



Introducing Tasmania's Child and Youth Safe Organisations Framework

➔ An explainer resource for organisations

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Acknowledgement of Aboriginal people and country



The Tasmanian Government pays respect to the Tasmanian Aboriginal People as the traditional and original owners and continuing custodians of lutruwita/Tasmania.

We honour Tasmanian Aboriginal Elders, past and present as the first peoples of this Land and recognise the deep history and culture of this Island.

We recognise and value Aboriginal histories, knowledge and lived experiences and commit to being culturally inclusive and respectful in our working relationships with all Aboriginal people.

We also acknowledge Tasmanian Aboriginal children and young people's wellbeing has been and continues to be based on a deep and continuous connection to community and country.

We acknowledge Tasmanian Aboriginal children and young people have a right to grow up in a safe and nurturing environment with connections to community, culture and identity.



Acknowledgement of lived experience

We acknowledge all victim-survivors of child abuse in Tasmania, including those with lived experience of harm in institutional settings.

We thank those victim-survivors who are working with us to make the future a safer place for children and young people in Tasmania.

Every child and young person has a right to be safe, and children and young people's safety is everyone's responsibility.



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Help and support

It can be really hard to read about child abuse. Please take care as you read this document and seek support if you need it.

The Strong Families, Safe Kids Advice and Referral Line (1800 000 123) is the **first point of contact for child wellbeing and safety**.

The below services may be useful. In an emergency, call 000.

Tasmania:

- For statewide sexual assault support on a 24-hour basis, contact 1800 MYSUPPORT on 1800 697 877.
- For information about child wellbeing and safety, contact Strong Families, Safe Kids Advice and Referral Line on 1800 000 123.
- For information and support for children, young people and adults affected by family violence, contact Family Violence Counselling and Support Service on 1800 608 122.
- For free and confidential support for people impacted by crime, contact Victims of Crime Service on 1300 300 238.
- For support to create and maintain healthy relationships, contact Relationships Australia Tasmania on 1300 364 277.

National:








- For domestic, family, and sexual violence counselling and support, contact 1800RESPECT on 1800 737 732.
- For short-term support if you are feeling overwhelmed or having difficulty coping or staying safe, contact Lifeline on 13 11 14.
- For free professional phone and online counselling for anyone affected by suicide living in Australia, contact Suicide Call Back Service on 1300 659 467.
- For information and support for anxiety, depression and suicide prevention for everyone in Australia, contact Beyond Blue on 1300 224 636.
- For information and support for anyone who is affected by complex trauma, contact Blue Knot Foundation on 1300 657 380.
- For counselling and support for Australian men, contact MensLine Australia on 1300 789 978.
- For advice for men about family violence, contact Men's Referral Service on 1300 766 491.
- For free 24/7, confidential and private counselling service specifically for children and young people aged 5 to 25 years, contact Kids Helpline on 1800 551 800.

Guide to this explainer resource

This explainer resource is:

- ➔ primarily for Tasmanian organisations that engage with children and young people, and are likely to be legally required to comply with the Child and Youth Safe Organisations Framework (the Framework)
- ➔ designed to be a useful introduction for people starting to learn about the Framework, and read alongside other resources and information.

This explainer resource will: ✓

-  introduce you to key elements of the Framework
-  tell you which types of organisations will be legally required to comply with the Framework and when their compliance must start (listed on page 8)
-  outline the benefits of complying with the Framework to the children and young people your organisation engages with, as well as the organisation itself
-  explain where the idea of the Framework came from and how it was developed for Tasmania
-  share key messages from children and young people in Tasmania, as well as people with lived experience of institutional child sexual abuse
-  use specific terms (listed on page 9), some of which are different to the exact wording in the law that establishes the Framework
-  use other terms that describe functions or roles associated with the Framework, but may not be the final name these things go by (for example, the law establishing the Framework states it will be overseen by an Independent Regulator, but this person may hold a different title in practice).

