



# South Australian Child Protection Update

Important briefing paper for Principals, Bursars, Business Managers and Governors of individual and systemic non-government schools

*The information in this briefing paper is current as at February 2019.*

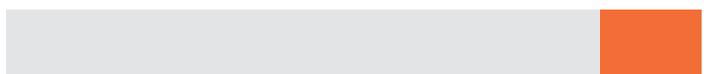
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# 1. Executive Summary

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- ✓ South Australia's Child Protection Systems Royal Commission Report, titled "The Life They Deserve", (Nyland Report) was released in August 2016 and it suggested 260 recommendations for reform.
- ✓ Due to the complexity of the changes required, the South Australian government felt it was simpler to replace the current Children's Protection Act 1993 (SA) with a new legislative framework.
- ✓ Currently, all schools in South Australia are covered by the Children's Protection Act 1993 (SA), which is the key source of child protection requirements for schools.
- ✓ From 22 October 2018, all schools in South Australia are covered by three new Acts – the Children and Young People (Safety) Act 2017 (SA), the Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA) and the Child Safety (Prohibited Persons) Act 2016 (SA) (the Acts).
- ✓ There are also new regulations, the Children and Young People (Safety) Regulations 2017 (SA), the Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA) and the Child Safety (Prohibited Persons) Regulations 2019 (SA), which support the Acts.
- ✓ There have also been complementary amendments to the Criminal Law Consolidation Act 1935 (SA) to introduce new offences of failing to report criminal neglect and grooming and bringing a child into the state or removing a child from the state for the purposes of child marriage.
- ✓ In addition, the definition of "child abuse" has been replaced with "children at risk of harm" under Chapter 3 of the Child and Young People (Safety) Act 2017 (SA), with mandated notification obligations expanded to include the requirement to report actual harm as well as travelling out of the state for the purposes of child marriage or female genital mutilation.
- ✓ There are also new principles for child safe environments embodied in the Outcomes Framework for Children and Young People (Outcomes Framework) and the Charter for Children and Young People (Charter). Both of these documents provide guidance on the application of the new child protection regime in schools. According to the South Australian Child Development Council, these documents will be available in early 2019.
- ✓ These Acts, Regulations and the Outcomes Framework and Charter combine to create new child protection duties for all schools in South Australia including new Working with Children Checks and expanded mandated notification and staff reporting obligations.
- ✓ These new duties will also affect school registration requirements.

Refer to these previous School Governance articles for more information:

- ✓ South Australia to replace Child Protection Act: which jurisdiction will be next?
- ✓ [Child Protection Overhaul: another piece of SA's new child protection framework finalised](#)
- ✓ [South Australia's revolutionary approach to child abuse and forced marriage.](#)

And our related School Governance Briefing Paper: [SA Registration Requirements Update.](#)

## 2. Background

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In August 2016, South Australia's Child Protection Systems Royal Commission delivered its report, "The Life They Deserve" (Nyland Report). In compiling the Nyland Report, Royal Commissioner Margaret Nyland and her team looked at the laws, policies, practices and structures currently in place in South Australia for children at risk of harm, abuse or neglect. The Nyland Report made 260 recommendations to overhaul SA's child protection system.

The recommendations of the Nyland Report were primarily targeted at reforming Families SA, however some of the recommendations relevant to child protection in schools include:

- ✓ establishing a Commissioner for Children and Young People
- ✓ improving child abuse report line responses and assessment times
- ✓ having a mandatory probationary period of six months for new school employees
- ✓ enacting standalone legislation for a screening regime
- ✓ providing performance reviews for all new staff

- ✓ ensuring a real-time monitoring system
- ✓ amending the Children's Protection Act 1993 (SA) to involve children in decision-making.

Due to the complexity of the changes required, the SA Government felt it was simpler to replace the current Children's Protection Act 1993 (SA) with three new Acts and a related framework of child protection legislation.

