



Child Safe Policy

Note: This policy is under review and will be updated in 2020.

Background

As a focal point in leadership of the national sporting system, the ASC plays an important role in modelling desired practices and behaviours within the sport environment.

Children have a fundamental right to be safe from any form of abuse or neglect, which applies to their involvement with the ASC. Providing an environment which supports the safety, welfare and wellbeing of children is both a universal moral obligation and a legislative requirement.

State and Territory legislation places a number of responsibilities on the ASC, predominantly on those who have direct contact with children as part of their role. However, while other staff and external providers may not have direct contact with children under normal circumstances, all staff and external providers are expected to be aware of the *Child Safe Policy* and adhere to the *ASC Code of Conduct* to ensure child safety at all times.

Purpose and scope

This policy is designed to:

- Ensure that the ASC meets its responsibilities for the safety, welfare and wellbeing of young people
- Ensure that all employees and external providers whose position involves or is likely to involve contact with children are cleared by the relevant authorities as a person suitable to work with children
- Provide clarity for relevant staff around their legal responsibilities as mandatory reporters of harm to children under section 27 of the *Children and Young Persons (Care and Protection) Act 1998*

This policy applies to all permanent, non-ongoing and casual employees engaged by the ASC, and external providers.

This policy complies with all relevant State and Territory legislation for Child Protection.

Definitions

Child	Any person under the age of 18
Child Abuse and/or Child Neglect	Commonly involves the misuse of power or authority, or a breach of trust that results in physical, psychological or sexual abuse or neglect. Examples of behaviours that could constitute abuse or neglect include inappropriate touching when demonstrating techniques, inappropriate training methods requiring children to take on

	extra physical loads as 'punishment', physical aggression when disciplining a child, through to sexual assault and sexual intercourse with a minor.
Child Protection	Involves keeping children safe from abuse and neglect including protecting them from people who are deemed unsuitable to work with children.
External Provider	Broad term used to describe a person or persons engaged to provide services to the ASC who may or may not be paid by the ASC. External providers may be engaged under contractual arrangements between the ASC, their employer and where applicable other parties. 'External providers' covers a broad range of roles; from PhD scholars, research scientists, coaches and other sports professionals who provide services to the ASC; to the cleaning, catering and maintenance contractors who service the athlete residences.
Workplace	A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. ASC workplaces include, but are not limited to: <ul style="list-style-type: none"> • Offices, venues and facilities operated by the ASC in a State or Territory • Office spaces, facilities or premises owned and/or operated by an entity other than the ASC and leased by the ASC.
ASC	The Australian Sports Commission incorporating Sport Australia and the Australian Institute of Sport.

Policy

The ASC is committed to promoting the safety, welfare and wellbeing of all children involved in sport or other activities with the ASC. All staff members are required to conduct their duties in a manner that respects the right of all children to safety and protection from harm.

In addition ASC employees are bound by the [ASC Code of Conduct](#) which states employees will:

- act with care and diligence and perform work duties in a manner that is conducive to the health and safety of both yourself and others;
- not engage in any forms of bullying or harassment; or physical, verbal or emotional abuse of others;
- not engage in physical contact with athletes or children except where absolutely necessary for the development, maintenance or recovery of an athlete's or child's skill, health or athletic ability;
- not make improper use of status, power or authority;
- comply with applicable laws of Australia or other relevant jurisdictions.

Recruitment and Employment of Staff

All employees and external providers whose position involves or is likely to involve working with children, are required to obtain and maintain applicable working with children clearance(s) under the relevant jurisdictional legislation.

Employees and external providers engaged to work with children are not permitted to conduct child-related work under any circumstances, until the clearance has been obtained and a copy provided to the ASC People and Culture Branch. Managers must provide alternative duties until such time as a clearance is obtained.

Employees recruited from overseas must provide evidence of an overseas penal clearance as part of their Australian work visa application. Where possible, a copy of this clearance is to be provided to People and Culture.

