

Guidance Document: Relevant Government Agencies

A number of NSW government agencies have a role in Child and Vulnerable Persons safeguarding. In addition, the National Children's Commissioner was recently appointed to focus on Children's interests at a national level.

This document provides some guidance as to the role of these government agencies and their interaction with Parishes and Agencies of the Archdiocese



Overview

The following government agencies have a Child and Vulnerable Persons safeguarding role:

1. NSW Office of the Children's Guardian
2. NSW Police
3. Department of Communities and Justice
4. NSW Office of the Advocate for Children and Young People
5. National Children's Commissioner
6. E-Safety Commissioner
7. National Office for Child Safety
8. National Redress Scheme (administered by the Commonwealth Department of Social Services)

Of these government agencies, Parishes and Agencies are only likely to deal with the Children's Guardian (for screening of persons working with Children).

However, it is important that Parish Priests, Agency Heads, Clergy, Religious Appointees, Employees and Volunteers have a basic understanding of the functions of all of the government agencies described below, even if they will not have direct or regular contact with them.

Specific agencies

NSW Office of the Children's Guardian

The NSW Office of the Children's Guardian is an independent government agency that works to protect Children by promoting and regulating Child safe organisations and services. In addition, the NSW Office of the Children's Guardian receives notifications from employers regarding allegations against employees and either monitors or oversees the employer's investigation into those allegations.

After changes in 2013, the NSW Office of the Children's Guardian took over responsibility for administering the WWCC from the Commission for Children and Young People. The NSW Office of the Children's Guardian also accredits and monitors designated agencies that arrange out-of-home care and non-government adoption service providers.

Parish Priests and Agency Heads will need to verify with the NSW Office of the Children's Guardian that all Workers have a valid Working with Children clearance.

The Eparchy is also required to notify the Children's Guardian of any Reportable Allegation or conviction considered to be a Reportable Conviction in accordance with the Reportable Conduct Scheme.

Parish Priests and Agency Heads must act in accordance with the Policy, including notifying the Safeguarding Office of any Safeguarding Complaints relating to employees, (broadly defined in the *Children's Guardian Act 2019* (NSW) to include Employees, Volunteers, contractors, Clergy, Religious Appointees, and any other persons who hold a WWCC), or of any Reportable Allegation or conviction considered to be a Reportable Conviction, so that it can assist the Archbishop to discharge his obligations in this regard.

The Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse provide a framework for organisations to enable them develop strategies to keep children safe from harm. These standards have since been adopted by the Office of the Children's Guardian to form the basis of their regulatory framework. Child-related organisations in NSW are required to comply with the Office of the Children's Guardian 10 Child Safe Standards under the *Children's Guardian Amendment (Child Safe Scheme) Act 2021* (NSW).

Relevant legislation: *Children and Young Persons (Care and Protection) Act 1998* (NSW); *Child Protection (Working with Children) Act 2012* (NSW); *Child Protection (Working with Children) Regulation 2013* (NSW); *Children's Guardian Act 2019* (NSW); *Children's Guardian Amendment (Child Safe Scheme) Act 2021* (NSW).

NSW Police

All Clergy, Religious Appointees, Employees, Volunteers and contractors are under a personal legal obligation to report Reportable Crimes to NSW Police. They are also required to make a report to NSW Police, if they know, believe or reasonably ought to know that a Child Abuse offence has been committed. As a matter of practice, the Safeguarding Office assists with reporting to the NSW Police and will provide a copy of police reports so that individuals can ensure their personal obligations are met.

The key Child safeguarding role of the NSW Police is to intervene in Child Abuse and Neglect to ensure the immediate safeguarding of Children. The Department of Communities and Justice, the NSW Police and NSW Health provide a joint response to Child sexual abuse and serious physical abuse through the Joint Child Protection Response Program.

NSW Police also provide support for other agencies that do not have 24 hour response capabilities.

Relevant legislation: *Crimes Act 1900 (NSW); Criminal Legislation Amendment (Child Abuse) Act 2018 (NSW)*

Department of Communities and Justice

Parish Priests and Agency Heads should notify the Safeguarding Office of Safeguarding Complaints regarding Child Abuse and Neglect, or if they have reasonable grounds to suspect that a Child is at risk of significant harm, to make a determination as to whether they should be reported to the Department of Communities and Justice.

The Department of Communities and Justice is the lead NSW government agency for providing and coordinating the community response when intervention is necessary for the care and protection of Children. The Department of Communities and Justice's key roles include:

1. providing or arranging services for Children and their parents when assistance is requested;
2. receiving, assessing and acting on reports of Child Abuse and Neglect; and
3. monitoring Children and their families.