The Children's Protection Act 1993 (SA), the key source of child protection requirements for schools, is in the process of transition to being repealed, to be replaced by the following framework.

### Three New Acts

- ✓ Children and Young People (Safety) Act 2017 (SA): having commenced on 22 October 2018, this Act is the basis for the new child protection regime.
- ✓ Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA): having commenced on 18 December 2017, this Act establishes the Commissioner for Children and Young People, continues the Guardian for Children and Young People and requires mandatory information sharing with the Commissioner and the Guardian in circumstances set out in the Act. It also sets up the Outcomes Framework for Children and Young People which must include a Charter for Children and Young People. The Outcomes Framework and Charter are yet to be released and are expected to be released in early 2019.
- ✓ Child Safety (Prohibited Persons) Act 2016 (SA): as published in the South Australian Government Gazette, this Act will come into operation on 1 July 2019, and establishes a new Working with Children Check Scheme (WWCC Scheme), employer obligations and excluded persons for the purposes of the WWCC Scheme.

### Three New Regulations

- ✓ Children and Young People (Safety) Regulations 2017 (SA): commenced on 22 October 2018, these Regulations detail child safe environment principles (as reflected in the Outcomes Framework and Charter), information sharing requirements and mandated notifications for prescribed organisations.
- ✓ Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA): commenced 5 December 2017, these Regulations provide guidance on the contents of the Outcomes Framework and Charter as well as the guidelines for mandatory information sharing. The Outcomes Framework and Charter are yet to be released and are expected to be released in early 2019.
- ✓ Child Safety (Prohibited Persons) Regulations 2019 (SA): these Regulations will come into operation on 1 July 2019. They provide more detail about the requirements of the WWCC Scheme and the excluded persons for the purposes of child-related employment screening.

### Transitional Arrangements

The SA Government has staged the repeal of the Children's Protection Act 1993 (SA) through the:

- ✓ Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017 (SA): commenced on 22 October 2018, this Act contains the transitional provisions which keep the status quo prior to any of the new legislation coming into force.

### Additional Criminal Offences Incorporated

There are several other new criminal offences incorporated into the new child protection legislative framework including:

- ✓ a new criminal neglect offence – now incorporated from the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Act 2018 – commenced on 6 September 2018
- ✓ a new grooming offence – now incorporated from the Criminal Law Consolidation (Dishonest Communication with Children) Amendment Act 2018 – commenced on 13 August 2018.
- ✓ new offence in relation to bringing a child into the state or removing a child from the state for the purposes of child marriage-now incorporated from the Children and Young People (Safety) Act 2017 (SA)-commenced on 22 October 2018.

## Child Protection Changes Still to Come

There are still some anticipated changes to schools' child protection obligations, due to delayed commencements of some pieces of the legislative framework. These changes include:

- ✓ the commencement of the new WWCC Scheme on 1 July 2019 under the Child Safety (Prohibited Persons) Act 2016 (SA) to replace the existing child-related employment screening regime and the Child Safety (Prohibited Persons) Regulations 2019 (SA)
- ✓ provision and commencement of the Outcomes Framework and Charter (which will replace the Child Safe Environments Framework)
- ✓ further commencement of the transitional provisions contained in the Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017 (and amended by the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2018 (awaiting assent)) which repeals section 8C of the Children's Protection Act 1993 (SA) and provides for transitional arrangements for all children in care to continue under the new Children and Young People (Safety) Act 2017 (SA).
- ✓ future debate and progress on the Statutes Amendment (Mandatory Reporting) Bill 2018 which would, if enacted, make priests mandated notifiers in all circumstances.

The purpose of this briefing paper is to explain the new child protection legislative framework and the associated new child protection obligations schools should be taking on now to ensure compliance.

### 3. New Child Protection Regime: Summary of Changes

In the table below, we have captured the major changes to the South Australian child protection regime through the new legislative framework and summarised the impact for schools.

