

Information sharing under the Child and Youth Safe Organisations Framework



This resource is:

- primarily for leaders of organisations who are likely to be legally required to comply with the Child and Youth Safe Organisations Framework (the Framework)
- designed to introduce people to information sharing under the Framework after they have learned about key elements of the Framework more broadly
- to be read alongside other resources, including the *Child and Youth Safe Organisations Act 2023*
- a useful summary of information sharing under the Framework, as opposed to an in-depth legal resource.



➔ 1. Learn about why it matters

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, an organisation covered by the Framework who employs a perpetrator of child abuse can share information so that a future employer, that is also covered by the Framework, would know about this conduct.

Organisations may hold some information that, when pieced together with information from other sources, creates a more complete picture of conduct or risk of harm to children. Information sharing can minimise these risks.

➔ 2. Get to know key terms

Key term	What it means
Leaders of organisations	<p>Called 'head of an entity' in the <i>Child and Youth Safe Organisations Act 2023</i>. A leader of an organisation is:</p> <ul style="list-style-type: none">• in a Government Agency, the Head of Agency or their delegate• the CEO of the organisation (however titled or described)• the principal officer of the organisation (which might include a range of job titles)• the holder of a position in the organisation who is nominated by the organisation as its head and approved by the Independent Regulator. <p>Leaders of organisations have specific information sharing rights under the Framework, which are explained in this resource. The leader of an organisation can delegate their information sharing rights to a worker within their organisation.</p>

Key term	What it means
Worker	<p>This is a person over the age of 18 years who is:</p> <ul style="list-style-type: none"> employed by an organisation engaged by the organisation to provide services, including as a volunteer, contractor, subcontractor, consultant a director, member of a management committee, office holder, alderman, councillor, MP, student or trainee, and/or minister of religion or religious leader.
Entity regulator	<p>This is a body that funds or regulates an organisation or workers of an organisation.</p> <p>It's important to know that the Independent Regulator will determine who is an entity regulator and will publish a list of entity regulators on the Independent Regulator's website.</p>
Reportable Conduct Information	
Means information or documents relating to:	For example
A reportable allegation or reportable conviction	This might be the leader of an organisation overhearing a child suggesting that a worker had brought the child vapes and was taking the child to a gig on the weekend.
A concern or belief that reportable conduct has been committed	This might be the leader of an organisation being told by a parent that they believe a worker of the organisation had been sending Snapchats to their child.
The reportable conduct investigation	This might be the names of workers that will be interviewed during the investigation.
The findings, reasons for the findings, and the recommendations made, at the conclusion of that investigation	This might be the independent investigator's explanation of why they concluded that an allegation of reportable conduct is unlikely to have occurred.
The action taken in response to those findings	This might be that a finding of grooming that results in all employees being required to undertake training to recognise the signs of grooming.



→ 3. Understand when leaders can share information with other organisations

What can leaders of organisations share?	Leaders can share reportable conduct information .
Who can they share this information with?	<p>Leaders can share this information with:</p> <ul style="list-style-type: none"> • the Independent Regulator • the police (in Tasmania, interstate police and federal police) • an independent investigator that they have appointed to conduct a reportable conduct investigation • leaders of other organisations that are required to comply with the Framework • an entity regulator • the Integrity Commissioner • a Government Minister.
For what reasons can they share this information?	<p>Leaders can share this information when:</p> <ul style="list-style-type: none"> • they need to comply with the Act, for example to report information to the Independent Regulator, or to conduct a reportable conduct investigation • they are complying with another law, for example 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.
What information can they request in return?	<p>Leaders can request reportable conduct information from:</p> <ul style="list-style-type: none"> • the Independent Regulator • the police (in Tasmania and interstate police) • an independent investigator that you have appointed to conduct a reportable conduct investigation • leaders of other organisations that are required to comply with the Framework • an entity regulator • the Integrity Commissioner • a Government Minister.
What if there is a police investigation also occurring?	<ul style="list-style-type: none"> • It's important to have early and regulator contact with Police to ensure that, where possible, a criminal investigation is not compromised.

→ 4. Understand when leaders can share information with others

Can leaders share this information with the child or young person that the information relates to, and their guardians?

Information can be shared with children and their guardians, excluding scenarios where the reportable conduct information is about the guardian.

Where appropriate, it's important that children and families are kept updated about:

- information about the progress of the investigation
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation
- information on any action that is to be taken in response to those findings.