This explainer resource won't: ✗

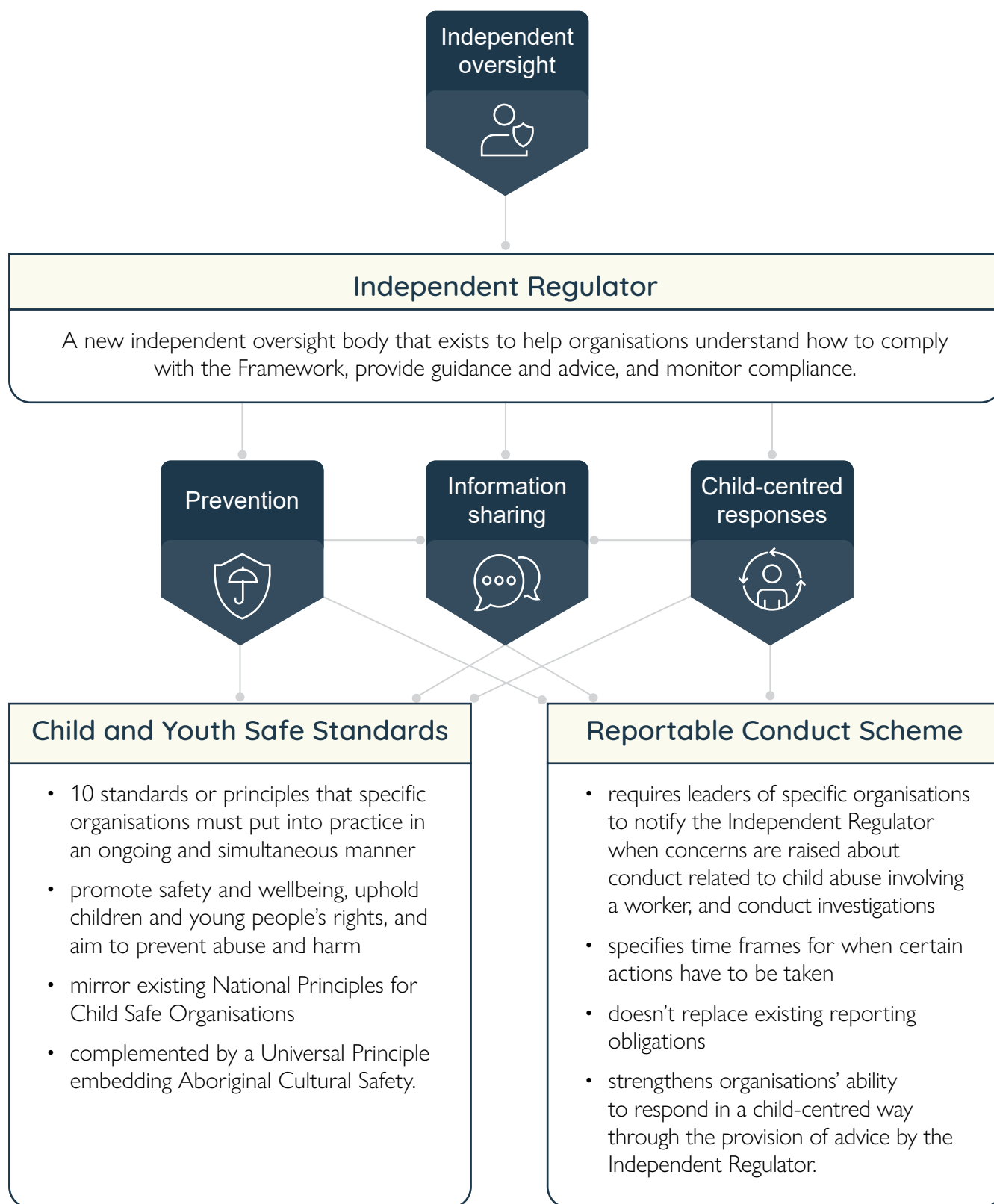
- ✗ outline specific compliance guidance for organisations that have to follow the Framework (this will be available at a later date)
- ✗ list every single organisation in Tasmania that will have to comply with the Framework
- ✗ include everything there is to know about the Framework, or the law that establishes it
- ✗ offer in-depth information about other child safeguarding systems and processes that complement the Framework
- ✗ include or amount to legal advice.

Organisations that will have to comply with the Framework

Type of organisation*	Child and Youth Safe Standards	Reportable Conduct Scheme	Date must start to comply
 Accommodation and residential services for children, including housing services and overnight camps	✓	✓	1 January 2024
 Activities or services of any kind, under the auspices of a particular religious denomination or faith through which adults have contact with children	✓	✓	1 January 2024
 Child care and commercial babysitting services	✓	✓	1 January 2024
 Child protection services and out-of-home care, including Children's Contact Services	✓	✓	1 January 2024
 Health services for children, including organisations that provide counselling services	✓	✓	1 January 2024
 An organisation that provides early intervention or disability support services	✓	✓	1 January 2024
 Justice and detention services for children	✓	✓	1 January 2024
 Education services for children	✓	✓	1 January 2024
 Tasmanian Government and Local Government	✓	✓	1 January 2024
 Tasmanian Parliament	✓	✓	1 January 2024
 Government House	✓	✓	1 January 2024
 A club, association or cadet organisation that has a significant membership of, or involvement by, children	✓	✓	1 July 2024
 An entity that provides a coaching or tuition service to children	✓	✓	1 July 2024
 Neighbourhood Houses	✓		1 July 2024
 An entity that provides commercial services to children	✓		1 July 2024
 A transport service specifically for children	✓		1 July 2024

*Full details of the organisations proposed to have to comply with the Child and Youth Safe Standards, and the Reportable Conduct Scheme, are set out in Schedule 2 and 3 respectively within the *Child and Youth Safe Organisations Act 2023*.