Changes Proposed	Summary of Changes	Legislation Source and Commencement	Impact for Schools
<b>Children and young people “at risk”</b>	New definition of “at risk” which is wider than previous definition of “child abuse” and applies to children and young people under the age of 18.	Children and Young People (Safety) Act 2017 (SA) – 22 October 2018	Schools should revise their child protection policies and procedures to include the expanded definition of “at risk” and include training for staff on the new parameters.
<b>Definition of “harm”</b>	New definition of “harm” including unlawful medical procedures and child marriage.	Children and Young People (Safety) Act 2017 (SA) – 22 October 2018	Schools should revise their child protection policies and procedures to include the expanded definition of “harm” and include training for staff on what are considered unlawful medical procedures and child marriage indicators in SA.
<b>Mandated Notification Changes</b>	New mandated notification obligations when a person suspects on reasonable grounds in the course of their employment that a child or young person is, or may be, at risk. There is no longer an exemption for information communicated to ministers of religion during a confession.	Children and Young People (Safety) Act 2017 (SA) – 22 October 2018	Schools should provide refresher training for staff on mandated notifications and the key indicators for children or young people suspected to be suffering, or at risk of, harm.
<b>Neglect Criminal Offence</b>	New criminal neglect offences in relation to children under the age of 16 and vulnerable adults.	Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Act 2018 – 6 September 2018	Schools should update their child protection policy and provide refresher training for staff including the key indicators of neglect.

<b>Grooming Criminal Offence</b>	New grooming offence in relation to children under the age of 17.	Criminal Law Consolidation (Dishonest Communication with Children) Amendment Act 2018 – 13 August 2018	Schools should update their child protection policy and provide refresher training for staff including the key indicators of grooming.
<b>Entry into or Removal from the state for the purposes of Child Marriage Offence</b>	New offence to bring a child into the state or remove a child from the state for the purposes of marriage.	Criminal Law Consolidation Act 1935 (SA)-22 October 2018	No specific obligations on schools in relation to the offence itself but relevant in relation to mandated notification obligations.
<b>WWCC Scheme</b>	New WWCC requirements for people involved in child related work or directly providing services to children. Schools should note that children and accommodation providers for excursions and overnight camps are not excepted.	Child Safety (Prohibited Persons) Act 2016 (SA) and the Child Safety (Prohibited Persons) Regulations 2019 (SA) – both to commence on 1 July 2019	Schools should make sure all staff have a valid WWCC and that procedures are in place to ensure these are kept up-to-date. Schools should also audit their lists of volunteers and overnight excursion and camp providers to ensure they all comply with the new obligations.
<b>Child Safe Environments Principles</b>	New principles designed to replace the existing seven principles and improve outcomes for children and young people in education.	Authorised by the Children and Young People (Safety) Act 2017 (SA) but also included in the Outcomes Framework for Children and Young People which is yet to be released.	Schools will need to design their education outcomes and child protection policies and procedures around the new Outcomes Framework and Charter. Schools should begin identifying where this is necessary in their current compliance structure.
<b>Information Sharing Requirements</b>	New requirements to share prescribed information on a mandatory basis with the Commissioner for Children and Young People and the Guardian for Children and Young People.	Children and Young People (Oversight and Advocacy Bodies) Act 2016 (commenced 18 December 2017).	Schools should establish strict information sharing guidelines and procedures with a single point of contact, e.g. the Principal, approving all information sharing requests or actions.

	New requirements to share prescribed information on a voluntary basis with a number of specified people and bodies.	Children and Young People (Safety) Act 2017 (SA) (commenced 22 October 2018) and Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA) (commenced 5 December 2017).	
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## 4. Obligations Under the New Legislative Framework

### Definition of Harm and Children or Young People at Risk

From 22 October 2018, all schools in South Australia will be governed by the Children and Young People (Safety) Act 2017 (SA) (Safety Act) which details the responsibility for protection of children and young people from harm.

