

State and Territory Legislative and Policy requirements for Reporting Harm

	Sexual harm			Other harm		
	Staff	Non-staff		Staff	Non-staff	
		volunteers	contractor		volunteer	contractor
ACT	✓	✓	X	✓	✓	X
	✓	✓	✓	✓	✓	✓
NSW	✓	X	X	✓	X	X
	✓	✓	X	✓	✓	X
NT	✓	✓	✓	✓	✓	✓
	✓	✓	✓	✓	✓	✓
QLD	✓	X	X	X	X	X
	✓	✓	✓	✓	✓	✓
SA	✓	✓	X	✓	✓	X
	✓	✓	X	✓	✓	X
VIC	✓	X	X	✓	X	X
	✓	X	X	✓	X	X
WA	✓	X	X	X	X	X
	✓	✓	X	✓	✓	X
TAS	✓	✓	✓	✓	✓	✓
	✓	✓	✓	✓	✓	✓

Legislation
Policy

AUSTRALIAN CAPITAL TERRITORY

	Type of Harm	Who is mandated to report?	Relevant Legislation / Relevant Policy	Who are reports made to?
L E G I S L A T I O N	<p>Sexual and non-accidental physical harm that has or is occurring.</p> <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>	<p>Staff and non-staff</p> <p>A mandatory reporter is a person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; 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 police officer; a person employed to counsel children or young people at a school; 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 as an unpaid volunteer.</p>	Section 356 of the <i>Children and Young People Act 2008</i>	Chief Executive (Office for Children, Youth, Family Support)
P O L I C Y	<p>Sexual and non-sexual</p> <p>Sexual abuse</p> <p>Non-accidental physical injury</p> <p>Emotional abuse</p> <p>neglect</p>	<p>Staff and non-staff</p> <p>Mandatory reporters (as defined above) and</p> <p>Required reporters: anyone who is employed or contracted by the Department and is not a mandated reporter, and</p> <p>Visitors: visitors in schools include people from wider community, including the international community, who provide services directly to students or in support of students, through an employing or sponsoring organisation or as volunteers</p>	<p>Child Protection and Reporting child Abuse and Neglect in ACT Public Schools.</p> <p>Department staff and visitors who consider the risk of harm for a child or young person to require immediate police attention should ring emergency services (000). Mandated and required reporters must report any belief on reasonable grounds that the child or young person has experienced or is experiencing sexual abuse and/or non-accidental physical injury.</p>	Office for Children, Youth, Family Support
Section 356 of the <i>Children and Young People Act 2008</i>				
Section 356 Offence – mandatory reporting of abuse				

- (1) a person commits an offence if –
- a) the person is a mandated reporter; and
 - b) the person is an adult; and
 - c) the person believes on reasonable grounds that a child or young person has experienced, or is experiencing
 - (i) sexual abuse; or
 - (ii) non-accidental physical injury; and
 - d) the person's reason for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid); and
 - e) the person does not, as soon as practicable after forming the belief, report (*a mandatory report*) to the chief executive –
 - (i) the child or young person's name or description; and
 - (ii) the reasons for the person's belief.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

NEW SOUTH WALES

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual and non-sexual harm Physical abuse Sexual abuse Emotional/ Psychological abuse Neglect Exposure to family violence Risk of significant harm caused by a range of concerns: • sexual abuse • psychological harm • relinquishing care • parent/carer substance abuse • parent/carer mental health • parent/carer domestic violence • neglect, in relation to: -- supervision -- physical shelter/environment -- food -- medical care -- mental health care -- education • an unborn child.	Staff 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	Sections 23 and 27 of the <i>Children and Young Persons (Care And Protection) Act 1998</i> .	Department of Community Services
P	Sexual and non-sexual harm	Staff and non-staff (volunteers)	Protecting and Supporting Child and Young People Policy & Allegations against Employees in the Area of Child	Department of Community Services

O L I C Y	All harm types and risk of significant harm.	All departmental employees, including those in state offices, schools, TAFE NSW, Adult Migrant English Service, Adult and community Education, volunteer workers in DET and State Training Services. All staff have an obligation to advise the principal or workplace manager of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work. The policy also states that the principal has an obligation to ensure that all staff are aware of their mandatory obligation to report suspected risk of significant harm.	Protection Staff use the Keep Them Safe mandatory reporting tools as a framework for reporting harm and risk of harm.	Staff report any risk of significant harm concerns to the principal or workplace manager, and the principal or workplace manager reports those concerns to Community Services, or staff report directly to Community Services if they believe the principal or workplace manager has not reported risk of significant harm concerns to Community Services, and they still have concerns about risk of significant harm
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Sections 23 and 27 of the *Children and Young Persons (Care And Protection) Act 1998*

Section 23 Child or young person at risk of significant harm

(1) For the purposes of this Part and Part 3, a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (b1) in the case of a child or young person who is required to attend school in accordance with the *Education Act 1990* -the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

Section 27 Mandatory reporting

(1) This section applies to:

- (a) 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
- (b) 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.

(2) If:

- (a) a person to whom this section applies has reasonable grounds to suspect that a child is at risk of significant harm, and
- (b) those grounds arise during the course of or from the person's work,

it is the duty of the person to report, as soon as practicable, to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

NORTHERN TERRITORY

	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
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	Type of harm reported			
L E G I S L A T I O N	Sexual and non- sexual harm. Physical, psychological or emotional abuse or neglect of the child; Sexual abuse or other exploitation of the child; Exposure of the child to physical violence.	Staff and non-staff (volunteers) Any person with reasonable grounds is a mandatory reporter.	Sections 15 and 26 of the <i>Care and Protection of Children Act 2007</i>	CEO or a police officer (Department of Health and Families)
P O L I C Y	Sexual and non- sexual harm. Physical, psychological or emotional abuse or neglect, sexual abuse or exploitation of the child.	Staff and non-staff (volunteers) Requires all school and state based education staff to report all types of harm, risk of and occurring harm. Staff and non-staff (volunteers) make reports directly to a centralised joint Child Protection and Police intake line. Staff and non-staff (volunteers) can consult with the school counsellor or student services to determine reporting applicability. Protocols are currently being written into the policy to give direction around best practice of informing principals of referrals of harm.	Policy is currently in development and is yet to be approved. Not yet publicly available. (information source: Melinda Hazel, Professional supervisor school counsellor service, Department of Health and Families)	Department of Health and Families and Police.
Sections 15 and 26 of the <i>Care and Protection of Children Act 2007</i>				
<u>Section 15 Harm to a child</u>				
(1) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on: (a) the physical, psychological or emotional wellbeing of the child; or (b) the physical, psychological or emotional development of the child (2) Without limiting subsection (1), harm can be caused by the following: (a) physical, psychological or emotional abuse or neglect of the child; (b) sexual abuse or other exploitation of the child; (c) exposure of the child to physical violence				
<u>Section 26 Reporting obligations</u>				
(1) A person is guilty of an offence if the person: (a) believes, on reasonable grounds, any of the following: (i) a child has suffered or is likely to suffer harm or exploitation; (ii) a child aged less than 14 years has been or is likely to be a victim of a sexual offence; (iii) a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code; and				

(b) does not, as soon as possible after forming that belief, report (orally or in writing) to the CEO or a police officer;
 (i) that belief; and
 (ii) any knowledge of the person forming the grounds for that belief; and
 (iii) any factual circumstances on which that knowledge is based.
 Maximum penalty: 200 penalty units.