Leaders can share the information listed above with:

- a child in relation to whom the investigation is being conducted
- the guardian of a child aged under 18.

Where the child is aged 16 and above, the child must consent to the leader speaking with the guardian.

If the child's guardian is the Secretary of the Department for Education, Children and Young People, then the leader can talk to the person with the daily care and control of the child (for example, the foster carer) if the child is under age 16, or if the child is above age 16 and consents.

It's important to know that if the reportable conduct allegation is **against** the guardian (for example against the mother, father or foster carer) the leader cannot disclose the above information to the guardian (other than in the circumstances below).

When can leaders of organisations share reportable conduct information with colleagues?

Leaders can share information with other workers within their organisation when:

- they need to comply with the Act (for example, when the leader needs to interview witnesses for a reportable conduct investigation, or when leaders are delegating their responsibilities under the Act to another worker)
- they are complying with another law (for example you share information with the Work Health and Safety Officer of the organisation to enable the officer to comply with a notice to comply under the *Work Health and Safety Act 2012*)
- they are promoting the safety and wellbeing of children (for example to enable a trusted worker to talk to children about the reportable conduct incident).

Can leaders share this information with the person who disclosed the reportable conduct to them?

Leaders can keep the person that disclosed the reportable allegation updated about:

- information about the progress of the investigation
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation
- information on any action that is to be taken in response to those findings.

Can leaders share this information with other organisations they have contracts with?

- Leaders can share information with leaders of other organisations that they are in contract with, when a worker of the contractor is alleged to have engaged in reportable conduct.
- An example of this situation is outlined on page 5.



Can leaders share this information with workers who are subject to reportable conduct investigations?	<p>Leaders can update the subject of an investigation when the update relates to:</p> <ul style="list-style-type: none"> • information that a reportable conduct allegation has been made • details of the method used to conduct the investigation • the findings, reasons for the findings and the recommendations made at the conclusion of the investigation • information on any action that is to be taken in response to those findings.
What if I am permitted to share information under another Law?	Leaders can share information in circumstances other than listed above where they are permitted to do so under another law.
What if there is a police investigation also occurring?	It's important to have early and regulator contact with Police to ensure that, where possible, a criminal investigation is not compromised.

→ 5. Reflect on a fictional case study



Julie is the president of the Wild Wombats Football Club. Didaar, a volunteer working at the canteen of the Wild Wombats Football Club, overhears one of the under 18 players tell another child that they'd heard rumours their adult coach had been sending nude pictures to kids on Snapchat.

Didaar has seen posters around the Club that say he should chat to Julie if he has any concerns about the safety of children at the Club.

He doesn't feel comfortable talking to Julie but finds a phone number for the Independent Regulator on the internet. Didaar calls the Independent Regulator to notify them of the conversation he overheard, including the names of the children having the conversation and the coach they were talking about.

The Independent Regulator contacts Julie, as the leader of the organisation. Julie receives some guidance from the Independent Regulator about her obligations to investigate the conduct of the coach, and report back to them. The Independent Regulator decides at this time they don't need to tell Julie who made the notification about the coach, as it does not seem necessary. The Independent Regulator makes their own record of the alleged conduct and identifies who else might need to be notified.



The first thing Julie does is contact Tasmania Police, as she is aware the alleged conduct of the coach could amount to a criminal offence. She also contacts the Registrar of the Working with Vulnerable People Act because the coach holds a Registration to Work with Vulnerable People. Julie lets the Police and Registrar know that she will continue to update them as the investigation continues.

Julie knows the two children who were having the conversation, and the families, well. The children are aged 17 and she decides to have a private conversation with both of them separately, to decide what next steps she should take to investigate the allegation and to point them to support services available to them. After this conversation, Julie checks the advice on investigations provided on the Independent Regulator's website and decides a thorough investigation is needed. Julie has no investigation experience. She contacts an independent investigator who has expertise and is trauma competent in interviewing children and victim-survivors and provides a full rundown of the allegations and her

Anyone can notify the Independent Regulator with a reportable conduct concern.

The leader of an organisation can share reportable conduct information with the police and the Registrar of the Working with Vulnerable People Act to promote the safety and wellbeing of children.

The leader of an organisation can share reportable conduct information with an independent investigator for the purposes of a reportable conduct investigation.



conversation with the children.

The Independent Regulator is aware that the coach also works for the Outdoor Adventure Youth Association that holds under 18s sporting camps during school holidays. The Independent Regulator contacts Billie, the new president of the Outdoor Adventure Youth Association to make them aware of the allegations and investigation that's underway.