The Framework at a glance



What is the Child and Youth Safe Organisations Framework?

For children and young people to be safe in our community, they need to be safe in our organisations.

That's why we need to work together to create and maintain Child and Youth Safe Organisations.

But what is a Child and Youth Safe Organisation?

What qualities does it have?

What principles does it put into practice — not once a year, or now and then, but every day, as a conscious way of working?

How does it put the safety and wellbeing of children and young people at its centre, and in doing so, prevent harm?

What steps do workers — and in particular, leaders — take when there are concerns about a worker's conduct towards a child or young person?

These are all questions the Child and Youth Safe Organisations Framework (the Framework) can answer.



Quick facts

In the context of the Framework:

- a child or young person is anyone under 18 years of age
- a 'worker' is a paid employee and/or volunteer (for a full definition, go to page 27)
- concerns about a worker's conduct towards a child or young person is broader than suspected criminal behaviour alone.

What is the Child and Youth Safe Organisations Framework?

A wide range of Tasmanian organisations that engage with children and young people will need to comply with the Framework from 2024 onwards.

The Framework sets out clear expectations for:

- how these organisations prioritise and promote the safety and wellbeing of children and young people
- how they respond when there are concerns about a worker's behaviour towards children and young people.

It also outlines:

- the importance of independent oversight as a way to ensure organisations fulfil their obligations under the Framework
- when it is appropriate or inappropriate to share information concerning a worker's conduct towards a child or young person.



From a young Tasmanian:

This affects Tasmania's next generation. The things we put them through now, that's going to affect them for their entire lives.

— Tara, who wants to be a shark diver





These four elements are the ‘pillars’ of the Framework. Specifically, they are represented by:

- **The Child and Youth Safe Standards:** Ten principles that organisations must do to create a culture in implementing the Child and Youth Safe Standards. In putting the Child and Youth Safe Standards into practice, organisations must also give effect to a Universal Principle for Aboriginal Cultural Safety. Find out more on page 16.
- **The Reportable Conduct Scheme:** A compulsory scheme that requires leaders of certain organisations to report concerns about worker conduct to an independent regulator, and also investigate those concerns. Find out more on page 18.
- **The Independent Regulator:** An independent regulatory body that will oversee the Framework to make sure organisations have the support, advice, and education they need to do the right thing. Find out more on page 22.
- **Information sharing provisions:** Specific rules written into the law that mean leaders of organisations covered by the Framework are permitted to share personal information in certain circumstances. Find out more on page 25.



From a young Tasmanian:

You should never feel unsafe around someone that you should be trusting of.

— Becca, who is passionate about make up and fashion



How will the Framework benefit children and young people in Tasmania?

The Framework aims to promote the safety and wellbeing of children and young people from all forms of harm in institutional settings.

By institutional settings, we mean organisations — referred to in the law that establishes the Framework as ‘entities’ — such as schools, clubs, justice and detention services for children, out-of-home care, and many more.

The Framework will benefit children and young people in Tasmania by:

- upholding and respecting their rights, including their right to safety
- creating new legal responsibilities for organisations that engage with them that are in the child or young person’s best interest
- outlining clear principles that organisations need to put into practice to create a child-centred culture, including how they involve families and carers
- strengthening independent oversight of how reports about workers’ behaviour are investigated



- enhancing community awareness and knowledge of what keeps children and young people safe, as well as risks to their safety
- making it easier and clearer for organisations and regulators to share information, with a view to keeping children and young people safe
- establishing the Independent Regulator, who can be contacted by children and young people directly if they have concerns
- requiring organisations to pay particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

How will the Framework benefit child-facing organisations in Tasmania?

Some other states already have their version of the Framework in place. Their experiences suggest the Framework's introduction in Tasmania will contribute to:

- further empowering children and young people to participate in the organisations they engage with
- clear principles to guide their approach to being a Child and Youth Safe Organisation
- improved responses to allegations of harm to children and young people within organisations, including a higher standard of investigation by the organisation involved
- better understanding of behaviours that amount to reportable conduct, especially sexual misconduct and grooming
- strengthened information sharing provisions, which in turn assists in identifying people who should not be working with children and young people.

How do I know if my organisation needs to follow the Framework?

All Tasmanian organisations should work to be child and youth safe organisations.

That said, specific organisations that engage with children and young people will be required to follow the Framework by law.

