounds to suspect that a child or young person is at risk of significant harm may make a report to the Department of Communities and Justice (DCJ) by contacting the **Child Protection Helpline (132 111).**

2.2. Reportable Conduct

Under the NSW Reportable Conduct Scheme (**the Scheme**), the Head of a Relevant Entity **(HRE)** must report to the Office of the Children's Guardian (**OCG**), if they become aware of a reportable allegation or conviction in relation to an employee of a relevant entity.

A **'relevant entity'** includes organisations that provide substitute residential care. Substitute residential care is defined as care that:

- Involves the provision of accommodation together with food, care and other support;
- In the State for more than 2 nights in any period of 7 days, and,
- Of a type ordinarily provided to children in a home environment, provided by persons other than the child's parents or relatives.

The **HRE** is the most senior officer and the person who is primarily responsible for executive decision making in the organisation. The HRE is responsible for ensuring that specified systems are in place for preventing, detecting and responding to reportable allegations or convictions. At EDA the HRE is an appointed EDA Officer (i.e. Board Member).

An **'employee'** of an entity includes a staff member, volunteer providing services to children, and a contractor (who is required to hold a WWCC), the head of a third-party employer contracted to provide services to children if they are required to hold a WWCC).

'Reportable allegation' means an allegation that an employee has engaged in behaviour that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's engagement with the organisation.

'Reportable Conduct' means the following conduct:

- A sexual offence
- Sexual misconduct
- Assault against a child;
- Ill-treatment of a child;
- Neglect of a child;
- Any behaviour that causes significant emotional or psychological harm to a child; or

- Criminal offences such as the failure to reduce or remove risk of a child becoming the victim of abuse and concealing child abuse *(Crimes Act 1900 ss 43b and 316a)*.

Making a Report

If you become aware of a reportable allegation against an employee at EDA, immediately report to the CSO and/or your Centre Principal, who will assist in reporting to the relevant EDA Officer (HRE). If the conduct is against the HRE, the report must be made directly to the OCG.

The HRE (or their delegate) is required to:

- Notify the OCG **within 7 business days** after the HRE is made aware of the allegations. Refer to Reportable Conduct notification forms | Office of the Children's Guardian (nsw.gov.au)
- As soon as practicable after becoming aware of the allegation, the HRE must investigate, or arrange for an investigator, to investigate the allegation. Refer to *Children's Guardian Act 2019* (the Act) Section 34 for guidance on the investigation requirements.
- Complete the investigation within a reasonable timeframe, with regard to principles of procedural fairness and the mandatory considerations outlined in the Act at Division 6.
- Provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/guardian unless the HRE considers that it is not in the public interest to do so.
- Provide a finalised report or an interim report to the OCG **within 30 business days** after becoming aware of the allegation. Refer to the Act at Section 37 on what to include in the entity report.
- If the entity report is not available at the 30-day mark, the relevant entity must provide an estimated timeframe for completion of the entity report. Refer to Heads of entities and reportable conduct responsibilities (nsw.gov.au) at page 5.
- Make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee the subject of the reportable allegation has been proved.
- Ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation.

At the end of the investigation of a reportable allegation, the HRE must send a report to the OCG that enables the OCG to determine whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken.

For Reportable Conduct advice and support call (02) 8219 3800 or email reportableconduct@ocg.nsw.gov.au.

2.3. Concealing child abuse offence – *Crimes Act 1900* (NSW) s 316A

The offence applies to **all adults** in NSW. Under the legislation, an adult who:

- Knows, believes, or reasonably ought to know that a child abuse offence has been committed against a child
- Must report the information to the Police as soon as possible unless there is a reasonable excuse for not reporting the information.

A reasonable excuse may include fear for safety or where the information has already been reported to Police. If found guilty of the offence, the maximum penalty is imprisonment for 5 years.

2.4. Failure to reduce or remove risk of child becoming victim of child abuse – *Crimes Act 1900* (NSW) s 43B

The offence applies to adults in NSW who carry out work for a child-related organisation.

An adult will be guilty of an offence if:

- They know of a serious risk that another adult worker will commit a child abuse offence against a child who is, or may come, under the care, supervision, or authority of the organisation, and
- By reason of the person's position, they have the power or responsibility to reduce or remove that risk, and
- They negligently fail to reduce or remove that risk.

