

<b>Child Protection Policy</b>	Version No:	6
	Review Frequency	Annually
	Last Review:	Oct-23
	Reviewed by:	Board
	Approved:	Nov-23
	Approved by:	Board
	Next Review date:	Oct-24

<b>PURPOSE:</b>	The purpose of this policy is to provide written processes about – (a) how the College will respond to harm, or allegations of harm, to students under 18 years; and (b) the appropriate conduct of the College’s staff and students to comply with accreditation requirements.
<b>SCOPE:</b>	Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Caloundra Christian College.
<b>REFERENCES:</b>	<ul style="list-style-type: none"> <li>▪ <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>▪ <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>▪ <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>▪ <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>▪ <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>▪ <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>▪ <a href="#">Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</a></li> <li>▪ <a href="#">Criminal Code Act 1899 (Qld) sections 229BB and 229BC</a></li> </ul>
<b>RELATED DOCUMENTS AND ADVICE:</b>	<ul style="list-style-type: none"> <li>▪ Caloundra Christian College Complaints Handling Policy</li> <li>▪ Caloundra Christian College Complaints Resolution Procedure</li> <li>▪ Caloundra Christian College Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>)</li> <li>▪ Caloundra Christian College Work Health and Safety Policy (for the <i>Work Health and Safety Act 2011 (Qld)</i>)</li> <li>▪ Caloundra Christian College Report of Suspected Harm or Sexual Abuse Form (Child Protection Reporting Form)</li> <li>▪ Independent Schools Queensland’s <a href="#">Child Protection Decision Support Trees</a></li> <li>▪ Child Protection Safety Officers Sign</li> </ul>
<b>TERMS:</b>	<ul style="list-style-type: none"> <li>▪ School and College are interchangeable for the purposes of this policy.</li> </ul>

<b>PDF HOUSED AT:</b>	<a href="https://drive.google.com/file/d/1IFfyZggkcZbcOGbWtoKw3Db2dKkfjGdG/view?usp=sharing">https://drive.google.com/file/d/1IFfyZggkcZbcOGbWtoKw3Db2dKkfjGdG/view?usp=sharing</a>
<b>Appendices</b>	<ul style="list-style-type: none"> <li>▪ Appendix 1 – Summary of Reporting Harm</li> <li>▪ Appendix 2 – Report of Suspected Harm or Sexual Abuse (Child Protection Reporting Form)</li> <li>▪ Appendix 3 – ISQ Child Protection Decision Tree – Principal &amp; Board Directors</li> <li>▪ Appendix 4 – ISQ Child Protection Decision Tree - Teachers</li> <li>▪ Appendix 5 – ISQ Child Protection Decision Tree – Non Teaching Staff</li> <li>▪ Appendix 6 – ISQ Child Protection Decision Tree – Early Childhood Education and Care Professionals</li> <li>▪ Appendix 7 – ISQ Child Protection Decision Tree – Volunteers</li> <li>▪ Appendix 8 – Section 229BC of Criminal Code</li> <li>▪ Appendix 9 – Section 229BB of Criminal Code</li> <li>▪ Appendix 10 – Child Protection Safety Officers</li> </ul>

## 1. DEFINITIONS

- **Section 9 of the *Child Protection Act 1999* - ‘Harm’**, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.
  1. It is immaterial how the harm is caused.
  2. Harm can be caused by—
    - a) physical, psychological or emotional abuse or neglect; or
    - b) sexual abuse or exploitation.
  3. Harm can be caused by—
    - a) a single act, omission or circumstance; or
    - b) a series or combination of acts, omissions or circumstances.
- **Section 10 of the *Child Protection Act 1999* - A ‘child in need of protection’** is a child who—
  - a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
  - b) does not have a parent able and willing to protect the child from the harm.
- **Section 364 of the *Education (General Provisions) Act 2006* - ‘Sexual abuse’**, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –
  - (a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
  - (b) the relevant person has less power than the other person;
  - (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

## **2. HEALTH AND SAFETY**

The College has written processes in place to enable it to comply with the requirements of the *Work Health and Safety Act 2011* (Qld) and the *Working with Children (Risk Management and Screening) Act 2000* (Qld).

## **3. RESPONDING TO REPORTS OF HARM**

When the College receives any information alleging 'harm'<sup>1</sup> to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can. This is set out in the College's Child Risk Management Strategy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

## **4. CONDUCT OF STAFF AND STUDENTS**

All staff, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students<sup>3</sup>.

