

Guide to Child Safety in the Live Performance Industry

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1. HOW TO USE THIS GUIDE

1.1 What is the purpose of this Guide?

The Guide to Child Safety in the Live Performance Industry (**Guide**) provides best practice guidance for:

- implementing the National Principles for Child Safe Organisations and relevant jurisdictional child safe standards
- developing child safe policies and procedures
- creating a child safe organisational culture and environment.

You can base your own child safe policies and procedures on the examples provided in this Guide including:

- Child Safe Policy and Commitment to Child Safety
- Child Safe Code of Conduct
- Policy on Exposure to Adult Themes
- Policy on Auditions and Casting
- Policy on Using Images of Children
- Child Safe Reporting Procedure
- Child-friendly Complaints Procedure
- Complaint record template
- Recruitment Policy and Procedure.

1.2 Who does this Guide apply to?

This Guide applies to all live performance organisations that engage or interact with children as part of their organisation's business activities. This includes:

- casting children in a production (child performers)
- attendance of and interacting with child audience members
- providing instruction to children as part of a class/program/workshop
- using photos of children for media and promotion
- using children for professional promotional material (photography, voice-overs, film commercials)
- internships or work experience
- any other form of direct interaction with children as part of the organisation's business activities.

1.3 Is it mandatory for LPA Members to abide by this Guide?

As a condition of Live Performance Australia (LPA) membership, all Members must abide by LPA Codes and Guidelines, and as such Members that engage or interact with children must develop and implement child safe policies and procedures appropriate to their organisation.

LPA Members differ in size, purpose, art form, business activities and level of engagement with children. This Guide is presented in general terms, with flexible provisions to ensure applicability across a diverse

range of organisations. LPA Members should tailor their child safe policies and procedures to suit their individual circumstances.

1.4 Disclaimer

This Guide provides general information only and is not intended to be legal advice. Organisations should confirm the legal requirements that apply to them and seek legal advice about their specific situation as required.

2. DEFINITIONS

Child/Children

Includes children and young people up to the age of 18 (unless otherwise specified in this Guide or by law).

Child Performer/Child Employee

Includes children and young people up to the age of 18 (unless otherwise specified in this Guide or by law) that perform work for an organisation (both paid and unpaid).

Employee

Any adult (18 years of age or older) engaged by an organisation that may work with children at any time including:

- employees (permanent and casual)
- leadership and management
- administration
- education instructors and youth workshop facilitators
- tutors
- performers, production and venue personnel (actors, stage management, chaperones, technical crew, etc.)
- volunteers
- contractors and sub-contractors
- work experience students/interns/secondments
- any other individual in the organisation that may deal with children
- board members.

Employer/Organisation

Organisation in the performing arts and entertainment industry that employs or engages children as part of their business activities.

An organisation may employ or engage children in a number of ways including (but not limited to):

- casting them in a production (child employees)
- attendance of and interacting with child audience members
- providing instruction to children as part of a class/program/workshop
- using photos of children for media and promotion
- using children for professional promotional material (photography, voice-overs, film commercials)
- providing internships or work experience
- any other form of direct interaction with children performed as part of the organisation's business activities.

Industry

Refers to organisations in the performing arts and entertainment industry. This includes any live entertainment involving a live performance including (but not limited to) dance, opera, music, circus, musical theatre and theatre. Organisations may be (but are not limited to) performing arts companies, festivals, concert promoters, or venues.

Parent/Carer

Includes any parent, legal guardian, carer, or family member responsible for a child.

Supervisor

A qualified employee appointed to supervise or chaperone children (e.g. child performers, education program participants, work experience students). For the purposes of this Guide, the definition of supervisor includes chaperones unless otherwise indicated.

3. BEING A CHILD SAFE ORGANISATION

The Australian Human Rights Commission defines a Child Safe Organisation as ‘one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people.’

A Child Safe Organisation consciously and systematically:

- creates an environment where children’s safety and wellbeing are at the centre of thought, values and actions.
- places emphasis on genuine engagement with and valuing of children and young people.
- creates conditions that reduce the likelihood of harm to children and young people.
- creates conditions that increase the likelihood of identifying any potential harm.
- responds to any concerns, disclosures, allegations or suspicions of harm.

3.1 National Principles for Child Safe Organisations

While there are different child safe standards in Australian states and territories including some legislated standards, the National Principles for Child Safe Organisations (**National Principles**) provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing and help keep children safe from harm in organisational settings.

NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

To create and maintain a Child Safe Organisation, an organisation must demonstrate:

- **Principle 1:** Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- **Principle 2:** Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- **Principle 3:** Families and communities are informed and involved in promoting child safety and wellbeing.
- **Principle 4:** Equity is upheld and diverse needs respected in policy and practice.
- **Principle 5:** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- **Principle 6:** Processes to respond to complaints and concerns are child focused.
- **Principle 7:** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- **Principle 8:** Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- **Principle 9:** Implementation of the National Principles for Child Safe Organisations is regularly reviewed and improved.
- **Principle 10:** Policies and procedures document how the organisation is safe for children and young people.

3.2 State and territory requirements

In addition, state and territory standards generally reflect similar themes and measures to that of the National Principles. Any minor differences are reflected in this Guide. In February 2019, the National Principles were endorsed by the Council of Australian Governments (**COAG**), including the Prime Minister and State and Territory First Ministers.¹

Organisations should be familiar with their jurisdiction-based child safety legislation and regulations, as these vary across states and territories. The table below provides a summary of the key areas.

Applicable in all jurisdictions [^]	Applicable in particular jurisdictions
<ul style="list-style-type: none"> • Reporting systems including mandatory and voluntary reporting • Grooming • Age of consent • Working with Children Checks • Information sharing • Privacy • Duty of care • Organisational liability 	<ul style="list-style-type: none"> • Reportable Conduct Schemes • Failure to disclose • Failure to protect • Child safe standards

[^] Note: there may be variations among each jurisdiction

Refer to **Appendix A** for a summary of the child safety legislation and their application to each state/territory.

¹ National Cabinet replaced the COAG on 13 March 2020.

4. DEVELOPING A CHILD SAFE POLICY

4.1 What should an organisation address in a child safe policy?

A child safe policy demonstrates an organisation's commitment to provide for the safety and wellbeing of children engaged with the organisation. It also encourages organisations to be proactive in the early identification of potential risks of harm to children.

This Guide provides an example policy (*Child Safe Policy and Commitment to Child Safety*, p.10) addressing various issues that an organisation may need to consider and cover in a child safe policy.

TIPS FOR DEVELOPING AND IMPLEMENTING CHILD SAFE POLICIES

- Tailor policies to suit your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):
 - size of organisation (e.g. large national employer or small independent company)
 - level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
 - type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
 - exposure to risks of harm in the organisation (e.g. what risks are present at the venue? Which adults may have access to children? How are child performers treated? Are children being transported between locations?)
 - state legislative requirements (e.g. child employment, Work Health & Safety (WH&S) laws).
- Seek input from relevant staff, parents/carers and children to inform what should be addressed in your child safe policies and procedures.
- Ensure policies and procedures are compliant with relevant regulatory requirements in your state or territory, for example (where applicable):
 - Working with Children Check (WWCC)
 - child employment regulations
 - mandatory reporting of abuse requirements
 - WH&S.
- Appoint a staff member to be your organisation's Child Safety Officer (e.g. company manager, HR manager, Children's Manager). The Child Safety Officer is the first point of contact to provide advice and support to children, parents/carers and employees on issues regarding the care of children.
- Leaders in the organisation should lead and drive implementation of child safe policies and procedures.
- Make your child safe policies and procedures publicly available; upload them to your website; provide copies to staff, volunteers, contractors, children, parents/carers and any other relevant parties.
- Induct employees to your child safe policy, Code of Conduct, and any other child safe policies and procedures relevant to their role.
- Periodically review child safe policies and procedures.

4.2 Example: Child Safe Policy and Commitment to Child Safety

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment regulations, WH&S).

[Organisation name]

Child Safe Policy and Commitment to Child Safety

1. Scope

This policy applies to any adult person (18 years of age or older) engaged by [Organisation name] that may work or interact with children at any time including:

[Guidance note: Amend this list to be applicable for your organisation]

- employees (permanent and casual):
 - leadership and management roles
 - administration
 - education instructors and youth workshop facilitators
 - production and venue personnel (actors, stage management, chaperones, technical crew, ushers, etc.)
- volunteers
- contractors and sub-contractors
- tutors
- work experience students/interns/secondments
- any other individual in the organisation that may deal with children
- board members.

(Note: In this Policy, the term “employee” is used to cover all persons occupying any position listed above.)

A child includes children and young people up to the age of 18 (unless otherwise specified).

2. Commitment to Child Safety

All children working with or engaged by [Organisation name] have a right to feel and be safe, respected, valued, and protected from harm. Children should be made aware of and feel confident in their rights and responsibilities.

[Organisation name] is strongly committed to the safety and wellbeing of all children that interact with our organisation as [Guidance note: amend accordingly] employees, audience members, education program participants, or otherwise by creating and maintaining a child safe environment. The welfare of children entrusted under our care is our first priority.

[Organisation name] believes that all children have the right to be safe and feel safe.

[Organisation name] recognises that the safety and wellbeing of children is everyone's responsibility.

[Organisation name] has zero tolerance toward child abuse and neglect.

[Organisation name] supports the participation and empowerment of children.

[Organisation name] commits to providing a safe environment for all children.

[Organisation name] commits to implementing the National Principles for Child Safe Organisations (National Principles) and providing the appropriate resources to do so.

3. Legislative, Regulatory and Policy Context

[Organisation name] aims to uphold and support the following requirements, guidelines and principles in its endeavour to provide a child safe environment for all children.

The Royal Commission into Institutional Responses to Child Sexual Abuse

In 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) tabled both general and specific recommendations for institutions that provide care and support to children.

A range of legislative changes were recommended following the conclusion of the Royal Commission. As a result, a number of states and territories have implemented or are in the early stages of implementing legislative reform to better reflect the recommendations of the Royal Commission.

National Principles for a Child Safe Organisation

Following the conclusion of the Royal Commission, the National Principles were tabled on 19 February 2019. The Council of Australian Governments (COAG) endorsed these principles with a view to future national consistency in relation to child safety standards.

The 10 principles provide a framework for ensuring organisations can detect and respond to child safety concerns and more effectively prevent risk from occurring.

Duty of Care

Organisations that work or interact with children and young people have an obligation to ensure processes are in place to avoid acts or omissions that place children in circumstances that may lead to harm.

[Organisation name] will:

- Ensure that all reasonable steps are taken so that children are safe from child abuse and that they feel safe at all times.

- Enable all employees of *[Organisation name]* to understand their role and responsibility in protecting the safety and wellbeing of children. That is, to ensure that employees who have the power or responsibility to reduce or remove a substantial risk, take steps to reduce or remove any substantial risk that a child will become the victim of child abuse.
- Ensure all employees of *[Organisation name]* aged 18 and over understand their reporting obligations. That is, to ensure all employees of *[Organisation name]* aged 18 and over (who are not Mandatory Reporters) who form a reasonable belief that a child abuse offence has been committed by an adult against a child report that information to police.
- Ensure that all employees of *[Organisation name]* aged 18 and over that directly engage with children have a current Working With Children Check (WWCC).

Failure to Protect

An offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation.

A person in a position of authority in the organisation will commit an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Failure to Disclose

The ‘failure to disclose’ offence applies to adults that have information that leads them to form a ‘reasonable belief’ that another adult has sexually offended against a child under 16 years of age.

Such adults must report the information to police and/or child protection authority as soon as possible, unless they have a ‘reasonable excuse’ for not reporting the information or are exempt from the offence. A reasonable excuse may include a fear of safety or the reasonable belief that the information has already been disclosed to appropriate authorities (e.g. police or child protection). It does not include concerns such as damage to reputation or financial status.

4. Definitions of Child Abuse

Child abuse describes an act or omission which results in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power. This can be a single event or a series of traumatic events. Most instances of child abuse fall under the definition of cumulative harm (repeated acts of harm) and multidimensional harm (multiple types of child abuse). Child abuse can be perpetrated by parents/carers, other adults, or other children and young people. Where sexual abuse is perpetrated by children or young people it is usually referred to as ‘sexually harmful behaviour’.

Child abuse, including child harm and neglect, are commonly divided into the following sub-categories:

- physical abuse
- emotional abuse
- neglect
- sexual abuse
- grooming
- exposure to family violence.

Physical Abuse

Physical abuse can consist of any non-accidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking, burning, assault with implements, and genital mutilation.

Emotional Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Neglect

Neglect is the failure to provide for the child's basic needs for life to the extent that the child's health and development are, or are likely to be, placed at risk, including:

- food
- clothing
- shelter
- medical attention
- supervision or care.

There are three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary.
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
- 'Serious' neglect involves the continued failure to provide a child with the necessities of life, such as food, clothing, shelter, hygiene, medical attention, or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

Sexual Abuse

Sexual abuse/harm occurs when a person uses power, force or authority to involve a child in any form of sexual activity. Behaviour that constitutes sexual abuse may include:

- touching or fondling children
- sending obscene or suggestive text messages to children
- exhibitionism and/or voyeurism in front of children
- exposing children to pornographic images
- penetration with a penis, finger or other object into the mouth, anus, or vagina.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- talking to a child in a sexually explicit way
- sending sexual messages or emails to a child
- exposing a sexual body part to a child

- forcing a child to watch a sexual act (including showing pornography to a child)
- having a child pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances, a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

Sexually harmful behaviour in children refers to harmful behaviour perpetrated by a child (17 years of age or younger) to another child. Harmful behaviours in children are often an indicator that they have experienced abuse or neglect. Where sexually harmful behaviour occurs, organisations have a duty of care to both children. Note that in children under 10 years of age, such behaviour is often referred to as sexually problematic behaviour.

Grooming

Grooming is predatory behaviour designed to prepare a child for sexual abuse. Many perpetrators of sexual offences against children purposefully create relationships with children and young people, their families and carers in order to establish the conditions necessary for them to abuse the child. For example:

- giving gifts or special attention to a child or their parent/carer (this can make a child feel special or indebted to an adult)
- controlling a child through threats, manipulation, force or use of authority (this can make a child scared to report unwanted behaviour)
- making close physical contact, such as inappropriate tickling and wrestling
- openly or pretending to accidentally expose the victim to nudity, sexual material, and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault).

Grooming includes online grooming. It occurs when an adult uses electronic communication (including social media) in a predatory fashion to try to lower a child's inhibitions, or heighten their curiosity regarding sex, with the aim of eventually meeting them in person for the purposes of sexual activity.

It is important to note that when instances of grooming occur, other members of the child's community may also be 'groomed'. This allows perpetrators to establish trust and a connection with the child via their support networks, further enhancing the conditions for other forms of child abuse to occur.

Exposure to Family Violence

Family violence is behaviour by a person towards a family member where the behaviour:

- is physically, sexually, emotionally, or psychologically abusive;
- is economically abusive, which may include property damage, restricting access to financial resources, education or the workforce;
- is threatening or coercive; or
- in any other way controls or dominates the family member and causes that family member to feel fear for their own or another person's safety or wellbeing.

A child can be a direct victim of any of these behaviours. Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

5. Definitions of harm

Multidimensional harm

Multidimensional harm occurs when more than one harm type is experienced at the same time – e.g. sexual abuse also involving physical harm and emotional harm at the same time.

Cumulative harm

Cumulative harm refers to the effects of multiple adverse or harmful circumstances and events in a child's life. Cumulative harm may be caused by an accumulation of a single recurring adverse circumstance (such as unrelenting low-level care), or by multiple circumstances or events (such as persistent verbal harm and belittling, inconsistent or harsh disciplines and/or exposure to family violence).