Managing suspicions and/or disclosures of child abuse or harm

If you believe a child is in immediate danger or a life threatening situation, any reasonable steps must be taken to remove the child from harm and the Police must be informed as soon as possible.

Certain classes of people have a legislative requirement to report suspected cases of child abuse or neglect to government authorities. Mandatory reporting legislation varies state to state. See [Appendix 1](#) for an overview of who must report and what must be reported in each State or Territory.

Any person may choose to make a voluntary report if they have reasonable grounds to suspect a child is at risk of harm.

Reports can be made through the following avenues:

Sourced from: <https://aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect>

State/ Territory	Who to Report to
ACT	Child and Youth Protection Services http://www.communityservices.act.gov.au/ocyfs
NSW	Department of Family and Community Services https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk
NT	Territory Families https://nt.gov.au/law/crime/report-child-abuse
QLD	Department of Child Safety, Youth and Women https://www.csyw.qld.gov.au/child-family/protecting-children
SA	Department for Child Protection https://www.sa.gov.au/topics/education-and-learning/health-wellbeing-and-special-needs/report-child-abuse/report-child-abuse

TAS	Department of Health and Human Services http://www.dhhs.tas.gov.au/children/child_protection_services
VIC	Department of Health and Human Services https://services.dhhs.vic.gov.au/child-protection
WA	Department of Communities, Child Protection and Family Support http://www.dcp.wa.gov.au/ChildProtection/Pages/Ifyouareconcernedaboutachild.aspx https://mandatoryreporting.dcp.wa.gov.au

Reports must also be made to the Deputy General Manager (People and Culture), the General Manager (Corporate Division), or the CEO.

Allegations of misconduct of a child-related nature made against employees will be reported and responded to in accordance with the law, and investigated under the ASC Code of Conduct Policy. The ASC will treat all reports or allegations seriously and ensure that all parties are treated fairly and respectfully.

The identity of the individual making the report will be kept strictly confidential, unless they choose to disclose their identity.

Related legislation

Jurisdiction	Legislation
Commonwealth	<i>Human Rights Act 2004</i>
ACT	<i>Children and Young People Act 2008 (ACT)</i> <i>Working with Vulnerable People (Background Checking) Act 2011</i>
NSW	<i>Children and Young Persons (Care and Protection) Act 1998(NSW)</i> <i>Child Protection (Working with Children) Act 2012(NSW)</i> <i>Child Protection Legislation Amendment Act 2015(NSW)</i>
NT	<i>Care and Protection of Children Act 2007(NT)</i>
QLD	<i>Child Protection Act 1999 (QLD)</i> <i>Working with Children (Risk Management and Screening) Act 2000 (QLD)</i>
SA	<i>Children and Young People (Safety) Act 2017</i> <i>Child Safety (Prohibited Persons) Act 2016</i>
TAS	<i>Children, Young Persons and Their Families Act 1997 (TAS)</i> <i>Registration to Work with Vulnerable People Act 2013 (TAS)</i>
VIC	<i>Children, Youth and Families Act 2005 (VIC)</i> <i>Working with Children Act 2005 (VIC)</i>
WA	<i>Children and Community Services Act 2004 (WA)</i> <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i>

Appendix 1

Mandatory Reporting Requirements across Australia

Adapted from the Australian Institute of Family Studies – Mandatory Reporting of Child Abuse and Neglect (<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>)

ACT	
Who is mandated to report?	<p>A person who is:</p> <ul style="list-style-type: none"> • a doctor; a dentist; a nurse; an enrolled nurse; a midwife, psychologist • a teacher at a school; a person providing education to a child or young person who is registered, or provisionally registered, for home education under the <i>Education Act 2004</i>; a person employed to counsel children or young people at a school • a police officer a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor • a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families • the public advocate; an official visitor • a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation
What must be reported?	<p>A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid)</p>
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> • Physical Abuse • Sexual Abuse
Legal provisions	Section 356 of the <i>Children and Young People Act 2008</i> (ACT)