## **5. REPORTING INAPPROPRIATE BEHAVIOUR**

If a student considers the behaviour of a staff member to be inappropriate, the student should report the behaviour to one of the following<sup>4</sup>: -

- The Principal;
- Head of Primary or Head of Secondary Learning Community;
- Director of Teaching and Learning;
- College Counsellor; or
- Child Protection Safety Officer (as shown on the College website) Appendix 10.

## **6. DEALING WITH REPORT OF INAPPROPRIATE BEHAVIOUR**

A staff member who receives a report of inappropriate behaviour must report it to the principal. Where the principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the College's governing body<sup>5</sup>. Reports will be dealt with under the College's Complaints Handling Policy.

## **7. REPORTING SEXUAL ABUSE<sup>6</sup>**

Section 366 of the *Education (General Provisions) Act 2006* states that if a staff member becomes aware, or reasonably suspects, in the course of their employment at the school, that any of the following has been sexually abused by another person:

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<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(7)*: the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999 (Qld)*

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(1)*

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2) and s.16(3)*

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)*

<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

- a) a student under 18 years attending the school;
- b) a kindergarten aged child registered in a kindergarten learning program at the school;
- c) a person with a disability who: -
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
  - ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the abuse or suspected abuse to the principal or to a director of the school's governing body immediately.

The school's principal or the director must immediately give a copy of the report to a police officer.

If the first person who becomes aware or reasonably suspects sexual abuse is the school's principal, the principal must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a director of the school's governing body **immediately**.

A report under this section must include the following particulars: -

- a) the name of the person giving the report (the ***first person***);
- b) the student's name and sex;
- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- d) details of the abuse or suspected abuse;
- e) any of the following information of which the first person is aware: -
  - i. the student's age;
  - ii. the identity of the person who has abused, or is suspected to have abused, the student;
  - iii. the identity of anyone else who may have information about the abuse or suspected abuse<sup>7</sup>.

## **8. REPORTING LIKELY SEXUAL ABUSE <sup>8</sup>**

Section 366A of the *Education (General Provisions) Act 2006* states that if a staff member reasonably suspects in the course of their employment at the school, that any of the following is likely to be sexually abused by another person: -

- a) a student under 18 years attending the school;
- b) a kindergarten aged child registered in a kindergarten learning program at the school;
- c) a person with a disability who: -
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the school; and
  - ii. is not enrolled in the preparatory year at the school.

then the staff member must give a written report about the suspicion to the principal or to a director of the school's governing body immediately.

The school's principal or the director must immediately give a copy of the report to a police officer.

<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>8</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

If the first person who reasonably suspects likely sexual abuse is the school's principal, the principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a director of the school's governing body **immediately**.

A report under this section must include the following particulars: -

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware: -
  - i. the student's age;
  - ii. the identity of the person who is suspected to be likely to sexually abuse the student;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>9</sup>.

## **9. REPORTING PHYSICAL AND SEXUAL ABUSE** <sup>10</sup>

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, a registered nurse, a teacher or an early education and care professional forms a 'reportable suspicion' about a child 'in the course of their engagement in their profession', they must make a written report.

A **reportable suspicion** about a child is a reasonable suspicion that the child: -

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early education and care professional must give a written report to the Chief Executive of the Department of Child Safety, Seniors and Disability Service (or another department administering the *Child Protection Act 1999*). The doctor, nurse, teacher or early education and care professional should give a copy of the report to the principal.

A report under this section must include the following particulars: -

- a) the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- b) the child's name, age and gender;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates<sup>12</sup>.

The Department of Child Safety, Seniors and Disability Services - Business hours: 1300 703 762/ After hours: 1800 177 135

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<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

<sup>11</sup> *Child Protection Act 1999 s.13G (2)(a)*

<sup>12</sup> See *Child Protection Regulation 2011 (Qld) s.10 'Information to be included in report to chief executive'*

## 10. DOMESTIC VIOLENCE

The College is aware of the legislative action taken to amend laws to ensure a cohesive framework to protect victims of violence and their children, some of which are part of our College community.

