

## LEGAL & REGULATORY REQUIREMENTS REGARDING CHILD PROTECTION

There are legal and regulatory requirements that the College must meet for child protection in Tasmania. ELC have an extensive Student Welfare Program which fulfills these requirements. The Policies and Procedures regarding student welfare are available on the College website [www.elc.tas.edu.au](http://www.elc.tas.edu.au)

### RELEVANT LEGISLATION

#### *Children, Young Persons and Their Families Act 1997 (Tas)*

The Children, Young Persons and Their Families Act has a number of functions, including to provide for the care and protection of children in a manner that maximises the child's best interests.

For the purposes of our Child Safe Program, the Children, Young Persons and Their Families Act is important for four reasons:

- it provides the **statutory definition** of "abuse or neglect";
- it imposes **a responsibility on** all adults to take steps to prevent child abuse or neglect;
- it creates an offence to **fail to protect** a child from harm; and
- it establishes obligations with respect to **Mandatory Reporting**.

#### *Registration to Work with Vulnerable People Act 2013 (Tas) and Registration to Work with Vulnerable People Regulations 2014 (Tas)*

The Registration to Work with Vulnerable People Act and Regulations aim to protect children from harm by providing a high standard of compulsory background checking for people wishing to do paid, unpaid, or volunteer child-related work in Tasmania.

People who are assessed as posing an unjustifiable risk to the safety of children will fail to gain Working with Vulnerable People Registration and the Act prohibits these people from working with children.

The Act imposes penalties on employers and individuals that do not comply with the Act.

#### *Teachers Registration Act 2000 (Tas)*

The Teachers Registration Act establishes the Teachers Registration Board of Tasmania (the Board). The Board is the body responsible for the registration of teachers in Tasmania.

Under the Act, the College must notify the Board once the College has taken disciplinary action against a registered teacher (including dismissal), or the teacher has resigned or retired, as a result of unacceptable behaviour (defined in the Act). The Board has powers to investigate and take further action.

#### *Family Violence Act 2004 (Tas)*

The Family Violence Act defines family violence in Tasmania and sets out various offences relating to family violence. Critically, the Act also defines an "affected child" as a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence. Mandatory reporting obligations in Tasmania include the requirement to make a report about a child that may be subject to family violence under this Act.

#### *Family Law Act 1975 (Cth)*

The Family Law Act further defines child abuse to include exposure to family violence. Examples of situations that may constitute a child being exposed to family violence include the child:

- overhearing threats of death or personal injury by a member of the child's family towards another member of the child's family; or
- seeing or hearing an assault of a member of the child's family by another member of the child's family.

### ***Criminal Code Act 1924 (Tas)***

The Criminal Code in Tasmania sets out a number of child protection related offences, including those related to indecent acts and sexual abuse of a child. Of key relevance to the Tasmanian child protection framework are the offences of:

- 'Procuring unlawful sexual intercourse with person under 17 years' (section 125C); and
- 'Communications with intent to procure person under 17 years' (section 125D).

### ***Education Act 2016 (Tas) and Education Regulations 2017 (Tas)***

The Education Act and Education Regulations, as well as having other functions, set out the Standards for registration of a school, including:

- Standard 6: Student welfare; and
- Standard 8: Staff.

Standard 6 requires the College to have various policies in place related to student welfare including on child protection. Under Standard 8 the College must comply with the Registration to Work with Vulnerable People Act. The policies and procedures included in this Program comply with the Standards.

### ***Criminal Code Act 1995 (Cth)***

The Criminal Code is the Commonwealth legislation which establishes offences against laws of the Commonwealth. The Criminal Code includes various telecommunications offences. Division 474 - Telecommunication offences prohibits conduct involving carriage services which include grooming and conduct preparatory to sexual offences, including:

- Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16 (section 474.25C); and
- Using a carriage service to "groom" persons under 16 years of age (section 474.27).

Related Policies and Statements

#### **Additional Child Protection Reporting Requirements**

**Child Safe Compliance Policy**

**Child Safe Organization Policy**

**Conduct Reportable to the Tasmanian Teachers Registration Board**

**Mandatory Reporting Policy**

**Maintaining Professional Boundaries Policy**

**Staff Code of Conduct**

**Student Code of Conduct**

**Parent Code of Conduct**