

Welcome to ACSL's July legislative and policy update. We will be regularly publishing these updates to help Catholic entities stay up to date with state, territory and commonwealth changes that impact the work of Catholic organisations working with children and adults at risk.

## NSW

### NSW Child Safe Scheme in force

#### About the scheme

The [Children's Guardian Amendment \(Child Safe Scheme\) Bill 2021](#) was introduced into NSW Parliament on 12 May 2021. From 1 February 2022 certain child-related organisations including those in the Education, Early Childhood, Health, Community Service and Youth Justice sectors, must implement the Child Safe Standards, along with local councils, religious organisations providing services to children and sport and recreation organisations providing services to children.

The scheme extends the powers of the Office of the Children's Guardian (OCG) to monitor, investigate and enforce implementation of the Child Safe Standards to support the safety and wellbeing of children and young people.

#### Who does the scheme apply to?

Organisations that are already covered by the Reportable Conduct Scheme (entities listed in Schedule 1 of the *Children's Guardian Act 2019*), including organisations in the Education, Early Childhood, Health and Youth Justice sectors, are required to implement the Child Safe Standards. Local councils, religious organisations providing services to children and sport and recreation organisations providing services to children are also required to implement the Standards.

#### How is the scheme being enforced?

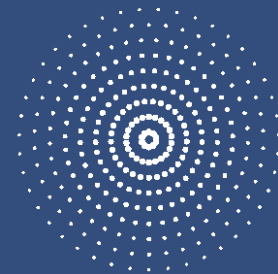
Enforcement will not take effect for 12 months from when the scheme starts to allow time for capability building. The OCG is focusing efforts on capability building and support. This reflects the importance of education in changing attitudes and cultures that may make children vulnerable to abuse.

For most organisations, the focus will be on education and building on the strengths of what organisations are already doing. Monitoring will be strengths-based and focused on outcomes, not prescriptive compliance. The OCG may investigate how an organisation subject to the Child Safe Scheme is implementing the Child Safe Standards. Enforcement will be used in circumstances where organisations are not willing to implement the Child Safe Standards and they are a risks to children. It may result in either an Enforceable Undertaking or Compliance Notice.

**Learn more:** [Child Safe Scheme | Office of the Children's Guardian \(nsw.gov.au\)](#)

### Consultation on the statutory review of the NSW Children's Guardian Act

The Office of the Children's Guardian is undertaking a statutory review of the Children's Guardian Act 2019.



The Children’s Guardian’s functions in relation to the child safe scheme are not subject to this review as the scheme only commenced on 1 February this year. However, the Child Safe Standards provide an overarching lens through which the functions of the Children’s Guardian and the operations of the OCG should be examined. The child safe scheme has informed the Children’s Guardian’s recent reviews of the statutory out-of-home care, adoption and voluntary out-of-home care regulatory frameworks.

The focus for the statutory review is on those areas that have not had recent review or consultation. The main focus areas of the consultation are the:

- Reportable Conduct Scheme
- Deputy Children’s Guardian role
- Official Community Visitors Scheme

Organisations are invited to respond to the discussion paper on the [NSW Have your say website](#).

## SA

### Failure to report child sexual abuse now a criminal offence in South Australia

The [Statutes Amendment \(Child Sexual Abuse\) Act 2021](#) has been introduced in response to the [Royal Commission into Institutional Responses to Child Sexual Abuse](#), to improve child safety, strengthen reporting and better protect victims of child sexual abuse.

This new legislation, which came into effect from 1 June 2022, includes the introduction of two new offences under the Criminal Law Consolidation Act - Failure to report suspected child abuse (section 64) and Failure to protect a child from sexual abuse (section 65).

The laws apply to employees, contractors and volunteers of all organisations who operate facilities or provide services to children under their supervision.

Find out more on the [South Australia Department for Child Protection website](#).