If found guilty of the offence, the maximum penalty is imprisonment for 2 years.

2.5. Duty of organisations to prevent child abuse - *Civil Liability Act 2002* (NSW) Part 1B

The duty to prevent applies to organisations that exercise care, supervision, or authority over a child (under 18 years).

Under the legislation, EDA has a duty to take reasonable precautions, to prevent an individual associated with the organisation, from committing child abuse (sexual or physical abuse) against a child who is under EDA's care.

An **individual is associated with an organisation** includes an office holder, officer, employee, owner, volunteer, or contractor of the organisation.

The following factors may be considered to determine whether an organisation took reasonable precautions to prevent child abuse:

- The nature of the organisation
- The resources reasonably available to the organisation
- The relationship between the organisation and the child
- Whether the organisation has delegated in whole or in part the exercise of care, supervision, or authority over a child to another organisation
- The role in the organisation of the individual who perpetrated the child abuse
- The level of control the organisation had over the individual who perpetrated the child abuse
- Whether the organisation complied with any applicable standards (however described) in respect of child safety.

2.6. Information and Support Services

The table below contains information on support services available to children and families in NSW.

For children:	• **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25. • **Beyond Blue:** call **1300 22 4636** for immediate mental health support and information.
For adults:	• **Lifeline**: call **13 11 14** for free Australia-wide crisis support and suicide prevention service. • **Parent Line NSW** is a free telephone counselling and support service for parents and carers with children aged 0 to 18 who live in NSW. **Phone: 1300 1300 52**

3. Northern Territory

3.1. Mandatory Reporting

All adults in the NT are required to make a report to Territory Families if they suspect child abuse.

It is a requirement under the *Care and Protection of Children Act 2007* (NT) s 30 that:

- An operator of child-related services ensures everyone providing services for a child, under their control or direction, is aware of their mandatory reporting obligations
- Any person who engages another person in child-related employment ensures they are aware of their mandatory reporting obligations.

Key legislation	*Care and Protection of Children Act 2007*
Who is a child?	• A person less than 18 years of age; or • A person apparently less than 18 years of age if the person's age cannot be proved.
Child Protection Authority and contact	**Department of Territory Families, Housing and Communities** 1. **Phone: Child Protection Hotline** - 1800 700 250 (open 24/7) 2. **Online:** Mandatory Online Reporting Tool at CARE Services
When a report is required	If a person believes on reasonable grounds that a child: (a) a child has suffered or is likely to suffer harm or exploitation; (b) a child aged less than 14 years has been or is likely to be a victim of a sexual offence; (c) a child has been or is likely to be a victim of an offence against section 208K, 208KA or 208KB of the Criminal Code; they must report the belief and any other knowledge to Territory Families or the Police as soon as possible after forming the belief.
Protections for Reporters	Under section 27 of the *Care and Protection of Children Act 2007*, reporters who make a report in good faith, are not civilly or criminally liable, or in breach of any professional code of conduct, for making the report or for disclosing any information in the report.

3.2. Reporting Domestic Violence

Under s 124A of the *Domestic and Family Violence Act 2007* (NT), any person must make a report to the Police if they believe on reasonable grounds that:

- Another person has caused, or is likely to cause, serious physical harm to someone else with whom the other person is in a domestic relationship; or
- The life or safety of another person (e.g. a child) is under serious or imminent threat because domestic violence has been, is being or is about to be committed.

3.3. Information and Support Services

The table below contains information on support services available to children and families in the NT.

For children:	● **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25. ● **Beyond Blue:** call 1300 22 4636 for immediate mental health support and information.
For adults:	● **Lifeline:** call **13 11 14** for free Australia-wide crisis support and suicide prevention service. ● **Parent line:** call **1300 30 1300** for a confidential telephone service providing professional counselling and support.

4. Queensland

4.1. Voluntary Reporting

Any person may make a report under the *Child Protection Act 1999* (QLD) if they reasonably suspect that:

- A child may be in need of protection; or
- An unborn child may be in need of protection after he or she is born.

A **child in need of protection** is a child who:

- Has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- Does not have a parent able and willing to protect the child from the harm.

