

Protected: Reportable Conduct Scheme

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

Tasmania introduced a reportable conduct scheme in 2024 to support a culture whereby children are safe.

What is the Reportable Conduct Scheme?

The scheme requires leaders of organisations who interact with children – including government services, schools, community groups and sporting organisations – to notify the independent regulator when they become aware of any conduct relating to child abuse by an adult in their organisation, and to undertake an investigation of this.

The scheme comes from Tasmania's Child and Youth Safe Organisations Framework which is a law to keep children safe in organisations. It is established by the *Child and Safe Organisations Act 2023*. Along with the Reportable Conduct Scheme, the Framework also established the Child and Youth Safe Standards, the Independent Regulator, and rules about information sharing.

What are the Child and Youth Safe Standards?

The Child and Youth Safe Standards are 10 principles that outline how an organisation can develop a culture with child safety and wellbeing at its centre.

These principles are:

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

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

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

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

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

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

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

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

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

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

What is the regulator?

The Office of the Independent Regulator oversees Tasmanian organisations (including sole traders) required to comply with the Child and Youth Safe Organisations Framework.

The Independent Regulator:

- is independent from the Tasmanian Government and reports to parliament, not a department
- oversees a wide range of Tasmanian organisations that engage with children and young people
- assists organisations to comply with the Child and Youth Safe Standards and the Universal Principle
- builds the capability of organisations to prevent, identify, and respond to harm to children and young people
- ensures organisations report and undertake investigations correctly in line with the Reportable Conduct Scheme
- is established and given powers under the *Child and Youth Safe Organisations Act 2023*
- has significant enforcement powers to ensure compliance
- can share information in the interests of protecting children and young people
- will collect and report on trends in relation to child and youth safe organisations
- is supported by a Deputy Regulator (yet to be appointed).

The Independent Regulator does not:

- provide tailored legal advice to organisations
- investigate all reportable conduct itself, but provides support for organisations to do the work themselves.

The Independent Regulator has significant powers under the *Child and Youth Safe Organisations Act 2023* including (but not limited to) the power to infringe and the ability search premises to ensure all organisations are meeting their obligations under the Child and Youth Safe Organisations Framework.

What organisations do the Child and Youth Safe Organisations Framework apply to?

Organisations must comply with the Child and Youth Safe Organisations Framework if they provide services specifically for children and/or young people **OR** facilities specifically for use by children/and or young people who are under the supervision of the organisation and they fit with one of the following categories:

- Accommodation and residential services for children, including housing services and overnight camps/excursions
- Activities or services carried out as part of a particular religion or faith, through which adults have contact with children
- Childcare and commercial babysitting services
- Child protection services and out-of-home care, including Children's Contact Services
- Coaching and tuition services for children (including sole traders)
- Commercial services for children, such as party or photography services
- A club, association or cadet organisation
- An organisation that provides disability support services
- Education services
- Government House
- Health services
- Justice and detention services for children
- A Local Council
- A Neighbourhood House
- Part of the Tasmanian Government, including government departments and state authorities
- Tasmanian Parliament
- Transport services for children

I'm a parent-coach for my child's sports team – what do I need to know?

A sports team or club falls within the description of an organisation to which the Child and Youth Safe Organisations Framework apply. A parent taking on a role such as a coach, even as a volunteer, is regarded as an employee under the Framework. Therefore they must

understand their obligations and support the Reportable Conduct Scheme.

A sports team or its overarching club will need to have a nominated leader who takes responsibility for making reports to the Independent Regulator and who ensures that any necessary investigation is done.

Support and additional resources for coaches and leaders of a sports club are available at <https://oir.tas.gov.au/resources>.

What kind of behaviours need to be reported under the Reportable Conduct Scheme?

Grooming – that is, behaviours that manipulate and control a child or young person for the purpose of eventually sexually abusing them. Grooming behaviours can be difficult to identify and don't necessarily 'look' explicitly sexual, directly abusive, or criminal. Grooming behaviour is motivated to ultimately abuse a child or young person.

Physical violence – including hitting, striking, punching or pushing. It also includes using restraint or excessive force against a child that is inappropriate to the situation. For workers at Ashley Youth Detention Centre and out-of-home care there are even tighter rules around the use of physical force.

Sexual offence or sexual misconduct – this includes any form of sexual abuse and includes communications with a child that are of a sexual nature.

Significant emotional or psychological harm – this includes continually ignoring or rejecting a child, forcing a child to do things by scaring them, constantly criticising, humiliating or blaming a child, constantly swearing, yelling or screaming at a child or telling a child that they're worthless, unloved or not enough.

Significant neglect – this is the deliberate or reckless failure to meet the basic needs of a child. It does not include accidental neglect or neglect due to a child's family or carer experiencing poverty or financial hardship.

Other offences such as failing to report child abuse.

How do I make a report?

Reports are to be made online to the Office of the Independent Regulator, at <https://oir.tas.gov.au/report-a-concern>.

What if I think a child is not safe?

For anyone who has concerns about child sexual abuse or other types of child abuse we encourage you to access advice and support. You can do this by contacting the [Strong Families Safe Kids Advice and Referral Line](#) on 1800 000 123.

Someone doesn't need to be a mandatory reporter to call the Strong Families Safe Kids Advice and Referral Line.

What support services can I talk to?

For free and confidential support for people who have been affected by sexual violence, contact the [Tasmanian Sexual Assault Support Line](#) on 1800 697 877. This is available 24 hours.

For culturally appropriate, trauma-informed legal and non-legal services and assistance to Aboriginal and Torres Strait Islander victim survivors of family violence and sexual assault, contact [SIS](#) on 1800 747 827.

Where can I get more information?

The website for the Office of the Independent Regulator has more information at <https://oir.tas.gov.au/home>.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.