NSW	
Who is mandated to report?	<p>A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children; and A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children</p>

What must be reported?	Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Emotional/psychological abuse • Neglect Exposure to domestic violence
Legal provisions	Sections 23 and 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)

NT	
Who is mandated to report?	Any Person
What must be reported?	A belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Emotional/psychological abuse • Neglect • Exposure to physical violence (e.g., a child witnessing violence between parents at home)
Legal provisions	Sections 15, 16 and 26 of the <i>Care and Protection of Children Act 2007</i> (NT) and Section 26(2) <i>Care & Protection of Children Act 2007</i> (NT)

QLD	
Who is mandated to report?	An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service Relevant persons: doctors; registered nurses; teachers; police officers; child advocates School staff
What must be reported?	Has a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> • Physical abuse • Sexual abuse
Legal provisions	Part 1AA, Section 13e and 13f of the <i>Child Protection Act 1999</i> (Qld)

SA	
Who is mandated to report?	<ul style="list-style-type: none"> • Medical practitioners; pharmacists; registered or enrolled nurses; dentists; psychologists • police officers; community corrections officers; social workers • teachers in educational institutions including kindergartens; family day care providers

	<ul style="list-style-type: none"> employees/volunteers in a government department or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children ministers of religion (with the exception of disclosures made in the confessional); employees or volunteers in a religious or spiritual organisations
What must be reported?	Reasonable grounds to suspect that a child has been or is being abused or neglected; and the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> Physical abuse Sexual abuse Emotional/psychological abuse Neglect
Legal provisions	Section 30 of the <i>Children and Young People (Safety) Act 2017</i> (SA)

Tasmania	
Who is mandated to report?	<ul style="list-style-type: none"> Medical practitioners; registered or enrolled nurses; persons registered under the Health Practitioner Regulation National Law (Tasmania) in midwifery, dental (dentists, dental therapists, dental hygienists or oral health therapist) psychology professions police officers; probation officers principals and teachers in any educational institution including kindergartens persons who provide child care or a child care service for fee or reward; persons concerned in the management of a child care service licensed under the <i>Child Care Act 2001</i> any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons
What must be reported?	A belief, suspicion, reasonable grounds or knowledge that: a child has been or is being abused or neglected or is an affected child within the meaning of the <i>Family Violence Act 2004</i>
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to family violence

Legal provisions	Sections 3, 4 and 14 of the <i>Children, Young Persons and Their Families Act 1997</i> (Tas.)
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Victoria	
Who is mandated to report?	<ul style="list-style-type: none"> Registered medical practitioners, midwives, registered nurses a person registered as a teacher under the <i>Education, Training and Reform Act 2006</i> or teachers granted permission to teach under that Act; principals of government or non-government schools police officers
What must be reported?	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 office, position or employment
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> Physical abuse Sexual abuse
Legal provisions	Sections 182(1)(a)-(e), 184 and 162(c)-(d) of the <i>Children, Youth and Families Act 2005</i> (Vic.)

WA	
Who is mandated to report?	<ul style="list-style-type: none"> Doctors; nurses and midwives; teachers; and police officers The Principal Registrar, a registrar or a deputy registrar; family counsellors; family consultants; family dispute resolution practitioners, arbitrators or legal practitioners independently representing the child's interests
What must be reported?	<ul style="list-style-type: none"> Belief on reasonable grounds that child sexual abuse has occurred or is occurring Reasonable grounds for suspecting that a child has been: abused, or is at risk of being abused; ill-treated, or is at risk of being ill-treated; or exposed or subjected to behaviour that psychologically harms the child
Abuse and neglect types which must be reported	<ul style="list-style-type: none"> Sexual abuse Physical abuse Neglect Psychological harm (but not limited to) harm caused by being subjected or exposed to family violence.
Legal provisions	Sections 124A and 124B of the <i>Children and Community Services Act 2004</i> (WA) Sections 5, 160 of the <i>Family Court Act 1997</i> (WA)

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