To make a report contact the **Department of Families, Seniors, Disability Services and Child Safety** - Child Safety Services on **1800 177 135.**

4.2. Failure to report belief of child sexual offence – *Criminal Code Act 1899 (QLD) s 229BC*

The offence applies to **all adults in QLD**, if:

- The adult believes on reasonable grounds that a sexual offence is being or has been committed against a child by another adult; and
- The child either is or was under 16 years, or a person with an impairment of the mind; and
- Without reasonable excuse, the adult fails to report the information to the Police as soon as possible.

A reasonable excuse may include fear for safety or where the information has already been reported to Police. If found guilty of the offence, the maximum penalty is imprisonment for 3 years.

4.3. Failure to protect child from child sexual offence – *Criminal Code Act 1899 (QLD) s 229BB*

All adults who work in an organisation that provides services to children have obligations under the Failure to Protect offence. A person commits an offence if:

- the person knows there is a **significant risk** that another adult (alleged offender) will commit a child sexual offence against a child
- the alleged offender is associated with an organisation or is a regulated volunteer;
- the child is under the care, supervision, or control of an organisation; and
- the child is either:
  - under 16 years; or
  - a person with an impairment of the mind; and
- the person has the power or responsibility to reduce or remove the risk; and
- the person willfully or negligently fails to reduce or remove the risk.

A person guilty of an offence may be subject to a maximum penalty of 5 years imprisonment.

4.4. Liability of Institutions for Child Abuse – *Civil Liability Act 2003* (QLD) Part 2A

The duty to prevent applies to organisations that provide an activity, program or service that enables a person to have contact with a child.

Under the legislation, EDA has a duty to take all reasonable steps to prevent a person associated with EDA from committing abuse against a child who is under EDA's care, supervision, control, or authority.

A person is associated with an institution if they are an officer, office holder, representative, leader, owner, member, employee, agent, volunteer, or contractor of the organisation.

4.5. Reportable Conduct

The Scheme requires **relevant entities** to notify the **Queensland Family and Child Commission (QFCC)** when allegations or convictions relating to actions by an employee or volunteer of the organisation constitute reportable conduct.

A **'relevant entity'** includes:

- An entity that provides camps or excursions that include overnight stays for children as part of its primary functions
- A religious body that provides activities, facilities, programs or services in which adults interact with children

The **Head of a Reporting Entity** is the principal officer of EDA.

An **'employee'** of an entity includes an employee, volunteer, contractor, subcontractor, consultant, executive officer, trainee, and people undertaking work experience.

A **'reportable allegation'** is an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed:

(a) reportable conduct; or
(b) misconduct that may involve reportable conduct.

it is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the reporting entity.

'Reportable Conduct' means the following conduct:

- a child sexual offence
- sexual misconduct committed in relation to, or in the presence of a child
- ill-treatment of a child
- significant neglect of a child
- physical violence committed in relation to, or in the presence of a child, or
- behaviour that causes significant emotional or psychological harm to a child.

Making a Report

If you become aware of a reportable allegation against a person associated with EDA, you are required to report to the relevant EDA Officer. If the conduct is against the relevant EDA Officer, the report must be made directly to the QFCC.

The relevant EDA Officer is required to:

- Provide written notice about the allegation or conviction to the QFCC, **within 3 business days** after becoming aware of the reportable allegation or conviction
- Provide the QFCC an interim written report or a final report within 30 business days after becoming aware of the allegation or conviction. Refer to s 35 of the *Child Safe Organisations Act 2024* (QLD) (the Act) for requirements to be included in the report.
- The Officer must investigate the reportable allegation or conviction. Refer to Section 36 of the Act for guidance on investigation requirements.
- As soon as practicable after the investigation is completed, the Officer must prepare, and provide to the QFCC, a written report that complies with Section 37(2) of the Act.

Information Sharing

The Officer may disclose relevant information to the head of another prescribed reportable conduct scheme entity for the following purposes:

- To reduce or prevent a serious risk or threat to the life, health, or safety of a child or children
- If the receiving entity is:
  - The Police to enable the investigation of criminal conduct
  - The QFCC to enable the performance of their functions
- To allow the receiving entity to conduct an investigation into a reportable allegation or reportable conviction
- To allow a regulator to take action in response to a finding of reportable conduct.

