



Child Safety Policy

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Chair and Commissioner's message

The Australian Communications and Media Authority (ACMA) and the Office of the eSafety Commissioner (eSafety) are committed to ensuring children and young people are free from abuse or harm, and that our interactions with them uphold their rights. Part of our remit is to help safeguard all Australians, including children and young people, from abuse or harm that may occur across the communications and media environments for which the ACMA and eSafety has regulatory responsibility.

In response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), the Australian Government developed the Commonwealth Child Safe Framework (the Framework) and the National Principles for Child Safe Organisations (the National Principles) which all Australian Government agencies must implement.

Our Child Safety Policy is a key part of how we have implemented the Framework and the National Principles, and clearly outlines our approach to becoming a child safe organisation. The policy also supports our international responsibilities under the United Nations' [Convention on the Rights of the Child](#).

This policy informs our leaders and workers about their obligation to act legally and ethically towards children and young people.

Members of the public, children, young people, parents, carers, guardians, families, and communities should feel confident that the ACMA and eSafety, when working with children or young people, will provide a safe environment in which their rights, needs and interests are upheld.

Nerida O'Loughlin PSM
Chair and Agency Head
Australian Communications
and Media Authority

Julie Inman Grant
Commissioner
Office of the eSafety Commissioner

Introduction

The ACMA and eSafety are committed to ensuring that our workplaces do not permit or tolerate any form of abuse or harm.

Under the *Enhancing Online Safety Act 2015* (EOS Act), the ACMA makes its employees available to assist the eSafety Commissioner to perform their functions and exercise their powers. All employees employed to assist the eSafety Commissioner are employees of the ACMA and are covered by all ACMA entitlements, protections, and obligations.

This is the primary policy articulating our expectations for all our workers – whether they are Australian Public Service (APS) employees or others – in the management of child safety risks, abuse and harm. This policy adopts a risk-based approach to minimise the likelihood of abuse or harm occurring. It provides clear and practical guidelines for workers and their representatives when responding to concerns of abuse or harm and when managing feedback and complaints from any party.

This policy enables us to meet community expectations and our obligations under the EOS Act, the *Public Service Act 1999*, the APS Code of Conduct, the Framework and relevant state and territory legislation. Our policy also upholds the United Nations' Convention on the Rights of the Child, to which Australia is a signatory.

The policy informs all leaders and workers of their obligation to act legally and ethically, in the best interests of children and young people, and in ensuring the safety of children and young people within Australian jurisdictions.

The policy implements the National Principles for Child Safe Organisations, agreed by the Council of Australian Governments on 1 February 2019, and is consistent with the Framework which was part of the Australian Government's response to the Royal Commission.

For the purposes of this policy, eSafety's business functions, structures and objectives are very different to those of the ACMA. Part of eSafety's role is to provide education and specialist support to children and young people to prevent and address online harms, such as cyberbullying and image-based abuse. Given the nature of this work, employees working for eSafety are likely to be considered mandatory reporters under some state and territory child protection laws. These workers also have an increased chance of encountering child abuse offences that are required to be reported to police under some state and territory criminal laws.

To address the specialist nature of eSafety's work, we have issued Operational Guidance which outlines our internal procedures on these legal requirements. Employees performing duties for eSafety should refer to and read the Operational Guidance in conjunction with this primary policy.

All workers who are mandatory reporters must comply with the legal requirements as set out in the Operational Guidance. The Operational Guidance contains our instructions for reportable offences for all workers.

Reporting Requirements

In support of our zero tolerance approach in relation to abuse or harm of children and young people, if a worker who is not covered by the more specific mandatory reporting requirements set out in the Operational Guidance develops a belief, on reasonable grounds, in connection with their APS employment that an identifiable child or young person (under 18 years of age) has been abused or harmed or is at risk of being abused or harmed, the worker must promptly report the matter to the police or the child protection authority in the state or territory in which the child is located.

At all times, if any worker believes a child or young person is in immediate danger or there is another emergency, please call '000'.

This procedure is to be followed even if the worker is in a different jurisdiction to the location of the identified child or young person. All states and territories have protocols for managing reports across borders.

Failure to comply with this obligation may result in action under the APS Code of Conduct.

We encourage all staff to also report any child safety concerns to childsafety@acma.gov.au. Support and advice can be provided to workers when child safety concerns arise.

