

National Catholic Safeguarding Standards

KEY LEGISLATION CONCERNING ADULTS ACROSS AUSTRALIA

The following table displays the key legislation regarding safeguarding of adults across Australian jurisdictions. South Australia and New South Wales are currently the only jurisdictions with specific legislation for the protection of adults.

KEY ADULT SAFEGUARDING LEGISLATION - AUSTRALIA

KEY COMMONWEALTH ACTS

Australian Human Rights Commission Act 1986 (Cth)

The Universal Declaration of Human Rights

Key Articles:

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (Article 1).
- Everyone has the right to life, liberty and security of person (Article 3).
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5).
- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination (Article 7)

Aged Care Act 1997 (Cth)

Disability Discrimination Act 1992(Cth)

National Disability Insurance Scheme Act 2013 (Cth)

Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011 (Cth)

KEY ADULT SAFEGUARDING LEGISLATION - AUSTRALIA

KEY STATE/TERRITORY ACTS

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<i>Crimes (Offences against vulnerable people) legislation amendment act 2020</i> <i>Human Rights Act 2004</i>	<i>Ageing and Disability Commissioner Act 2019</i> <i>Disability Services Act 1993</i>	<i>Disability Services Act 1993</i>	<i>Disability Services Act 2006</i>	<i>Ageing and Adult Safeguarding Act 1995</i>	<i>Disability Services Act 2011</i>	<i>Disability Act 2006</i>	<i>Disability Services Act 1993</i>

OTHER RELEVANT ACTS/LEGISLATION

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
<i>Family Violence Act 2016</i>	<i>Crimes (Domestic and Personal Violence) Act 2007</i>	<i>Adult Guardianship Act 2016</i> <i>Domestic and Family Violence Act 227</i>	<i>Public Guardian Act 2014</i> <i>Domestic and Family Violence Act 2012</i>	<i>Criminal Law Consolidation Act 1935</i> <i>Statutes Amendment (Domestic Violence) Act 2018</i>	<i>Family Violence Act 2004</i>	<i>Guardian and Administration Act 2019</i>	<i>Guardian and Administration Act 1990</i>



STANDARD 1

Committed leadership, governance and culture

The safeguarding of children and adults is embedded in the entity's leadership, governance and culture.

National Catholic Safeguarding Standard 1		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	Committed leadership, governance and culture <i>The safeguarding of children and adults is embedded in the entity's leadership, governance and culture.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	1.1 There is a public commitment to safeguarding that takes a zero tolerance approach to abuse.			
	1.2 A culture of safeguarding children and adults is championed and modelled at all levels of the entity from the top down and bottom up.	The organisation's governing body promotes a culture of safe, inclusive and quality care and services and is accountable for their delivery. The organisation's governing body is accountable for the delivery of safe and quality care and services.	The service has a clearly communicated organisational vision, mission and values which are consistent with contemporary practice.	
	1.3 Governance arrangements facilitate the implementation of the Safeguarding Policy across the entity's activities.			A defined structure is implemented by the governing body to meet a governing body's financial, legislative, regulatory and contractual responsibilities, and to monitor and respond to quality and safeguarding matters associated with delivering supports to participants.

National Catholic Safeguarding Standard 1	RELEVANT FEDERAL LEGISLATION		
1.4 The entity's Code of Conduct sets clear behavioural standards towards children and adults.			
1.5 The entity's risk management plan focuses on preventing, identifying, and mitigating safeguarding risks to children and adults.	<p>Effective risk management systems and practices, including but not limited to the following:</p> <ul style="list-style-type: none"> i) managing high-impact or high-prevalence risks associated with the care of consumers ii) identifying and responding to abuse and neglect of consumers iii) supporting consumers to live the best life they can iv) managing and preventing incidents, including the use of an incident management system. 	The service has preventative measures in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect and violence.	Risks to the organisation, including risks to participants, financial and work health and safety risks, and risks associated with provision of supports are identified, analysed, prioritised and treated.
1.6 Personnel understand their obligations on information sharing and record keeping for safeguarding and professional standards.			



STANDARD 2

Children and adults are safe, informed and participate

Children and adults are informed about their rights, participate in decisions affecting them and are taken seriously.