“Harm” is defined in section 17 of the Safety Act as a term used to be a reference to physical harm or psychological harm (caused by an act or omission) and includes but is not limited to harm caused by sexual, physical, mental or emotional abuse or neglect.

Under section 18 of the Safety Act, children and young people can also be “at risk”. This definition of children or young people being at risk or likely to be at risk is significantly expanded from the current Children’s Protection Act 1993 (SA). Under s 18 of the Safety Act, a child or young person will be taken to be at risk if:

- ✓ they have suffered, or there is a likelihood that they will suffer, harm
- ✓ there is a likelihood that they will be removed from the state for the purpose of:
  - an unlawful medical or other procedure (including female genital mutilation)
  - taking part in a marriage ceremony that would be a void or invalid marriage under the Marriage Act 1961 (Cth)
  - enabling the child or young person to take part in an activity, or an action to be taken in respect of the child or young person, that would, if it occurred in the state, constitute a criminal offence
- ✓ their parents or guardians:
  - are unable or unwilling to care for them
  - have abandoned them, or cannot, after reasonable inquiry be found
  - are dead
- ✓ if the child or young person is of compulsory school age, they are persistently absent from school with no explanation
- ✓ they have no fixed address; or
- ✓ any other circumstances prescribed by the supporting regulations exist in relation to the child or young person.

As part of the expanded definition of children or young people at risk or likely to be at risk, SA has also introduced two new indicators for risk including unlawful medical procedures including female genital mutilation (FGM) and forced child marriage. SA is the first jurisdiction in Australia to introduce these two new indicators into the child protection regime. It also includes child marriage and unlawful medical procedures as mandated notifications, specifically for teachers, employees or volunteers in an organisation that provides health, welfare, education, sporting, recreational, child care or residential services wholly or in part for children or young people.

## Child Marriage Related Offence

There is a new offence for bringing a child into the state or removing a child from the state for the purposes of marriage.

It was already an offence under section 33 of the Criminal Law Consolidation Act 1935 (SA) to carry out FGM in South Australia or remove a child from the state for the purposes of FGM. Section 34 has now been added to the Criminal Law Consolidation Act 1935 (SA) and this section prohibits bringing a child into South Australia or removing them from South Australia for the purposes of child marriage.

## New Neglect and Grooming Offences

As part of the new legislative framework, additional amendments have been introduced to create criminal offences for neglect and grooming.

In South Australia, it was 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. These grooming offences only apply in relation to children (defined in/for the purposes of section 139A of the Act as a person under the age of 17) rather than children and young people (which is defined in the Safety Act as persons under the age of 18).

There is also a new offence of criminal neglect under section 14 of the Criminal Law Consolidation Act 1935 (SA). Where death or harm results from an act, in circumstances where there is a duty of care owed to a child, there is a strict liability offence carrying a maximum term of imprisonment for life.

Schools should also note the differing age range for this offence as well with the criminal neglect offence applying in relation to children (defined in section 13B/for the purposes of section 14 of the Act as a person under the age of 16) and vulnerable adults (a person aged 16 years or above who is significantly impaired through physical disability, cognitive impairment, illness or infirmity). This is, again, a different age range to the definition of children and young people (defined in the Safety Act as persons under the age of 18).

## Mandated Notification Changes

For the purposes of the Safety Act, a child or young person being at risk triggers mandated notification requirements under the new legislative framework for reporting suspicions or incidences of children or young people suffering harm or at risk of harm. However, the Safety Act also makes it clear that compliance with mandated notification requirements does not necessarily exhaust a duty of care. This means that a school may still breach duty of care obligations to children even if mandated notification procedures are implemented.