## TAS

### Drafting of new legislation to introduce a new crime of ‘failing to protect a child or young person’ underway

Legislation to introduce a new crime of ‘failing to protect a child or young person’ will be drafted this year. The bill will seek to ensure that adults in leadership positions within organisations that care for children must focus on protecting children and young people from sexual abuse – better protecting all children and young people under the age of 18 years from risks presented by an adult in a position of authority.

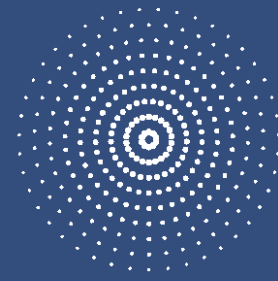
[Find our more](#).

## VIC

### New Victorian Child Safe Standards in effect as of 1 July What are the changes?

There are now 11 Standards, which include new requirements such as:

- involving families and communities in organisations’ efforts to keep children and young people safe



- a greater focus on safety for Aboriginal children and young people
- managing the risk of child abuse in online environments.

### **Who do the Victorian Child Safe Standards apply to?**

Religious bodies, including churches are amongst the categories of entities the Standards apply to. See the full list [here](#).

### **How will the Standards be enforced?**

The Commission for Children and Young People Victoria will initially focus on informing and educating organisations about their obligations under the new Standards. From January 2023, the Commission will expect organisations to have more comprehensively implemented the new Standards. To learn more about the Commission's approach to regulating the new Standards, see [here](#).

### **Where can I learn more?**

See the Commission for Children and Young People website [here](#).

## WA

### **Reportable Conduct Bill passed through Legislative Assembly in May 2022**

Laws to prevent organisations from covering up child abuse have passed through WA Parliament's Legislative Assembly. The legislation will compel heads of organisations to report allegations of child abuse by their employees, volunteers and contractors.

It will also ensure an independent watchdog will have oversight of how organisations handle complaints of child abuse by their staff and give them the power to investigate.

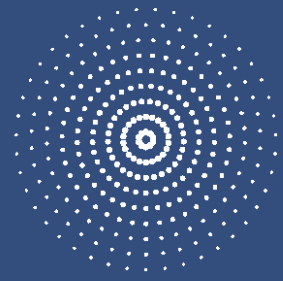
The Reportable Conduct Scheme will cover an estimated 4,000 government and non-government organisations where children are being cared for, or supervised by, someone other than their parent or guardian. Organisations covered by the scheme include schools, religious institutions, childcare centres, hospitals, disability services, detention centres and residential care facilities.

[Find out more.](#)

### **Ministers of religion become new mandatory reporter group from November 1, 2022**

Amendments to the Children and Community Services Amendment Act 2021 will extend mandatory reporting requirements to ministers of religion to report child sexual abuse. Early childhood workers, out-of-home care workers, registered psychologists, school counsellors and youth justice workers are among the other new groups under the amendments to the Act. Assessors appointed under section 125A of the Act and officers of the Department of Communities will also become mandatory reporters.

The first new reporter group to be introduced is ministers of religion from November 1, 2022.



## Safeguarding developments in Catholic communities across the globe

**Rome:** Pope Francis has called on the Pontifical Commission for the Protection of Minors to produce an annual report on what the Church is doing around the world to prevent the abuse of minors and vulnerable adults. Read more [here](#).

**Scotland:** Following the establishment of the Scottish Catholic Safeguarding Standards Agency as a private company in December 2021, work has been underway appointing key staff, board training, and setting the agency's priorities. Read more [here](#).



**New Zealand:** The Royal Commission of Inquiry into Abuse in Care continues looking into what happened to children, young people and vulnerable adults in State and faith-based care in Aotearoa New Zealand between the years 1950-99. Commissioners are listening to survivors share their experiences in private sessions, holding public hearings on different themes and care settings, and conducting research while engaging with communities. The Commissioners will make recommendations to the Governor-General in 2023 on how New Zealand can better care for children, young people and vulnerable adults. Read more about the Inquiry's scope and progress [here](#).