

## Safeguarding Children Program Australian Reportable Conduct legislation

**Relevance to Mandatory Reporting** Mandatory Reporting legislation requires reporting to child protection or police if a child is in need of protection from their parents.

Reportable Conduct legislation requires reporting to a Commissioner or Ombudsman of child abuse or child-related misconduct by workers and volunteers in an organisation.

**Who makes reports?** A person in a relevant position of authority in the organisation who becomes aware of an allegation of reportable conduct involving a worker or volunteer must report to the Commissioner/Ombudsman and ensure appropriate investigation of the allegation regardless of whether child protection or the police are investigating the allegation.

**What happens in response to reports?** The Commissioner or Ombudsman will generally be responsible for: receiving and, where appropriate, investigating reportable conduct reports from organisations; monitoring organisations' responses to misconduct and abuse involving children; and referring findings to relevant bodies including professional registration bodies and the WWCC Unit for assessment of a person's suitability to work with children. As part of monitoring organisational responses they may also audit the child protection systems of organisations.

Jurisdiction	Definition	Report to	Organisations required to report	Legal Provisions
<b>ACT (proposed for July 2017)</b>	Ill treatment; neglect or psychological harm to a child; misconduct of a sexual nature; or criminal offences involving a child	Ombudsman	Not yet determined	<i>Reportable Conduct and Information Sharing Legislation Amendment Act 2016</i>
<b>NSW since 1999</b>	Any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence Any assault, ill-treatment or neglect of a child Any behaviour that causes psychological harm to a child – even if the child consented to the behaviour	Ombudsman	Designated government agencies include: Department of Family and Community Services; Department of Education; Ministry of Health; Local Health Districts; Ambulance NSW; Statutory Health Corporations; Juvenile Justice NSW; Corrective Services NSW; TAFE Designated non-government agencies include: Non-government schools; Accredited statutory out-of-home care service providers; Designated voluntary out-of-home care service providers; Agencies providing substitute residential care to children; Approved Education and Care Services; Affiliated Health Organisations. 'Other public authorities' are only required to notify reportable allegations or convictions that arise in the course of the employee's work.	Part 3A <i>Ombudsman Act 1974</i>
<b>VIC (proposed for July 2017)</b>	Sexual misconduct or offences, grooming, 'sexting', inappropriate physical contact with a child or other conduct that crosses professional boundaries concerning children	Commission for Children and Young People	<b>Phase 1 from 1 July 2017:</b> <ul style="list-style-type: none"> <li>Government and non-government schools; senior secondary education and training providers; overseas student exchange, schools and senior secondary providers;</li> <li>Disability; mental health; drug or alcohol; housing or homelessness services (where residential services are provided for children and young people)</li> <li>Child protection services; Out-of-home care services;</li> </ul>	<i>Children Legislation Amendment (Reportable Conduct) Bill 2016</i>

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Jurisdiction	Definition	Report to	Organisations required to report	Legal Provisions
			<p>Government departments providing services to children (including youth justice and corrective services).</p> <p><b>Phase 2 from 1 January 2018:</b></p> <ul style="list-style-type: none"> <li>Religious organisations; Residential facilities of boarding schools; Overnight camps for children; Public, denominational and private hospitals; Other disability service providers that provide services for children</li> </ul> <p><b>Phase 3 from 1 January 2019:</b></p> <ul style="list-style-type: none"> <li>Approved education and care services (e.g. kindergartens, after hours care services); Children's services (e.g. occasional care providers); Statutory bodies that have responsibility for children, such as public museums and galleries</li> </ul>	

**Please note:** the information provided below is a summary for general reference only. If you are unsure of your reporting obligations you should seek direction from the child protection authority in your jurisdiction.

### Sources:

NSW Ombudsman <https://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection/reportable-allegations-and-convictions>

Victoria Commissioner for Children and Young People <http://www.ccp.vic.gov.au/reportableconduct/index.htm>

ACT Ombudsman <http://www.cmd.act.gov.au/policystrategic/reportable-conduct-scheme>



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