6. Roles and responsibilities

[Guidance note: Amend this section to be applicable for your organisation]

The responsibilities of each role in relation to the development and compliance of *[Organisation name's]* Child Safe Policy are detailed below.

Leadership

The Executive/Leadership will:

- Ensure awareness and commitment
 - Advocate and promote children's rights, empowering and engaging children in support of this policy and its expectations.
 - Promote child safe practices, including openness, accountability and continued improvement in identifying, reporting and responding to child abuse, child harm and neglect.
 - Ensure that all employees, volunteers and contractors are aware of their child safe obligations (both legislative and non-legislative).
 - Ensure that all staff are aware of and complete the appropriate recruitment, screening and employment practices in relation to safeguarding children and young people. This includes providing resources, training and advice in the application of this policy and ongoing development of child safe initiatives.
 - Authorise, review and promote commitment to this policy, the Child Safe Code of Conduct, the Child Safe Reporting procedure and other relevant policies and procedures related to safeguarding children both internally and publicly. *[Guidance note: Update with names of relevant organisational policies accordingly]*
- Strategically shape policies and procedures
 - Ensure that policies are shaped by legislation, regulations and organisation learnings, which in turn will promote a change to the policy and all relevant policy or procedural guidelines.
 - Ensure governance and operational level procedures are appropriate, relevant, understood and regularly reviewed in line with organisation processes.
 - Ensure child friendly complaints mechanisms are in place.
- Offer support
 - Support children, families, employees, volunteers and contractors who have identified, responded to, or reported child harm or neglect. Appropriate support could include counselling and formal debriefing.

- Receive, collate, review and respond to organisational incidents and outcomes (e.g. summary reports/aggregate recording of reports on *[insert appropriate period of time – e.g. on a quarterly basis]*).
- Ensure continuous improvement
 - Evaluate and analyse complaints, concerns and safety incidents relating to this policy.
 - Monitor, manage, review and continually improve this policy, supporting resources and *[Organisation name]* child safe reporting practices in consultation with relevant stakeholders.
 - Monitor compliance with the policy via an inbuilt mechanism for ongoing monitoring and review.
 - Respond to reports and administer external reporting requirements.
 - Ensure adequate resources are allocated to allow for the development, effective implementation, communication and continuous improvement of this policy.
 - Develop opportunities for regular discussion and review at all levels to support a culture of continuous improvement and accountability of keeping children and young people safe from abuse and neglect.

Employees, volunteers and contractors

Employees, volunteers, and contractors will:

- Understand the signs of child abuse, child harm and neglect and how to respond.
- Advocate and promote child rights, empowering and engaging children in support of this policy.
- Undertake any induction and training anticipated in or in relation to this policy, and procedures relevant to safeguarding children.
- Maintain a comprehensive understanding of and comply with the commitments and expectations of this policy, the Child Safe Code of Conduct, the Child Safe Reporting procedure and other relevant policies and procedures related to safeguarding children. *[Guidance note: Update with names of relevant organisational policies accordingly]*
- Seek guidance from a supervisor or manager if there is ever any lack of understanding in relation to the commitments and expectations as set out in this policy.
- Assist in creating and maintaining a child safe culture and a culture of inclusion and safety.
- Support a culture of openness, continued improvement and accountability to children and young people by engaging in regular review and discussion of *[Organisation name]*'s policies and practices and providing feedback to support improvement.
- Take action to protect children from all forms of abuse and neglect, including by reporting any abuse committed by personnel within *[Organisation name]* or by others. Where a child is in immediate danger, call 000.
- Support peers and children who have identified, responded to or reported child abuse, child harm, risk of harm, and/or neglect.

7. Supporting Children's Participation and Satisfaction

[Organisation name] supports, enables and promotes the active participation of children by:

[Guidance note: Amend this list to be applicable for your organisation]

- encouraging expression of and respecting the views of children and parents/carers
- encouraging and empowering children and parents/carers to raise any concerns or complaints

- listening to and acting upon any concerns raised by children and parents/carers
- seeking the input of children when making decisions about matters that concern them
- ensuring children understand their rights and the appropriate behaviour expected of both adults and children
- teaching children what they can do and who they can turn to if they feel unsafe
- ensuring employees dealing with children are skilful in facilitating their participation
- valuing diversity and not tolerating any discriminatory practices.

[Organisation name] aims to create an environment where children gain satisfaction and fulfilment from their interaction with our organisation as *[guidance note: amend accordingly]* employees, participants in a class/program/workshop, or other activity by:

[Guidance note: Amend this list to be applicable for your organisation]

- supporting children to feel respected and in control of their behaviour/work
- ensuring children enjoy the overall experience of being engaged with a production or other organisational activity
- encouraging children to assist each other in fulfilling their employment obligations and developing a positive sense of pride in their work (e.g. discussing character development and stagecraft in groups and leading warmup activities)
- offering opportunities for children to derive personal satisfaction and a sense of achievement throughout their experience and the relationships they make
- encouraging children to develop self-discipline in balancing their commitment to their performance, their education and their social and family activities.

8. Valuing Diversity

[Organisation name] values diversity and we do not tolerate any discriminatory practices.

Our organisation is committed to protecting children engaged with our organisation from physical, sexual, emotional and psychological abuse, as well as neglect and contempt, ridicule, hatred, or negativity towards a child because of their race, culture, religion, gender (including transgender status), sexual orientation or disability.

In our activities with children, we will promote the:

- cultural safety of Aboriginal and Torres Strait Islander children
- cultural safety of children from culturally and/or linguistically diverse backgrounds
- safety of children with a disability
- safety of children and young people who identify as LGBTQIA+
- safety of children who live in out-of-home care.

9. Recruitment Practices

[Organisation name] will take all reasonable steps to ensure we engage the most suitable and appropriate people to work with children.

This involves maintaining a rigorous and consistent recruitment, screening and selection process.

It is *[Organisation name]*'s policy to:

[Guidance note: Amend this list to be applicable for your organisation]

- interview and conduct thorough referee checks on all employees (with their most recent supervisors)
- develop clear duty statements and job descriptions for roles that involve working with children that state clearly our commitment to providing safe environments for children
- attain and keep a record of Working With Children or criminal history/police checks for anyone with direct and unsupervised contact with children, such as employees designated to supervise or chaperone children
- ensure supervisors and chaperones recruited are suitably experienced and qualified to care for the safety and wellbeing of children, in accordance with their age and needs
- require compulsory Working With Children Checks for all staff, contractors, students on placement, and volunteers who directly engage with children.

In the event that an employee commences employment with *[Organisation name]* and fails to provide proof of their Working With Children Check Card, *[Organisation name]* reserves the right to terminate employment without notice. *[Guidance note: If a WWCC is required to perform the job, it should be included in the contract of employment.]*

In the event *[Organisation name]* becomes aware of an employee being charged with, convicted of, or found guilty of any relevant offences since having provided their last Working With Children Check, *[Organisation name]* reserves the right to terminate employment without notice. *[Guidance note: This consequence should be outlined in the contract of employment.]*

The cost of Working with Children Check Renewals is the employee's/volunteer's responsibility.

[Organisation name] will ensure that this policy is adhered to and, on a regular basis, will review its administrative compliance systems in relation to Working With Children Checks.

All line managers will ensure that all persons identified in this policy requiring a Working With Children Check provide proof of one.

10. Support for Employees

[Organisation name] seeks to support employees by:

[Guidance note: Amend this list to be applicable for your organisation]

- inducting new employees to our Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure, and other relevant policies and procedures *[Guidance note: Update with names of relevant organisational policies accordingly]*
- encouraging relevant employees to attend periodical information sessions, as they become available, to remain up-to-date with knowledge of child abuse reporting procedures, the nature and signs of child abuse, cultural competency, regulation updates and other matters that affect children
- appointing a Child Safety Officer to be the first point of contact to provide advice and support to employees on the safety and wellbeing of children engaged with the organisation
- ensuring employees feel encouraged and empowered to report any complaints, concerns or perceived risks to child safety to the Child Safety Officer or other relevant management position

- ensuring designated supervisors and chaperones of children that are new to the role work with experienced supervisors sufficiently before working on productions or programs requiring single supervisors.

11. Child Safe Code of Conduct

[Organisation name] has developed a Child Safe Code of Conduct to provide guidance to our employees on expected behaviours when in direct contact with or working around children.

All employees must abide by the Child Safe Code of Conduct.

We ask employees who work directly with children to sign a written statement confirming they have read, understood and will comply with the Child Safe Code of Conduct. We retain a copy of all signed statements.

12. Communication

[Organisation name] is committed to encouraging employees, children and parents/carers to raise any concerns or provide their views on the wellbeing of children involved with our organisation.

[Organisation name] keeps employees, parents/carers and children informed of our organisation's child safe policies and procedures by:

[Guidance note: Amend this list to be applicable for your organisation]

- ensuring that employees have read, understood, and are aware of their obligation under the Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure and any other relevant policies and procedures *[Guidance note: Update with names of relevant organisational policies accordingly]*
- making relevant documents easily accessible by displaying child safe materials in areas of common traffic, uploading relevant documents to our website, distributing documents to all relevant individuals, and having copies available upon request
- providing children and parents/carers with relevant and accessible child safe materials.

[Guidance note: Include the following paragraphs if your organisation employs children/young people]

Parents/carers of children employed by *[Organisation name]* as performers are provided with at least one contact from *[Organisation name]* that is available to speak with them or to facilitate speaking with their children at any time during periods of work.

We provide parents/carers and child employees with information on:

- the child's expected role, activities, responsibilities and actions during their period of employment
- the child's progress throughout the production and timely notice of schedules
- the rights of parents and children regarding supervision and workplace conditions, as determined by relevant state regulation
- our Child Safe Policy, Child Safe Code of Conduct, Child Safe Reporting Procedure and any other relevant policies and procedures. *[Guidance note: Update with names of relevant organisational policies accordingly]*

Children are encouraged to communicate and ask questions regarding their employment.

13. Child Safe Reporting Procedure

We believe employees, parents/carers and children should feel enabled, empowered and supported to safely raise any concerns or complaints about any perceived risks to a child's safety or signs of abuse.

[Organisation name] has developed a procedure to respond to any complaint of abuse or conduct not in keeping with this Policy and Child Safe Code of Conduct, including means to take disciplinary action or rectify issues when necessary.

14. Risk Management

[Organisation name] takes a preventative and proactive approach to minimising the risk of harm to children. As part of our organisation's WH&S risk management process, we periodically conduct reviews to identify potential risks to the safety and wellbeing of children.

15. Breaches of *[Organisation name]* Child Safe Policy

[Organisation name] requires all staff, board members, volunteers, contractors and students on placement to adhere to the Child Safe Policy. Where a breach of policy is identified, *[Organisation name]* will respond. Those who breach this policy will face disciplinary action, up to and including termination of engagement with *[Organisation name]*. Serious breaches of this policy and/or its related procedure will be reported to the appropriate authorities.

16. Implementation and Review Process

[Position of staff member appointed as Child Safety Officer/s] have been appointed as Child Safety Officer/s, responsible for being the first point of contact to provide advice and support to children, parents/carers and employees regarding the safety and wellbeing of children engaged with *[Organisation name]*. This includes being the first point of contact for dealing with any complaint of abuse or conduct not in keeping with this Policy and the Child Safe Code of Conduct.

Our Child Safe Policy will be reviewed *[insert time period – e.g. every year]* and we will undertake to incorporate feedback from children, parents/carers, employees and any other relevant personnel.

This Policy was approved *[insert date]* and last reviewed *[insert date]*.

5. DEVELOPING CHILD SAFE CODE OF CONDUCT AND POLICIES ON STANDARDS OF BEHAVIOUR

5.1 What behaviours should an organisation address in a Code of Conduct?

A Child Safe Code of Conduct clearly and specifically states the standards of expected behaviour for all employees when in direct contact with or working around children. A Code of Conduct should outline:

- behaviours that are appropriate and inappropriate
- guidance for specific contexts, including physical and online environments
- consequences for any breaches of the Code.

This Guide provides two Code of Conduct example templates:

- Code of Conduct – Employees (p.22)
- Code of Conduct – Supervision of Children (p.28).

Also provided are example templates for policies on standards of behaviour for:

- Exposure to Adult Themes (p.30)
- Auditions and Casting (p.32)
- Using Images of Children (p.34).

The example templates provided should be amended and expanded upon according to your organisation's individual circumstances.

This Guide provides non-exhaustive examples for policies on standards of behaviour. There may be additional issues your organisation may wish to develop guidance and policies, such as the use of social media, publicity and media training for young people, aftercare for young performers (i.e. transition back to full time schooling) and allergies management.

Note: The example Child Safe Code of Conduct includes some standards of behaviour related specifically to child employment.

5.2 Who should the Code of Conduct apply to?

The Codes of Conduct should apply to adult employees including third party providers.

Organisations can expect parents/carers or other relevant personnel to abide by a Code of Conduct. Depending on the circumstances of your organisation, it might also be useful to develop a language appropriate Code of Conduct for children that provides guidance on appropriate behaviour between children.

5.3 Example: Code of Conduct – Employees

This template should be amended and expanded upon as applicable to your organisation’s individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Code of Conduct – Employees

[Organisation Name] provides an open, safe, and friendly environment for all children. This Code of Conduct outlines appropriate standards of behaviour by adults toward children. The Code of Conduct aims to protect children and reduce any possibility that abuse or harm could occur. It provides guidance to employees on how best to support children and prevent or better manage difficult situations.

1. Scope

All employees are required to comply with this Code of Conduct. This includes any adult (18 years or older) engaged by [Organisation name] that may work directly with or around children including:

[Guidance note: Amend this list to be applicable for your organisation]

- employees (permanent and casual):
 - leadership and management roles
 - administration
 - education instructors and youth workshop facilitators
 - production and venue personnel (actors, stage management, chaperones, technical crew, ushers, etc.)
- volunteers
- contractors and sub-contractors
- tutors
- work experience students/interns/secondments
- any other individual in the organisation that may deal with children
- board members.

(Note: In this Code, the term “employee” is used to cover all persons occupying any position listed above.)

A child includes children and young people up to the age of 18 (unless otherwise specified).

2. Your responsibilities

[Organisation Name]'s employees are responsible for promoting the safety and wellbeing of children by:

- adhering to our child safe policies and procedures
- taking all reasonable steps to protect children from the risk of abuse and neglect including:
 - physical abuse: purposefully injuring or threatening to injure a child
 - emotional abuse: an attack on a child's self-esteem e.g. through bullying, threatening, ridiculing, intimidating or isolating the child
 - sexual abuse: any sexual act or sexual threat imposed upon a child
 - neglect: harming a child by failing to provide basic physical or emotional necessities
 - exposure to family violence: behaviour by a person towards a family member that may include physical violence or threats, verbal abuse, emotional or psychological abuse, sexual abuse, financial and social abuse
 - grooming: preparing a child for the act of a sexual activity
- treating all children with dignity, equality and respect
- listening to and valuing the ideas and opinions of children
- acting as a positive role model in your conduct with children
- developing positive relationships with children and parents/carers based on mutual trust and open communication
- being professional in your actions through your use of language, presentation and manner
- respecting the privacy of children and parents/carers, and only disclosing information to people who have a need to know
- being aware of risks with communication and behaviour between employees and children (including online and mobile)
- being aware of risks with communication and behaviour between children (including online and mobile)
- aiming to ensure children understand they are valued members of the production, program, audience or other experience
- acknowledging the uniqueness and potential of all children, in recognition that enjoying their childhood without undue pressure is important
- if by chance any children are found unsupervised, directing and accompanying them to their supervisor or relevant management immediately
- reporting any breaches of these standards of behaviour to the Child Safety Officer or relevant management promptly.