The full list of organisations legally required to comply with Framework is summarised on page 8.

You can find a summary of the types of organisations that will need to comply with the Framework on page 8.



From a young Tasmanian:

This should have been happening all along, not just now. It's the basics of treating everyone with respect.

— Hannah, who wants to make her mark in the hospitality industry.





Does the introduction of the Framework mean I must drastically change what I'm doing?

It's important to understand that the Framework doesn't necessarily mean a whole new way of doing things for your organisation.

For many, it will simply affirm the good work they're doing already, such as doing thorough checks when recruiting new staff, having child-safe policies and procedures, and supporting children and young people to speak up if, when, and how they want to.

For others, it will shed light on areas that need improvement and adjustment, and provide specific guidance on how to make changes for the better.

Research from other Australian states that already have versions of the Framework suggest this process is an ongoing cycle of learning and improving.



From a Tasmanian victim-survivor:

The Framework is about putting children and young people first.



What is new about the Framework? What might be familiar?

Your organisation may already know about, or be complying with, the National Principles for Child Safe Organisations (the National Principles).

A key part of the Framework — the Child and Youth Safe Standards — mirror these National Principles.

While the Child and Youth Safe Standards may be familiar, another key part of the Framework — the Reportable Conduct Scheme — will be totally new to Tasmania.

The Reportable Conduct Scheme will apply to a tighter group of organisations than the Child and Youth Safe Standards. It is specifically aimed at strengthening oversight of how organisations with a high degree of responsibility for children and young people investigate concerns about workers' behaviour.

It will do this by requiring organisations to notify and update the Independent Regulator of the Framework about:

- allegations of child abuse and child-related misconduct, as well as
- the steps being taken to investigate it.

When it comes to these investigations, the Independent Regulator will be there to guide and educate organisations about how child-safe investigations should be run.



Where did the idea for the Framework come from?



The idea of child safe standards has been around for a long time, so has the idea of a reportable conduct scheme.



2012–2015



These ideas became more prominent during the Royal Commission into Institutional Responses to Child Sexual Abuse that ran from 2012–2015.



2017



The Royal Commission found:

- many organisations failed to protect children in their care from abuse
- these failures were historical and contemporary, meaning they didn't only happen 'in the past'
- the institutional cultures and practices that allowed abuse to happen and stopped people investigating it properly were still happening.

The Royal Commission made recommendations designed to put these things right, including:

- the development of a national set of child safe standards (which became the National Principles for Child Safe Organisations)
- that places in Australia that didn't already have a reportable conduct scheme in place should develop and implement one.



1 July 2023



Key parts of the Child and Youth Safe Organisations Framework are based on these recommendations.





From a young Aboriginal Tasmanian:

I know an organisation respects my culture when staff pay attention to (my culture) and acknowledge it.

— K, who says young peoples' opinions deserve to be heard.



From a Tasmanian victim-survivor:

Silence allows abuse to continue.



From a Tasmanian victim-survivor:

If kids who come forward feel like they're being heard, it's going to have a snowball effect. More kids will have the confidence to come forward and know that they are being heard, and they will be heard.



What are the Child and Youth Safe Standards?

What are the Child and Youth Safe Standards?

The Child and Youth Safe Standards are 10 principles that:

- promote the safety and wellbeing of children and young people
- prevent abuse and harm to children and young people
- create a benchmark that organisations engaging with children and young people need to continuously meet
- ensure organisations that engage with children and young people embed strategies in their day-to-day practice to realise these things.

In putting the Standards into practice, organisations must also give effect to something called the Universal Principle for Aboriginal Cultural Safety.

The Universal Principle applies to **all** 10 Standards and means the right of Aboriginal and Torres Strait Islander children and young people to Cultural Safety must be respected.



How do I know if my organisation is practising the Standards?

Organisations will be given guidance that helps them understand how they can put the Child and Youth Safe Standards and Universal Principle into practice.

At the same time, it's important to know that this guidance is designed to be a starting point for compliance.

Organisations are encouraged to think strategically and creatively about how they can bring each Standard to life within their organisation.

What is Aboriginal Cultural Safety?

Aboriginal children and young people in Tasmania have a right to grow up in a safe and nurturing environment with connections to community, culture and identity.

The National Agreement on Closing the Gap defines Cultural Safety as:

- being about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person's identity, of who they are and what they need
- being met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.

There are risks to children and young people when Cultural Safety is not practised or respected.

Key elements of the Child and Youth Safe Organisations Framework aim to support and enable Cultural Safety for Aboriginal and Torres Strait Islander children and young people in Tasmania.

The Universal Principle: Applies across all 10 Child and Youth Safe Standards.