QUEENSLAND

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual harm Sexual abuse of a student under 18 years by an employee. (employee is defined to mean a person engaged to carry out work at the school for financial reward)	Staff A staff member of a state or non state-school	Sections 365 and 366 of the <i>Education (General Provisions) Act 2006</i>	Principal or Principals supervisor; Principal or Director school's governing body
P O L I C Y	Sexual and non-sexual harm. physical abuse psychological or emotional abuse neglect sexual abuse or exploitation substance abuse or self-harm.	Staff and non-staff (volunteers & contractors) This policy applies to all Education Queensland employees including school staff members as well as district, regional and central office personnel. It also includes other employees of State schools, that is, non departmental employees working in a school context (such as Youth Support Coordinators, School-Based Youth Health Nurses and Chaplains), volunteers and regular or on-going visitors to the school. Relevant contexts include escorting students on camps, excursions , educational programs external to a school including a TAFE college and tours within or outside Australia. Employee of a state school means any person engaged to carry out work at the school for financial reward (includes paid employees of P&C, contractors on school premises, etc)	Student Protection Policy Principals discuss employees' suspicions with them and decide if they reasonably suspect the student has been harmed or is at risk of harm, or an unborn child may be at risk of harm. To reasonably suspect means the principal suspects on grounds that are reasonable in the circumstances. If the principal decides that he/she reasonably suspects the student has been harmed or is at risk of harm, or an unborn child may be at risk of harm, the employee is required to complete SP4: Report of Suspected Harm or Risk of Harm, have it counter-signed by the principal, and forward it to the Department of Communities (Child Safety Services) and Queensland Police Service as a matter of urgency. Every employee, student, parent or member of the public has the right to make a voluntary report directly to the Department of Communities (Child Safety Services) or Queensland Police Service, if they suspect that a child or young person is being harmed or is at risk of harm; or an unborn child may be at risk of harm after being born.	Department of Communities (Child Safety Services) or Queensland Police Service

Sections 365 and 366 of the *Education (General Provisions) Act 2006***365 Obligation to report sexual abuse of person under 18 years at State school**

(1) Subsection (2) applies if a staff member of a State school (the first person) becomes aware, or reasonably suspects, that any of the following have been sexually abused by another person who is an employee of the

school--

- (a) a student under 18 years attending the school;
 - (b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
 - (c) a person with a disability who--
 - (i) under section 420(2), is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory year at the school.
- (2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or the principal's supervisor--
- (a) immediately; and
 - (b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty--20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A State school's principal or a principal's supervisor must immediately give a copy of a report given to the principal or supervisor under subsection (2) to a person nominated by the chief executive for the purpose (the chief executive's nominee).

Maximum penalty--20 penalty units.

(5) The chief executive's nominee must immediately give a copy of a report given to the nominee under subsection (4) to a police officer.

Maximum penalty--20 penalty units.

(6) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4) or (5), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(7) Without limiting subsection (6)--

- (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
- (b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice--the person does not contravene the requirement by giving the information.

366 Obligation to report sexual abuse of person under 18 years at non-State school

(1) Subsection (2) applies if a staff member of a non-State school (the first person) becomes aware, or reasonably suspects, that any of the following have been sexually abused by another person who is an employee of the school--

- (a) a student under 18 years attending the school;
- (b) a pre-preparatory age child registered in a pre-preparatory learning program at the school;
- (c) a person with a disability who--
 - (i) under section 420(2), is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory year at the school.

(2) The first person must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body--

- (a) immediately; and
- (b) if a regulation is in force under subsection (3), as provided under the regulation.

Maximum penalty--20 penalty units.

(3) A regulation may prescribe the particulars the report must include.

(4) A non-State school's principal or a director of a non-State school's governing body must immediately give a copy of a report given to the principal or director under subsection (2) to a police officer.

Maximum penalty--20 penalty units.

(5) A person who makes a report under subsection (2), or gives a copy of a report under subsection (4), is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else.

(6) Without limiting subsection (5)--

- (a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and
- (b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice--the person does not contravene the requirement by giving the information.

(7) In this section--

director, of a non-State school's governing body, means--

- (a) if the governing body is a company under the Corporations Act--a person appointed as a director of the governing body; or
- (b) otherwise--a person who is, or is a member of, the executive or management entity, by whatever name called, of the governing body.

SOUTH AUSTRALIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual and non-sexual harm Physical abuse Sexual abuse Emotional/psychological abuse Neglect	Staff and non staff Mandatory reports are; doctors; pharmacists; registered or enrolled nurses; dentists; psychologists; police officers; community corrections officers; social workers; teachers; family day care providers; employees/volunteers in a government department, agency or instrumentality, or a local government 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 religious or spiritual organisations	Section 11 of the <i>Children's Protection Act 1993</i>	Department for Families and Communities
P O L I C Y	Sexual and non-sexual All harm types, risk of and occurring harm.	Staff and non-staff (volunteers) Mandatory training "Responding to Abuse and Neglect Training" is provided to all staff and non-staff (volunteers). The training details obligations to report harm, early intervention pre-reporting options, support and resources. All staff and non-staff (volunteers) are required to attend the full day training which explains their obligations under the legislation to report all harm types, occurring harm and risk of harm.	Child Protection: responding to abuse and neglect. DECS staff and volunteers are required to notify the Department for Families & Communities, through the Child Abuse Report Line (131478) if they suspect on reasonable grounds that a child has been or is being abused or neglected. This responsibility is part of the broad duty of care that staff and volunteers have towards the safety and wellbeing of children and young people.	Department for Families & Communities
Section 11 of the <i>Children's Protection Act 1993</i>				
<p><u>Section 11—Notification of abuse or neglect</u></p> <p>(1) If—</p> <p>(a) a person to whom this section applies suspects on reasonable grounds that a child has been or is being abused or neglected; and</p> <p>(b) the suspicion is formed in the course of the person's work (whether paid or voluntary) or of carrying out official duties, the person must notify the Department of that suspicion as soon as practicable after he or she forms the suspicion.</p> <p>Maximum penalty: \$10 000.</p> <p>(2) This section applies to the following persons:</p> <p>(a) a medical practitioner;</p> <p>(ab) a pharmacist;</p> <p>(b) a registered or enrolled nurse;</p>				

- (c) a [dentist](#);
- (d) a [psychologist](#);
- (e) a police [officer](#);
- (f) a community corrections [officer](#) (an [officer](#) or employee of an administrative unit of the Public Service whose duties include the supervision of young or adult offenders in the community);
- (g) a social worker;
- (ga) a minister of religion;
- (gb) a person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes;
- (h) a teacher in an educational institution (including a kindergarten);
- (i) an approved [family](#) day care provider;
- (j) any other person who is an employee of, or volunteer in, a government or [non-government organisation](#) that provides health, welfare, education, sporting or recreational, [child](#) care or residential services wholly or partly for [children](#), being a person who—
- (i) is engaged in the actual delivery of those services to [children](#); or
- (ii) holds a management position in the relevant organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to [children](#).
- (3) A notification under this section must be accompanied by a statement of the observations, information and opinions on which the suspicion is based.
- (4) This section does not require a priest or other minister of religion to divulge information communicated in the course of a confession made in accordance with the rules and usages of the relevant religion.
- (5) A person does not necessarily exhaust his or her duty of care to a [child](#) by giving a notification under this section.
- (6) A person must not threaten or intimidate, or cause damage, loss or disadvantage to, a person to whom this section applies because the person has discharged, or proposes to discharge, his or her duty under subsection (1).
- Maximum penalty: \$10 000.

VICTORIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual harm and non-sexual physical harm Physical abuse Sexual abuse Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162 (c) or 162 (d) formed in the course of practising his or her office, position or employment	Staff The following professionals are prescribed as mandatory reporters under section 182 of the <i>Children Youth and Families Act 2005</i> : Mandatory notifiers are; registered medical practitioners, registered nurses, a person registered as a teacher under the Education Training and Reform Act 2006 or teachers granted permission to teach under that Act, principals of government or non-government schools, and members of the police force.	Sections 182(1) a-e, 184 and 162 c-d of the <i>Children, Youth and Families Act 2005</i>	Secretary (Department of Human Services, Children, Youth and Families)
P O L I C Y	All harm types which there has been formed a belief based on reasonable grounds. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or	In congruence with the legislation, the policy identifies the following professional groups as mandatory reporters. • primary and secondary school teachers and principals (including students in training to become teachers) • registered medical practitioners (including	Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools The protocol details current policy and practice to promote and support the safety and wellbeing of children	Child FIRST (Child and Family Information, Referral and Support Team) for Significant concerns

	<p>young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p>psychiatrists) <ul style="list-style-type: none"> • nurses (including school nurses) • police. <p>The policy makes the following mention of non mandated reporters Section 183 of the CYFA states that any person who believes on reasonable grounds that a child is in need of protection may report their concerns to Child Protection. This means that any person, including non-mandated licensed children's services or school staff, is able to make a report to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.</p> </p>	<p>and young people in Victorian schools and licensed children's services.</p> <p><i>Protecting the Safety and Wellbeing of Children and Young People</i> defines the respective roles and responsibilities of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, licensed children's services and Victorian schools in working together to protect children and young people from abuse and neglect.</p> <p>The protocol provides information for licensed children's services and Victorian schools to take appropriate action when it is believed that a child has suffered harm, or is likely to suffer harm, through abuse or neglect.</p>	
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Sections 162 c-d 182(1) a-e, 183 and 184 of the *Children, Youth and Families Act 2005*

Section 162 When is a [child](#) in need of protection?

- (1) For the purposes of this Act a [child](#) is in need of protection if any of the following grounds exist-
- (c) the [child](#) has suffered, or is likely to suffer, significant harm as a result of physical injury and the [child's](#) parents have not protected, or are unlikely to protect, the [child](#) from harm of that type;
- (d) the [child](#) has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the [child's](#) parents have not protected, or are unlikely to protect, the [child](#) from harm of that type;

Section 182 Who is a mandatory reporter?

- (1) The following [persons](#) are mandatory reporters for the purposes of this Act-
- (a) a registered medical practitioner;
- (b) a nurse registered under the [Health Professions Registration Act 2005](#);
- (c) a [person](#) who is registered as a teacher under the [Education and Training Reform Act 2006](#) or has been granted permission to teach under that Act;
- (d) the principal of a Government school or a non-Government school within the meaning of the [Education and Training Reform Act 2006](#);
- (e) a member of the police force;

Section 184 Mandatory reporting

- (1) A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(c) or 162(d) must report to the Secretary that belief and the reasonable grounds for it as soon as practicable—

(a) after forming the belief; and
 (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.
 Penalty: 10 penalty units.

Section 183 Report to protective intervener

Any [person](#) who believes on reasonable grounds that a [child](#) is in need of protection may report to a protective intervener that belief and the reasonable grounds for it.

WESTERN AUSTRALIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual harm Sexual abuse Belief on reasonable grounds that sexual abuse has occurred or is occurring.	Staff Mandatory reporters for sexual abuse are; Doctors; nurses and midwives; teachers and police officers. Mandatory reporting only applies when a teacher is working in their role as a teacher either in a paid or voluntary capacity. If a belief of sexual abuse is formed outside of working hours. When not working as a teacher, then there is no legal requirement to report. However, as a concerned citizen, a report can be made voluntarily.	Section 124B of the <i>Children and Community Services Act 2004</i>	CEO or a person approved by the CEO (Department for Child Protection)
P O L I C Y	Sexual and non-sexual harm. Physical, psychological, emotional abuse or neglect.	Staff and non-staff (volunteers) The policy applies to all departmental staff including those who; <ul style="list-style-type: none"> - work in public schools; - provide educational programs off school sites; or - work in support roles in district education offices or Central Office where they may have contact with children 	Child Protection Policy Teachers must report a belief formed on reasonable grounds of child sexual abuse that occurred on or after 1 January 2009 to the Mandatory Reporting Service (MRS) of DCP in accordance with the <i>Children and Community Services Act 2004</i> . Sexual abuse that occurred before 1 January 2009 is not a mandatory report but must be reported to the principal. Non-teaching staff must advise the principal (verbally or in writing) of concerns regarding possible sexual abuse. All staff must report concern relating to sexual, physical, psychological, emotional abuse or neglect that arise during school activity.	Principal and principal forwards concerns to Department for Child Protection.

Section 124 B of the *Children and Community Services Act 2004*

Section 124B Matters concerning sexual abuse of children to be reported by certain persons

(1) A person who —
 (a) is a doctor, nurse, midwife, police officer or teacher; and
 (b) believes on reasonable grounds that a child —
 (i) has been the subject of sexual abuse that occurred on or after commencement day; or
 (ii) is the subject of ongoing sexual abuse; and
 (c) forms the belief —
 (i) in the course of the person's work (whether paid or unpaid) as a doctor, nurse, midwife, police officer or teacher; and
 (ii) on or after commencement day, must report the belief as soon as practicable after forming the belief.
 Penalty: \$6 000.

(2) For the purposes of subsection (1) the report must be made to —
 (a) the CEO; or
 (b) a person approved by the CEO; or
 (c) a person who is a member of a class of persons approved by the CEO.

(3) In a prosecution for an offence under subsection (1) it is a defence for the person charged to prove that he or she honestly and reasonably believed that —
 (a) all of the reasonable grounds for his or her belief were the subject of a report made by another person; or
 (b) the CEO had caused, or was causing, inquiries to be made under section 31 about the child's wellbeing; or
 (c) the CEO had taken, or was taking, action under section 32 in respect of the child's wellbeing.

(4) A requirement that a person has under subsection (1) is in addition to, and does not affect, any other function that the person has in respect of the child in the course of the person's work as a doctor, nurse, midwife, police officer or teacher.