Relevant legislation: *Children and Young Persons (Care and Protection) Act 1998 (NSW)*

The Commission for Children and Young People

Parishes and Agencies have no direct connection with the Commission for Children and Young People.

The Commission for Children and Young People was established after the Wood Royal Commission. The Commission for Children and Young People was previously responsible for monitoring the screening of persons who work with Children in NSW, but now has

	<p>more of an advocacy role, advocating for the interests and needs of vulnerable Children and Young Persons.</p> <p>Relevant legislation: <i>Commission for Children and Young People Act 1998</i> (NSW)</p>
<p>NSW Office of the Advocate for Children and Young People</p>	<p>Parishes and Agencies have no direct connection with the NSW Office of the Advocate for Children and Young People.</p> <p>They NSW Office of the Advocate for Children and Young People was established in 2014 to focus on promoting the participation of Children and Young People in decisions that affect them, conducting and monitoring research into issues affecting Children and Young People, making recommendations to government and non- government agencies on legislation, policies and reports affecting Children and young people, and developing a three-year strategic plan for Children and Young People in NSW.</p> <p>Relevant legislation: <i>Advocate for Children and Young People Act 2014</i> (NSW)</p>
<p>National Children’s Commissioner</p>	<p>Parishes and Agencies have no direct connection with the National Children’s Commissioner.</p> <p>In February 2013, the role of the National Children’s Commissioner was established to focus on Children’s rights and interests at a national level. The National Children’s Commissioner’s primary functions are to report and make recommendations, promote discussion and awareness, conduct research and educational programs and examine existing and proposed Commonwealth legislation in relation to the enjoyment and exercise of human rights of Australian Children.</p> <p>Relevant legislation: <i>Australian Human Rights Committee Act 1996</i> (Cth); <i>Australian Human Rights Commission Amendment (National Children’s Commissioner) Act 2012</i> (Cth)</p>
<p>eSafety Commissioner</p>	<p>The eSafety Commissioner was established in 2015 to promote the online safety of all Australians (Children and adults). It does so by conducting research into, and providing educative content on, online safety issues. It also operates a complaints service for Children who experience cyber-bullying, and a reporting service for any persons wanting to report image based abuse or offensive or illegal content that they find online.</p> <p>Parishes or Agencies are unlikely to have contact with the eSafety Commissioner, but should encourage all Children within the Parish to report cyber-bullying, and all individuals within the Parish to report imaged based abuse, or illegal or offensive content that they see online.</p>

**National Office
for Child
Safety**

Parishes and Agencies have no direct connection with the National Office for Child Safety.

The National Office for Child Safety was established on 1 July 2018 within the Department of Social Services. On 24 January 2019, the National Office was moved to the Department of the Prime Minister and Cabinet.

The National Office leads the development and implementation of a number of national initiatives recommended by the Royal Commission into Institutional Response to Sexual Abuse, including the National Principles for Child Safe Organisations, the Commonwealth Child Safe Framework and the National Strategy to Prevent Child Sexual Abuse.

The establishment of the National Office does not change the statutory responsibilities of state and territory governments with regard to Child protection and law enforcement.

**National
Redress
Scheme**

Parishes and Agencies have no direct connection with the National Redress Scheme.

The National Redress Scheme was established by the Commonwealth Government in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Redress Scheme commenced on 1 July 2018 and will operate until 30 June 2027.

The National Redress Scheme, administered by the Commonwealth Department of Social Services, facilitates access to redress and provides support to people who were sexually abused as Children while in the care of an institution.

Relevant legislation: *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth)

Relationships between government agencies

The different pieces of legislation regulating the activities of these agencies sets up a complementary and connected framework for dealing with Child safeguarding issues.

For example:

1. If a Child has been sexually abused, a person with information about that Child Abuse Offence is required to report it to the NSW Police.
2. If the abuse occurred in a place of employment, the Suspected Person's employer must notify the NSW Office of the Children's Guardian.
3. If the Child is considered to be at Risk of Significant Harm, a report should also be made to the Department of Communities and Justice.
4. Once the police investigation is complete, the matter will form part of the alleged perpetrator's criminal record.

5. If the alleged perpetrator applies for a Volunteer or paid position working with Children, they will need to apply for a WWCC. As part of the WWCC process, the NSW Office of the Children's Guardian will review the alleged perpetrator's criminal record, and they will likely be barred from obtaining the WWCC, and accordingly, unable to work with Children.