This means: Organisations must provide an environment that ensures the right to Cultural Safety of Aboriginal or Torres Strait Islander children is respected.



Standard 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture.

This means: All people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.



Standard 2: Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

This means: Children and young people are told about their human rights, have a say in decisions and are taken seriously..



Standard 3: Families, carers, and communities are informed and involved in promoting child safety and wellbeing.

This means: Families, carers, and communities know about and are involved in the organisation's child safety and wellbeing activities.



Standard 4: Equity is upheld and diverse needs respected in policy and practice.

This means: The rights of every child and young person are being met, and children and young people are treated with dignity, respect and fairness.



Standard 5: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

This means: People working with children and young people are safe to work with them, and are respectful of them. They are taught how to keep children safe and well.



Standard 6: Processes to respond to complaints and concerns are child focused.

This means: Children, young people, families, carers, staff and volunteers are listened to and can share problems and concerns.



Standard 7: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

This means: Staff and volunteers keep learning all the time so they know how to keep children and young people safe and well.



Standard 8: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

This means: Children and young people are safe in online and physical spaces.



Standard 9: Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.

This means: The organisation keeps reviewing and improving its child safety and wellbeing practices.



Standard 10: Policies and procedures document how the organisation is safe for children and young people.

This means: The organisation writes down how it keeps children and young people safe and well, and makes sure that everyone can see these documents.



What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme is about creating a culture where organisations that engage with children and young people investigate concerns about their wellbeing in a thorough, transparent, safe **and child-centred** way.

It does this by requiring leaders of specific organisations to:

- report concerns of conduct related to child abuse involving a worker in their organisation to the Independent Regulator of the Framework, and
- investigate these concerns.

This includes historical allegations against people currently employed or contracted by the organisation.

We refer to these concerns as ‘reportable conduct’.

By ‘worker’, we mean volunteers too.

The Reportable Conduct Scheme is primarily about ensuring reportable conduct is investigated **properly**: the fact of reporting the conduct to the Independent Regulator doesn’t automatically mean that an investigation must reach a certain outcome.

What is ‘reportable conduct’?

Reportable conduct includes criminal and non-criminal behaviour.

Broadly speaking, reportable conduct includes:

- significant emotional or psychological harm
- significant neglect
- physical violence
- a sexual offence
- sexual misconduct
- grooming
- relevant offences such as failing to report child abuse and female genital mutilation.

You can find explanations of each of these types of reportable conduct on page 18.

“

From a young Tasmanian:

People in charge of an organisation should listen to me when I speak up because I know me best.

— George, who feels safe when adults follow through with what they say they’re going to do.

”



From a young Tasmanian:

People in charge of an organisation should listen to me ... because it takes a lot of courage to speak up.

— Lake, who wants to own their own home.



Who has to follow the Reportable Conduct Scheme?

The Reportable Conduct Scheme applies to a more focused group of organisations than the Child and Youth Safe Standards.

This is because it is aimed at organisations that:

- have a high degree of responsibility for children
- engage with children and young people in ways that place them at higher risk of harm.

You can find the full list of organisations required to comply with the Reportable Conduct Scheme on page 8.

What is the role of leaders of organisations in the Reportable Conduct Scheme?

Leaders of organisations that have to follow the Reportable Conduct Scheme must:

- notify the Independent Regulator of reportable conduct, even if they think someone may have already done so
- investigate the reportable conduct, or find someone suitable to do so
- keep the Independent Regulator informed of the investigation's progress and outcomes.

The illustration on page 21 gives more detail about these processes.

What is the role of the Independent Regulator in the Reportable Conduct Scheme?

The Independent Regulator:

- oversees reportable conduct notifications and investigations
- provides advice and guidance to organisational leaders on how to conduct a reportable conduct investigation
- receives and assesses the appropriateness of investigation findings, reasons for findings and actions
- conduct an own-motion investigation (meaning the Independent Regulator themselves does the investigation) if they choose to
- can receive reports from **anyone**, not just leaders of organisations.

“

From a Tasmanian with lived experience of child sexual abuse:

Protecting children within your organisation is not only part of your professional code of conduct, but your ethical and humane responsibility as well.

”

The Reportable Conduct Scheme in action:



Within three business days: Leaders must notify the Independent Regulator of reportable conduct, in writing and provide:

- that a reportable conduct allegation has been made, or that a reportable conviction recorded against, a worker
- the worker's name and, if known, date of birth
- if the reportable allegation is suspected criminal behaviour, if Tasmania Police has been informed
- the name, address, and telephone number of the organisation
- the leader of the organisation's name.

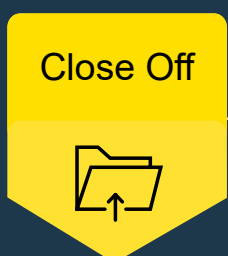


As soon as possible: Leaders must start an investigation (or get an independent investigator to do so).