TASMANIA

	Type of harm reported	Who is mandated to report	Relevant Legislation / Relevant Policy	Who Reports are made to
L E G I S L A T I O N	Sexual and non-sexual harm Physical abuse Sexual abuse Emotional/psychological abuse Neglect Exposure to family violence A belief, suspicion, reasonable grounds or knowledge that: a child has been or is being abused or neglected or is an affected child or there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.	Staff and non-staff (volunteers) Registered medical practitioners; nurses; dentists, dental therapists or dental hygienists; registered psychologists; police officers; probation officers; principals and teachers in any educational institution; 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 Child Care Act 2001; 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 and 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	Sections 13 and 14 of the <i>Children, Young Persons and Their Families Act 1997</i> Section 38 Family Violence Act 2004	Secretary or a Community-Based Intake Service
	Sexual and non-sexual	Staff and non-staff (volunteers)	Mandatory Reporters of Child Abuse: Child	Child Protection Advice and Referral Service

P O L I C Y	There is no specific policy developed for reporting harm. There is a "child protection information sheet" which details the responsibilities of reporting harm of children.	Since 2000 it has been mandatory for all school staff to report known or suspected cases of child abuse to Child Protection. The purpose of mandatory reporting is to develop a community where reporting is expected from everyone and where discretion about reporting is not based on personal choices. If a school staff member believes, knows or suspects that a student is being abused or neglected, they must notify the Child Protection Advice and Referral Service (CPAARS)	Protection Information Sheet. Developed in consultation with the Department of Education, Department of Health and Human Services and other government and community services that work with children, young people and families (June 2005).	(CPAARS)
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Sections 13 and 14 of the *Children, Young Persons and Their Families Act 1997*

Section 13 Responsibility to prevent abuse or neglect or certain behaviour

(1) An adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

(1A) If, while a woman is pregnant, an adult knows, or believes or suspects on reasonable grounds, that the child of that pregnancy once born –

(a) is reasonably likely to suffer abuse or neglect; or

(b) is reasonably likely to require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child – that adult has a responsibility to take steps to prevent the occurrence of that abuse or neglect or that behaviour.

(2) One step the adult may take to prevent the occurrence of abuse or neglect of a child, or behaviour referred to in subsection (1A)(b), is to inform the Secretary or a Community-Based Intake Service of –

(a) his or her knowledge, belief or suspicion; and

(b) the basis of that knowledge, belief or suspicion.

Section 14 Informing of concern about abuse or neglect or certain behaviour

(1) In this section,

"prescribed person" means –

(a) a medical practitioner; and

(b) a registered nurse or enrolled nurse; and

(ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and

(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and

(d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and

(e) a police officer; and

(f)

(g) a probation officer appointed or employed under [section 5](#) of the [Corrections Act 1997](#); and

(h) a principal and a teacher in any educational institution (including a kindergarten); and

(i) a person who provides child care, or a child care service, for fee or reward; and

(j) a person concerned in the management of a child care service licensed under the [Child Care Act 2001](#); and

(k) any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in –

(i) a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children; and

(ii) an organisation that receives any funding from the Crown for the provision of such services; and

(l) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows –

(a) that a child has been or is being abused or neglected or is an affected child within the meaning of the [Family Violence Act 2004](#); or

(b) that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or

(c) while a woman is pregnant, that there is a reasonable likelihood that after the birth of the child –

(i) the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or

(ii) the child will require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child – the prescribed person must inform the Secretary or a Community-Based Intake Service of that belief, suspicion or knowledge as soon as practicable after he or she forms the belief or suspicion or gains the knowledge.

Penalty:

Fine not exceeding 20 penalty units.

(3) Whether a person informs the Secretary or a Community-Based Intake Service under subsection (2) verbally or in writing, the person must include in the information a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based.

(4) For the purposes of this section, the Secretary may issue or approve guidelines relating to the manner in which a person may inform the Secretary or a Community-Based Intake Service under subsection (2).

(5) Without limiting the matters and procedures that may be included in the guidelines, the guidelines may provide that a person may inform the Secretary or a Community-Based Intake Service under subsection (2) by following the procedure set out in the guidelines or by informing another person for or with whom the person works.

(6) It is a defence to a charge for an offence against subsection (2) –

(a) if the person charged can prove that he or she honestly and reasonably believed that the Secretary or a Community-Based Intake Service had been informed of all the reasonable grounds on which his or her belief, suspicion or knowledge was based by another person; or

(b) if the person charged has complied with guidelines issued under subsection (4) that apply to him or her in respect of the organisation, body or other person for whom or in which the person works.

Family Violence Act 2004

Section 38 Informing of concern about family violence

(1) In this section –

"prescribed person" means –

(a) a medical practitioner; and

(b) a registered nurse or enrolled nurse; and

(ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and

(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and

(d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and

(e) a police officer; and

(f) a correctional officer or probation officer appointed or employed under [section 5](#) of the [Corrections Act 1997](#); and

(g) a principal or a teacher in any educational institution (including a kindergarten); and

(h) a person who provides child care, or a child care service, for fee or reward; and

(i) a person concerned in the management of a child care service licensed under the [Child Care Act 2001](#); and

(j) any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

(2) If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows, that family violence involving the use of a weapon, sexual violence or physical violence, or where a child is affected, has occurred or is likely to occur, the prescribed person must inform a police officer as soon as practicable.

Penalty:

Fine not exceeding 20 penalty units.

(3) Whether a person informs a police officer under subsection (2) verbally or in writing, the person must include in the information his or her name and address and a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based.

(4) It is a defence in proceedings for an offence under subsection (2) if the person charged establishes that he or she honestly and reasonably believed that a police officer had been informed by another person of the relevant belief, suspicion or knowledge.

Attachment 2: Characteristics of students in out-of-home care

Table 1 provides data on significant characteristics of students in out-of-home care.

Table 1: Number and percentage of students in Years 1 – 12 in out-of-home care (a,b) identified as Aboriginal or Torres Strait Islander or who have a verified disability, enrolled in Queensland schools, or who access ESFP.

	State Schools	QCEC	ISQ	Total
Total number of students in out-of-home care enrolled in Queensland schools	3575	353	136	4064
Number of students in out-of-home care identified as Aboriginal and/or Torres Strait Islander	1287	146	32	1465
Percentage of students in out-of-home care identified as Aboriginal and/or Torres Strait Islander	36%	41.4%	23.5%	36%
Number of students in out-of-home care who have a verified disability	871	82	10	963
Percentage of students in out-of-home care who have a verified disability	24.3%	23.2%	7.4%	23.7%
Number of students in out-of-home care who accessed ESFP Funding	2454	305	104	2863
Percentage of students in out-of-home care who accessed ESFP Funding	68.6%	86.4%	76.5%	70.4%

Source: Department of Education and Training

- (a) Includes those students subject to child protection orders (“the court orders”) granting custody or guardianship to the Chief Executive of Communities. Does not include students subject to other protective orders, including Court Assessment Orders, interim orders or Child Protection Orders with no custody directive, or that grant custody to persons other than the Director-General.
- (b) QCEC refers to Queensland Catholic Education Commission and ISQ refers to Independent Schools Queensland.