Caloundra Christian College will support amendments as they relate to the requirements that schools respond as required to assist in the provision of safety to the families and staff experiencing violence, including with:

- Providing paid leave as legislated; and
- Increased attentiveness to Domestic Violence Orders (now to be more specific to each family circumstances); including:
  - Family Court Orders and amendments to Orders; and
  - Availability of greater Police interventions.

## 11. RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (QLD)

The Criminal Code Act 1899 includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

### Failure to Report<sup>13</sup>

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the school. A reasonable excuse not to make a report under the Criminal Code Act 1899 includes that a report has already been made under the Education (General Provisions) Act 2006 (reporting sexual abuse or likely sexual abuse) and the Child Protection Act 1999 (reporting significant harm or risk of significant harm) as per this policy.

### Failure to Protect<sup>14</sup>

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

## 12. AWARENESS

The College will inform staff, students and parents of its processes relating to the health, safety and conduct of staff and students in communications to them and it will publish these processes on its website<sup>15</sup>.

## 13. ACCESSIBILITY OF PROCESSES

Processes relating to the health, safety and conduct of staff and students are accessible through:

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<sup>13</sup> *Criminal Code Act 1899 (Qld) s.229BC*

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

<sup>15</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)*

- a) the College website;
- b) staff induction;
- c) student assembly; and
- d) available from College administration office<sup>16</sup>.

#### **14. TRAINING**

The College will train its staff in processes relating to the health, safety and conduct of staff and students on their induction and will refresh training annually<sup>17</sup>.

#### **15. EVIDENCE OF STAFF TRAINING WILL INCLUDE:**

- a) attendance register from annual training;
- b) Annual discussion at staff meetings with printed staff meeting agendas; and
- c) Staff induction with induction checklist.

#### **16. IMPLEMENTING THE PROCESSES**

The College will ensure it is implementing processes relating to the health, safety and conduct of staff and students by auditing compliance with the processes annually<sup>18</sup>.

#### **17. COMPLAINTS PROCEDURE**

Suggestions of non-compliance with the College's processes may be submitted as complaints under the Complaints Handling Policy<sup>19</sup>.

**Note:** Reporting under this policy fulfils the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899 s229BC*<sup>20</sup>.

**END OF POLICY**

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<sup>16</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)*

<sup>17</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)*

<sup>18</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)*

<sup>19</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)*

<sup>20</sup> *Criminal Code Act 1899 (Qld) s.229BC(4)(b)*

# Appendix 1

## Summary of Reporting Harm

### Child Protection

SUMMARY OF  
REPORTING HARM

WHO	ABUSE TYPE	TEST	REPORT TO	LEGISLATION
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal or Board, through to Police immediately	EGPA, sections 366 and 366A
Teacher	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm; and Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm; and Parent may not be willing and able	Child Safety	CPA, section 13A
Any adult*	A child sexual offence against a child by another adult	Reasonable belief and, at the relevant time, the child is or was: – under 16 years; or – a person with an impairment of the mind	Police	Criminal Code section 229BC
Employing authorities (Principal/Board)	Harm or likely harm due to the conduct of a teacher	When you start dealing with an allegation; and When you finish dealing with an allegation	Queensland College of Teachers	QCT, sections 76 and 77

\* This obligation is fulfilled if the adult has already reported the information under any of the previous provisions, or believes on reasonable grounds that another person has done or will do so.

#### OTHER RESOURCES TO SUPPORT YOUR DECISION MAKING

- [Online Child Protection Guide](#)
- [Traffic Light Resource for sexual behaviour in children and young people](#)
- [eSafety Commissioner – Toolkit for Schools](#)
- [Be You](#)
- [Headspace Schools](#)
- [National Association for Prevention of Child abuse and Neglect \(NAPCAN\)](#)
- [Queensland Family & Child Commission](#)
- [National Principles for Child Safe Organisations](#)

#### FURTHER INFORMATION

School Services  
07 3228 1593 | [office@isq.qld.edu.au](mailto:office@isq.qld.edu.au)





## Appendix 2

### Report of Suspected Harm or Sexual Abuse (Child Protection Reporting Form)

Date:
School:
School Phone:
School Email and/or Fax:
School Address:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
Primary language spoken:	
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under EAP: Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Phone:
	Student's Personal Mobile:

FAMILY DETAILS	
Parent/caregiver 1:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Parent/caregiver 2:	Relationship to Student:
Address (if different from student):	
Phone: (H):	(W): (M):
Is the student in out of home care? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any Family Court or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE		
<input type="checkbox"/> Adult family member	<input type="checkbox"/> Child family member	<input type="checkbox"/> Other adult
<input type="checkbox"/> Student/other child	<input type="checkbox"/> Unknown	

<b>PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE</b> (Attach extra pages if necessary).
<b>Details of any harm and/or sexual abuse to the student</b> – please include: Time and date of the incident; location of the incident, source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.
Please indicate the identity of anyone else who may have information about the harm or abuse
Additional information provided as an attachment YES <input type="checkbox"/> NO <input type="checkbox"/>

<b>Name of staff member making report if not the Principal:</b>		
<b>Position:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Principal:</b>	<b>Signature:</b>	<b>Date:</b>
<b>Principal's email address:</b>		
<b>Response requested by school:</b>		

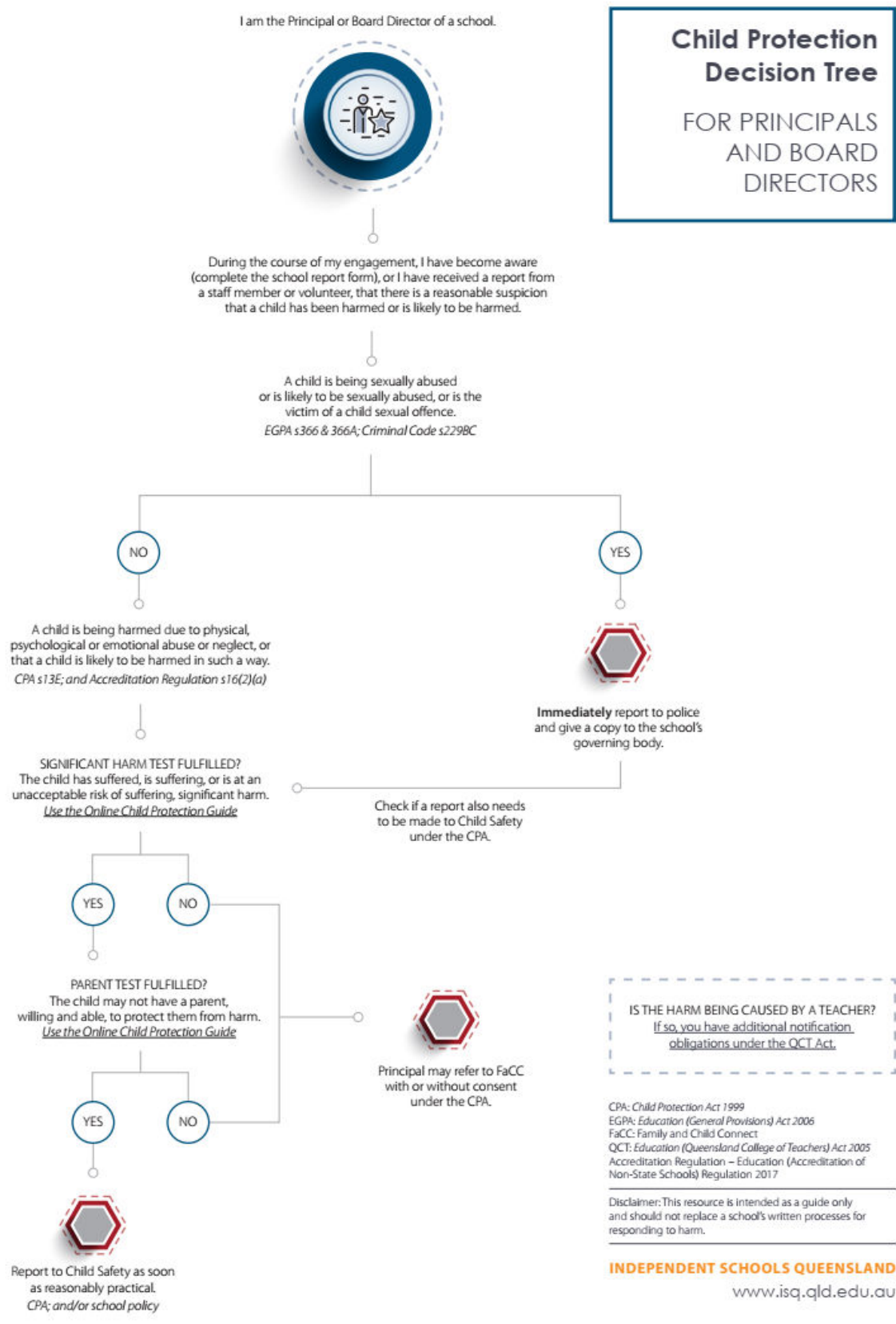
<b>ACTION TAKEN</b>	
Notification occurred via either email to Q.P.S or via the online reporting form for The Department of Child Safety, Youth & Women and/or Family & Child Connect:	<input type="checkbox"/> Queensland Police Services (QPS) - Maroochydore Police Station Email Report to: <a href="mailto:CAIU.sunshinecoast@police.qld.gov.au">CAIU.sunshinecoast@police.qld.gov.au</a> (07) 5475 2512
	<input type="checkbox"/> The Department of Child Safety, Seniors and Disability Services Complete Online Reporting Form: <a href="#">Report</a> Business hours: 1300 703 762 After hours: 1800 177 135
	<input type="checkbox"/> Family and Child Connect 13 32 64 <a href="https://familychildconnect.org.au/">https://familychildconnect.org.au/</a>