[Organisation Name] employees **MUST NOT**:

[Guidance note: Amend this section to be applicable for your organisation]

- discriminate against any child because of age, gender (including transgender status), cultural background, religion, vulnerability, disability or sexuality
- engage in behaviour that is intended to shame, humiliate, oppress, belittle or degrade children
- engage in any activity with a child that is likely to physically or emotionally harm them
- take photos or videos of children without the explicit permission from the child (if 15 years of age or older), and parent/carer, and relevant management

- share personal information or images of children on social media without informed consent from the child (if 15 years of age or older), parent/carer and relevant management
- work with children while under the influence of alcohol or illicit drugs
- ignore or disregard any concerns, suspicions, or disclosures of child abuse
- show overly familiar physical affection towards children or any unnecessary physical contact with children
- marginalise or exclude specific children
- show favouritism towards specific children such as the offering of gifts, special thanks, special treatment or inappropriate attention
- subject children to any form of physical punishment, social isolation, immobilisation or any other conduct likely to humiliate or frighten children
- enter children’s dressing rooms (unless they are a designated supervisor, or approved to do so by a supervisor or relevant management)
- allow children to enter crew areas unless accompanied by their supervisor
- allow children to enter an adult’s dressing room, unless accompanied by their supervisor and approval has been granted by those in the dressing room and management
- close doors in rooms where children are present, unless children need privacy to dress
- allow children to (un)dress with others around (dressing should take place in private)
- do things of a personal nature for children that they are able to do for themselves, such as assisting with going to the toilet or dressing
- gossip in the presence of children
- distress a child for the purpose of eliciting a dramatic reaction
- develop any ‘special’ relationships with children outside of the professional relationship or arrange contact with children outside of work obligations
- have unauthorised contact with children online or by phone
- discuss topics with adult/mature themes in front of children.

All complaints or reports of conduct not keeping with this Code will be pursued in accordance with *[Organisation name]*’s Child Safe Reporting Procedure *[guidance note: update with name of your reporting procedure]*, including means to take disciplinary action if necessary.

3. Additional guidance on professional conduct

[Guidance note: In this section, include detail to cover situations that are specific to your organisational context. Some common scenarios are addressed below]

This Code of Conduct applies to physical, virtual and online environments. In circumstances where the risk of unsafe conduct is increased or children may be particularly vulnerable, employees are required to act with an increased sense of professionalism and model the Code of Conduct’s professional boundaries and expectations.

Bathrooms/dressing room procedures

[Organisation name]’s procedures for supervising and monitoring children and young people’s use of a bathroom whilst in *[Organisation name]*’s care or activity include:

- Employees and stakeholders should not use the bathroom at the same time as children and young people.
- Children and young people not using the bathroom should wait outside of the bathroom with staff members/stakeholders.
- If children and young people are getting changed outside of the bathroom/dressing room in a communal space, ensure adequate privacy (keeping genders separate, ensuring adults of the same gender supervise etc).
- Minimise children and young people of different ages using the bathroom at the same time, where appropriate (i.e. a four-year-old and 16-year-old).
- If assisting children and young people in a toilet stall, the staff member/stakeholder should seek assistance from the child's parent/carer first. If unavailable, the door to the stall must be kept open.
- Require children and young people to ask permission to use the bathroom.
- If using a public bathroom, require all staff/stakeholders to check the facility prior to allowing the child to enter, and require the Supervisor to remain within the general bathroom area while the child is in the cubicle.
- Ensure staff and stakeholders know and understand the risks that bathroom times may create for sexual or physical abuse, or the recruitment of one another (peer to peer or by an adult) into situation of exploitation.

Engaging with children in a one-on-one setting

There are various circumstances in which an employee may work with a child or young person in a one-on-one setting. These include but are not limited to:

[Guidance note: Amend this section to be applicable for your organisation]

- conducting a solo performance or assessment
- engaging with a child or young person online for purposes of a makeup lesson or performance
- one-on-one coaching
- putting on a child's makeup
- assisting a child to get dressed in costume.

Working with children and young people in a one-on-one setting should only occur where there is a wellbeing or health reason to do so. For example, a child/young person who suffers from anxiety when performing in front of others may conduct their performance with a single teacher. Where such circumstances occur, employees should:

- operate where there is a line of sight to other adults and young people (e.g. keeping the door open, operating in a room that has clear windows, etc); and
- seek guidance from their line manager regarding the appropriateness and necessity to operate one-on-one with a child/young person.

Employees should also seek guidance from a Child Safety Officer when considering removing a child or young person from their ordinary course of work/activities.

[Guidance note: Only include this section if applicable for your organisation]

Transporting students

Employees who transport students as part of *[Organisation name]*'s activities should transport children and young people in groups and in *[Organisation name]*'s vehicle or third-party provider. While *[Organisation name]* does not encourage employees to use their own cars to transport children and young people or to transport children and young people in a one-one-one setting, there may be exceptional circumstances where this occurs (e.g. an emergency).

Children and young people may be passengers in an employee's car if:

- there is more than one child/young person in the car throughout the journey; and
- written (or emailed) permission has been obtained from the child/young person's parent/carer for each journey or set of journeys; and
- written (or emailed) permission has been obtained from the Head of the Organisation or delegate for each journey or set of journeys; and
- the vehicle has comprehensive insurance and driver has a full unrestricted licence.

Children and young people may be transported by the designated supervisor (or member of management) in exceptional circumstances, such as a parent failing to pick up their child/young person late at night. When this occurs, the designated supervisor should, obtain consent from the Child Safety Officer and child's parent/carer prior to providing transport. If not possible, the Child Safety Officer and the child's parent/carer are to be advised, as soon as practicable, that the transportation occurred, when it occurred and the reasons for the transportation.

When designated supervisors use their own car or travel in a one-on-one setting, it is advisable that the child/young person sits in the back seat of the car.

Contact outside of the organisation

Employees including third-party contractors, such as performers, must not arrange social activities or engage with children and young people outside of the organisation (including via online means such as social media).

Employees must also not engage in relationships with former children and young people (who are now adults) who are affiliated with *[Organisation name]* until at least 12 months after either party leaves the organisation.

In instances where children and young people contact employees (including third-party contractors, such as performers, via social media or other means), employees should not respond to the child/young person and report the information to *[Organisation name]*'s Child Safety Officer.

4. Breaches of the Code

All employees are required to report any breaches of this Code to *[Organisation name]*'s Child Safety Officer. In instances where an allegation of child abuse has been made, the matter will be managed in accordance with *[Organisation name]*'s Child Safe Policy and Child Safe Reporting Procedure *[guidance note: update with name of your policy/reporting procedure]*.

Employees who breach this Code may be subject to disciplinary action up to and including termination of employment. *[Organisation name]* may also conduct an investigation and will report serious instances of child abuse to child protection authorities and/or the police.

Review

This Code of Conduct was approved *[insert date]* and last reviewed *[insert date]*.

Acknowledgement

I have read this Code of Conduct and agree to abide by it at all times.

Signature _____

Name _____

Date _____

Signature _____

Name of Manager/Witness _____

Date _____

5.4 Example: Code of Conduct – Supervision of Children

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Code of Conduct – Supervision of Children

[Guidance note: It is a decision for each organisation whether they wish for this policy to apply to all children up to 18 years]

[Organisation name] provides an open, safe and friendly environment for all children. This Code of Conduct outlines expected standards of behaviour regarding the supervision of children by designated supervisors (including chaperones) and any other relevant staff directly caring for children employed or engaged by [Organisation name] (e.g. child performers, program participants, work experience students).

A child includes children and young people up to the age of 18 (unless otherwise specified).

Supervisors and/or chaperones are required to comply with this Code of Conduct in addition to the Code of Conduct applicable to all employees:

- Supervision must comply with all relevant state regulations on the provision of adequate employment and workplace conditions for children.
- Supervisors should always be with children (under 15 years)² *[Please refer to explanatory footnote]* whilst they are in the care of our organisation. Children should not be left without direct supervision by a designated supervisor at any time.
- No employees, other than designated supervisors, should be alone with children (under 15 years)² *[Please refer to explanatory footnote]* at any time, and at no time should non-designated employees be placed in a circumstance where they are required to chaperone or supervise children. If by chance any children are found unsupervised, employees should direct and accompany children to their supervisor or relevant management immediately.
- A supervisor's only responsibility should be the safety and wellbeing of the children they have been assigned to supervise (e.g. a member of stage management that is appropriately credited and temporarily supervising children should not be undertaking any other duties while supervising).

² Explanatory footnote: *Delete once your Code of Conduct is finalised.* The reason we have set this at 15 years of age is in reference to Child Employment laws applicable in NSW and Victoria which require children under 15 years who are employed to be supervised.

- Supervisors must ensure the children receive breaks appropriate for their age bracket (as per relevant state child employment legislation or the LPA Code of Practice for Child Employment in Live Entertainment).
- Supervisors are expected to build a mutually respectful, professional relationship with all children in their care.
- Supervisors should check periodically the emotions and wellbeing of children in their care to ensure their comfort and competence for the tasks assigned. If any of the children become distressed, withdrawn or overwhelmed for whatever reason, the child should be given the opportunity to have a break, watch proceedings or compose themselves in private. Any concerns regarding the welfare of children are to be conveyed to management without delay.
- Supervisors should appropriately guide children towards positive and responsible behaviour. Children should be made clearly aware of the guidelines and rules established on appropriate behaviour in order for them to act accordingly, and supervisors should monitor adherence and appropriately reinforce limit setting.
- Supervisors should report inappropriate behaviour by any child to relevant management if the child does not respond to appropriate requests to improve behaviour. Parents/carers should be involved if behaviour continues.

Review

This Code of Conduct was approved *[insert date]* and last reviewed *[insert date]*.

5.5 Example: Policy on Exposure to Adult Themes

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- *size of organisation*
- *level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)*
- *type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)*
- *exposure to risks of harm in the organisation (e.g. transport of children)*
- *state legislative requirements (e.g. child employment, WH&S).*

[Organisation name]

Policy on Exposure to Adult Themes

[Guidance note: It is a decision for each organisation whether they wish for this policy to apply to all children up to 18 years]

Child performers (under 15 years) will **not** be placed in a situation that exposes them to inappropriate behaviour or language for their age level. This includes:

- nudity (genitals, buttocks, and breasts)
- obscenities, 'adult' talk (e.g. overtly sexual), smoking of any substance or drinking of alcohol (except as required in the performance following a conversation with the child about the use of adult language, substances or alcohol for dramatic purpose)
- harassment, humiliating or demeaning behaviour
- aggressive, threatening, or uncontrolled behaviour
- inappropriate influence in regard to opinions, beliefs, behaviour, or conduct.

It is important that the production child performers partake in, and the performance required of them, is not overtly dangerous, distressful, or inappropriate in any way, with regard to the child's age, culture, religion, maturity, emotional or psychological development and sensitivity.

If, due to the dramatic context of the production, children are required to participate in scenes containing potentially distressing, controversial, or negatively influential material or themes, this will be explained during the audition process and [Organisation name] will discuss this with at least one of the child's parents/carers and seek their consent, prior to accepting the role and commencing the rehearsal process.

All relevant details will be clearly explained to children and parents/carers, and all efforts will be made to minimise a child's exposure to potentially upsetting material. Appropriate child safe language will be used when discussing the topic with the children. [Organisation name] may also discuss strategies for minimising a child's exposure to upsetting themes with the relevant regulatory authority for child employment.

Review

This policy was approved *[insert date]* and last reviewed *[insert date]*.

5.6 Example: Policy on Auditions and Casting

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- *size of organisation*
- *level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)*
- *type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)*
- *exposure to risks of harm in the organisation (e.g. transport of children)*
- *state legislative requirements (e.g. child employment, WH&S).*

[Organisation name]

Policy on Auditions and Casting

[Guidance note: It is a decision for each organisation whether they wish for this policy to apply to all children up to 18 years.]

[Organisation name] aims to ensure the casting and audition process for child performers (under 15 years)³

[Please refer to explanatory footnote] is a safe and positive experience by:

- informing parents/carers in the audition notice of relevant production details and how any concerning issues will be managed, including:
 - details regarding choreography, content, and involvement of potentially frightening or confusing elements (e.g. animals, pyrotechnics)
 - details of how the potential negative effects of identified issues will be mitigated
 - a statement that parents/ carers are encouraged to discuss issues with children and express any concerns they may have with the relevant point of contact (e.g. supervisor, relevant management, Child Safety Officer)
- allowing children to meet supervisors and employees in a friendly and unthreatening environment
- having auditions conducted by appropriately experienced and screened employees
- allowing children and parents, carers or legal guardians adequate time to discuss and raise any concerns they may have
- avoiding the casting of children who are identified by employees as being pushed past their limits by parents, carers, legal guardians or agents
- notifying children of success or otherwise as soon as possible, and providing constructive feedback where possible
- ensuring feedback and call back information is delivered to the children and families in a child safe and considerate manner
- providing a positive audition experience for children that will build their confidence.

³ Explanatory footnote: [Delete once your Policy is finalised](#). The reason we have set this at 15 years of age is in reference to Child Employment laws applicable in NSW and Victoria where employers are required to gain a licence/authority.

Review

This policy was approved *[insert date]* and last reviewed *[insert date]*.

5.7 Example: Policy on Using Images of Children

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Policy on Using Images of Children

This Policy outlines [Organisation name]'s protocols for taking and publishing (in print or online) images of children and young people up to 18 years of age.

We aim to protect the safety and privacy of **child performers** by:

- obtaining informed consent from a parent/carer and child (if 15 years of age or older) for the use of images of child performers⁴ [Please refer to explanatory footnote]
 - Consent will be sought prior to taking or publishing images. Signed consent forms will be sought from parents/carers and child aged 15 years or more. We will provide details on how and where the images will be published, and if images will contain identifying or personal information about the child (e.g. school uniform, name, hobbies). Images containing identifying or personal information will be avoided where possible.
- informing parents/carers if [Organisation name] wants to film or take photos of children for analysis purposes or to improve performances
- ensuring that if photography or filming of child performers is going to take place at a venue different from the usual workplace venue, a parent/carer has agreed to be present or their consent has been provided for the supervisor to be present instead
- making sure professional photographers are aware that any images taken will remain the property of [Organisation name] and cannot be used or sold for other purposes – any digital files must also be destroyed or handed over to [Organisation name]
- making sure photographers are not left unsupervised with children or have individual access to children
- avoiding the use of images of children in minimal clothing (e.g. revealing costumes – both intentional and accidental)

⁴ Explanatory note: Delete once your Policy is finalised. The reason we have set this at 15 years of age is in reference to NSW and Victorian Child Employment laws. In some states/territories, certain legislation allows children aged 15 years and older to consent to other matters such as medical matters and employment. Age of consent laws also exist in each state/territory and varies between 16 or 17 years of age.

- providing details to parents/carers on who to contact if they have concerns or complaints around the use of inappropriate images or inappropriate behaviour in taking or publishing images.

We aim to protect the safety and privacy of child audience members or education program participants by:

- using the Terms and Conditions of purchase and placement of a notice in a prominent position at the venue to make ticket holders aware that professional photographers may be engaged for official and marketing use
- making parents/carers of education program participants aware that professional photographers may be engaged for official and marketing use
- only publishing images that do not contain identifying information about children (e.g. school uniform, name) unless consent from parents/carers has been obtained
- making sure professional photographers are aware that any images taken will remain the property of *[Organisation name]* and cannot be used or sold for other purposes – any digital files must also be destroyed or handed over to *[organisation name]*
- making sure photographers are not left unsupervised with children or have individual access to children
- providing details to parent/carers about whom to contact if they have concerns or complaints regarding the use of inappropriate images or inappropriate behaviour in taking or publishing images.