Table 2 provides data for students in Years 1 - 12 in out-of-home care in Queensland schools, who as at the end of Term 2 had a completed ESP, an ESP under development or no ESP.

Table 2: Number and percentage of students in Years 1 – 12 in out-of-home care (a,b) enrolled in Queensland schools with an education support plan.

	State Schools	QCEC	ISQ	Total
Total number of students in out-of-home care enrolled in Queensland schools	3575	353	136	4064
Number of completed ESPs	3026	246	100	3372

Percentage of completed ESPs	84.6%	69.7%	73.5%	82.8%
Number of ESPs under development	333	77	31	441
Percentage of ESPs under development	9.3%	21.8%	22.8%	10.9%
Number of ESPs not commenced	216	30	7	253
Percentage of ESPs not commenced	6%	8.5%	5.1%	6.2%

Source: Department of Education and Training

- (a) Includes those students subject to child protection orders (“the court orders”) granting custody or guardianship to the Chief Executive of Communities. Does not include students subject to other protective orders, including Court Assessment Orders, interim orders or Child Protection Orders with no custody directive, or that grant custody to persons other than the Director-General.
- (b) QCEC refers to Queensland Catholic Education Commission and ISQ refers to Independent Schools Queensland.

	Organisation	Program title	Audience	Resources	Key themes/messages/concepts
Queensland programs	Bravehearts	<i>Ditto's Keep Safe Adventure</i> http://www.bravehearts.org.au/education.ews	P – Year 3	<ul style="list-style-type: none"> •30 minute Ditto character live performance in schools •Lesson modules (under development) •CD-ROM and instructional booklet • Workshops delivered to parent groups and other community organisations on request 	<ul style="list-style-type: none"> •Yes and no feelings •Warning signs •Private parts •Good and bad secrets •Who to talk to.
	Cherbourg State School	<i>Cherbourg Jarjums Safe and Strong</i> (Developed by school 2008-9. Implementation commenced 2010)	P – Year 3 Years 3 – 5 Years 5 – 7	<ul style="list-style-type: none"> •Units with lesson plans covering each theme •Posters •Resources •Worksheets to support lesson delivery. 	<ul style="list-style-type: none"> •My Body (includes public and private parts) •Safety in Cherbourg •Networks and persistence •Dealing with feelings.
	Children's Safety Australia	<i>Safe Start</i> (Published 2009. Endorsed by QPS 2010) http://www.childsafety.org.au/	P – Year 3 Years 3 – 5 Years 6 – 7	<ul style="list-style-type: none"> •Teacher information •Lesson plans •Worksheets •Posters, stickers and magnetised postcards (Children's safety kits). 	<ul style="list-style-type: none"> •I am special, so are you •Safety is my right •My body belongs to me •I can get help.
	Daniel Morcombe Foundation and Queensland Police Service	<i>Being Safety Smart</i> (Launched 2008) http://www.beingsafetysmart.com.au/BSS/	Years 1 – 3	<ul style="list-style-type: none"> •Online interactive game teaching abuse prevention concepts and strategies. 	<ul style="list-style-type: none"> •Ask parent/carer first •Stick with your buddy •Watch where you are going •Trusted adults •Finding help if you're lost •Knowing and using your codeword •Being safe when out and about •It's ok to shout and tell.

	Organisation	Program title	Audience	Resources	Key themes/messages/concepts
	Family Planning Queensland	<i>I Can — Promoting Self Protection posters</i> (Published 2005) http://www.fpg.com.au/publications/teachingAids/i-can-posters.php	Ages 2–5 years	<ul style="list-style-type: none"> • Six posters • Teacher support material • Learning activities • Resources. 	<ul style="list-style-type: none"> • Poster 1: Feelings • Poster 2: Bodies • Poster 3: Touches • Poster 4: Warning signs • Poster 5: Getting help • Poster 6: Feeling safe.
	Youth Violence Taskforce (QLD – Education Queensland and Queensland Police Service)	<i>It's okay to walk away, say no to violence</i> (Under development)	Years 8 – 9	<ul style="list-style-type: none"> • Package in DRAFT ONLY • Two lessons based on a DVD presentation • Lessons to be delivered with Queensland Police Service officers working with teachers • Worksheets and other resources to support lesson delivery • Brochure outlining key messages. 	<ul style="list-style-type: none"> • Violence and its consequences • Underlying conditions that can lead to violence • Situational awareness (seeing and hearing, understanding, thinking and planning) • Communication skills • Environment scenarios.
New South Wales	New South Wales Department of Education and Training	<i>Child Protection Education: Curriculum materials to support teaching and learning in personal development, health and physical education</i> (Published 1997) http://www.curriculumsupport.education.nsw.gov.au/primary/pdhpe/safe/cpe.htm	Years 1 – 2 Years 3 – 4 Years 5 – 6 Years 7 – 8 Years 9 – 10	<ul style="list-style-type: none"> • Teacher support materials • Teaching and learning activities • Resource lists. 	<ul style="list-style-type: none"> • Recognising abuse • Power in relationships • Protective strategies.

	Organisation	Program title	Audience	Resources	Key themes/messages/ concepts
South Australia	South Australian Department of Education and Children's Services	<p><i>Keeping Safe</i> (Published 2008) http://www.decs.sa.gov.au/curric/files/pages/keepingsafe3_5.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe10_12.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafer_2.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe6_9.pdf http://www.decs.sa.gov.au/curric/files/pages/keepingsafe10_12.pdf</p>	<p>Early Years R – Year 2 Years 3 – 5 Years 6 – 9 Years 10 – 12</p>	<ul style="list-style-type: none"> •Curriculum materials •Available online and in hard copy •Support materials for teachers working with students from CALD backgrounds. 	<ul style="list-style-type: none"> •The right to be safe •Relationships •Recognising and reporting abuse •Protective strategies.
Western Australia	Kimberley Aboriginal Medical Services Council Inc.	<p><i>Protective Behaviours Community Way</i> http://www.healthinonet.ecu.edu.au/key-resources/promotion-resources?lid=14641</p>	Not identified	<ul style="list-style-type: none"> •Six lessons •Posters •Worksheets. 	<ul style="list-style-type: none"> •Theme 1: We all have the right to feel safe all of the time (eg early warning signs, safety, the safety cycle, problem solving) •Theme 2: Nothing is so awful that we can't talk with somebody (safety networks).
	Western Australia	<p><i>Protective Behaviours</i> Access is via WA DET intranet (password protected).</p>	<p>K – Prep Years 1 – 3 Years 4 – 7 Years 8 – 10</p>	<ul style="list-style-type: none"> •Curriculum materials •Teacher support materials •Lesson plans and resources. 	<ul style="list-style-type: none"> •Theme 1: We all have the right to feel safe at all time (Warning signs and safety) •Theme 2: We can talk with someone about anything no matter what it is (safety networks).

	Organisation	Program title	Audience	Resources	Key themes/messages/concepts
National programs	Protective Behaviours Inc	<i>The right to feel safe</i> (Published 1995)	Teachers	<ul style="list-style-type: none"> • Train-the-trainer manual. 	<ul style="list-style-type: none"> • Theme 1: We all have the right to feel safe at all times • Theme 2: Nothing is so awful that we can't talk to someone about it.