National Catholic Safeguarding Standard 2		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	<p>Children and adults are safe, informed and participate <i>Children and adults are informed about their rights, participate in decisions affecting them and are taken seriously.</i></p>	<p>AGED CARE ACT 1997 <i>Aged Care Quality Standards</i></p>	<p>DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i></p>	<p>NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i></p>
	2.1 Children and adults at risk engaged in an entity's ministry and/or services are informed about their rights, including safety, decision making, participation and how a complaint will be managed.	<p>Consumers, their family, friends, carers and others are encouraged and supported to provide feedback and make complaints.</p> <p>Consumers are made aware of and have access to advocates, language services and other methods for raising and resolving complaints.</p>	<p>Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers and advocates.</p>	<p>Each participant's legal and human rights are understood and incorporated into everyday practice.</p> <p>Each participant is supported by the provider to make informed choices, exercise control and maximise their independence relating to the supports provided.</p>
	2.2 Relevant to children only			
	2.3 The importance of relationships and social connections for adults at risk is recognised and encouraged, helping them to feel safe and less isolated.	<p>Services and supports for daily living assist each consumer to have social and personal relationships.</p>	<p>The service works together with individuals to connect to family, friends and their chosen communities.</p>	<p>Each participant is supported to engage with their support network and chosen community as directed by the participant.</p>

	<p>2.4 Where relevant to the setting or context, children and families are offered access to abuse prevention programs and related information that is age appropriate.</p>			<p>Each participant is provided with information about the use of an advocate (including an independent advocate) and access to an advocate is facilitated where allegations of violence, abuse, neglect, exploitation or discrimination have been made.</p>
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STANDARD 3

Partnering with families, carers and communities

Families, carers and communities are informed and involved in promoting the safeguarding of children and adults.

National Catholic Safeguarding Standard 3		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	Partnering with families, carers and communities <i>Families, carers and communities are informed and involved in promoting the safeguarding of children and adults.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	3.1 Parents, carers and/or guardians participate in decisions affecting their child, or adults with diminished capacity.	Consumers are engaged in the development, delivery and evaluation of care and services and are supported in that engagement.	The service works together with an individual and, with consent, their family, friends, carer or advocate to identify their strengths, needs and life goals.	
	3.2 Families, carers and communities are engaged with and are provided information about the entity's approach to safeguarding.		The service uses person-centred approaches including the active involvement of people with disability, families, friends, carers and advocates to review policies, practices, procedures and service provision.	

	<p>3.3 Families, carers and communities are informed about the entity's operations and governance; and have an opportunity to have a say in the safeguarding policies and practices.</p>		<p>The service recognises the role of families, friends, carers and advocates in safeguarding and upholding the rights of people with disability.</p> <p>The service supports individuals with information and, if needed, access to legal advice and/or advocacy.</p>	<p>Opportunities are provided by the governing body for people with disability to contribute to the governance of the organisation and have input into the development of organisational policy and processes relevant to the provision of supports and the protection of participant rights.</p>
	<p>3.4 The entity raises community awareness of the dignity and rights of all children and adults.</p>			



STANDARD 4

Equity is promoted and diversity is respected

Equity is upheld and diverse needs respected in policy and practice.

National Catholic Safeguarding Standard 4		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	<p>Equity is promoted and diversity is respected <i>Equity is upheld and diverse needs respected in policy and practice.</i></p>	<p>AGED CARE ACT 1997</p> <p><i>Aged Care Quality Standards</i></p>	<p>DISABILITY DISCRIMINATION ACT 1992 (CTH)</p> <p><i>National Standards for Disability Services</i></p>	<p>NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH)</p> <p><i>NDIS Practice Standards</i></p>
	<p>4.1 The diverse circumstances and backgrounds of children and adults at risk are acknowledged and accommodated by providing appropriate support.</p>	<p>Each consumer is treated with dignity and respect, with their identity, culture and diversity valued.</p>		<p>Each participant accesses supports that respect their culture, diversity, values and beliefs.</p>
	<p>4.2 Children and adults have access to information, support and complaints processes in ways that promote inclusion, are culturally safe, and accessible.</p>	<p>Care and services are culturally safe.</p> <p>The organisation has a culture of inclusion and respect for consumers.</p>		

	<p>4.3 The diverse needs of Aboriginal and Torres Strait Islander people, those living with disability, those from culturally and linguistically diverse backgrounds, children and adults who are unable to live at home, and those of diverse sexuality, are acknowledged.</p>	<p>Each consumer is treated with dignity and respect, with their identity, culture and diversity valued.</p>	<p>The service uses strategies that promote community and cultural connection for Aboriginal and Torres Strait Islander people. Service planning and delivery is responsive to diversity including disability, age, gender, culture, heritage, language, faith, sexual identity, relationship status, and other relevant factors.</p>	<p>Each participant accesses supports that respect their culture, diversity, values and beliefs</p>
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STANDARD 5

Robust human resource management

People working with children and adults are suitable and supported to reflect safeguarding values in practice.