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)

Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.

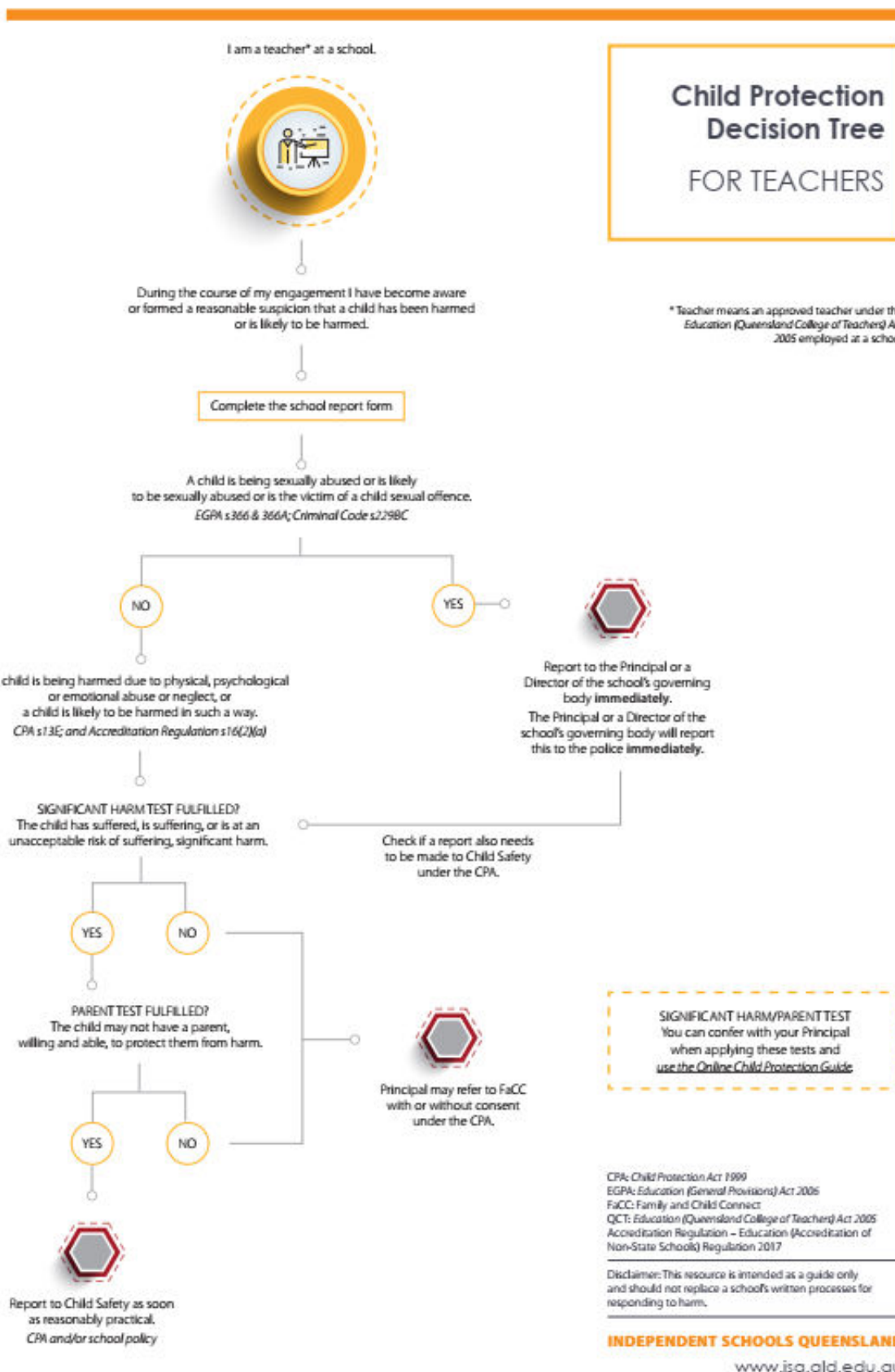
# Appendix 3

## ISQ Child Protection Decision Tree – Principals and Board Directors



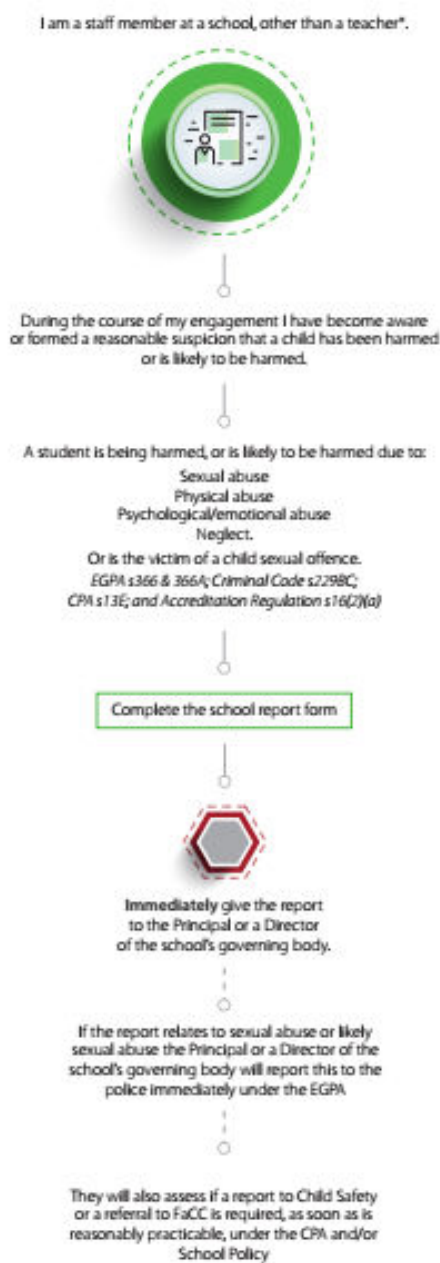
# Appendix 4

## ISQ Child Protection Decision Tree – Teachers



## Appendix 5

### ISQ Child Protection Decision Tree – Non Teaching Staff



### Child Protection Decision Tree

FOR  
NON-TEACHING  
STAFF

\*Teacher means an approved teacher under the Education (Queensland College of Teachers) Act 2005 employed at a school

CPA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FaCC: Family and Child Connect  
QCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.

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www.isq.qld.edu.au

# Appendix 6

## ISQ Child Protection Decision Tree – Early Childhood Education and Care Professionals

I am an early childhood education and care professional\*.



During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

Confer with a colleague and consult with the [Online Child Protection Guide](#)

Complete the service's prescribed form

**SIGNIFICANT HARM TEST FULFILLED?**  
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.  
*Use the Online Child Protection Guide*

YES

NO

**PARENT TEST FULFILLED?**  
The child may not have a parent, willing and able, to protect them from harm.  
*Use the Online Child Protection Guide*

YES

NO

Is the report in relation to harm caused by sexual and physical abuse?

YES

NO

Report to Child Safety as soon as reasonably practical.

You may still report the matter to Child Safety, however there is no legal requirement.  
Follow your service's Child Protection Policy.

Confer with your colleague and decide the best course of action.  
Consider a referral to Family and Child Connect with the parent's permission.

### Child Protection

FOR EARLY CHILDHOOD EDUCATION AND CARE PROFESSIONALS

\*Early Childhood Education and Care Professional means an individual, other than a volunteer or an individual under the age of 18, who is an approved provider, or an educator or nominated supervisor for an approved education and care service, under the Education and Care Services National Law (Queensland).