Under section 31 of the Safety Act, a mandated notifier must, if they suspect on reasonable grounds that a child or young person is, or may be, at risk and that suspicion was formed in the course of the person's employment, report that suspicion through any of the following four methods:

- ✓ making a telephone notification through the Child Abuse Report Line (CARL)
- ✓ making an electronic notification through an electronic reporting system determined by the Minister
- ✓ reporting the suspicion to a person of a class as specified by the Minister
- ✓ reporting their suspicion in any other manner set out in the regulations.

The list of mandated notifiers under section 30 of the Safety Act is the same as that in the Children's Protection Act 1993 (SA) and includes:

- ✓ prescribed health practitioners (as defined by the Health Practitioner Regulation National Law (South Australia))
- ✓ police officers
- ✓ community corrections officers
- ✓ social workers
- ✓ ministers of religion
- ✓ employees of, or volunteers in, an organisation formed for religious or spiritual purposes (which includes schools)
- ✓ teachers employed as such in a school, pre-school or kindergarten
- ✓ employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people.

Employees or volunteers in health, welfare, education, sporting or recreational, child care or residential services organisations (mandated notifiers) must both provide services directly to children and young people or hold a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people. Schools should also note that these categories remain the same from the old framework and the same types of employees and volunteers remain mandated notifiers under the new legislative framework. However, the exemption from mandatory notification in the Children’s Protection Act 1993 (SA) for information communicated to ministers of religion during a confession has not been replicated under the Safety Act. Schools that engage with or employ ministers of religion should be aware that suspicions or incidents that a child or young person is suffering or has suffered harm, or that a child or young person is at risk of harm, arising out of information communicated during a confession are not exempt from mandated notification, and criminal penalties will apply for refusing to notify.

The Safety Act is also clear that a mandated notification is not needed under the new mandated notification regime in two circumstances:

- ✓ if the person believes on reasonable grounds that another person has reported the matter in accordance with that subsection, or
- ✓ if the person's suspicion was due solely to having been informed of the circumstances that gave rise to the suspicion by a police officer or child protection officer acting in the course of their official duties.

Schools should also note that an additional circumstance (in which mandated notification is not needed) is provided by the Children and Young People (Safety) Regulations 2017 (SA) (Safety Regulations) which is where the person believes on reasonable grounds that the Department is already aware of all of the information that forms the basis of the person's suspicion.

Schools should be familiar with mandated notification obligations but should note that “reasonable grounds” has not yet been defined in any of the guidance materials surrounding the changes to mandated notification obligations.

## **Working with Children Check Scheme**

Requirements for schools when conducting Working with Children Checks are contained within the Child Safety (Prohibited Persons) Act 2016 (SA) (Prohibited Persons Act) and the Child Safety (Prohibited Persons) Regulations 2019 (SA) (Prohibited Persons Regulations). The Prohibited Persons Act complements the Safety Act by providing details for screening of all people who want to work or volunteer with children.

The Prohibited Persons Act requires that people who “work with children” must undergo a Working with Children Check (WWCC). A person who provides a service or undertakes an activity that is “child-related work” is taken to “work with children”.

Under section 17 of the Prohibited Persons Act an employer must not employ someone who works with children without having verified both that a working with children check has been carried out and that the potential

employee is not prohibited from working from children. Child-related work is defined in section 6(1) of the Prohibited Persons Act to include services or activities that are:

- ✓ accommodation and residential services for children
- ✓ provided by religious organisations
- ✓ provided in the course of the operation of clubs and associations with a significant membership of, or involvement by, children
- ✓ coaching or tuition services for children
- ✓ disability services for children
- ✓ education services for children
- ✓ transport services for children.

Regulation 7 also defines some of the terms used in the definition of “child-related work” in section 6(1). For example, accommodation and residential services for children includes care provided to a child overnight and involving sleeping arrangements such as those provided on excursions and camps.

Examples of situations when a person is exempt from child-related work screening if they are:

- ✓ parents or guardians who volunteer in connection with an activity that involves their child
- ✓ people who are part of a one-off guest appearance at a presentation or concert performance
- ✓ parents involved in one-off events such as sports days, working bees and whole school events
- ✓ parents or guardians volunteering on a governing council that is not the employing authority of an out of school hours care service (OSHC).