National Catholic Safeguarding Standard 5		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core competencies	Robust human resource management <i>People working with children and adults are suitable and supported to reflect safeguarding values in practice.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	5.1 A strong commitment to safeguarding underpins an entity's recruitment.			
	5.2 Personnel have current clearances (for example working with children checks) and/or equivalent background checks relevant to their role.			Records of worker pre-employment checks, qualifications and experience are maintained.
	5.3 Personnel complete appropriate induction and are aware of their safeguarding responsibilities, including reporting obligations.	The workforce is recruited, trained, equipped and supported to deliver the outcomes required by these standards.		All workers are aware of, trained in, and comply with the required procedures in relation to complaints handling.
	5.4 Ongoing supervision and people management includes an emphasis on safeguarding responsibilities.	Regular assessment, monitoring and review of the performance of each member of the workforce.		The performance of workers is managed, developed and documented, including through providing feedback and development opportunities.
	5.5 Before and during seminary and religious formation, candidates are appropriately screened and supported, including processes for ongoing formation, support and supervision of clergy and religious.			

	5.6 The curriculum for seminary and formation programs for clergy and religious includes safeguarding knowledge and skills development of candidates to understand and lead initiatives for safeguarding children and adults.			
	5.7 The movement and credentialling of those in ministry is appropriately managed.			
	5.8 Where clergy and religious from countries other than Australia are recruited to ministry, programs are in place to support their cultural awareness, screening, induction, professional supervision, and development.			



STANDARD 6

Effective complaints management

Processes for raising concerns and complaints are responsive, understood, accessible and used by children, adults, families, carers, communities, and personnel.

National Catholic Safeguarding Standard 6		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core competencies	Effective complaints management <i>Processes for raising concerns and complaints are responsive, understood, accessible and used by children, adults, families, carers, communities, and personnel.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	6.1 The entity's Complaints Handling Policy outlines the roles and responsibilities, approaches to dealing with different types of complaints, reporting obligations and record keeping requirements.			Each participant has knowledge of and access to the provider's complaints management and resolution system.
	6.2 The Complaint Handling Policy is understood by children, adults, families, carers, and personnel, and focuses on the rights of children and adults at risk.	Consumers are made aware of and have access to advocates, language services and other methods for raising and resolving complaints.	Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers and advocates.	Each participant is provided with information on how to give feedback or make a complaint, including avenues external to the provider, and their right to access advocates.

6.3	Complaints are taken seriously and responded to promptly and thoroughly.	Appropriate action is taken in response to complaints and an open disclosure process is used when things go wrong.	Individuals, families, friends, carers and advocates are actively supported to provide feedback, make a complaint or resolve a dispute without fear of adverse consequences.	Complaints and other feedback made by all parties are welcomed, acknowledged, respected and well- managed.
6.4	The Complaints Handling Policy includes the process of reporting complaints and concerns to relevant authorities, requiring cooperation with any statutory or contractual processes.		Reports may be made to Commissioner <i>(1) A person may make a report to the Commissioner about the following— (a) an adult with disability or older adult if the person has reasonable grounds to believe the adult is subject to, or at risk of, abuse, neglect or exploitation, (b) circumstances that the person has reasonable grounds to believe will result in the abuse, neglect or exploitation of an adult with disability or older adult.</i>	A complaints management and resolution system is maintained. The system follows principles of procedural fairness and natural justice and complies with the requirements under the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018.
6.5	The Church Authority ensures mechanisms are in place to support complainants of child and adult sexual abuse.			There is a supportive environment for any person who provides feedback and/or makes complaints.
6.6	The Church Authority ensures respondents facing allegations are supported and monitored.			



STANDARD 7

Ongoing education and training

Personnel are equipped with knowledge, skills and awareness to keep children and adults safe through information, ongoing education and training.