Relevant information means:

- Information about the progress of an investigation of a reportable allegation or reportable conviction
- The findings and reasons for the findings of an investigation
- Any action that is to be taken in response to the findings

4.6. Information and Support Services

The table below contains information on support services available to children and families in QLD.

For children:	• **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25. • **Beyond Blue:** call **1300 22 4636** for immediate mental health support and information.
For adults:	• **Lifeline**: call **13 11 14** for free Australia-wide crisis support and suicide prevention service. • **Parentline** is a confidential telephone counselling service which supports parents and carers of children. Call **1300 301 300** from 8am to 10pm, 7 days a week. • Family and Child Connect to connect families to local family support services, Phone 13 FAMILY (13 32 64) to find help in your local area. It's confidential and free.

5. Tasmania

5.1. Voluntary Reporting

Any person may make a report under the *Children, Young Persons and their Families Act 1997* (Tas). If you have a concern about a child's wellbeing or safety, contact the *Strong Families Safe Kids Advice and Referral Line* on **1800 000 123** or through the online contact form.

5.2. Responsibility to prevent abuse or neglect or certain behaviour – *Children, Young Persons and their Families Act 1997* (Tas) s13

This responsibility applies to **all adults** in Tasmania. Under the legislation, an adult:

- Who knows, or believes or suspects on reasonable grounds
- That a child is suffering, has suffered or is likely to suffer abuse or neglect
- Has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

One step the adult may take to prevent the occurrence of abuse or neglect of a child is to report to the Department for Education, Children and Young People's Advice and Referral Line **(1800 000 123).**

5.3. Reportable Conduct Scheme (the Scheme)

Under the Scheme, the Head of a Relevant Entity **(HRE)** must report to the Independent Regulator (**IR**), if they become aware of a reportable allegation or conviction in relation to a worker of a relevant entity.

A **'relevant entity'** includes entities that provide accommodation or residential services, including an entity that provides or facilitates overnight excursions, camps or stays for children.

The **HRE** is the principal officer of the entity. If the entity does not have a principal officer, then the entity is required to nominate an officer and submit it to the IR for approval.

A **'worker'** includes persons over 18 years who is a:

- Paid employee
- Volunteer
- Contractor or subcontractor
- Consultant
- Director or member of a management committee
- Office holder or officer
- Person engaged in training or work experience.

'Reportable allegation' means information that leads a person to form a reasonable suspicion that a worker of an entity has committed reportable conduct, whether or not the alleged conduct occurred within the course of the worker's duties in respect of the entity.

'Reportable Conduct' includes criminal and non-criminal behaviour and includes the following conduct:

- Sexual misconduct or a sexual offence
- Physical violence
- Grooming
- Significant emotional or psychological harm
- Significant neglect

- Relevant offences under the *Criminal Code Act 1924* (Tas) including failure to report child abuse.

If you become aware of a reportable allegation against a worker at EDA, immediately report to the CSO, your Centre Principal, and the relevant EDA Officer (HRE). If the conduct is against the HRE, the report must be made directly to the IR.

The HRE must:

- Notify the IR (in writing) **within 3 business days** after becoming aware of a reportable allegation or conviction. The notice must include certain information outlined at s 34 of the *Child and Youth Safe Organisations Act 2023* (Tas) (the Act).
- As soon as practicable, and **no later than 30 days** after becoming aware of the reportable allegation, notify the IR of:
  - All known detailed information about the allegation or conviction
  - Whether or not the HRE has taken or intends to take action against the worker
  - Any written submissions made to the HRE that the worker requested to be considered
- As soon as practicable after becoming aware of the allegations, investigate the allegations in accordance with requirements outlined in the Act s 35. The organisation may engage an independent investigator to investigate on behalf of the HRE. If so, the organisation must notify the IR.
- **At completion of the investigation:** As soon as practicable after an investigation has been completed, the HRE must provide to the IR:
  - A copy of the investigation findings and reasons for findings
  - Details of any disciplinary or other action taken, or proposes to take in relation to the worker
  - Whether the HRE has taken, or intends to take, any action against the worker and reasons why.