However, schools should be aware that if parents or guardians volunteer for overnight excursions or camps, no exemptions apply in terms of the WWCC Scheme.

The Prohibited Persons Act deals with WWCCs for all people, irrespective of age, who are in child-related work at the school. Once an employee or volunteer has received a valid WWCC, it will be valid for five years and be transferable to different jobs or volunteer positions within the school. Regulation 16 of the Prohibited Persons Regulations also provides that applications for WWCCs can be made for or on behalf of a person by their employer.

## Outcomes Framework and Charter Principles

The Outcomes Framework for Children and Young People (Outcomes Framework) and the Charter for Children and Young People (Charter) are to be released by the Child Development Council, a new body established by the Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA) (Advocacy Act). The Advocacy Act is supported by the Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA) (Advocacy Regulations) which provide the guidelines for what the Outcomes Framework must contain.

The Child Development Council had their first drafting meeting in May 2018, where it was decided that the Outcomes Framework and Charter would be ongoing projects to be released as soon as possible. However, schools can take some guidance from the [2015 Snapshot of Young South Australians](#) (2015 Snapshot), which the Child Development Council is using as the basis for the Outcomes Framework and Charter. The 2015 Snapshot outlines five principles (with evidence-based requirements) which may be the basis of the Outcomes Framework. These include:

1. Young South Australians are healthy including that children:
  - a. are physically and emotionally healthy - focusing on tooth decay, the asthma rate and mental health problems
  - b. have health-promoting behaviours - focusing on reducing smoking and binge drinking.
2. Young South Australians stay safe and nurtured including that children:
  - a. are safe from injury - focused on death rates from injuries
  - b. are safe from abuse, neglect and violence - focused on child protection

- c. are safe from crime and anti-social behaviours – with reference to rates of children being victims of crimes and sexual offences
  - d. have stability, security and are cared for.
3. Young South Australians enjoy and achieve including that children:
  - a. have an early childhood experience that is enriched - focused on Aboriginal and special needs children
  - b. experience learning that is positive - focused on diversity
  - c. learn effectively and develop life skills according to their capabilities - focused on using technology and also achieving NAPLAN benchmarks
  - d. play and participate in recreational activities according to their capabilities - focused on cultural activities, organised sport, reading for pleasure and popular leisure activities.
4. Young South Australians make a positive contribution including children:
  - a. engage in decision-making
  - b. are involved in community activities
  - c. engage in positive behaviour.
5. Young South Australians are prepared for adult life including that children:
  - a. have material needs met
  - b. live in sustainable communities - focused on bike riding
  - c. are encouraged to engage in further education, employment or training according to their capabilities - focused on proportion of students in full time school, work or further education and training.

Schools can also look to regulation 12(2) of the Advocacy Regulations which outlines the five aspects which must be included in the Outcomes Framework. These include provisions:

1. designed to provide a common basis across the whole of government for creating strategies, setting objectives or developing or implementing policies
2. addressing the needs of children and young people in relation to health, safety, wellbeing, education and preparedness for adulthood
3. requiring cooperation and, where appropriate, collaboration between state authorities and other persons
4. designed to improve outcomes for Aboriginal and Torres Strait Islander children and young people
5. designed to enable outcomes for children and young people in the state to be measured and reported on.

The Outcomes Framework and Charter are expected to be released in early 2019 according to the Child Development Council of South Australia.

## Information Sharing Requirements

Section 61 of the Advocacy Act requires schools to comply with any notice received from:

- ✓ the Commissioner for Children and Young People; or
- ✓ the Guardian for Children and Young People,

to provide to them with the information, or the documents, as may be specified in the notice, and the Commissioner for Children and Young People or the Guardian for Children and Young People must reasonably require the documents or information for the performance of their functions under the Advocacy Act.