Review

This policy was approved *[insert date]* and last reviewed *[insert date]*.

6. DEVELOPING A CHILD SAFE REPORTING PROCEDURE

6.1 What is the purpose of a Child Safe Reporting Procedure?

The purpose of the Child Safe Reporting Procedure is to help develop an organisational environment where all employees are empowered to report allegations of child abuse. The foundational issue when empowering employees to report allegations of abuse is that employees are not deemed to be experts in the fields of child safeguarding or child protection. Employees therefore need to be empowered to expedite allegations of child abuse to authorities.

The Royal Commission into Institutional Responses to Child Sexual Abuse noted that survivors of child abuse took between 22 and 33 years to report child sexual abuse to an authority. Children disclosing abuse to an adult indicates a level of trust being conferred to the adult. The adult is therefore encumbered to report this allegation.

Organisations should encourage anyone to raise concerns or complaints about perceived risks to a child's wellbeing and respond accordingly. This might range from rectifying a perceived risk (e.g. improving communication with parents) to reporting an observed incidence of child abuse to child protection authorities and/or the police.

A Child Safe Reporting Procedure should outline the organisational procedure for dealing with complaints from employees, children and parents/carers about:

- inadequate working conditions for children (as per relevant state child employment legislation or the LPA Code of Practice for Child Employment in Live Entertainment)
- conduct not in keeping with your organisation's child safe policies, code of conduct and procedures
- concern of suspected or potential child abuse or neglect.

This Guide provides an example template *Child Safe Reporting Procedure* (p.37). It covers both reporting allegations of child abuse and responding to 'wellbeing concerns'.

The example template should be amended and expanded upon as applicable to your organisation's individual circumstances.

6.2 Example: Child Safe Reporting Procedure

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Child Safe Reporting Procedure

1. Purpose

[Organisation name] is a Child Safe Organisation that proactively aims to create a safe and nurturing environment for all its students/child employees/workshop participants [guidance note: amend accordingly]. As part of this, [Organisation name] expects that all employees including staff, volunteers, contractors, and any other members of the community engaged in the organisation can raise child safeguarding concerns.

This document will assist all parties to:

- identify the different types of harm or neglect that children and young people may be exposed to
- understand their specific roles in reporting child safeguarding concerns
- report child safeguarding concerns in a timely fashion to all necessary internal and external parties.

2. Scope

This Procedure applies to any person (child or adult) involved with the organisation including:

[Guidance note: Amend this list to be applicable for your organisation]

- any adult (18 years or older) engaged by [Organisation name] that may work with children at any time such as:
 - employees (permanent and casual):
 - leadership and management roles
 - administration
 - education instructors and youth workshop facilitators
 - production and venue personnel (actors, stage management, chaperones, technical crew, ushers, etc.)
 - volunteers

- contractors and sub-contractors
 - tutors
 - board members
 - work experience students/interns/secondments
 - any other individual in the organisation that may deal with children
(Note: In this Procedure, the term “employee” is used to cover all persons occupying any position listed above.)
- children (under the age of 18 years unless otherwise specified)
 - parents (including carers or legal guardians).

3. Related documents

This procedure should be read in conjunction with *[Organisation name]*'s other relevant policies, procedures, and documents, including: *[guidance note: list relevant policies and procedures]*

- Child Safe Policy and Commitment to Child Safety
- Child Safe Code of Conduct
- Policy on Exposure to Adult Themes
- Policy on Auditions and Casting
- Policy on Using Images of Children.

4. Reporting & Complaints

Reporting principles

The duty to report a child safety concern to child protection authorities and/or the police applies to a reasonable belief that child abuse is either likely to occur in the future, and/or child abuse may have already happened. Belief on ‘reasonable grounds’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

As long as reports are made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

[Organisation name] approaches its reporting responsibilities through a child-focused lens, prioritising the rights of children. The following principles govern this approach:

- A child making a disclosure is always to be believed.
- The best interests of children are paramount.
- *[Organisation name]* complaints handling and reporting systems are accessible and recognise the diverse needs of children and young people, and their families.
- Complaints are dealt with thoroughly and promptly.

Who can make a complaint?

Any person including employees, parents/carers and children should promptly raise their concerns or lodge a complaint about:

- inadequate working conditions for children (as per relevant state child employment legislation or LPA Code of Practice for Child Employment in Live Entertainment)
- conduct not in keeping with the organisation's child safe policies and procedures
- concern of suspected or potential child abuse or neglect.

If employees suspect or witness an incident of unacceptable behaviour towards a child, they are obliged to report the incident to the Child Safety Officer or management as a matter of urgency. In addition to reporting the incident, the employee should ensure that the child is safe from any immediate risks.

Any person that believes a child is at immediate risk of abuse should call 000.

[*Organisation name*] will provide children and parents/carers with clear information about who to contact (and how) if they have any concerns or complaints.

What type of concerns should be raised?

Any of the following should be reported to the appropriate contact promptly:

- alleged, suspected or observed incidents of abuse or neglect (as a matter of urgency)
- conduct not in keeping with [*Organisation name*]'s child safe policies and procedures
- perceived risks in the organisation's environment (e.g. inadequate working conditions)
- wellbeing concerns, including concerns around children and young people's mental health, sign of self-harm etc.

Abuse and neglect include:

- *physical abuse*: purposefully injuring or threatening to injure a child
- *emotional abuse*: an attack on a child's self-esteem e.g. through bullying, threatening, ridiculing, intimidating or isolating the child
- *sexual abuse*: any sexual act or sexual threat imposed upon a child
- *neglect*: harming a child by failing to provide basic physical or emotional necessities
- *exposure to family violence*: behaviour by a person towards a family member that may include physical violence or threats, verbal abuse, emotional or psychological abuse, sexual abuse, financial and social abuse
- *grooming*: preparing a child for the act of a sexual activity.

Employees will be provided with information about how to recognise signs of potential abuse.

Who should complaints be made to?

Complaints or concerns should be lodged with [*name/position of member of staff appointed Child Safety Officer*] or other relevant management position using any method (verbally, email, call, etc.) that the employee, parent/carers or child feels comfortable with. Urgent matters should not be conveyed by email.

If an act of criminal activity has been alleged, such as physical or sexual abuse, child protection authorities/police will be informed urgently and the child will be kept safe from any immediate risks.

How will all complaints be handled by the organisation?

[*Organisation name*] is committed to being responsive to concerns raised by employees, children and parents/carers, and seeks to resolve issues with the welfare of children as our first priority.

The appointed Child Safety Officer or relevant management will investigate the nature of the complaint raised in a timely fashion, allowing the person against whom the complaint has been made the opportunity to respond. If a complaint has been made about the actions of another child, their parents/carers will be informed.

If appropriate and in the best interests of the child, the Child Safety Officer or relevant management will seek to resolve the complaint and rectify any issues raised to the satisfaction of all parties in the first instance.

Any complaints or concerns about perceived risks in the organisation's environment (e.g. inadequate working conditions, exposure to adult themes) will be addressed by *[Organisation name]* and rectified promptly.

If *[Organisation name]* becomes aware of, or has been alerted to, a risk of child abuse by someone involved with the organisation, we will act to reduce or remove the risk and protect the child as our first priority. We will promptly contact child protection authorities/the police when a child or adult alleges any criminal activity has occurred, such as physical or sexual abuse of a child.

The child (and if appropriate, parents/carers) will be informed of the steps *[Organisation name]* is taking to address the complaint.

[Organisation name] may also provide support for the child by referring and assisting children and/or parents/carers to access other appropriate services.

How will the complaint be resolved?

The *[name relevant leadership position (e.g. producer, director, venue manager, etc.)]* shall determine if:

- a person should be disciplined in accordance with the misconduct committed and within the organisation's means; or
- the matter should be referred to an appropriate authority for further investigation and action pursuant to the law.

For procedural fairness, any person involved in a complaint about unacceptable conduct towards a child is encouraged to seek support from the *[guidance note: amend accordingly]* *[Organisation name]*'s Employee Assistance Program or any other relevant person.

All complaints about unacceptable conduct shall be documented, including:

- record of action taken
- any internal investigation conducted
- any reports made to statutory or external bodies.

In accordance with security and privacy requirements, these records will remain confidential unless otherwise requested to be released by law.

With due consideration of confidentiality and fairness regarding any person against whom a complaint is made, the risk of harm to children is our primary concern.

5. Responding to disclosures

Child safeguarding concerns may arise in a range of ways – for example, through direct disclosure, observation or information received from others. Employees should remain open and aware to the various ways concerns may arise. The types of complaints or concerning behaviours that require reporting may include:

- suspicions or beliefs that children have suffered or are at risk of suffering abuse, harm or neglect
- inappropriate relationships developing between children and adults, or between children of a significant age difference
- observations of concerning changes in behaviour
- feelings of discomfort about a relationship between a child and employee, contractor or volunteer
- disclosures of child abuse must be reported to child protection authorities.

Any other suspected or actual breach of this Child Safe Reporting Procedure, Child Safe Policy, Child Safe Code of Conduct, or other policy, procedure or practice related to the safety of children must be reported to the Child Safety Officer, management and/or CEO/Head [guidance note: amend accordingly].

[Organisation name] expects all employees to be alert to any potential child abuse, child harm, risk of harm and neglect in all contexts and report concerns in accordance with this document.

Staff who notice behavioural signs of abuse are encouraged to talk with the child when they are disclosing a concern. Disclosures should be enabled through an open approach which includes:

- management establishing honest two-way communication between themselves and others
- management being respectful in all interactions with employees, contractors, volunteers and children and their families
- staff being open and honest with children and families about confidentiality limits
- staff educating and supporting personnel to understand their role and to respond to disclosures in a confident and supportive manner.

This disclosure is to be distinguished from an investigative interview process, which must follow a formal process.

How will complaints from children be handled by the first point of contact or Child Safety Officer?

[Organisation name] will inform children of who to talk to if they need to raise an issue.

[Organisation name] employees that receive a complaint from a child will:

- let the child talk about their concerns in their own time and words, and give the child the necessary attention, time, and space to raise their issues
- be a supportive and reassuring listener
- tell the child that raising their concerns was the right thing to do and let them know in plain language the process by which their concerns will be addressed and acted upon
- record the nature of the complaint in the child's own words
- contact the child's parents/carers, if appropriate.

Safety of children who face additional forms of discrimination (at-risk)

[*Organisation name*] recognises the diverse circumstances of children and works in child-centred ways that celebrate the strengths and individual characteristics of children and embrace them regardless of their abilities, sex, gender identity, socioeconomic status and cultural background.

If an allegation of abuse involves an Aboriginal child, it is important to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal elder.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters.

Children who live in out-of-home care may also need additional support. Out-of-home care is defined as a temporary, medium or long-term living arrangement for children and young people who cannot live in their family home.

Out-of-home care includes foster care, kinship care, permanent care, residential care and lead tenant arrangements. Staff should report suspicions or allegations of abuse of children in statutory out-of-home care to child protection authorities as well as the head of the organisation.

Responding to harmful sexual behaviour in children and young people

Research indicates that a significant proportion of sexual abuse that occurs in the context of organisations is perpetrated by children. Sexually harmful behaviour involves children engaging another party in sexual activity that is either unwanted or where, due to the nature of the situation, the other party is not capable of giving consent (e.g. children who are younger or who have a cognitive impairment).

[*Organisation name*] is committed to ensuring all employees have access to education and support which prepares them to prevent and identify sexually harmful behaviours and respond to peer-to-peer abuse in a timely, child-focused and protective manner.

If a child perpetrates abuse or harm, [*Organisation name*] has a duty of care to both the perpetrator and victim. [*Organisation name*] recognises that a child who demonstrates sexually harmful behaviours requires therapeutic intervention. They may also have suffered abuse and therefore may require protection.

[*Organisation name*] staff will consult the appropriate member of the [*insert relevant role - e.g. Executive/Child Safe Officer*] to agree on the process for notifying parents/carers about the concern. In doing so, they will be guided by advice from relevant authorities (i.e. child protection authorities and the police).

Confidentiality

All employees should ensure that where concerns arise, confidentiality is maintained as far as possible. Internal and external reporting should take place as per this reporting procedure, with internal communication about concerns occurring on a 'need to know' basis only. Only personnel directly involved in the management of the child's situation and responsible for meeting the reporting obligations are to be involved in discussions regarding the child's identity, or details of the suspected abuse. Exceptional circumstances apply, including:

- There is a reasonable belief that a child has been harmed, suffered neglect, or is at risk of harm necessitating an obligation to report to authorities, such as child protection authorities and the police.
- The child has consented to a secondary disclosure and has the capacity to consent.

Parents/carers should be informed about the allegation of abuse and the internal processes.

Where parents/carers are the alleged perpetrators of abuse, *[Organisation name]* will seek advice from child protection authorities about how information is communicated and how to protect the child's safety. In an alleged instance of child abuse, staff, volunteers and contractors are expected to seek advice from *[insert relevant role – e.g. the Child Safety Officer/their line manager/ the CEO/Head or delegate]* regarding the dissemination of personal information.

Record keeping

Timely, clear, and effective record keeping is an important part of ensuring *[Organisation name]* is a Child Safe Organisation. Record keeping should include details of the child safety concern, key people involved, external agencies notified if relevant and any actions taken, including corrective.

Responding to historical allegations of abuse

In all circumstances where historical abuse allegations are made which pertain to *[Organisation name]*, the organisation will cooperate fully with child protection authorities and/or the police. *[Organisation name]* will also review its current policies and procedures in light of any findings of historical abuse investigations to determine if there are learnings that may strengthen protective approaches.

[Organisation name]'s procedure for responding to historical allegations of abuse includes:

- Any allegation of historical abuse which pertains to *[Organisation name]* should be notified to the CEO/Head or their delegate within 24 hours of receipt.
- The CEO/Head will be responsible for overseeing the handling of the allegation, including confirming whether it has been referred to the relevant authority (i.e. child protection authorities, the police *[guidance note: include if the Reportable Conduct Scheme applies to your organisation] [and/or Reportable Conduct Scheme for Vic, NSW and ACT]*) and that all relevant information held by *[Organisation name]* has been provided to relevant authorities.
- At the conclusion of the police investigation, the CEO/Head will determine whether it is appropriate to undertake an internal investigation, noting that an internal investigation would generally be warranted where the employee, contractor or volunteer implicated in the allegation is still involved with *[Organisation name]*.
- In all circumstances, *[Organisation name]* will undertake an internal review to determine if there is a need to amend any policies, procedures, or processes. Reviews will be focused upon the identification and application of learning to minimise future risk.

Reporting principles

Once staff have formed a reasonable belief that a child is at risk or in need of protection, they will need to 'report'.

- If a child is deemed to be at immediate risk of harm, the employee, contractor, or volunteer should contact emergency services on 000 immediately.
- All reports will be treated seriously, whether they are made by an adult, child, or young person.

- Where an employee or third-party provider forms a belief that a child has suffered child abuse or is at risk of harm, they must notify the *[insert relevant role – e.g. CEO/Head or Child Safety Officer]* within 24 hours.
- The employee, contractor, or volunteer is expected to contact the CEO/Head and their line manager in the first instance, unless doing so would pose a potential conflict of interest or place the child at further risk (e.g. if the line manager is the subject of the concern).
- The involved employee, contractor or volunteer will work with the CEO/Head or their delegate to agree on the appropriate reporting avenues (i.e. child protection authorities and/or the police). It is best practice for the recipient of the disclosure to make the report.
- Should the concern relate to risk posed by a *[Organisation's name]* employee, volunteer or contractor, the CEO/Head will have overall responsibility for dealing with the matter *[guidance note: include if the Reportable Conduct Scheme applies to your organisation] [and follow the appropriate procedure including that of the Reportable Conduct Scheme – Vic, NSW, ACT]*
- *[Organisation's name]* will treat all matters confidentially, disclose critical information to relevant authorities including child protection authorities and the police, and work in the best interests of the child.