5.4. Information Sharing

- The HRE can share reportable conduct information with:
  - The IR
  - Police
  - Independent investigator appointed to conduct a reportable conduct investigation
  - Leaders of other organisations that are required to comply with Tasmania's Child and Youth Safe Organisations Framework
  - An entity regulator
  - The Integrity Commissioner
  - A Government Minister
- Leaders can share reportable conduct information when:
  - They need to comply with the Act, e.g. to report information to the IR, or to conduct a reportable conduct investigation
  - They are complying with another law, e.g. reporting suspected child abuse to police
  - They are promoting the safety and wellbeing of children, for example to tell the leader of another organisation that one of their workers is alleged to have abused a child.

5.5. Failing to Report the Abuse of a Child – *Criminal Code Act 1924* (Tas) s105A

All adults must make a report to the Police if they have knowledge that a child abuse offence has been committed against a child (a person under 18 years).

A person is guilty of a crime if the person:

- Has a reasonable belief that an abuse offence has been committed against another person, who was a child at the time of the alleged offence; and
- Fails without reasonable excuse to report to the Police as soon as practicable.

A reasonable excuse includes if the person fears on reasonable grounds that reporting the information would endanger a person's safety (other than the accused), or that the information has already been reported to authorities.

5.6. Failure by a person in authority to protect a child from a sexual offence – *Criminal Code Act 1924* (Tas) s125E

The offence applies to all adults who work in an organisation that exercises care, supervision or authority over children.

A person commits an offence if the person:

- Has a reasonable belief that there is a **substantial risk** that another adult associated with the organisation may commit a sexual offence against a child who is under the care of the organisation
- Has the power or responsibility to reduce or remove the risk
- Fails to take all reasonable steps in the circumstances to reduce or remove the risk.

5.7. Duty of Organisations to Prevent Child Abuse – *Civil Liability Act 2002* (Tas) Part 10C

The duty to prevent applies to organisations that exercise care, supervision, or authority in respect to a child (under 18 years). Under the legislation, EDA has a duty to take reasonable precautions to prevent an individual associated with the organisation who has:

- Authority, power, or control over the child; or
- The trust of the child; or
- The ability to achieve intimacy with the child

from being able to perpetrate child abuse on the child.

Note: Child abuse includes sexual abuse, physical abuse, or any psychological abuse of the child that arises from the sexual abuse or physical abuse.

5.8. Information and Support Services

The table below contains information on support services available to children and families in Tasmania.

For children:	• **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25.
For adults:	• **Lifeline**: call **13 11 14** for free crisis support and suicide prevention service. • See this page for links to support services in Tasmania for children and families.

6. Victoria

6.1. Reportable Conduct

Under the *Child Wellbeing and Safety Act 2005,* the head of a relevant entity within the Scheme is to notify the Social Services Regulator (**SSR**) if they become aware of a reportable allegation.

Relevant entities include:

- Youth organisations that provide overnight camps for children as part of their primary activity
- Organisations that provide overnight camps for children as part of its primary activity.

The **head of a relevant entity (HRE)** is an individual who is primarily responsible for the management of the entity's employees.

A **reportable allegation** is made where a person makes an allegation, based on a reasonable belief, that a worker has engaged in behaviour that may involve reportable conduct.

Reportable conduct includes:

- A sexual offence committed against, with or in the presence of, a child
- Sexual misconduct, committed against, with or in the presence of, a child;
- Physical violence committed against, with or in the presence of, a child;
- Any behaviour that causes significant emotional or psychological harm to a child; or
- Significant neglect of a child.

Allegations can be raised about the conduct of the following adults employed or engaged by a relevant entity:

- Employees, volunteers, or contractors
- Office holders
- Workers or volunteers provided by labour hire agencies, companies or other providers
- Secondees
- Individual business owners who employ or engage staff
- Directors of companies where the director performs work for the organisation.

Under the Scheme, the HRE is responsible for:

- Ensuring systems are in place to enable anyone to notify their concern or allegation relating to reportable conduct
- Notifying the SSR of reportable allegations
- Investigating reportable allegations. Refer to the Commission for Children and Young People's investigation guide for guidance.