Within 30 days: Leaders must provide updated information to the Independent Regulator, including:

- all the information they have, at that point, about the allegation or conviction
- whether any actions have been taken (for example, placing a limit on a worker's contact with children)
- any written submissions the worker involved has asked to be taken into consideration.



At the end of the investigation: Leaders must provide the following information to the Independent Regulator:

- findings of the investigation
- reasons for the findings
- details of any actions that have been taken as a result.

Who is the Independent Regulator?

What is the purpose of the Independent Regulator?

At the heart of the Framework is the principle of independent oversight.

We use the term ‘independent oversight’ to describe a situation where someone who isn’t part of an organisation is watching over the choices and actions of people who are part of the organisation.

Independent oversight of the Framework is vitally important because keeping things ‘behind closed doors’ within an organisation can put children and young people at increased risk of harm.

Having someone or something from outside an organisation, looking in, provides for oversight and creates an environment of accountability.

This is why the Framework is overseen by an Independent Regulator.

As the name suggests, the Independent Regulator is independent from the government and reports to parliament rather than a Minister.



From a Tasmanian victim-survivor:

This isn’t government. It’s independent, and someone kids can go to themselves. I think that that’s something we’ve never had before.



What is the job of the Independent Regulator?

As well as providing for independent oversight, the Independent Regulator has a big role to play in **supporting** organisations to follow the Framework.

This means providing guidance, advice, education and training, resources, and more.

This work supporting organisations affected by the Framework to strengthen their skills and confidence is often referred to as ‘capability building’ and complements the Independent Regulator’s duty to monitor how well organisations are meeting their legal obligations under the Framework.

The Independent Regulator’s job also involves raising awareness across the community about how to create child and youth safe organisations.

The Independent Regulator also has an important role to play in data collection.

Given its role receiving notifications about reportable conduct, the Independent Regulator will have the ability to identify and communicate about patterns (for example, a particular type of reportable conduct is reported at a very high rate, or a lot of reports are coming from a specific type of organisation) that need to be addressed.





Can the Independent Regulator get actively involved in organisational compliance?

The Independent Regulator is there to support organisations to do the work they need to do to be a child and youth safe organisation, not do the work for them.

The Independent Regulator is a source of oversight, guidance, and advice. While it does have the power to take on a Reportable Conduct Scheme investigation itself if it is in the public interest to do so, this will be the exception, not the rule.

An investigation into reportable conduct that is done by the Independent Regulator itself is called an 'own motion investigation'.

“

From a Tasmanian with lived experience of child sexual abuse:

The Independent Regulator is there to empower organisations and individuals that work within those organisations.

”



Under the Child and Youth Safe Standards, the Independent Regulator will have the power to:

- request information or documents to determine whether an organisation is complying with the Child and Youth Safe Standards and/or Universal Principle
- enter premises without consent when it is deemed necessary to ensure the organisation is complying with the Child and Youth Safe Standards and/or Universal Principle
- issue a notice to produce information or documents within certain timeframes to determine compliance
- issue a notice to comply when the Independent Regulator believes on reasonable grounds that the organisation is not complying with the Child and Youth Safe Standards and/or Universal Principle
- issue infringement notices to organisations or individuals for non-compliance offences
- share information with anyone to protect and promote the safety and wellbeing of children and young people.

Under the Reportable Conduct Scheme, the Independent Regulator will have the power to:

- monitor an organisation's investigation into reportable conduct
- request information or documents to enable the Independent Regulator to monitor an organisation's investigation into reportable conduct or for the purpose of an own motion investigation
- in exceptional circumstances, conduct an own-motion investigation in relation to reportable conduct or the handling of an investigation by an organisation or entity regulator
- enter premises without consent for the purpose of conducting an own-motion investigation
- interview a person, worker or a child for the purpose of conducting an own motion investigation
- issue a notice to produce information or documents within certain timeframes to monitor an organisation's investigation into reportable conduct or for the purpose of an own-motion investigation
- issue a notice to investigate to an entity regulator in certain circumstances
- share reportable conduct information with organisations, Tasmanian and interstate police bodies, the Registrar of the Working with Vulnerable People Act and other regulators.

Information sharing and the Framework



This page provides a broad summary of the topic of information sharing as it relates to the Framework. It does not go into specific legal detail about information sharing provisions related to the Framework. For that level of detail, consult the *Child and Youth Safe Organisations Act 2023*.

What is information sharing?

In the context of the Framework, information sharing means the exchanging of relevant, otherwise protected information between specific authorities in the best interests of children and young people.