National Catholic Safeguarding Standard 7		RELEVANT FEDERAL LEGISLATION			
Criteria / Key action areas / Core components	Ongoing education and training <i>Personnel are equipped with knowledge, skills and awareness to keep children and adults safe through information, ongoing education and training.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>	
	7.1 Personnel are trained and supported to implement the safeguarding policies and procedures.	The workforce is recruited, trained, equipped and supported to deliver the outcomes required by these standards.			Each participant’s support needs are met by workers who are competent in relation to their role, hold relevant qualifications, and who have relevant expertise and experience to provide person-centred support.
	7.2	RELEVANT TO CHILDREN ONLY			
	7.3 Personnel are supported to recognise the factors that contribute to adult abuse, with a focus on adults at risk.				
	7.4 Personnel have the information and skills to respond effectively to safeguarding risks, concerns, disclosures, and allegations of abuse.	The organisation has a workforce that is sufficient, and is skilled and qualified to provide safe, respectful and quality care and services.			

	7.5 Personnel receive training and information on how to build culturally safe environments for children and adults.	The workforce is recruited, trained, equipped and supported to deliver the outcomes required by these standards.		
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STANDARD 8

Safe physical and online environments

Physical and online environments promote safety and contain appropriate safeguards to minimise the opportunity for children and adults to be harmed.

National Catholic Safeguarding Standard 8		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	Safe physical and online environments <i>Physical and online environments promote safety and contain appropriate safeguards to minimise the opportunity for children and adults to be harmed.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	8.1 The Safeguarding Risk Management Strategy addresses both physical and online risks, without compromising the individual's right to privacy or wellbeing.			
	8.2 The online environment is used in accordance with the entity's Code of Conduct and Safeguarding Policy.			
	8.3 Risk management plans address the range of settings, activities, and physical environments in which ministry and/or services occur.	The service environment is safe, clean, well maintained and comfortable.		

8.4 Where facilities and services are contracted to and from third parties, contractual arrangements specify safeguarding considerations.



STANDARD 9

Continuous improvement

Entities regularly review and improve implementation of their systems for keeping children and adults safe.

National Catholic Safeguarding Standard 9		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	Continuous improvement <i>Entities regularly review and improve implementation of their systems for keeping children and adults safe.</i>	AGED CARE ACT 1997 <i>Aged Care Quality Standards</i>	DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i>	NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i>
	9.1 The entity's safeguarding practices for the protection of children and adults at risk are regularly reviewed.			The provider's quality management system supports continuous improvement, using outcomes, risk related data, evidence-informed practice and feedback from participants and workers.
	9.2 Concerns and complaints are analysed to identify causes and systematic failures in safeguarding practices.	Feedback and complaints are reviewed and used to improve the quality of care and services.	The service develops a culture of continuous improvement using compliments, feedback and complaints to plan, deliver and review services for individuals and the community.	Demonstrated continuous improvement in complaints and feedback management by regular review of complaint and feedback policies and procedures, seeking of participant views on the accessibility of the complaints management and resolution system, and incorporation of feedback throughout the provider's organisation.
	9.3 The Church Authority reports on the findings of its safeguarding reviews.			



STANDARD 10

Policies and procedures document how the entity is safe for children and adults

Policies and procedures document how the entity is safe for children and adults.

National Catholic Safeguarding Standard 10		RELEVANT FEDERAL LEGISLATION		
Criteria / Key action areas / Core components	<p>Policies and procedures support the safety of children and adults <i>Policies and procedures document how the entity is safe for children and adults.</i></p>	<p>AGED CARE ACT 1997 <i>Aged Care Quality Standards</i></p>	<p>DISABILITY DISCRIMINATION ACT 1992 (CTH) <i>National Standards for Disability Services</i></p>	<p>NATIONAL DISABILITY INSURANCE SCHEME ACT 2013 (CTH) <i>NDIS Practice Standards</i></p>
	10.1 Policies and procedures address the National Catholic Safeguarding Standards.			Policies, procedures and practices are in place which actively prevent violence, abuse, neglect, exploitation or discrimination.
	10.2 Policies and procedures are accessible and easy to understand.	Information provided to each consumer is current, accurate and timely, and communicated in a way that is clear, easy to understand and enable them to exercise choice.	The service provides accessible information in a range of formats about the types and quality of services available.	
	10.3 Best practice models and stakeholder consultation inform the development and review of policies and procedures.		The service seeks and, in conjunction with individuals, families, friends, carers and advocates, reviews feedback on service provision and supports on a regular basis as part of continuous improvement.	

	10.4 Church leaders champion and model best practice implementation of the National Catholic Safeguarding Standards.			
	10.5 Personnel understand and implement policies and procedures.	Regular assessment, monitoring and review of the performance of each member of the workforce.		