Introduction

The Department of Education, Training and Employment is committed to providing Queensland children with the best possible start in life.

The Department's role in early childhood education and care is as:

- (a) a Regulatory Authority under the *Child Care Act 2002 (Qld)* (the Act) and the *Education and Care Services National Law Act 2010* (the National Law); and
- (b) a funder and manager of universal education and care programs and services designed to support development of young children, focusing on early intervention.

Early Childhood Education and Care – an overview

The Office for Early Childhood Education and Care (OECEC) was established within the Department on 1 January 2009. It is responsible for the strategic management and implementation of early years reforms and funds a number of early childhood education and care programs. It is also responsible for the regulation of early childhood education and care services in Queensland. Queensland Government regulates the early childhood education and care sector in both the profit and not-for-profit sectors.

Approximately 2,550 education and care services in Queensland are regulated under a National Quality Framework which was implemented by the *Education and Care Services National Law (Queensland) Act 2011* (National Law). Service types that are in-scope of the National Law include approximately:

- 443 kindergarten services
- 1,362 long day care services
- 93 family day care schemes
- 22 pre-Prep services on state school sites
- 652 outside school hours care services.

The Department administers and regulates the *Child Care Act 2002 (Qld)* (the Act) and the *Education and Care Services National Law Act 2010* (the National Law). The National Law commenced in Queensland on 1 January 2012, by virtue of the *Education and Care Services National Law (Queensland) Act 2011*.

Regulatory activities in Queensland are conducted by the Department of Education and Training and Employment (DETE) through the Office for Early Childhood Education and Care, along with the 13 regional offices across Queensland. Authorised officers within the regions engage directly with ECEC services, while the Office for Early Childhood Education and Care provides training, advice, guidance and support to Authorised officers and the sector. Officers within the regions and the Office have delegated decision making powers under the Act and the National Law including for example, service and provider approvals, waivers, compliance enforcement and assessment and rating of services.

Authorised Officers have direct contact with over 2600 early childhood education and care services as part of their role in licensing, approving, assessing and regulating services.

The primary role of the Regulatory Authority (and its Authorised Officers) is to monitor and enforce compliance with the Act and the National Law. The safety, health and wellbeing of children attending education and care services is paramount.

While personnel within the Regulatory Authority may receive and investigate reports and complaints pertaining to the safety, health and wellbeing of children that arise under the Act and the National Law, any matters that may relate specifically to child protection are immediately referred to responsible agencies with a statutory child protection role (such as the Queensland Police Service's Child Protection Investigation Unit - CPIU).

Training is provided to Authorised Officers to support them in administering the relevant legislation and implementing new procedures and process guidelines. Many Authorised Officers have undertaken good decision-making training with the Queensland Ombudsman, and will undertake administrative investigations training with the Queensland Ombudsman in late 2012.

As the Regulatory Authority, the Department has a number of procedures related to the provision of safe and suitable care of children while in early childhood education and care services. The procedures provide guidance to Authorised Officers on matters such as advising the appropriate statutory authority of matters which involve harm or suspected harm to children.

Responsibilities of approved service providers

Neither the *Child Protection Act 1999 (Qld)*, the *Child Care Act 2002*, nor the National Law require carers, educators or Authorised Officers to mandatorily report child protection concerns to the Department of Communities.

However, early childhood education and care services are required to advise DETE of any harm or serious incident involving a child while they are being provided with education and care.

Under section 81 of the *Child Care Act 2002*, a licensee is required to report 'harm to a child' (while the child was receiving care in a child care service) to the Regulatory Authority, if:

- (a) a child has died or suffered a serious injury, or the licensee becomes aware, or reasonably suspects, that harm has been caused to a child; and
- (b) the death or serious injury happened, or the harm was caused or is suspected to have been caused, while a carer in the service was—
 - (i) providing care to the child (whether or not the care provided to the child was child care); and
 - (ii) providing child care in the course of the service.

In 2011(from 1 January to 31 December), DETE received 207 reports of harm.

There is no specific requirement under the National Law for an approved provider to report harm as defined under the *Child Care Act 2002*. Under the National Law, approved providers are required to advise the regulatory authority of serious incidents and incidents other than serious incidents (section 174) occurring in the course of being provided with education and care. Serious incidents

are described in the Education and Care Services National Regulations (National Regulations) and include the following:

- the death of a child;
- injury or trauma to, or illness (where attention of a medical practitioner was sought or ought reasonably to have been sought);
- attendance of emergency services was sought, or ought reasonable to have been sought;
- a child was missing or not able to be accounted for;
- a child was taken or removed from the service in a manner that contravenes the Education and Care Services National Regulations; and
- a child was mistakenly locked in or out of part of the premise.

Incidents other than serious incidents (section 174) include: Complaints alleging the safety, health or wellbeing of a child was or is being compromised; and complaints alleging that the National Law has been breached.

Reports and complaints are investigated and compliance action is taken where necessary. Where there is a potential child protection issue, the matter is referred to a statutory child protection authority.

Regulation 84 of the National Regulations requires the Approved Provider of an education and care service to ensure that the nominated supervisor and other staff members at the service who work with children are advised of the existence and application of the current child protection law; and obligations, if any, that they may have under that law. A failure to comply with this requirement may result in the Regulatory Authority issuing a Compliance Direction to the Approved Provider.

In Queensland, the *Commission for Children and Young People and Child Guardian Act 2000* (Commission's Act) requires persons working in child regulated employment to have a positive prescribed notice (blue card) or a positive exemption notice.

As a regulated business under the Commission's Act, each child care service must develop and implement a written risk management strategy to promote the wellbeing of children at the service and to protect them from harm. (*Commission for Children and Young People and Child Guardian Act 2000*, section 172, refers).

Comparison with Interstate and International Models

The National Quality Framework, embodied in the National Law, provides a comprehensive and consistent national approach with respect to regulation of early childhood education and care services. It also introduces the National Quality Standard (NQS), which is intended to promote continuous quality improvement in education and care. The NQS comprises seven quality areas which education and care services are assessed and rated against to determine an overall service rating.

All States and Territories contributed to the development of the National Quality Framework under the National Partnership Agreement on the National Quality Agenda and there has been considerable international interest in the model.

With respect to early intervention and prevention through integrated service delivery, the Queensland Government is at the forefront of innovation. An external evaluation of the Early Years Centre (EYC) initiative is in the final stages of completion. The evaluation indicates that the EYC model demonstrates innovation in service delivery by incorporating the key elements to enhance effective integration: a balance of universal and targeted services, multidisciplinary and integrated delivery, and a mix of centre, satellite, home visiting and outreach services.

Strategies to support children in out of home care

The Queensland Government is committed to *Investing in the Early Years – a National Early Childhood Development Strategy*. One of the reform priorities of the strategy is to improve the service response and outcomes for vulnerable children and their families, building on the *National Framework for Protecting Australia’s Children*. Particular attention is given to children with a disability, children at risk of homelessness, some Indigenous children, some children from culturally and linguistically diverse backgrounds, children in jobless families and children in or at risk of entering the child protection system.