Why is it so important?

Inquiries into child abuse in organisational settings have showed us there can be serious consequences when information doesn't flow effectively between relevant groups.

It is very important that information is securely shared in a timely manner to protect children and young people from harm.

For example, where the worker who is the subject of a reportable conduct allegation in one organisation is volunteering with another organisation that works with children, and you are concerned about the welfare of those children.

The law underpinning the Framework provides for a range of information-sharing channels to try to avoid a situation where someone who shouldn't work with children and young people does so.

Who can receive and share information under the Framework?

Under the Framework, the following groups can share information with each other:

- the Independent Regulator
- an entity regulator
- the leader of another organisation
- Tasmania Police
- an independent investigator if necessary for the purposes of an investigation
- the Registrar of the *Working with Vulnerable People Act 2013*
- the Integrity Commissioner under the *Integrity Commission Act 2009*
- a Government Minister
- if the worker who is the subject of the reportable allegation or reportable conviction is a contractor, that worker's direct employer.

But information can't just be shared for the sake of it.

The law behind the Framework says information can only be shared for the purposes of:

- protecting the safety and wellbeing of children
- performing functions or exercising powers under the Framework.



Key terms

Key term	What it means
Terms that relate to the Child and Youth Safe Organisations Framework broadly	
Aboriginal	Aboriginal and Torres Strait Islander peoples and/or communities.
Child or young person/ young people	Anyone under the age of 18.
Victim-survivor of child sexual abuse	Someone who has been sexually abused as a child in an organisational context. In using this term, we acknowledge that some people with this lived experience prefer 'survivor', while others prefer 'victim'.
Organisation(s) that will have to follow or comply with the Child and Youth Safe Standards	<p>The same thing as what the <i>Child and Youth Safe Organisations Act 2023</i> calls an 'entity'.</p> <p>An entity refers to organisations that must comply with the Child and Youth Safe Standards.</p> <p>An entity means a relevant body who is:</p> <ul style="list-style-type: none"> Specified in Schedule 2 or 3 of the <i>Child and Youth Safe Organisations Act 2022</i>; and Provides services specifically for children or Provides facilities specifically for use by children who are under the supervision of the entity. <p>A relevant body means the Crown, an individual who carries on a business, an incorporated or unincorporated body (however structured).</p> <p>If only part of an organisation provides services or facilities for children, the whole of the organisation must comply with the Child and Youth Safe Standards.</p>
Organisation(s) that will have to follow or comply with the Reportable Conduct Scheme	<p>The same thing as what the <i>Child and Youth Safe Organisations Act 2023</i> calls a 'relevant entity'.</p> <p>A relevant entity refers to organisations that must comply with the Reportable Conduct Scheme.</p> <p>A relevant entity means an entity, or a member of a class of entities:</p> <ul style="list-style-type: none"> Specified in Schedule 3; and Provides services specifically for children or Provides facilities specifically for use by children who are under the supervision of the entity. <p>If only part of an organisation provides services or facilities for children, the whole of the organisation must comply with the Reportable Conduct Scheme.</p>

Key term	What it means
Leader of an organisation that will have to follow or comply with the Reportable Conduct Scheme	<p>The same thing as what the <i>Child and Youth Safe Organisations Act 2023</i> calls a 'head of an entity'.</p> <p>A head of an entity is a person who is primarily responsible for the decision making of the organisation.</p> <p>Head of an entity means:</p> <ul style="list-style-type: none"> • in a Government Agency, the Head of Agency or their delegate; or • the CEO of the organisation (however titled or described); or • the principal officer of the organisation (however titled or described); or • a person, or the holder of a position in the organisation who is nominated by the organisation as its head and approved by the Independent Regulator.
Worker	<p>A worker is a person over the age of 18 years who is:</p> <ul style="list-style-type: none"> • employed by an organisation, whether or not the person is employed in connection with any work or activities of the organisation that relate to children • engaged by the organisation to provide services, including as a volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder, alderman, councillor, MP, student or trainee, and/or minister of religion or religious leaders. <p>The Reportable Conduct Scheme covers all workers in an organisation – not only those that work or volunteer with children.</p>