CPI: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
FACC: Family and Child Connect  
QCT: Education (Queensland College of Teachers) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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## Appendix 7

### ISQ Child Protection Decision Tree – Volunteers



## Child Protection Decision Tree FOR VOLUNTEERS

CPA: Child Protection Act 1999  
EGPA: Education (General Provisions) Act 2006  
F&CC: Family and Child Connect  
QCT: Education (Queensland College of Teaching) Act 2005  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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## Appendix 8

### Section 229BC - Failure to report belief of child sexual offence committed in relation to child

1. This section applies to an adult if:
  - a. the adult **gains information** that causes the adult to believe on **reasonable grounds**, or ought reasonably to cause the adult to believe, that a child sexual offence **is being or has been** committed against a child by another adult; and
  - b. at the relevant time, the child is or was:
    - i. under **16 years**; or
    - ii. a person with an impairment of the mind.
2. If, **without reasonable excuse**, the adult fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed, the adult commits a misdemeanour.  
Maximum penalty—**3 years imprisonment**.
3. For subsection (1), it does not matter that the information was gained by the adult during, or in connection with, a **religious confession**.
4. Without limiting what may be a reasonable excuse for subsection (2), an adult has a reasonable excuse if:
  - a. the adult believes on reasonable grounds that the information has already been disclosed to a police officer; or
  - b. the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so:
    - i. the *Child Protection Act 1999*, chapter 2, part 1AA;
    - ii. the *Education (General Provisions) Act 2006*, chapter 12, part 10;
    - iii. the *Youth Justice Act 1992*, part 8 or 9; or
  - c. the adult gains the information after the child becomes an adult (the **alleged victim**), and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or
  - d. both of the following apply:
    - i. the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person, other than the alleged offender, regardless of whether the belief arises because of the fact of the disclosure or the information disclosed;
    - ii. failure to disclose the information to a police officer is a reasonable response in the circumstances.
5. An adult who, in good faith, discloses information mentioned in subsection (1)(a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.
6. In this section—  
**relevant time**, in relation to the child sexual offence mentioned in subsection (1)(a), means the time that the adult:
  - a. believes to be the time of commission of the offence; or
  - b. ought reasonably to believe to be the time of commission of the offence.



## Appendix 9

### Section 229BB - Failure to protect child from child sexual offence

1. An accountable person commits a crime if:
  - a. the person knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and
  - b. the alleged offender:
    - i. is associated with an institution; or
    - ii. is a regulated volunteer; and
  - c. the child is under the care, supervision or control of an institution; and
  - d. the child is either:
    - i. under 16 years; or
    - ii. a person with an impairment of the mind; and
  - e. the person has the power or responsibility to reduce or remove the risk; and
  - f. the person wilfully or negligently fails to reduce or remove the risk.

#### **Maximum penalty—5 years imprisonment.**

2. For subsection (1), it does not matter that the knowledge was gained by the accountable person during, or in connection with, a religious confession.
3. For this section, an adult is associated with an institution if the adult:
  - a. owns, or is involved in the management or control of the institution;
  - b. is employed or engaged by the institution;
  - c. works as a volunteer for the institution;
  - d. engages in an activity in relation to the institution for which a working with children authority under the *Working with Children (Risk Management and Screening) Act 2000* is required; or
  - e. engages in the delivery of a service to a child who is under the care, supervision or control of the institution.

4. In this section—

*Accountable person* means an adult who is associated with an institution, other than a regulated volunteer.

*Institution* means an entity, other than an individual, that:

- a. provides services to children; or
- b. operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

#### **Examples of institutions:**

Schools, government agencies, religious organisations, hospitals, child care centres, licensed residential facilities, sporting clubs, youth organisations.

*Regulated volunteer* means an adult who is taken to be a volunteer employed or engaged in regulated employment at a person's home, residence or household under any of the following provisions of the *Working with Children (Risk Management and Screening) Act 2000*, schedule 1.

Appendix 10

# Child Protection Safety Officers



**Mrs Linda White**



**Mrs Fiona Cran**



**Mrs Ashleigh Scheu**



**Mrs Julie March**



**Mr Rhett Bowden**



**Ms Belinda Hentzschel**



**Mr Ed Easton – Board Chairman**