In line with the National Early Childhood Development Strategy and National Partnership on Early Childhood Education, the Department is committed to providing universal access to kindergarten programs for all Queensland children in the year prior to Prep. This includes children with diverse needs (e.g., Aboriginal and Torres Strait Islander children, children with a disability and culturally and linguistically diverse background and children in out-of-home care).

Health Care Card holders, including all children in out-of-home care, can access kindergarten programs at low or no cost. Programs are offered through long day care and kindergarten services, which gives parents and carers more choice. The intent of this program is to provide additional financial support to vulnerable children and families to ensure they are not excluded from access.

Activities specifically designed to support children in out-of-home care to participate in kindergarten programs include:

- making foster families aware of the availability and low cost of kindergarten programs for children in their care;
- incorporating information on kindergarten program participation into the Child Safety Practice Manual for officers and the Foster and Kinship Carer Handbook for carers;
- from January 2013, collecting annual data on kindergarten-aged children in out-of-home care participating in kindergarten programs; and
- disseminating information to teachers about the experiences and needs of children in out-of-home care to facilitate their inclusion in kindergarten programs.

International Trends

National and international research suggests that integrated early years services deliver long-lasting benefits for children, families and communities. This approach has been adopted for some time in the United Kingdom with promising outcomes. In line with growing evidence, the Indigenous Early Childhood Development National Partnership Agreement and *Investing in the Early Years: A National Early Childhood Development Strategy* champion delivery of integrated services in the early years.

Indigenous Representation

Participation rates for Aboriginal and Torres Strait Islander (ATSI) children in early childhood education (i.e. kindergarten) programs in Queensland have steadily increased from a baseline of 29% in 2008 to 56% in 2011. The kindergarten participation targets for ATSI children are 78% in 2012 and 95% in 2013.

Many ATSI children remain at risk of missing out on early childhood services, despite having the most to gain from them. Under the Indigenous Early Childhood Development National Partnership Agreement, the Department is overseeing establishment of ten Children and Family Centres (CFCs) in Aboriginal and Torres Strait Islander across the state to deliver integrated early childhood education and care, maternal and child health, and family support services. While all families are welcome to attend the CFCs, the services are designed to be culturally responsive and targeted to Aboriginal and Torres Strait Islander families with children from birth to eight years of age.

Interagency Cooperation

When the Department, as a Regulatory Authority, receives information that may relate to a child protection issue, the Queensland Police Service's CPIU nearest the regional office is notified. The Department of Communities, Workplace Health and Safety Queensland and Commission for Children and Young People and Child Guardian (CCYPCG) may also be notified of the issue (depending on the circumstances).

With respect to its integrated service delivery, the Department has a Memorandum of Understanding with Queensland Health to provide maternal and child health services at its EYCs.

EYCs and CFCs use a multidisciplinary approach to service provision where child health nurses, early childhood educators and family support workers work collaboratively to deliver universal services at the centres and in the community. This approach helps to identify families with issues requiring more specialised support.

EYC and CFC clients requiring more support may be referred to other agencies or helped through integrated case management, where staff across disciplines may work collaboratively with the family.

EYCs and CFCs have developed formal and informal partnerships with a range of local organisations to either deliver services collaboratively or make and receive referrals. In particular the EYCs have developed strong reciprocal relationships with local Aboriginal and Torres Strait Islander organisations.

Local Advisory Committees (LACs), which include representatives from relevant Queensland and Australian Government agencies, have been supporting the establishment of CFCs in each community. The LACs initially advised the Department on matters such as service delivery needs and community consultation, but are now advising lead agency service providers on specific service delivery and implementation matters.

Early Intervention and Prevention Strategies

The Department funds a number of universal early childhood development programs that assist families to support the development of their young children and improve children's ability to participate in and benefit from early childhood education opportunities. These programs contribute

to ensuring children receive the services and support they need to thrive in a home and educational setting.

Integrated early years services funded by the Department include the following.

EYCs and CFCs

The Department funds four EYCs, with associated satellite services (13 communities in total). EYCs are located in communities with high population growth and higher than average numbers of vulnerable families. They provide a range of universal services (such as supported playgroups and health clinics) for families expecting a child and those with children aged up to eight years. They also deliver programs to support access to kindergarten for vulnerable children and families, including pre-kindy early education programs, mobile playgroups and supporting volunteers within culturally and linguistically diverse communities to talk to families about the benefits of kindergarten.

In addition, the Department oversees delivery of ten CFCs in areas with high Aboriginal and/or Torres Strait Islander populations under the Indigenous Early Childhood Development National Partnership Agreement. CFCs are designed to deliver integrated early childhood education and care, maternal and child health, and family support services. The services are designed to be culturally responsive and targeted to Aboriginal and Torres Strait Islander families with children from birth to eight years of age, however all families are welcome to attend the CFCs,

EYCs and CFCs engage with their local communities to attract vulnerable families who may not otherwise access services. Strategies may include mobile and home visiting services as well as the use of brokerage funds. They also provide services to help parents and carers develop the skills they need to support their children's learning and development. Examples include parenting support, cooking and nutrition programs, and drop-in programs that enable parents and carers to develop confidence and build relationships with others in their community.

Multidisciplinary staff in EYCs and CFCs support universal services and observe when families may be experiencing other issues they need help with. Referral and or targeted support is offered with informed consent.

Child and Family Support Hubs

Child and Family Support Hubs (Hub) are multi-functional and highly flexible services focussing on activities for families with young children as a universal entry point, with wrap-around family support services. There are 25 funded Child and Family Support Hubs located across Queensland.

The Hubs deliver a range of integrated child and family support services and may include combinations of parenting education, links to or delivery of early childhood education and care services, family support, child health services, resource libraries, information and referral services and pre-post natal health care.

The type and mix of programs available within the Hubs are intended to meet the needs of young children and their families within their local communities. The focus is to promote the safety and well being of children through the use of prevention and early intervention strategies, to develop networks for families, and to provide family support and parenting education to support parents to achieve the best outcomes for their children.

Child and Family Support (CAFS) Services

DETE funds six CAFS services under its RAATSICC program. These provide family support activities aimed at improving the well-being and resilience of children and families, and may be co-located with a child care centre or Child and Family Hub. CAFS workers do not provide support to families if there is a Child Protection Notification currently being investigated or if a Child Protection Order is in place.

Parenting Support

Parenting and family support are integrated into the suite of services and programs delivered by universal early childhood development programs.

Specifically, the Targeted Parenting Program works alongside four Child and Family Support Hubs to deliver parenting programs with a particular emphasis on supporting Aboriginal and Torres Strait Islander families to promote the development and wellbeing of their children. The Targeted Parenting Program is delivered in Mackay, Pormpuraaw, Aurukun and Mount Morgan.

The non-state education sector, an overview

The non-state sector of education operates to provide primary and secondary education in Queensland. There are 478 operating schools (providing education services to slightly more than 248,000 students). There are 146 governing bodies operating to govern these schools. Governing bodies must be corporations. The number of directors who constitute governing bodies is variable, ranging from one to 17 directors. It is estimated that there are approximately 1,100 directors at the present time.

The number of non-State schools in Queensland and the number of enrolments in those schools are continuing to rise steadily; representing over the last decade an increase of 8.88 per cent in the number of schools and 32.46 per cent in the number of students.