Billie comments that 'kids gossip all the time', so they don't feel the need to take any action. Billie also comments they wouldn't ordinarily conduct an investigation into something like this because it's 'the job of the police'. The Independent Regulator advises Billie that Outdoor Adventure Youth Association is required by law to comply with the 10 Child and Youth Safe Standards and the Universal Principle for Aboriginal Cultural Safety and tells Billie they can offer guidance and support to comply.

Julie is in regular contact with the Independent Regulator and the independent investigator throughout the investigation and seeks advice when she is feeling overwhelmed, or has questions.

The investigation quickly determines that the coach had not sent nude pictures on Snapchat at all – the rumour related to his interstate brother, who is now serving a prison sentence for his crimes.

Julie was concerned that neither the children nor Didaar brought this concern to her directly in the first place. After reporting on the outcome of the investigation to the Independent Regulator, Police, Registrar of the Working with Vulnerable People Act, the coach and the youths involved, she decides to arrange a team building and training day focused on child safety, in an effort to encourage open communication between members.

Meanwhile, the Independent Regulator continues to attempt to educate Billie about the importance of complying with the Child and Youth Safe Standards and Universal Principle, but is met with continued resistance. The Independent Regulator gives Billie notice they will be conducting an inspection of Outdoor Adventure Youth Association to determine compliance. This results in the Independent Regulator issuing Billie a notice to comply with specific Child and Youth Safe Standards that are not being met.

The leader of an organisation can share information with a leader of another in-scope organisation to promote the safety and wellbeing of children.

The leader of an organisation can report concerns over compliance with the Child and Youth Safe Standards to the Independent Regulator.

The leader of an organisation can share reportable conduct findings with the Independent Regulator, Police, Registrar of the Working with Vulnerable People Act, the children involved, the worker involved.

→ 6. Frequently asked questions

What if there are other laws that prevent me sharing information?

The information sharing provisions under the *Child and Youth Safe Organisations Act 2023* overrides other laws that prohibit information sharing, such as the *Personal Information Protection Act 2004*.

This means that even though the *Personal Information Protection Act 2004* might say you **can't** share something, if the *Child and Youth Safe Organisations Act 2023* says you can, then you can.

What if I am worried about breaching a law?

If you are worried about breaching a law, relating to privacy, defamation or something else, you should get legal advice or consider if police should be the ones delivering the message.

What if I have information that suggests that an organisation is failing to comply with the Child and Youth Safe Standards or Universal Principle relating to Aboriginal Cultural Safety?

You can, and should, share this information with the Independent Regulator.

You can also share this information with the organisations listed below if it is necessary to promote the safety and wellbeing of children, or to comply with a law:

- the Independent Regulator
- the police (in Tasmania and interstate police)
- an independent investigator that you have appointed to conduct a reportable conduct investigation
- leaders of other organisations that are required to comply with the Framework
- an entity regulator
- the Integrity Commissioner
- a Government Minister.

For example, this might be the leader of an organisation making a report to the Independent Regulator on becoming aware that one of their subcontractors is not responding to a complaint that one of their worker's is alleged to be grooming a child.

Or, this might be the leader of an organisation contacting an entity regulator on becoming aware that another organisation in their industry is teaching Tasmania's colonial history without recognising the impact of the history on Tasmanian Aboriginal people.

→ 7. Listen to children, young people and people with lived experience



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

– Person with lived experience of child sexual abuse in a Tasmanian Institution



Information sharing is vital to prevent further abuse.

– Victim-survivor of child sexual abuse in a Tasmanian Institution



Information sharing is important because it keeps people accountable.

– Person with lived experience of child sexual abuse in a Tasmanian Institution



If there's a clear way of handling it, it means that the child is going to get brought to safety quicker.

– Tara, who wants to be a shark diver

➔ 8. Still have questions?

Explore these existing resources for further detail on the Framework:

- An explainer resource [Introducing Tasmania's Child and Youth Safe Organisations Framework](#)
- The Child and Youth Safe Organisations website
- Link to Part 5 of the Act

➔ 9. Support information sharing in your organisation

The best way to make sure information sharing achieves its purpose of protecting children from harm is to:

- have detailed information sharing policies available to all workers, children, families and their communities
- train your workers on their information sharing rights and restrictions
- have safe recordkeeping practices
- encourage a culture of sharing child safe information.