Reporting process

Step	Action	Who
	<p>Emergencies: In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</p> <p>When the report has been made, move to the next step. All other concerns or reports start at the next step.</p>	The employee, volunteer or contractor who identified a potential child safety concern.
1	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • information that has led to concerns about the child's safety (e.g. physical injuries, child's behaviour, adult behaviour) • the source of the report (e.g. observation of behaviour, disclosure from child or another person) • actions taken as a result of the concerns (e.g. consultation with manager, child protection authority, police etc). 	The employee, contractor or volunteer who identified a potential child safety concern.
2	<p>Discuss any concerns about the safety and wellbeing of children with the Child Safety Officer, management and/or the CEO/Head.</p> <p>For internal reporting purposes, the employee or contractor together with the CEO/Head or delegate will make a determination regarding the need for reporting and to whom the report should be made, including the child's parents.</p> <p>Note: The above does not substitute for the employee or contractor's mandatory reporting obligations.</p>	The employee, volunteer or contractor who identified a potential child safety concern, and the CEO/Head.

3	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> • full name, date of birth, and residential address of the child or young person • the details of the concerns and the reasons for those concerns • if involving another party within the organisation, gather details regarding the individual employee, volunteer or contractor's involvement with the child or young person • details of any other agencies who may be involved with the child or young person, if known. 	CEO/Head to be provided with information from the employee, volunteer or contractor who identified the potential child safety concern.
4	<p>Make a report to the relevant agency:</p> <ul style="list-style-type: none"> • Report concerns that are an immediate risk by calling 000 or the local police station. • Sexual offences need to be reported to the child protection authorities and police. • Report concerns about the safety of a child to the child protection authority. • [guidance note: include if the Reportable Conduct Scheme applies to your organisation] Report any allegations or convictions of child abuse by employees under the Reportable Conduct Scheme requirements [VIC, NSW, ACT]. • Obtain and record the lodgement/engagement number after making the notification. 	CEO/Head and the employee or contractor who identified the child safety concern.
5	<ul style="list-style-type: none"> • Log and store the information, including lodgement number, in a safe and secure location that is accessible to the CEO/Head and Child Safety Officer. • Undertake a learning review of policies, procedures, and practice. • Information is provided to the board as part of the board's periodic update on child safety. 	CEO/Head

If in doubt of external reporting requirements, *[Organisation name]* expects that staff, volunteers and contractors will contact their line manager, Child Safety Officer, the CEO/Head and/or external authorities to report any concerns and seek guidance on reporting obligations and processes.

Once a report has been received and the CEO/Head has been notified, the concerns will be reviewed. There are four possible outcomes from this review:

- The concerns are unfounded.
- A crime has been allegedly committed.
- The Child Safe Code of Conduct has been breached, but no alleged crime has been committed.

- Based on the available information, it is not possible to form a conclusive view on the matter.

As per the Child Safe Reporting Procedure and Child Safe Code of Conduct:

- Alleged criminal matters will be referred to the police as soon as practicable, and typically within 24 hours.
- Where a conclusive view could not be formed but the concerns are serious, child protection authorities and/or the police will be notified as soon as practicable, and typically within 24 hours.
- The CEO/Head will determine the course of action where the Child Safe Code of Conduct has been breached, but no alleged crime has been made. In such circumstances, *[Organisation name]* will investigate the matter and any consequences for the alleged perpetrator will typically be proportionate to the breach, with the child's safety being of paramount significance.

6. Responding to wellbeing concerns

While disclosures of child abuse may be made to an employee, there may also be general 'wellbeing concerns' that are not necessarily examples of child abuse that may be raised with employees.

Mental health and emotional wellbeing are as important to a child's safety as their physical health. They can affect all aspects of their life including their educational attainment, relationships and physical wellbeing. Mental health can also change over time, to varying degrees of seriousness, and for different reasons.

Negative experiences, such as abuse or neglect, can adversely impact a child's mental health. Such issues can also sometimes lead to safeguarding and child protection issues – for example if a child's mental health begins to put them or other people at risk of harm.

It can be hard to recognise when a child needs support with their mental and emotional wellbeing and it can be difficult for young people to speak out about the challenges they are facing. It is crucial that anyone who works or volunteers with children and young people can recognise that a child might be struggling with their mental health and know how to take appropriate action to facilitate and provide support.

By being attentive to a child or young person's mood or behaviour, employees can sometimes recognise patterns that suggest they might need support. It is important to remember that some signs of mental health may also look like normal child behaviour (for example, tantrums or frustration in younger children or teenagers keeping thoughts and feelings to themselves).

Signs of child/young person's mental health and/or wellbeing issues include:

- sudden mood and behaviour changes
- self-harming
- unexplained physical changes (such as weight loss or gain)
- sudden poor behaviour or performance
- sleeping problems or showing signs of fatigue
- changes in social habits such as the withdrawal or avoidance of friends and family
- changes in eating habits
- reduced ability to concentrate
- changes in appearance (wearing oversized clothes, covering up).

These signs suggest that a child may be struggling, but there could be a number of explanations for them.

It is important that employees do not attempt to diagnose mental health or wellbeing issues or make assumptions about what's happening in a child's life.

If employees are concerned that a child may be struggling with an issue, it is important not to wait for them to talk before trying to start a conversation. Be prepared that conversations may not be easy or straightforward.

Principles to help employees discuss mental health and wellbeing sensitively

- Use the right language:
 - Use language the child understands according to their age and stage of development.
 - Avoid using technical or diagnostic language which children might find unfamiliar and confusing.
 - Reflect the terms and language the child uses back to them; this will help them feel listened to.
- Create an open environment:
 - Make sure children know and understand who they can talk to.
 - Ensure mental health and wellbeing are discussed in a day-to-day way with it being put on an equal footing with physical health.
- Promote mental health and wellbeing:
 - Encourage self-care and self-regulation techniques.
 - Maintain routines.

If a child is not able to engage in a conversation about their mental health and wellbeing, employees must still consider what support can be put in place for them.

If employees identify a safeguarding or child safety issue, you must follow [\[Organisation name\]](#) reporting procedures.

Managing situations of concern

Whilst it is not possible to provide examples to cover all eventualities or issues, the following are some guidelines for common situations that may arise.

Children getting dressed/undressed in communal areas whilst changing clothes

Getting changed can cause anxiety for some children and/or make them feel vulnerable.

Where possible, use designated single-gender changing rooms or areas. If this is not possible, think about using furniture or screens to provide separate areas and allocating time slots of when people are getting changed/using the facilities. Ensure adequate and sensitive arrangements for getting dressed. Also take into account the needs of children and young people with disabilities and children from different religions, beliefs and cultural backgrounds or gender identity.

Adults should change privately and never in the same space as children and young people. As far as possible, members of staff should only supervise/assist children of the same gender.

Managing a disclosure of suicidal ideation/risk

Employees must always ensure they understand and know of their duty of care and reporting obligations.

If employees feel the child is in immediate danger call 000 and stay with them until they are safe.

If a child is having thoughts of suicide and discloses these, it may feel overwhelming but there are ways you can support them.

- Take warning signs and disclosures seriously.
- Listen without judgement and show that you care and that they are not alone.
- Be open to talking about their suicidal thoughts.
- Be aware of confidentiality and the limitations of this.
- Follow *[organisation's name]* reporting policy and procedure.
- Raise the issue with a supervisor and/or the head of the organisation.
- Ensure the young person remains with a supportive adult whilst a safety plan can be developed.

Managing incidents of self-harm (through observation or disclosure)

Discovering a child has been self-harming either through disclosure, observation of historic injuries or presentation of an immediate injury, can be difficult and upsetting.

Self-harm is any act of intentional self-injury or self-poisoning. Examples include:

- taking an overdose
- swallowing objects or poisons
- cutting, hitting or bruising
- self-strangulation with ligatures
- burning.

Children and young people self-harm for several reasons which may include:

- to manage emotional upset
- to reduce tension
- to provide a feeling of physical pain to distract from emotional pain
- to express emotions such as hurt, anger or frustration
- a form of escape
- an effort to regain control over feelings or problems
- to elicit care from others
- to identify with a peer group.

Managing the immediate effects of self-harm

- Management of physical injuries:
 - Keep calm and follow first aid guidelines for cuts, wounds or burns.
 - If employees have immediate concerns about the effect of an overdose or serious physical injuries are present - call 000.

- Ask the child if they are in pain - they may have needed to feel physical pain at the point of self-harm but this doesn't mean they want to feel pain afterwards.
- Helping the child/young person:
 - Identify a staff member to whom the child is willing to speak and who can provide a listening, non-judgemental ear.
 - Acknowledge the distress and offer to help the child find the support they need.
 - Reassure the child that you understand that self-harm is helping them to cope at the moment.
 - Remind them there are less harmful ways of coping.
 - Mention sources of support (Kids Helpline, Youth Beyond Blue, talking to family member etc).

If you identify a safeguarding or child safety issue you must follow [Organisation name]'s reporting procedures.

7. Review

This reporting procedure was approved [insert date] and last reviewed [insert date].

7. DEVELOPING A CHILD-FRIENDLY COMPLAINTS PROCEDURE

7.1 What is the purpose of a Child-friendly Complaints Procedure?

Child Safe Organisations are required to demonstrate a commitment to the rights and welfare of children, including their right to raise concerns. Actively empowering children to make a complaint can:

- demonstrate to children that the organisation views child safety as paramount
- mitigate potential child abuse
- strengthen the organisation's overall child safety culture
- provide the organisation with valuable information about its operations, culture and programs.

A complaint may refer to any matter including:

- a general expression of dissatisfaction with all or aspects of the work, program or activity (that may or may not require urgent attention)
- particular experiences with a person or persons involved in the work, program or activity
- an allegation of abuse, criminal conduct or exploitation in relation to the work, program or activity
- the handling of feedback and/or a previous complaint.

This section of the Guide provides the key principles to creating a child-friendly complaints procedure, as well as guidance for acknowledging and responding to complaints and record keeping. It should be read in conjunction with the Section 6 – *Developing a Child Safe Reporting Procedure*, which provides guidance to staff and volunteers about responding to child abuse, child safety or wellbeing concerns. Once a concern is raised, the organisation should follow its Child Safety Reporting Procedure.

This Guide provides the following example templates:

- Complaint form for children (p.54)
- Complaint record (p.56.).

The example templates should be amended and expanded upon as applicable to your organisation's individual circumstances.

7.2 Key considerations when developing a Child-friendly Complaints Procedure

A child-focused approach

Organisations should demonstrate a commitment to implementing a child-friendly complaints process using a child-focused lens. This means decisions that affect children, including the implementation of key policies and procedures, are undertaken with their input.

Organisations must also commit to providing for the diverse needs of children engaged in employment or participating in programs/activities. Respecting and valuing diversity and striving to provide child-friendly documents and tools that have been developed with a culturally safe lens is key to establishing accessible pathways.

Accessibility and promotion

It is critical that the complaints process is accessible to all children. Organisations should promote how to make a complaint via various sources and provide various accessible avenues (including anonymous avenues) for children to make a complaint. Possible options for doing this are outlined in the table below.

Promotion of the complaints process	Complaint Avenues
<ul style="list-style-type: none"> • website • display at physical sites • discussed at meetings • social media platforms • videos • handbooks/flyers 	<ul style="list-style-type: none"> • website • phone/SMS • online or hard copy forms • social media platforms • personal interaction • email

Organisations should also consider barriers to making a complaint including children’s age, education levels, access to technology, physical access to the organisation and identity.

Children face additional barriers to disclosing child abuse or harm, including:

- believing that they have limited support available
- having feelings of self-blame, embarrassment, shame or guilt
- being met with a lack of understanding or disbelief
- fear and anticipation of negative reactions and consequences as a result of disclosing (both for themselves but also for others)
- fear of physical injury, isolation, causing family distress or family breakup, losing support, social shame or a ruined reputation
- feelings of being responsible for the abuse
- ongoing contact between the alleged perpetrator and the victim
- not having an understanding of abuse, or the language to explain abuse.

An example complaints form for children is available at p.54.

7.3 Acknowledging and assessing a complaint

Organisations should respond to a complaint consistent with their Child Safe Reporting Procedure (Section 6 provides detail on how to develop a Child Safe Reporting Procedure) and be mindful of the following principles associated with acknowledging and assessing a complaint.

Fair and timely acknowledgment

Organisations should provide a fair and timely acknowledgement of complaints, in the most appropriate medium for the complainant (i.e. writing (including email) or via phone):

- Acknowledge the complaint at receipt or as soon as possible after receipt.
- Use the nominated method of communication for the complainant – e.g. email, telephone.
- Provide the reporter with information about the process including timelines, next steps and if required, access to an interpreter.

Risk assessment

Assessing and responding to any risks immediately after a complaint is critical. It is the responsibility of organisations to assess the risk that a staff member, volunteer or other person presents to a child at all stages following a complaint being made.

Complaints should be assessed to determine:

- if the complaint relates to the health, wellbeing or safety of a child, and whether the matter requires external reporting (i.e. to child protection, the police, state/territory government departments, or through Reportable Conduct Schemes)
- if child safety risks have been identified and addressed in accordance with the relevant state/territory legal obligations for mandatory reporting
- which internal reporting requirements are required
- whether more information is required to continue an investigation or settle on an appropriate outcome
- the impact on the reporter/child, and any support they may require – e.g. access to phone to contact parents, counselling
- a timeframe for resolving the complaint
- the correct role/person to manage the complaint. The person investigating the complaint should be free of any (real or perceived) conflict of interest. Where it is determined there may be a conflict of interest, internal procedures should allow for the appointment of an independent investigator.

7.4 Confidentiality and privacy

Children have the same right to privacy, anonymity and confidentiality as adults (subject to reporting obligations). It should be noted that assurance of absolute confidentiality cannot be given due to statutory obligations and the principles of natural justice.

Complaints need to be kept confidential to the extent possible, consistent with the need to investigate, respecting the principles of natural justice and fulfilling reporting obligations. Where child safety concerns arise, confidentiality must be maintained as far as possible and only disclosed if required by law.

Internal and external reporting must take place as per organisational policies. However, internal dialogue about child abuse concerns will be on a 'need to know' basis. This includes the alleged victim/survivor, caregiver, witnesses and alleged perpetrator. Any such information must be held in the strictest confidence by those involved. Any breaches of confidentiality need to be treated seriously, and disciplinary action may need be taken in such circumstances.

Organisations should consider the following principles in relation to children's privacy and confidentiality:

- When engaging with reporters or child victim/survivor, staff should be honest about the limits of confidentiality – i.e. what information must be shared, and the process involved. Where confidentiality limits exist, it will be communicated to children using accessible materials.
- Reporters or child victim/survivors can bring a support person into the complaints process.
- Where possible, an ongoing conversation with the reporter or child victim/survivor should be part of the secondary disclosure/confidentiality process.

- Information disclosed by reporters as part of the complaints process should be kept confidential, except on a need to know basis and/or in the circumstances outlined below:
 - There is a requirement to report certain matters under Australian (state/territory) law.
 - There is a reasonable belief that a child has been harmed or is at risk of harm, necessitating an obligation to report to authorities (such as child protection authorities and/or the police).
 - The child has consented to a secondary disclosure and has capacity to consent.