Non-state schools are established and operate in Queensland under the *Education (Accreditation of Non-State Schools) Act 2001* (the "Accreditation Act") and the attendant *Education (Accreditation of Non-State Schools) Regulation 2001* (the "Accreditation Regulation").

The Accreditation Act establishes and provides for the operation of the Non-State Schools Accreditation Board (the "board"). The board is an independent statutory body that provisionally accredits and accredits non-state schools and monitors whether those schools continue to comply with the requirements of the Accreditation Act, including the accreditation criteria prescribed under the Accreditation Regulation and whether the schools' governing bodies continue to be suitable to be governing bodies.

To operate in Queensland a non-state school must be provisionally accredited or accredited under the Accreditation Act by the board.

There is a range of statutory initiatives for the welfare and safety of children which operate in the non-state sector and apply to schools and staff of schools, and school governing bodies and their constituent directors.

A synopsis of the main provisions is now set out. More particulars may be found in the legislation.

Non-state schools must have written process about health and safety of students

The Accreditation Regulation prescribes as an accreditation criterion that all non-state schools must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation, and about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children. (Accreditation Regulation, section 10, refers.)

Non-state school's written process must have process for dealing with inappropriate behaviour of staff

The Accreditation Regulation prescribes as an accreditation criterion that each non-state school's written child welfare processes must include a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate. Also the process for reporting inappropriate behaviour must deal with how the information reported to the stated staff member must be dealt with by the stated staff member. (Accreditation Regulation, section 10, refers.)

Requirement to report sexual abuse or suspected sexual abuse of certain students

The *Education (General Provisions) Act 2006* (the "General Provisions Act") requires that if a staff member of a non-State school becomes aware, or reasonably suspects, that a student

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under 18 years, or a person with a disability, attending the school, has been sexually abused by another person, the staff member must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body. The school's principal or governing body's director must immediately give a copy of a written report to a police officer. (General Provisions Act, section 366, refers).

The written report must be given immediately and in a way set out under the *Education (General Provisions) Regulation 2006* (the "General Provisions Regulation"), which prescribes that such a written report must include certain particulars about the person giving the report and the student, and details of the abuse or suspected abuse sexual abuse. (General Provisions Regulation, section 68, refers).

Requirement (not yet commenced) to report likely sexual abuse of certain students

The General Provisions Act has been amended (albeit not yet commenced) to require that if a staff member of a non-State school reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years, or a person with a disability, attending the school, is likely to be sexually abused by another person, the staff member must give a written report about their suspicion to the school's principal or a director of the school's governing body. (General Provisions Act, section 366A, refers).

The written report must be given immediately and in a way set out under the General Provisions Regulation which prescribes (albeit not yet commenced) that such a written report must include certain particulars about the person giving the report and the student, and details of the basis for reasonably suspecting that the student is likely to be sexually abused. (General Provisions Regulation, section 68A, refers).

Directors may delegate their function to receive and report sexual abuse matters

The General Provisions Act gives directors of a non-State school governing body the option of delegating to an appropriately qualified individual a director's function under section 366 or 366A of receiving a written report, and giving a copy of a written report to a police officer, and sets out some of the parameters of any such delegation. (General Provisions Act, section 366B, refers).

Reporting harm, or reasonable suspicion of harm

The Accreditation Regulation prescribes (as an accreditation criterion) that each non-state school must have a written process for the reporting by a school staff member, to the school's principal (or another nominated person) harm, or suspected harm, of a significant nature to a student who, when the harm was caused or is suspected to have been caused, was under 18 years of age.

The principal, or other nominated person, is to report the harm, or suspected harm, to the chief executive officer, or another officer, of the Department of Communities; or an authorised officer under the *Child Protection Act 1999*; or to a police officer. It is irrelevant how the harm is caused. Harm includes self-harm; but does not include the risk of, or likelihood of, harm.

All directors of non-state school governing must have blue card or exemption notice

The Accreditation Act specifies that for the *Commission for Children and Young People and Child Guardian Act 2000*, a person is taken to be a person carrying on a 'regulated business' by being a director of the governing body of a provisionally accredited, or accredited, non-state school. Thus, each director must hold a current positive notice blue card, or (if a police

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officer or registered teacher) a current positive exemption notice. (Accreditation Act, section 15, refers).

The Accreditation Act specifies that, if a director of a non-state school's governing body does not have a current positive notice blue card or, as the case may be, a current positive exemption notice, the board has no option but to decide that the governing body is not suitable to continue to be the school's governing body. (Accreditation Act, section 39, refers).

School must not employ individual as teacher unless person is an approved teacher

The *Education (Queensland College of Teachers) Act 2005* (the "College of Teachers Act") specifies that a non-state school's employing authority must not employ a person as a teacher in a school unless the person is an approved teacher.

The Queensland College of Teachers determines if a person is an approved teacher (which includes a registered teacher or a person who holds a permission to teach). In this regard, the College assesses suitability to teach, and is obliged to have regard to a range of information, including information from the police about criminal history, and other pertinent material held by the College. (College of Teachers Act, sections 11, 12 and 12A, refer).

Certain persons providing voluntary services at non-state schools must have blue card or exemption notice

The *Commission for Children and Young People and Child Guardian Act 2000* requires that each person (except for a parent of a child attending the school, or under the College of Teachers Act, a registered teacher or a person holding a permission to teach) must not provide paid or voluntary services at the school unless the person has, or has applied for, a blue card or exemption notice.

Non-state school employing authority to notify Queensland College of Teachers about certain matters

The College of Teachers Act requires a non-state school's employing authority to notify the Queensland College of Teachers if it commences an investigation into a teacher for alleged harm caused, or likely to be caused, to a student (who is a child) because of the conduct of a teacher at the school. If a school's employing authority commences an investigation into a teacher for alleged harm caused, or likely to be caused, to a student as contemplated by section 76, and the teacher is dismissed or resigns, the employing authority must notify the Queensland College of Teachers. (College of Teachers Act, sections 76 and 77, refer).

Further, if a non-state school's employing authority dismisses a teacher in circumstances that, in the opinion of the employing authority, call into question the teacher's competency to be employed as a teacher (and a section 76 or 77 notice is not required to be given), the employing authority must give the Queensland College of Teachers a copy of the notice of dismissal. (College of Teachers Act, section 78, refers).

Prosecuting authority to notify Queensland College of Teachers about committal, conviction etc.

The College of Teachers Act requires that if a person (who the commissioner of police or the director of public prosecutions reasonably believes is an approved teacher) is committed for trial on an indictable offence, is convicted of the indictable offence, or if the prosecution process ends without a conviction for the indictable offence, the commissioner or director must notify the Queensland College of Teachers of certain details of the matter. (College of Teachers Act, section 80, refers).

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**Non-state school must have risk management strategy to
promote the wellbeing of children at school**

As a regulated business under the *Commission for Children and Young People and Child Guardian Act 2000*, each non-state school must develop and implement a written risk management strategy to promote the wellbeing of children at the school and to protect them from harm. (*Commission for Children and Young People and Child Guardian Act 2000*, section 172, refers).