The information or documents must already be in the possession of the school (i.e. the Commissioner for Children and Young People or the Guardian for Children and Young People cannot require the creation of documents for the purposes of mandatory information sharing).

There are serious financial penalties for any school that refuses or fails to comply with a notice from the Commissioner for Children and Young People or Guardian for Children and Young People.

Under section 152 of the Safety Act and section 39 of the Safety Regulations, schools may provide certain information and documents to particular people or bodies if the school reasonably believes that the provision of the information or documents would assist the recipient to:

- ✓ perform functions relating to children and young people; or
- ✓ manage any risk to a child or young person, or class of children or young people, that might arise in the recipient's capacity as an employer or provider of services.

The people and bodies with whom information may be shared are:

- ✓ the Department for Child Protection
- ✓ the Commissioner for Children and Young People
- ✓ the Guardian for Children and Young People
- ✓ the Child Death and Serious Injury Committee
- ✓ the Child and Young Person's Visitor
- ✓ a state authority (i.e. people or bodies that are part of the public sector, such as government departments and bodies established for public purposes under state laws e.g. the police and state schools)
- ✓ a Child and Family Assessment and Referral Network and its constituent members
- ✓ a person or body that provides services to children and young people or their families for on behalf of the Department for Child Protection
- ✓ non-government schools
- ✓ the South Australian Civil and Administrative Tribunal.

The kinds of information that may be shared with these people and bodies under the Safety Act are:

- ✓ information or documents relating to the health, safety, welfare or wellbeing of a particular child or young person, or a class of children or young people
- ✓ any other information or document that is prescribed by the Safety Regulations (the Safety Regulations do not currently specify any additional information or documents).

## 5. Next Steps for Schools

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All schools in South Australia need to be familiar with, and commence updating, their policies and procedures to comply with the new child protection regime established by the legislative framework outlined in this briefing paper. Some steps for schools to begin taking are outlined below.

### Step 1: Review and update all current policies and procedures

The first step for most schools will be to conduct an internal audit of current policies, procedures and work practices and conduct a gap analysis against the obligations outlined in the legislative framework, as outlined above.

In particular, the school should focus on policies regarding:

- ✓ child abuse
- ✓ mandated notifications
- ✓ WWCCs
- ✓ information sharing (particularly in classifying requests that relate to the health, safety, welfare or wellbeing of a child or young person)
- ✓ current principles included for child safe environments.

The outcome of this gap analysis will then determine the work that will need to be undertaken to ensure compliance with the updated legislative framework.

### Step 2: Monitor for any upcoming legislative change impacting schools

South Australian schools face an almost overwhelming myriad of legal and regulatory obligations and reporting requirements, including those in relation to child protection. Additional obligations which are expected in early 2019 include:

- ✓ the commencement of the new WWCC Scheme under the Child Safety (Prohibited Persons) Act 2016 (SA) and the Child Safety (Prohibited Persons) Regulations 2019 (SA)
- ✓ the provision and commencement of the Outcomes Framework and Charter (which will replace the Child Safe Environments Framework).

## 6. What can CompliSpace do to help?

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At CompliSpace we combine governance, risk, compliance and policy management expertise with technology solutions to deliver sustainable governance solutions to non-government schools in every state and territory in Australia. Our team of lawyers and industry experts actively monitor changes to relevant laws and registration standards and deliver a full suite of online policies, procedures and governance programs that enable schools to continuously comply with their legal and regulatory obligations.

In response to these changes, CompliSpace is developing a detailed Child Protection Program that systematically addresses each of the new obligations on schools and the requirements under the new legislative framework. The CompliSpace Child Protection Program also addresses current child protection legislation and includes an online child protection training course. The Program is designed to be tailored to the particular circumstances of each school.

If you would like to know more about how CompliSpace can assist you with your governance, risk and compliance, including registration, contact us on:

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