7.5 Record keeping

Timely, clear and effective record keeping is an important part of ensuring organisations are child safe. Organisations should keep complete and accurate records about complaints involving children connected to a complaint. Record keeping should include details of the complaint, including but not limited to:

- how the complaint was managed
- if the complaint involved a reportable action or allegation – e.g. to child protection authorities, police, [\[guidance note: include if the Reportable Conduct Scheme applies to your organisation\]](#) or via the Reportable Conduct Scheme
- subject of the complaint including role, demographic
- witnesses
- support persons for those involved in the management of the complaint
- internal investigators and/or external investigators
- outcomes of the complaint, including any problems that required addressing
- support provided/continuing to be provided
- actions taken and completed – e.g. escalation, risk assessments and outcomes, policy change, system fault and correction
- communication of the outcome with the reporter, and child victim/survivor if relevant, including options for review
- actions that require ongoing review and/or follow-up – e.g. ongoing risk assessment, continued support for child/young person/other parties.

An example complaint record form is available at p.56.

7.6 Example: Complaint form for children

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. rarely or regularly engage children)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Complaint Form

A complaint form is a formal way of letting someone know you are unhappy about something.

After filling in this form, we will listen to you and your problem and work on a solution.

You can ask a family member or a staff member to help you with this form. Once completed, please submit the form to [\[insert email address/ process\]](#).

Your name and contact details

You do not have to give us your name and contact information to make a complaint, but it will be easier for us to help if we can contact you.

First name:	
Family name:	
Phone:	
Email:	
Address:	
I would like to be contacted by: (tick any)	
<input type="checkbox"/> Phone	<input type="checkbox"/> Email <input type="checkbox"/> In writing

Tell us about your concern.

A 'concern' is something that might be making you or someone else feel unhappy, frightened or angry. You can write it down, draw a picture, or both.

What would make the problem better?

What will happen next?

(To be completed jointly between the child and *[Organisation name]* staff).

Your signature

Contact information of staff members taking receipt of complaint / supporting completion

Staff member:	
Position:	
Phone:	
Email:	
Format received:	
Date received:	

Thank you for taking the time to complete the form. We recognise that it can feel difficult and uncomfortable to make a complaint.

A *[Organisation name]* staff member will contact you to make a time to talk about your complaint with you and either a parent/carer or other support person.

[Organisation name] will try to find a way to make this problem better for you.

7.7 Example: Complaint record template

This template can be used and adapted to record complaints in your organisation.

Include what is relevant to your organisation and add any other details relevant to your organisational environment.

Date:	
Your name:	
Your position:	
Complaint assigned to:	
How was the complaint received?	<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> In person <input type="checkbox"/> Other, please specify

Key parties

Name of reporter:	
Name of child/young person involved in the complaint:	
Name of person making the complaint (if different to above):	
Details of the person the complaint was made about:	

Reporter contact details:

Address:	
Phone number:	
Email:	
Preferred contact method:	

Details relating to the child or young person:

Age:	
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-binary <input type="checkbox"/> Prefer not to answer

Do they identify as Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to answer
Are they from a culturally and linguistically diverse background?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify:
Are they in out-of-home care?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do they have a disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide relevant details:
Do they have communication support needs?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes: <ul style="list-style-type: none"> • Was the child or young person offered an interpreter? <input type="checkbox"/> Yes <input type="checkbox"/> No • Was the child or young person offered a communication assistant? <input type="checkbox"/> Yes <input type="checkbox"/> No • Was the child or young person offered a support person, advocate, family member? <input type="checkbox"/> Yes <input type="checkbox"/> No • Other. Please provide relevant details:
Provide any relevant information relating to the child or young person's preferred communication methods, support needs, and desire for involvement in the complaint-handling process:	
If relevant, provide any relevant details relating to the complainant's guardianship, advocacy or other decision-making arrangements (i.e. name and contact details of any nominees authorised to receive information on their behalf):	

Details relating to the reporter

(if made by an adult on behalf of the affected child or young person)

Age:	
Gender:	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-binary <input type="checkbox"/> Prefer not to answer
Relationship to the affected child or young person:	
Do they identify as Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to answer
Are they from a culturally and linguistically diverse background?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify:
Are they in out-of-home care?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do they have a disability?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide relevant details:
Do they have communication support needs?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes: <ul style="list-style-type: none"> • Was the complainant offered an interpreter? <input type="checkbox"/> Yes <input type="checkbox"/> No • Was the complainant offered a communication assistant? <input type="checkbox"/> Yes <input type="checkbox"/> No • Other. Please provide relevant details:
Provide any relevant information relating to the complainant's preferred communication methods, support needs, and desire for involvement in the complaint-handling process:	

Nature of the complaint

Complaint description (accurately record the issues, concerns, details of any witnesses, as far as possible in the child/young person's own words):	
What outcome to the complaint is the complainant seeking?	

Immediate risk considerations

Details of any injuries and if the child/young person or others received medical attention:	
Does the complaint indicate the possibility of criminal conduct?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
Is a mandatory or voluntary child protection report required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the complaint involve a reportable allegation/incident?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
Is any immediate risk management action required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Next steps:	

Signed (person completing form):	
Name:	
Date:	

8. DEVELOPING A CHILD SAFE RECRUITMENT POLICY AND PROCEDURE

8.1 What should an organisation address in a child safe recruitment policy & procedure?

A child safe recruitment policy and procedure should outline an organisation's position that a skilled, knowledgeable and experienced workforce is vital to the protection of children and young people. It should outline the organisation's commitment to prioritise child safety in all its recruitment and selection activities, and its rigorous recruitment and selection processes to mitigate risk and ensure the best possible applicants are recruited to the organisation.

The recruitment procedure should be clear, concise and presented in a step-by-step manner. The steps within the procedure may include, but are not limited to:

- Outline that recruitment advertisements for all roles (paid and unpaid) should include a statement which reflects the organisation's commitment to child safety and wellbeing.
- Outline a multi-faceted interview procedure that includes behavioural-based questions.
- Outline the pre-employment screening procedures. This should include requirements for:
 - referee checks, specifying minimum number, reference source, method of seeking reference, and expectation that the process includes questions which assess applicants' suitability to work with children/young people
 - National Police Checks, including frequency of renewal
 - Working With Children Checks specifying that this must be linked to the organisation.
- Outline the organisational procedure for responding to concerns which arise during the course of pre-employment screening (e.g. criminal history which raises concern), but which do not automatically disqualify a person from working with children/young people.
- Ensure reference check procedures where applicants have worked or volunteered outside of Australia during the preceding 12 months.
- Links to other relevant human resource policies and procedures.

This Guide provides an example *Child Safe Recruitment Policy and Procedure* (p.63) that addresses the key principles and processes for recruiting and maintaining appropriate staff.

It is important that the example template be amended and expanded upon to accurately reflect the individual circumstances of your organisation. For example, the child safety elements within the 'child safe recruitment policy and procedure' may be incorporated into an organisation's recruitment policy and procedure.

8.2 Key selection criteria

Organisations may develop key selection criteria to assess a candidate's suitability to work with children. Key selection criteria should be tailored for specific roles.

Example key selection criteria

- Relevant qualifications and experience in working with children.
- Demonstrated knowledge and understanding of child safeguarding policies and procedures.
- Excellent communication skills including the ability to interact respectfully with children, families and colleagues.

- Demonstrated commitment to maintaining a safe and inclusive environment for children.
- Evidence of ongoing professional development in child safeguarding and child-related matters.
- Ability to maintain and handle sensitive information appropriately.
- Ability to work effectively as part of a team and demonstrate initiative.
- Current police and Working With Children Check (where applicable).

8.3 Interview questions

During an interview, organisations may choose to ask general child safety questions to assess an applicant's capacity to work with children. Questions should be tailored for specific roles and include a mix of general and behavioural questions.

Example interview questions

General questions:

- Please list your experiences (if any) working with children, or with organisations that work with children. This can be in your professional and personal life (including volunteer roles such as sporting roles).
- Please give examples of what you would consider to be appropriate and inappropriate conduct between an adult and a child.
- What would you do if you thought a colleague was acting inappropriately with a child?
- How would you describe your approach to engaging with children?
- Could you please describe our approach to child safety?

Behavioural questions:

- Can you give an example of a situation in which you had to address a potential safety issue concerning a child. How did you handle it?
- Describe a time when you observed a child appearing uncomfortable or distressed during a performance or rehearsal. How did you respond to the situation and ensure the wellbeing of the child?
- In your experience working with children in the performing arts industry, how have you addressed and prevented bullying or harassment among cast and crew members? Can you give an example of a situation in which you had to intervene and how you approached the issue.
- Imagine a situation in which a parent expresses concern about the physical proximity between their child and a scene partner during a performance. How would you handle the situation to ensure the safety and comfort of the child involved?

8.4 Reference checks

Organisations may seek a referee's opinion about a candidate's experience and suitability with working with children. Questions should be tailored depending on whether the candidate will work in a child facing or non-child facing role.

Example reference check questions

Non-child facing roles:

- Our organisation is a Child Safe Organisation. Do you have any concerns about the candidate's ability to work for an organisation that believes in the safety and empowerment of children?
- From time to time, the candidate may be required to interact with children. Do you have any concerns about their ability to do so in a professional manner?
- Would you employ the applicant again?

Child facing roles:

- Have you observed the person interacting with children? Can you describe the types of relationships and interactions the person has had with children?
- Would you employ the applicant again?
- Do you have any concerns about the applicant working directly with children?
- Are you comfortable knowing the applicant could sometimes be alone with children?
- Can you give us an example of a time when you observed the applicant responding to a child's challenging behaviour?
- Did you have any disciplinary matters relating to the person or concerns about their adherence to the organisation's Code of Conduct?

8.5 Example: Child Safe Recruitment Policy and Procedure

This template should be amended and expanded upon as applicable to your organisation's individual circumstances, taking into account mitigating factors (including but not limited to):

- size of organisation
- level of engagement with children (e.g. regularly employ child performers, regularly run education programs, occasionally hire out venue for school performances, occasionally have child audience members that may be unsupervised)
- type of engagement with children (e.g. performers, employees, work experience, education program participants, audience members)
- exposure to risks of harm in the organisation (e.g. transport of children)
- state legislative requirements (e.g. child employment, WH&S).

[Organisation name]

Recruitment Policy and Procedure

1. Scope

This document outlines the policy and process for screening applicants and candidates being considered for a role with [Organisation name].

These roles may include:

- employees (permanent and casual):
 - leadership and management roles
 - administration
 - education instructors and youth workshop facilitators
 - production and venue personnel (actors, stage management, chaperones, technical crew, ushers, etc.)
- volunteers
- contractors and sub-contractors
- tutors
- work experience students/interns/secondments
- any other individual in the organisation that may engage with children
- board members.

2. Introduction

[Organisation name]'s position is that a skilled, knowledgeable and experienced workforce is vital to the protection of children. It recognises that children are at an increased risk of harm and that rigorous recruitment processes will minimise risks to child safety.

[Organisation name] is committed to prioritising child safety in all its recruitment and selection activities. Even if a position does not involve working directly with children, [Organisation name] will consider the access to any child that a position may provide. All personnel within [Organisation name] are responsible for ensuring a culture of child safety and preventing any form of child abuse.

[Organisation name] takes a zero-tolerance stance to all forms of child abuse and harm.

The following outlines the steps that [Organisation name] will take to ensure that it recruits appropriate and qualified employees.

3. Job Description & Advertisement

[Organisation name] will develop a job description that outlines the role, responsibilities, reporting lines and expectations. As part of this, the job description will include:

- the organisation's statement of commitment to child safety
- legislative and regulatory requirements such as Working With Children Checks, professional registration or qualification
- promotion that the organisation is a Child Safe Organisation including links to the organisation's Child Safe Policy and Child Safe Code of Conduct.

4. Key Selection Criteria

[Organisation name] will develop key selection criteria to assess applicant's capacity to work with children. The key selection criteria will vary depending on the role.

5. Interviewing Applicants

[Organisation name] will seek child safety related information as part of ensuring that it recruits appropriate applicants, including the applicant's:

- motivation to work with children
- understanding of a child's physical and emotional needs and their rights
- experience and understanding of professional boundaries.

As part of this focus, [Organisation name] will develop interview questions and/or conduct a follow-up (informal) interview to gain better insight into the applicant's background, experience and motivation to apply for the position.

6. Reference checks

[Organisation name] is committed to ascertaining an accurate insight into the applicant's background and experience. As part of this, [Organisation name] should:

- conduct at least two verbal reference checks with at least one referee from the applicant's current or most recent employer
- conduct a reference check with a referee who has personally observed the applicant's work or engagement with children.

The person conducting the reference check will have the requisite qualifications, skill level and experience to do so on the organisation's behalf. Anyone with responsibility for conducting reference checks should be

confident, assertive and probing in their approach, have an ability to identify and explore 'red flag' answers, record responses accurately and escalate if required.

Some 'red flags' during a reference checking process include:

- referees who describe their relationship with the applicant differently to that portrayed by the applicant
- referees who do not know the applicant well or cannot comment on recent performance
- referees refusing to answer questions or withholding information
- information that differs from the applicant's account
- evasive or vague responses
- referees who cannot be contacted or wish to not be interviewed
- referees who were not informed or are unaware they would be required to provide a reference
- referees who hesitate or are reluctant to provide answers
- referees who would not re-hire the applicant (and may or may not provide a reason).

Where there are concerns with the applicant from a child safeguarding perspective, a panel will be convened that includes a member of the organisation's executive, prospective line manager and a third employee of the organisation. The panel will outline whether the applicant should be offered a position and document the reasons.

7. International Police Checks

[Organisation name] will conduct international police checks on individuals who have resided overseas for more six months or more in the past five years (provided they were above 18 years of age at this time). This will enable [Organisation name] to verify an applicant's criminal history as part of the screening process.

[Organisation name] considers that international Police Checks are an important component of child-safe recruitment and selection where candidates have spent significant time outside of Australia, as other checks may not adequately identify concerning behaviour.

8. Review

This policy was approved [insert date] and last reviewed [insert date].

9. USEFUL LINKS AND RESOURCES

LPA resources

- [LPA Code of Practice for Child Employment in Live Entertainment](#)

Government

- [Royal Commission into Institutional Responses to Child Sexual Abuse](#)
- NSW: [Office of the Children’s Guardian](#)
- Victoria: [Commission for Children and Young People \(CCYP\)](#)
- WA: [Commissioner for Children and Young People](#)
- SA: [Child Safe Environments program](#)

Templates and further information

- Australian Institute for Family Studies:
 - [Images of Children and Young People Online](#)
 - [Reporting child abuse and neglect](#)
 - [Mandatory report of child abuse and neglect](#)
 - [Australian child protection legislation](#)
- National Office for Child Safety
 - [Complaint Handling Guide: Upholding the rights of children and young people](#)
 - [Introductory self-assessment tool for organisations](#)
 - [Child safety risk management resources](#)
 - [Helping children and young people to Speak up and make a complaint](#)
- NSW Office of Children’s Guardian
 - [Various Child Safe resources](#) (including templates)
- VIC CCYP:
 - [Various resources and support for the Child Safe Standards](#)
- WA CCYP:
 - [National Principles for Child Safe Organisations: Self-assessment and review tool](#)
 - [Information and checklist for staff and volunteers working with children and young people](#)
- SA:
 - [Creating a child safe policy](#)

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- Aligned Leisure Pty Ltd (Bay Pavilions)
- Arts and Culture Trust WA
- Arts Centre Melbourne
- Australian Theatre for Young People
- Back to Back Theatre
- Bell Shakespeare
- Belvoir
- Black Swan State Theatre Company
- Central Coast Arts Limited - The Art House Wyong
- Circus Royale
- Geelong Performing Arts Centre Trust
- Melbourne Symphony Orchestra
- Monkey Baa Theatre for Young People
- Opera Queensland
- Queensland Ballet
- Queensland Theatre
- State Theatre Company of South Australia
- Sydney Dance Company
- The Australian Ballet
- Theatre Royal Management Board
- Victorian Opera
- WA Department of Local Government, Sport and Cultural Industries
- WA Venues & Events Ltd
- West Australian Ballet Company
- West Australian Opera
- Windmill Theatre

Appendix A: Summary of Child Safety Legislation in Australia

1. Human Rights

State/Territory	Legislation	Summary
Commonwealth	Australian Human Rights Commission Act 1986 (Cth)	This Act articulates the Australian Human Rights Commission's role and responsibilities. It gives effect to Australia's obligations including the Convention on the Rights of the Child, as well as others.