Reporting to the SSR

If the CEO becomes aware of a reportable allegation against an employee of the entity, the HRE (or their delegate) is to notify the SSR of the following:

- **Within 3 business days** after becoming aware of the reportable allegation:
  - that a reportable allegation has been made against an employee of EDA; and
  - the name and date of birth, if known, of the employee concerned; and
  - whether police have been contacted about the reportable allegation; and
  - EDA's address and telephone number; and
  - the name of the HRE; and

- As soon as practicable, and **within 30 days** after becoming aware of the reportable allegation:
  - detailed information about the reportable allegation; and
  - whether or not EDA proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take, or not to take, that action; and
  - any written submissions from the employee made to the HRE.

How to Report to SSR

- The HRE is required to complete the SSR's online form, which provides guidance on the notification process. Supporting documentation can be submitted through the online form.

- If you are not the HRE, contact the SSR by:

  - Phone: 1300 310 778
  - Email: Contact@ssr.vic.gov.au

Investigating the Reportable Allegation

As soon as practicable after the HRE becomes aware of a reportable allegation against an employee of EDA, the HRE must:

- investigate the reportable allegation or permit a regulator, or an independent investigator engaged by EDA, to investigate the reportable allegation; and
- inform the SSR of the identity of the body or person who will conduct the investigation.

As soon as practicable after an investigation has concluded, the HRE must provide the SSR:

- a copy of the findings of the investigation and the reasons for those findings; and
- details of any disciplinary or other action that EDA proposes to take in relation to the employee and the reasons for that action; and
- if EDA does not propose to take any disciplinary or other action in relation to the employee, the reasons why no action is to be taken.

6.2. Voluntary Reporting

A person may make a report to the Department of Families, Fairness and Housing (DFFH) - Child Protection Department, if:

- They have formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and
- The child's parent has not protected or is unlikely to protect the child from that type of harm.

To make a report, you should contact child protection at the office that covers the local government area (LGA) where the child normally resides. To make a report during business hours (8.45am to 5pm), Monday to Friday, contact:

- North Division: 1300 598 521
- South Division: 1300 555 526
- East Division: 1300 360 452
- West Division: 1300 360 462

If you are not sure which number to call, check the Child protection contacts page for details on the LGAs covered by each intake service.

- To report concerns that are life threatening, contact Victoria Police on 000.
- To report concerns about the immediate safety of a child after hours, call the **After Hours Child Protection Emergency Service** on **13 12 78.**

6.3. Referrals to The Orange Door

If you have a significant concern for the wellbeing of a child, but do not believe they are at risk of significant harm, a referral to The Orange Door may be appropriate. A referral would be appropriate where families:

- Are experiencing significant parenting problems that may be affecting the child's development
- Are experiencing family conflict, including family breakdown
- Are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Are young, isolated or unsupported
- Are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

Contact numbers to make a referral in each local government area are listed on the Family violence support and extra help for children and families (orangedoor.vic.gov.au)

6.4. Failure to Disclose Sexual Offence Committed Against a Child – *Crimes Act 1958 (Vic)* s 327

The offence applies to **all adults** in Victoria. An adult commits an offence if:

- The adult has information that leads them to form a reasonable belief
- That another adult has **sexually offended against a child** (under 16 years) in Victoria; and
- The adult fails to report the information to Police as soon as possible (unless they have a reasonable excuse for not reporting the information).

A reasonable excuse may include fear for safety or where the information has already been reported. If you **fail to report** the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment.

6.5. Failure by a person in authority to protect a child from a sexual offence – *Crimes Act 1958 (Vic)* s 49O

An adult in child-related work in an organisation, will commit an offence if:

- They know another adult associated with the organisation poses **a substantial risk** of abusing a child **(under 16 years),** and
- They have the power or responsibility to reduce or remove the risk, and
- They negligently fail to do so.

A person negligently fails to reduce or remove a risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the circumstances. The maximum penalty is five years imprisonment.

A person associated with the organisation may include, but is not limited to an officer, employee, manager, owner, volunteer, or contractor.

6.6. Organisational Liability for Child Abuse - *Wrongs Act 1958* (Vic) s 88

The duty to prevent applies to organisations that exercise care, supervision, or authority over children. Under the legislation, EDA owes a duty to:

- Take the care that, in all the circumstances of the case, is reasonable to prevent the abuse of a child **(under 18 years)**
  Note: the abuse of a child includes physical abuse or sexual abuse.
- By an individual associated with the organisation
- While the child is under the care, supervision, or authority of the organisation.