Terms that are specifically relevant to the Reportable Conduct Scheme

Grooming	<p>Grooming means befriending and establishing an emotional connection with a child (and/or the child's guardian, family or friend or a worker) for the purpose of establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, criminal offence or sexual misconduct against a child.</p> <p>Grooming occurs in a pattern of manipulative or controlling behaviours. These behaviours can take place in a range of settings.</p> <p>Examples of grooming behaviour include:</p> <ul style="list-style-type: none"> • isolating a child from their peers to spend time alone • befriending a child in person and continuing to communicate with the child online • giving gifts, money or alcohol to a child, parent or friend to gain access to a child • inappropriate touching of a child, including tickling and play fighting • asking a child not to tell anyone about their behaviour. <p>For the purpose of:</p> <ul style="list-style-type: none"> • establishing trust to normalise sexually harmful behaviour or engage in an unlawful act, sexual offence or sexual misconduct against a child. <p>Grooming behaviour can also be a sexual offence under section 125D of the <i>Criminal Code Act 1924</i>.</p> <p>If you are unsure if an allegation of grooming behaviour is a sexual offence, you should contact Tasmania Police.</p>
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Key term	What it means
Physical violence	<p>Physical violence means</p> <ul style="list-style-type: none"> • actual physical violence: the intentional or reckless application of physical force to a person without lawful justification or excuse; or • apprehended physical violence: any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person. <p>Examples of actual physical violence include hitting, punching, pushing, kicking and spitting.</p> <p>Examples of apprehending physical violence include words or actions which indicate that physical violence will occur to the child <i>in the future</i>.</p>
Relevant offence	<p>The definition of reportable conduct included in the Framework includes ‘a relevant offence’ because there are other types of conduct that need to be reported, but don’t easily fit into the other categories.</p> <p>Under the Reportable Conduct Scheme, a relevant offence is:</p> <ul style="list-style-type: none"> • a sexual offence under the <i>Criminal Code Act 1924</i> • failing to report the abuse of a child • female genital mutilation • inciting or attempts to commit crimes that are inciting or attempts to commit offences listed above • accessories after the fact for crimes that are inciting or attempts to commit offences listed above.
Sexual offences and sexual misconduct	<p>Sexual offences</p> <p>Sexual offences include:</p> <ul style="list-style-type: none"> • bestiality (given this often co-occurs with sexual abuse of people) • penetrative sexual abuse of child or young person • person permitting penetrative sexual abuse of child or young person on premises • persistent sexual abuse of child or young person • indecent act with child or young person • procuring child or young person for sexual abuse • communications with intent to procure child or young person • penetrative sexual abuse of person with mental impairment • indecent assault • procuring a person for penetrative sexual abuse by threats or fraud • involving person under 18 years in production of child exploitation material • production of child exploitation material • distribution of child exploitation material • possession of child exploitation material • accessing child exploitation material • incest • indecency • rape • inciting or attempts to commit crimes that are XXXX • accessories after the fact for crimes that are XXXX. • wilfully and obscenely expose one’s person in public.

Key term	What it means
	<p>Sexual misconduct</p> <p>This conduct may overlap with criminal conduct. When performed in a sexual manner or with a sexual intention, sexual misconduct includes:</p> <ul style="list-style-type: none"> • inappropriate behaviour • physical contact • voyeurism (which means watching someone or others) • speech or other communication, including electronic communication. <p>Sexual misconduct is conduct that doesn't meet the acceptable standard of behaviour by a worker or volunteer and is committed in a sexual manner or with sexual intention.</p> <p>Sexual misconduct may occur in a variety of settings, including in person communication and online communication.</p> <p>Examples of sexual misconduct include inappropriate comments to a child about an area of their body in a sexual manner and inappropriate touching of a child.</p> <p>Another example would be intentionally showing a sexually explicit movie to a child for sexual gratification.</p>
Significant emotional or psychological harm	<p>Emotional or psychological harm means harm to a child's:</p> <ul style="list-style-type: none"> • wellbeing • development • or both. <p>Significant means the harm is more than trivial. It is also important to know that something doesn't have to have a permanent impact or effect to be considered significant.</p> <p>Examples of significant emotional or psychological harm include:</p> <ul style="list-style-type: none"> • direct and indirect exposure to domestic and family violence • verbal abuse, such as telling a child they are worthless • humiliating a child in front of their peers.
Significant neglect	<p>Neglect of a child means the deliberate or reckless failure to meet one or more of that child's basic needs.</p> <p>Significant means the neglect is more than trivial or insignificant, but is not required to be deemed serious or to have a lasting permanent effect.</p> <p>There are several types of neglectful behaviour.</p> <p>These include</p> <ul style="list-style-type: none"> • supervisory neglect: for example, leaving a child in a hot car in summer time • physical neglect: a child being extremely dirty and suffering a skin condition as a result of poor hygiene • educational neglect: preventing a child from attending school for no valid reason • emotional neglect: rejecting a child from a family, home, school or other situation for no valid reason.



From a young Tasmanian:

Organisations should include you, so that you are not the single one out because you are from out-of-home care. They try to make you understand that you are still the same sort of person as everybody else but you may have a little bit of difficulty.

— Jess, who wants to be a hairdresser and also work with kids in out-of-home care