2. Child Safety Commissioners and Guardians

State/Territory	Legislation	Summary
Commonwealth	Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012 (Cth)	<p>The National Children's Commissioner is an independent statutory office within the Australian Human Rights Commission.</p> <p>The Office of the e-Safety Commissioner is an independent statutory office within the Australian Communications and Media Authority.</p>
Australian Capital Territory	Human Rights Commission Act 2005 (ACT)	The Children and Young People Commissioner is an independent statutory office within the ACT Human Rights Commission.
New South Wales	Advocate for Children and Young People Act 2014 (NSW) Children and Young Persons (Care and Protection) Act 1998 (NSW)	<p>The NSW Advocate for Children and Young People is an independent statutory office reporting directly to the NSW Parliament.</p> <p>The NSW Children's Guardian is an independent statutory office within the NSW Office of the Children's Guardian and reports directly to the Minister for Family and Community Services and to the NSW Parliament.</p>
Northern Territory	Care and Protection of Children Act 2007 (NT) Children's Commissioner Act 2013 (NT)	The Children's Commissioner works within the Office of the Children's Commission NT. The Commission is an independent statutory body reporting to the NT Legislative Assembly through the Attorney-General and Minister for Justice.
South Australia	Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA)	<p>The Commissioner for Children and Young People is an independent statutory body that reports to the Minister for Child Protection.</p> <p>The Guardian for Children and Young People works within the SA Office of the Guardian for Children and Young People. This is an independent body that reports to the Minister for Child Protection.</p>
Tasmania	Commissioner for Children and Young People Act 2016 (TAS)	The Commissioner for Children and Young People is an independent, statutory office responsible to the Parliament of Tasmania.

State/Territory	Legislation	Summary
Queensland	Family and Child Commission Act 2014 (QLD) Public Guardian Act 2014 (QLD) Guardianship and Administration Act 2000 (QLD)	<p>The Principal Commissioner and the Commissioner work within the Queensland Family and Child Commission is a statutory body reporting to the Minister for Child Safety.</p> <p>The Office of the Public Guardian is an independent statutory body reporting to the Minister for Justice and the Attorney-General.</p>
Victoria	Commission for Children and Young People Act 2012 (VIC)	<p>The Principal Commissioner for Children and Young People works within the Children's Commission and reports to the Minister for Families and Children.</p> <p>The Commissioner for Aboriginal Children and Young People works within the Children's Commission and reports to the Victorian Parliament. More information.</p>
Western Australia	Commissioner for Children and Young People Act 2006 (WA)	<p>The Commissioner is independent and reports to the WA Parliament.</p>

3. Duty Of Care and Organisational Liability

State/Territory	Legislation	Summary
Australian Capital Territory	Children and Young People Act 2008 (ACT) Civil Law (Wrongs) Act 2002 (ACT)	<p>In 2018, the <i>Civil Law (Wrongs) Act 2002</i>, was modified and removed a legal technicality – known as the ‘Ellis defence’ – which prevents survivors of child sexual abuse from seeking compensation through the Courts. More information.</p>
New South Wales	Civil Liability Act 2002 (Amendments 2018) (NSW)	<p>An Act to amend the <i>Civil Liability Act 2002</i> to make organisations liable in certain circumstances for child abuse perpetrated by persons associated with the organisation and vicariously liable for child abuse penetrated by employees and persons akin to employees and to permit plaintiffs to bring civil child abuse proceedings against unincorporated organisations.</p>
Northern Territory	Personal Injuries (Liability for Damages) Act 2002 (NT)	<p>An Act to modify the law relating to the entitlement to damages for personal injuries, to clarify principles of contributory negligence, to fix reasonable limits on certain awards of damages for personal injuries, to provide for periodic payments of damages for personal injuries, and for related purposes.</p>
South Australia	Civil Liability (Institutional Child Abuse Liability) Amendment Act 2021 (SA) Criminal Law Consolidation Act 1935 (SA)	<p>In situations where one person owes another a duty of care, negligence is doing, or failing to do something that a reasonable person would, or would not, do and which causes another person damage, injury or loss as a result. In South Australia the Civil Liability Act 1936 (SA) is used to assess the negligence of individuals and the liability they face as a result of any negligent acts on their part.</p>

State/Territory	Legislation	Summary
		Criminal charges may apply if a child dies or suffers harm as a result of an act or breach of duty of care. More information .
Tasmania	Justice Legislation (Organisational liability for child abuse) Act 2019 (TAS) Civil Liability Act 2002 (TAS)	Changes to the <i>Justice Legislation (Organisational liability for child abuse) Act</i> in May 2020 include: <ul style="list-style-type: none"> • A non-delegable statutory duty on organisations that exercise care, supervision or authority over children to prevent child abuse perpetrated by individuals that are ‘associated with the organisation’. • Organisations will be held vicariously liable for the perpetration of child abuse by individuals whose relationship with the organisation is ‘akin to employment’, as well as regular employees. • That survivors of child abuse are able to sue unincorporated organisations that were previously unable to be sued due to a lack of legal personality. More information
Queensland	Civil Liability and Other Legislation Amendment Act 2019 (QLD)	A statutory duty of care has been created in Queensland that places a clear legal duty to take reasonable steps to minimise the risk of child abuse (sexual and/or physical abuse) perpetrated by organizational representatives. The new legislation means that organisations are understood to have breached their duty of care unless an organisation can prove it took all reasonable steps to prevent the abuse.
Victoria	Children, Youth & Families Act 2005 (VIC) Wrongs Amendment (Organisational Child Abuse) Act 2017 (VIC)	A statutory duty of care has been created under the <i>Wrongs Amendment (Organisational Child Abuse) Act 2017</i> (see Part XIII of <i>Wrongs Act 1958</i>) to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child abuse, perpetrated by organisational representatives. This means a child abuse survivor (plaintiff) will have a clear cause of action when commencing legal proceedings against an organisation for the sexual and/or physical abuse of a child. It is then up to the organisation to prove that it took reasonable precautions to prevent the abuse. More information .
Western Australia	Civil Liability Legislation Amendment (Child Safety Abuse Actions) Act 2018 (WA)	In 2018, changes to this Act saw the removal of any time limits that exist for bringing a civil action for damages in child sexual abuse cases. A survivor can bring a civil action no matter when in the past the child sexual abuse occurred. More information .

4. Child Safe Standards

State/Territory	Legislation	Summary
New South Wales	Children's Guardian Act 2019 (NSW)	The Child Safe Scheme commenced in NSW on 1 February 2022. It means that certain child-related organisations must implement Child Safe Standards. The Child Safe Standards provide a framework for creating child safe organisations. They are designed to drive cultural change to create, maintain and improve child safe practices. When organisations implement the Standards, they build a culture where abuse of children is prevented, responded to and reported. More information
South Australia	Children and Young People (Safety) Act 2017 (SA) Child Safety (Prohibited Persons) Act 2016 (SA)	Child protection legislation in South Australia require certain organisations to provide a child safe environment. All state authorities and persons or bodies who provide a service or undertake an activity that constitutes child-related work under the Child Safety (Prohibited Persons) Act 2016 must meet these obligations. Creating Child Safe environments information here .
Victoria	Child Wellbeing and Safety Act 2005 (VIC)	The Child Safe Standards are implemented by the Commission for Children and Young People (CCYP). They are an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people, with a particular focus on vulnerable children and young people.

5. Failure to Report/Failure to Disclose

State/Territory	Legislation	Summary
Commonwealth	Combating Child Sexual Exploitation Legislation Amendment Act 2019 (Cth) 273B.4 Failing to protect child at risk of child sexual abuse offence 273B.5 Failing to report child sexual abuse offence	Failing to protect child at risk of child sexual abuse offence applies to Commonwealth officers who know there is a substantial risk to a child (U18) by another person who has care or supervision responsibilities that would constitute a child sexual abuse offence and the Commonwealth officer fails to reduce or remove that risk. Failing to report child sexual abuse offence applies to Commonwealth officers who have a reasonable suspicion or know of information to believe that a child (U18) has been engaged in conduct by another person who has care or supervision responsibilities that would constitute child sexual abuse and fails to disclose the information to authorities.
Australian Capital Territory	Crimes Act 1900 (ACT)	From 1 September 2019, failing to report child sexual abuse to the Police is a criminal offence under the <i>Crimes Act 1900</i> . The 'Failure to Report' offence applies to all adults in the ACT who must tell Police if they have a

State/Territory	Legislation	Summary
		<p>reasonable belief a sexual offence has been committed against a child. The intent of this law is to improve the way adults proactively report child abuse to authorities. It responds to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse that made several recommendations about reporting laws.</p> <p>More information.</p>
New South Wales	<p>Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 (NSW)</p>	<p>An offence will be committed by an adult in NSW if they know, believe or reasonably ought to know that a child has been abused i.e. sexual abuse, serious physical abuse and extreme neglect.</p> <p>A person will be deemed to have a reasonable excuse for not reporting where:</p> <ul style="list-style-type: none"> • the victim is now an adult and does not want the offence reported • the offence has already been reported to the Child Protection Helpline • the person fears for their own safety or the safety of another person if they report. <p>More information.</p>
South Australia	<p>Criminal Law Consolidation Act 1935 (Criminal Law Act) (SA) Statutes Amendment (Child Sexual Abuse) Act 2021 (SA)</p>	<p>This applies to employees of institutions that operate facilities or provide services to children in their care, supervision or control.</p> <p>Under this offence, employees could face up to three years in jail if they refuse or fail to report child sexual abuse to the Police that they know, suspect or should have suspected where:</p> <ul style="list-style-type: none"> • The child is still under the age of 18; or • The abuser is still an employee of an institution; or • The abuse occurred within the last ten years; or • The abuser is engaging or is likely to engage in, sexual abuse of a child. <p>Refer to section 64A.</p>
Tasmania	<p>Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019 (TAS)</p>	<p>This legislation requires all persons who have formed a reasonable belief that an abuse offence has been committed against another person who was a child at the time of the alleged offence to disclose that information to a police officer as soon as practicable.</p> <p>Unlike the offence contained in the <i>Children, Young Persons and their Families Act 1997 (TAS)</i> this offence contained in the code applies to everyone, not just prescribed persons.</p>

State/Territory	Legislation	Summary
		An abuse offence includes a number of sexual offences, violent offences, crimes endangering life or health, assaults, abductions and stalking. More information
Queensland	Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (QLD)	From 5 July 2021, it is an offence for any adult not to report sexual offending against a child by another adult to police. This means all adults will have the responsibility to report sexual offences against children to police—unless they have a reasonable excuse not to. More information .
Victoria	Crimes Amendment (Protection of Children) Act 2014 (VIC)	In 2014, the law in Victoria was changed to create the failure to disclose offence. The failure to disclose offence applies to you if you are an adult, and you have information that leads you to form a ‘reasonable belief’ that another adult has sexually offended against a child under 16 in Victoria. If this applies to you, you must report the information to police as soon as possible, unless you have a ‘reasonable excuse’ for not reporting the information, or you are exempt from the offence. If you fail to report the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment. The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community. More information .

6. Failure to Protect

State/Territory	Legislation	Summary
Australian Capital Territory	Crimes Act 1900 (ACT)	Where there is substantial risk sexual abuse will be committed in the future, the <i>Crimes Act 1900</i> requires people in authority to protect the child from the abuse where possible. It requires any person in authority in a ‘relevant institution’ to take any necessary steps to prevent the sexual abuse from occurring when it is within their power to do so. More information .
New South Wales	Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 (NSW)	Any adult working in an organisation doing child-related work will commit an offence if they know another adult working at the organisation poses a serious risk of abusing a child and they have the power to reduce or remove the risk and fail to do so. More information .
South Australia	Criminal Law Consolidation Act 1935 (Criminal Law Act) (SA) Statutes Amendment (Child Sexual Abuse) Act 2021 (SA)	Under this offence, employees of an institution who know there is a substantial risk of sexual abuse of a child must report if: <ul style="list-style-type: none"> they know that there is a substantial risk that another employee of the institution (the “abuser”) will engage in the sexual abuse of a child

State/Territory	Legislation	Summary
		<ul style="list-style-type: none"> ○ who is under 17 years of age; or ○ in relation to whom the abuser is in a position of authority; and • they have the power or responsibility to reduce or remove that risk; and • they negligently fail to do so. <p>Refer to section 65.</p>
Queensland	<i>Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020 (QLD)</i>	From 5 July 2021, a new law will make it an offence to fail to protect a child from a sexual offence in an institutional setting. More information .
Victoria	<i>Crimes Amendment (Protection of Children) Act 2014 (VIC)</i>	The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. This offence encourages organisations to actively manage the risks of sexual offences being committed against children in their care to protect them from harm. More information .

7. Voluntary Reporting and Mandatory Reporting

State/Territory	Legislation	Summary
Australian Capital Territory	<i>Children and Young People Act 2008 (ACT)</i>	<p>Voluntary reporting allows any person who is concerned about a child or unborn child to make a report if they believe or suspect a child is being or is at risk of being abused, neglected or exposed to family violence.</p> <p>Mandatory reporting is a legal requirement for certain professionals to make a report if, through the course of their work (paid or unpaid), they believe on reasonable grounds a child may be being or has been sexually abused, or experiencing or has experienced non-accidental physical injury (physical abuse). More information.</p>
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>	<p>This legislation provides for voluntary reporting to an authoritative body if a child is being maltreated or requires care. If a person believing on reasonable grounds that a child is at risk of harm, may notify the Director-General of the Department of Community Services.</p> <p>Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.</p>

State/Territory	Legislation	Summary
Northern Territory	Care and Protection of Children Act 2007 (NT)	In NT, all adults are mandatory reports and must report a belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation.
South Australia	Children and Young People (Safety) Act 2017 (SA)	A mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary). More information .
Tasmania	Children, Young Persons and their Families Act 1997 (TAS)	The Act emphasises that everyone in the community has a responsibility for ensuring that children are safe and protected. In addition, the Act lists prescribed persons who are legally required to report their suspicions that a child is being abused. More information
Queensland	Child Protection Act 1999 (QLD)	This legislation provides for voluntary reporting to an authoritative body if a child is being maltreated or requires care. Mandatory reporting requires certain professionals, to make a report to Child Safety, if they form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect them.
Victoria	Children, Youth and Families Act 2005 (VIC)	Belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(1)(c) or 162(1)(d), formed in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.
Western Australia	Children and Community Services Act 2004 (WA)	Belief on reasonable grounds that child sexual abuse has occurred or is occurring, where this belief is formed in the course of the person's work, whether paid or unpaid.

8. Reportable Conduct

State/Territory	Legislation	Summary
Australian Capital Territory	Ombudsman Act 1989 (ACT)	Reportable conduct covers allegations or convictions of child abuse or misconduct toward children. Certain organisations must report allegations of reportable conduct by an employee or volunteer. More information .
New South Wales	Children's Guardian Act 2019 (NSW)	The scheme monitors how certain organisations ('relevant entities') investigate and report on types of conduct ('reportable allegations' or 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. More information .
Victoria	Children Legislation Amendment (Reportable Conduct) Act 2017 (VIC)	The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision and authority over children. The Commission will also be able to share information where appropriate, including with the Working With Children Check Unit, relevant regulators and Victoria Police, to better prevent and protect children from abuse. Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children. In turn, this may lead the Working With Children Check Unit to revoke a person's Working With Children Check card. More information .