An individual is associated with an organisation if they are an officer, office holder, employee, volunteer, or contractor of the organisation.

Reasonable precautions vary depending on factors including but not relevant to:

- The nature of the relevant organisation
- The resources that are reasonably available to the relevant organisation
- The relationship between the relevant organisation and the child
- Whether the relevant organisation has delegated the care, supervision, or authority over the child to another organisation
- The role in the organisation of the perpetrator of the abuse.

6.7. Information and Support Services

The table below contains information on support services available to children and families in Victoria.

For children:	• **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25.
For adults:	• **Lifeline:** call **13 11 14** for free Australia-wide crisis support and suicide prevention service. • See this page for a contact list of information and support services for parents, families and young people in Victoria.

7. Western Australia

7.1. Reporting to WA Police

A report should be made to the WA Police Force if there are concerns about the child's immediate safety or if you have information about a child experiencing any form of abuse (including physical abuse).

You can make a report by phone (131 444) or by completing the online report form Safe2Say.

7.2. Reportable Conduct

The Scheme is established under the *Parliamentary Commissioner Act 1971* **(the Act)** and is administered by the Ombudsman WA. It applies to relevant entities identified in the Act.

A **'relevant entity'** includes organisations that provide overnight camps for children as part of its primary activity.

The Scheme requires the head of a relevant entity to notify the Ombudsman if they become aware of reportable allegations of, or convictions for, child abuse committed by an employee, against a child (under 18 years of age).

The **'head of a relevant entity'** is the principal officer of the entity (i.e. the principal EDA Officer).

An **'employee'** includes persons (over 18), irrespective of whether or not the person's work is in connection with child-related activities. Employee also includes contractors and volunteers.

A **'reportable allegation'** means information that leads a person to form a reasonable belief that an employee has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment.

'Reportable conduct' includes:

- a sexual offence or sexual misconduct;
- a physical assault committed against, with or in the presence of, a child;
- significant neglect of a child;
- any behaviour that causes significant emotional or psychological harm to a child.

Reportable conduct **does not** include conduct that is:

- Reasonable for the discipline, management or care of a child or other person, with regard to:
  - the characteristics of the child, including the age, health, and developmental stage
  - any relevant code of conduct or professional standard that applied at the time

- trivial or negligible and that has or will be investigated as part of another workplace procedure.

A **'reportable conviction'** is a conviction for an offence of a sexual nature committed against, with, or in the presence of a child, or other prescribed offences.

If you become aware of a reportable allegation against an employee at EDA, immediately report to the CSO and/or the Centre Principal, who will report to the HRE. If the conduct is against the HRE, the report must be made directly to the Ombudsman.

Under the Scheme, the HRE is required to:

- Notify the Ombudsman **within 7 working days** of becoming aware of the allegation
- As soon as practicable after becoming aware, the HRE is required to investigate reportable allegations/convictions (if an external investigator is engaged, then the HRE is to notify the Ombudsman)
- As soon as practicable after conducting an investigation, the HRE is required to either:
  - make a finding of reportable conduct in relation to the employee if the HRE has formed the view, on reasonable grounds, that reportable conduct involving the employee has occurred; or
  - make a finding that there are no grounds, or no reasonable grounds that reportable conduct has occurred.
- Provide a report to the Ombudsman on the investigation outcome (refer to the Act s19Z).

7.3. Voluntary Reporting

Under the *Children and Community Services Act 2004* (WA), a voluntary report can be made to the WA Department of Child Protection and Family Support if the person has concerns about the wellbeing of a child.

If you are concerned about a child's wellbeing, contact the Central Intake Team on **1800 273 889** or by email cpduty@communities.wa.gov.au.

The information required to make a report includes:

- The child's details
- Why you believe the child has been abused or neglected or is at risk
- Immediate risks to the child
- Information about the person suspected of causing the harm.

7.4. Information and Support Services

The table contains information on support services available to children and families in WA.

For children:	• **Kids Helpline:** call **1800 55 1800** for free counselling and advice for young people between the ages of 5 and 25.
For adults:	• **Lifeline**: call **13 11 14** for free crisis support and suicide prevention service. • Family Support Network provides services that support families and young people at risk, call **(08) 9223 1111 or 1800 199 008.**