9. Grooming

State/Territory	Legislation	Summary
Commonwealth	Commonwealth Criminal Code Act 1995 (Cth)	Under the Commonwealth Criminal Code, it is an offence for an adult to use a carriage service to procure sexual activity with a person who they believe to be under 16 (Section 464.26). Importantly, this offence does not require any sexual activity to actually occur, nor does it require the person communicated with to actually be under the age of 16. Online grooming is the activity of adults making contact with young people online with the intention of initiating sexual contact with them in real life.
ACT	Crimes Act 1900 (ACT)	It is an offence under the Crimes Act 1900 (ACT) to use electronic means, such as the internet, to suggest to a young person that they commit or take part in a sexual act. In 2017

State/Territory	Legislation	Summary
		the Act was broadened to include conduct in person or ‘by any other means’.
New South Wales	Criminal Legislation Amendment (Child Sexual Abuse) Act 2019 (NSW)	<p>A broader grooming offence now covers any adult who offers a child material or financial benefit with the intention of making it easier to access the child for unlawful sexual activity.</p> <p>A new offence of grooming an adult has been introduced to cover situations where a person provides material or financial benefit to an adult with the intention of making it easier to access a child for unlawful sexual activity. More information.</p>
Northern Territory	Criminal Code Act 1983 (NT)	The Act states it is a crime for any person who attempts to procure a child who is under the age of 16 years to have sexual intercourse either in the Territory or elsewhere; or commit, perform or engage in any act of gross indecency.
South Australia	Criminal Law Consolidation Act 1935 (SA)	In SA, it is already an offence under section 63B of the Criminal Law Consolidation Act 1935 (SA) to procure a child to commit an indecent act. It is now also an offence under section 139A of that Act to knowingly communicate, make false representations or arrange to meet with a child, with the intent to commit a grooming offence. Grooming offences only apply to children (defined in S139A as a person under the age of 17).
Tasmania	Criminal Code Act 1924 (TAS)	It is an offence for a person who makes a communication by any means, and to any person, with the intention of procuring a person under the age of 17 years, or a person the accused person believes is under the age of 17 years, to engage in an unlawful sexual act, either in Tasmania or elsewhere.
Queensland	Criminal Code Act 1899 (QLD)	Any adult who engages in any conduct in relation to a person under the age of 16 years, or a person the adult believes is under the age of 16 years, with intent to facilitate the procurement of the person to engage in a sexual act, either in Queensland or elsewhere; or expose, without legitimate reason, the person to any indecent matter, either in Queensland or elsewhere.
Victoria	Crimes Amendment (Grooming) Act 2014 (VIC)	The <i>Crimes Amendment (Grooming) Act 2014</i> , which commenced in Victoria on 9 April 2014, introduced the offence of Grooming for sexual conduct with a child under the age of 16 years. The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the

State/Territory	Legislation	Summary
		child's involvement in sexual conduct, either with the groomer or another adult. More information .
Western Australia	Criminal Code Act Compilation Act 1913 (WA)	The Act states a person who procures, incites, or encourages a child to engage in sexual behaviour is guilty of a crime and is liable to imprisonment.

10. Age of Consent

State/Territory	Legislation	Summary
ACT	Crimes Act 1900 (ACT) (section 55)	In ACT, the age of consent for sexual interactions is 16 years. More information .
NSW	Crimes Act 1900 (NSW) (section 66C)	In NSW, the age of consent for sexual interactions is 16 years. More information .
Northern Territory	Criminal Code Act 1983 (NT)	In NT, the age of consent for sexual interactions is 16 years. More information .
South Australia	Criminal Law Consolidation Act 1935 (SA)	In SA, the age of consent for sexual interactions is 17 years. More information .
Tasmania	Criminal Code Act 1924 (TAS)	In TAS, the age of consent for sexual interactions is 17 years. More information .
Queensland	Criminal Code Act 1899 (QLD) (section 215)	In QLD, the age of consent for sexual interactions is 16 years. More information .
Victoria	Crimes Act 1958 (VIC)	In VIC, the age of consent for sexual interactions is 16 years. More information .
Western Australia	Criminal Code Act Compilation Act 1913 (WA)	In WA, the age of consent for sexual interactions is 16 years. More information .

11. Working With Children Checks

State/Territory	Legislation	Summary
Australian Capital Territory	Working with Vulnerable People (Background Checking) Act 2011 (ACT)	The <i>Working with Vulnerable People (Background Checking) Act 2011 (ACT)</i> , enacted on 8 November 2012, requires people aged 16 years and over who have contact with vulnerable people while engaging in regulated activities and services to register through Access Canberra for a Working with Vulnerable People check. More information .
New South Wales	Child Protection (Working with Children) Act 2012 (NSW)	The Working With Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct. More information .

State/Territory	Legislation	Summary
Northern Territory	<i>Care and Protection of Children Act 2007 (NT)</i>	You must by law apply for a working with children clearance, also called an Ochre Card, to work or volunteer with children in the Northern Territory (NT). A working with children clearance is an assessment of the risk of harm or exploitation that individuals may pose to children. More information .
Queensland	<i>Working with Children (Risk Management and Screening) Act 2000 (QLD)</i>	Blue Card Services administers the blue card system— Queensland’s Working with Children Check. The blue card system regulates activities which are essential to children’s lives. They check and monitor people who work with children and help organisations to create safe environments for children. The blue card system is made up of 3 parts: screening, ongoing monitoring and risk management strategies. Legislation states staff are unable to work without Blue Card. More information .
South Australia	<i>Child Safety (Prohibited Persons) Act 2016 (SA)</i>	People working or volunteering with children in South Australia must, by law, have a Working with Children Check. A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Screening Unit will look at criminal history, child protection information and other information. More information .
Tasmania	<i>Registration to Work with Vulnerable People Act 2013 (TAS)</i>	The Tasmanian Government is committed to supporting and protecting vulnerable people in Tasmania. In Tasmania, those working with children must get a Working with vulnerable people registration which is a centralised background checking and risk assessment system for those working with vulnerable people to reduce the risk of sexual, physical, emotional or financial harm or neglect. More information .
Victoria	<i>Worker Screening Act 2020 (VIC)</i>	The main purposes of this Act are— <ul style="list-style-type: none"> a) to provide for screening of persons employed or engaged in risk assessed roles for the purposes of the National Disability Insurance Scheme; and b) to assist in protecting children from sexual and physical harm by providing for screening of persons who work with, or care for, children; and c) to repeal the Working with Children Act 2005; and d) to make consequential amendments to other Acts. More information .

State/Territory	Legislation	Summary
Western Australia	Working with Children (Criminal Record Checking) Act 2004 (WA)	<p>The Working with Children Check (WWC Check) is a compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands.</p> <p>The WWC Check aims to protect children by:</p> <ul style="list-style-type: none"> • deterring people from applying to work with children where they have a relevant charge or conviction on their criminal record that indicates they may harm a child; • detecting new charges and convictions of those people who hold a current WWC Card and preventing them from continuing to engage in child-related work where their criminal record and behaviour indicates they may harm a child; and • protecting children by creating awareness that child safety is a whole of community responsibility. <p>More information.</p>

12. Information Sharing

State/Territory	Legislation	Summary
Australian Capital Territory	Children and Young People Act 2008 (ACT)	<p>Information sharing is authorised by the <i>Children and Young People Act 2008</i> when it is in the best interests of the child or young person and when performing a function under the Act. Information sharing is crucial to making informed decisions about interventions with a child, young person or their family. Personal information, other than sensitive information, may be shared with the consent of the person whom the information is about. More information.</p>
New South Wales	Children and Young Persons (Care and Protection) Act 1998 (NSW)	<p>Chapter 16A of the Act prioritises the safety, welfare, and wellbeing of a child or young person over an individual's right to privacy. It allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or wellbeing. This is whether or not the child or young person is known to the Department of Family and Community Services, and whether or not the person to whom the information relates give consents to the information exchange. It also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. More information.</p>
Northern Territory	Care and Protection of Children Act 2007 (NT)	<p>Some people and organisations can share information about a child or family to help them work together for the safety and wellbeing of a child. These people and organisations are</p>

State/Territory	Legislation	Summary
		called 'authorised information sharers'. They can share certain details under the Care and Protection of Children Act 2007. More information and Guidelines .
South Australia	Nil.	In 2008, Information Sharing Guidelines (ISG) for promoting the safety and wellbeing of children, young people and their families were developed as part of the South Australian Government's Keeping Them Safe child protection reform agenda. By sharing information and collaborating in the planning and delivery of services, efforts to keep vulnerable people safe from harm can happen earlier and more effectively. More information and Guidelines .
Tasmania	Children, Young Persons and their Families Act 1997 (TAS)	The <i>Children, Young Persons and Their Families Act 1997</i> (the CYPTF Act) contains provisions that allow information to be shared about clients between organisations working in collaboration with Gateway Services and Child Protection Services; even where privacy legislation might otherwise prevent it. More information .
Queensland	Child Protection Act 1999 (QLD)	Chapter 5A of the <i>Child Protection Act 1999 (Qld)</i> (CPA) enables the Director-General of the Department of Education (DoE), as a prescribed entity, to give information to, and receive information from, other prescribed entities and service providers who deliver services to children and their families. The Director-General has delegated and authorised certain departmental officers to share information, while otherwise maintaining the confidentiality of the information, in order to contribute to a whole-of-government response to child protection issues. More information .
Victoria	Children Legislation Amendment (Information Sharing) Act 2018 (VIC)	The Child Information Sharing Scheme allows authorised organisations to share information to support child wellbeing or safety. The scheme permits information sharing entities to share and collect personal information and health information about children, in order to improve early identification of risk to a child's safety and wellbeing. The Act provides a clear authority for information sharing entities to share information and request information from other entities, to assist them to support, and improve outcomes for children and families. The scheme is designed to make it clear to information sharing entities when they can and cannot share information, avoiding confusion and minimising incidences where vital information is not shared because of privacy concerns or a misunderstanding of the law. The scheme complements the family violence information sharing scheme introduced in early 2017. More information .

State/Territory	Legislation	Summary
Western Australia	Children and Community Services Act 2004 (WA)	A key component of a collaborative approach for information sharing is the ability for the Department for Child Protection and Family Support, other government agencies and non-government organisations to share relevant information to better inform and support child safety. A guide has been developed to assist agencies to understand how they can share relevant information within the provisions of the <i>Children and Community Services Act 2004</i> with the Department for Child Protection and Family Support, and with other agencies where they are authorised to do so. More information .

13. Privacy

State/Territory	Legislation	Summary
Commonwealth	Privacy Act 1988 (Cth)	The Privacy Act 1988 was introduced to promote and protect the privacy of individuals and to regulate how Australian Government agencies and organisations with an annual turnover of more than \$3 million, and some other organisations , handle personal information . The Privacy Act includes 13 Australian Privacy Principles (APPs), which apply to some private sector organisations, as well as most Australian Government agencies. These are collectively referred to as 'APP entities'. More information .
Australian Capital Territory	Information Privacy Act 2014 (ACT)	The Information Privacy Act regulates how Australian Capital Territory (ACT) public sector agencies handle personal information. It includes a set of Territory Privacy Principles (TPPs) which cover the collection, storage, use and disclosure of personal information, and an individual's access to and correction of that information. More information .
New South Wales	Privacy and Personal Information Act 1998 (NSW)	All jurisdictions must comply with the Commonwealth Privacy Act 1988 and relevant State and Territory Privacy Legislation. More information .
Northern Territory	Information Act 2002 (NT)	The Office of the Information Commissioner Northern Territory oversees the privacy provisions of the <i>Information Act 2002</i> (NT) and accepts complaints from consumers relating to the privacy of health information.
South Australia	Nil.	There is currently no legislation in South Australia creating a general right of privacy although there is a Cabinet Administrative Instruction (Information Privacy Principles Instruction) which came into operation on 1 July 1989 and has been re-issued a number of times, including on 4 May 2020. More information .

State/Territory	Legislation	Summary
Tasmania	Personal Information Protection Act 2004 (TAS)	If your organisation has an agreement with the Tasmanian Government for the provision of health, welfare, education, childcare or residential services wholly or partly for children, then it is a personal information custodian for the purposes of the Personal Information Protection Act 2004 (PIP Act). Section 17 of the PIP Act requires a personal information custodian to comply with the Personal Information Privacy Principles. Other individuals or organisations may be required to comply with the Commonwealth Privacy Act 1988 in relation to collection, storage and sharing of personal information. More information .
Queensland	Information Privacy Act 2009 (QLD)	Queensland’s <i>Information Privacy Act</i> applies to Queensland public sector agencies. More information .
Victoria	Privacy and Data Protection Act 2014 (VIC)	In Victoria privacy rights are found under the Privacy and Data Protection Act 2014 (VIC). The PDP Act contains 10 Information Privacy Principles (IPPs) that outline how Victorian public sector organisations must handle personal information. However, the PDP Act does not apply to: health information ; or how Commonwealth government agencies (e.g. Centrelink, the Australian Tax Office etc.) and private organisations (e.g. companies and charities) should handle personal information. These are covered by other privacy laws. More information .
Western Australia	Freedom of Information Act 1992 (WA)	The Office of the Information Commissioner (WA) administers the Freedom of Information Act 1992 (WA) which includes some privacy principles related to the disclosure and amendment of personal information held by Western Australian State and local government agencies.

14. Hours of work for children

Refer to LPA’s [Code of Practice of Child Employment in the Live Performance](#) (Members only resource) for best practice guidance on hours of work and other child employment related matters.

State/Territory	Legislation	Summary
Australian Capital Territory	Children and Young People (Employment) Standards 2011 (No 1) (ACT)	In the Australian Capital Territory, children under 15 may undertake light work for up to 10 hours per week (outside compulsory school hours). This reduces to 6 hours a day for ages 12-14, 4 hours for ages 4-11 and 3 hours for years 3 and younger. More information .
New South Wales	Children and Young Persons (Care and Protection – Child Employment) Regulation 2015 (NSW)	In New South Wales, the maximum hours and hours during which children can work will vary depending on age and employment type. These hours must not impact compulsory schooling. For live performances, children under 6 years may

State/Territory	Legislation	Summary
		only work for 4 hours per day between 9am-6pm. Children aged 6-8 may work up to 6 hours per day from 6am-10pm. Children aged 8-15 may work 8 hours a day between 6am-11pm. Rest breaks are also regulated. More information .
Northern Territory	Care and Protection of Children Act 2007 (NT)	In the Northern Territory, children must not perform any work outside the hours of 6am-10pm. Hours of work are not specified. More information .
South Australia	Education and Children's Services Act 2019 (SA)	In South Australia, employment of a child must not prevent school attendance. Hours of work are not specified. More information .
Tasmania	Education Act 2016 (TAS)	In Tasmania, children may not be employed during school/home education/approved learning hours. Hours of work are not specified. More information .
Queensland	Child Employment Regulation 2016 (QLD)	In Queensland, hours of work are outlined in the Child Employment Guide . More information .
Victoria	Child Employment Act 2003 (VIC)	In Victoria, hours of work are outlined in the Mandatory Code of Practice for the Employment of Children in Entertainment .
Western Australia	Children and Community Services Act 2004 (WA)	In Western Australia, employment of a child must not prevent school attendance. Hours of work are not specified for live performance/entertainment. More information .