All information provided will be treated in accordance with relevant Commonwealth, state, and territory legislation, including the *Privacy Act 1988*. Details of what to report appear on page 15.

Our policy at a glance

<p>Purpose</p>	<p>This policy sets out the ACMA's and eSafety's approach to promoting the safety and wellbeing of children and young people, and to manage any associated risks when we have contact with them in our day-to-day work.</p> <p>It is designed to inform all workers who undertake work for the ACMA and eSafety of their obligation to promote the safety and wellbeing of children and young people.</p> <p>This policy also recognises that child safety is a corporate responsibility which all workers are obliged to acquit in their duties. It is our professional responsibility to know what is in the best interests of children and young people in any operational environment, to keep them safe from abuse or harm.</p>
<p>Application</p>	<p>This policy applies to all persons who undertake work (workers) for the ACMA and eSafety, including contracted staff.</p>
<p>Relevant authority</p>	<p>Commonwealth Child Safe Framework, as endorsed by the government in August 2017.</p>
<p>Related documents</p>	<ul style="list-style-type: none"> > Accountable Authority Instructions > ACMA and eSafety Child Safety Operational Guidance > <i>Enhancing Online Safety Act 2015</i> > National Principles for Child Safe Organisations > <i>Public Service Act 1999</i> and APS Code of Conduct > ACMA and eSafety Child Safety Policy Guidance Notes > ACMA and eSafety Child Safety Code of Conduct > ACMA Grants Checklist and Procurement Planning templates > People Management Instructions > Risk Management Framework and Guide > ICT use policy > Record keeping, information sharing and reporting policy > Complaints handling guides or policies > Relevant state and territory legislation > Other agency documents that may be developed in the future.
<p>Policy statement</p>	<p>This policy outlines how the ACMA and eSafety are committed to ensuring children and young people are safe from abuse or harm and that any concerns of child safety meeting relevant thresholds are reported to the appropriate reporting authority. We are committed to upholding children's and young people's rights by ensuring:</p> <ul style="list-style-type: none"> > risks to children and young people are identified and managed > the best interests of children and young people are protected

	<ul style="list-style-type: none"> > all workers undertaking child related work, are appropriately screened and comply with relevant legislation > the National Principles for Child Safe Organisations are adopted and implemented.
Approved by	The Accountable Authority of the ACMA, following consultation with the eSafety Commissioner
Document contacts	Manager, People Strategy and HR Manager, eSafety
Review date	December 2021 and every 12 months thereafter
Policy owners	Executive Manager, People, Communications and Governance, ACMA and Executive Manager, eSafety
First issued, version control	TBA

Scope of this policy

This policy applies to all workers who undertake work for the ACMA and eSafety.

This includes:

- > all ACMA employees engaged under the *Public Service Act 1999* (ongoing, non-ongoing, secondees, irregular and intermittent (casual)) who work for the ACMA and/or eSafety
- > ACMA Authority Members as Statutory Office holders
- > eSafety Commissioner
- > ACMA and eSafety service providers including contractors, consultants, advisors, contracted individuals, and sub-contractors
- > labour hire contractors
- > secondees from non-APS agencies
- > interns and work experience students
- > grant recipients
- > any other worker not listed above.

The word 'workers' is used as defined in section 7 of the *Workplace Health and Safety Act 2011 (Cwth)* to describe all categories of personnel listed above. Where aspects of the policy only apply to employees engaged under the *Public Service Act 1999*, the term 'employee' is used.

This policy applies to all activities conducted within the ACMA and eSafety which involve, result in, or relate to contact with children and young people unless otherwise stated in the exemptions and exclusions section of this policy.

Policy principles

This policy is based on the following guiding principles:

- > building and maintaining a child safe culture and environment
- > zero tolerance of the abuse or harm to children and young people
- > recognition and promotion of the best interests of children and young people
- > promoting the empowerment and participation of children and young people in connection with our services
- > use of a risk management approach to prevent the abuse or harm to children and young people
- > reporting and responding to all concerns of abuse or harm using fair and proper procedures.

Nothing contained in this policy overrides the law of the Commonwealth, or any state or territory.

Risk management

This policy takes a risk-based approach to ensure that all ACMA and eSafety business activities are child safe.

The ACMA and eSafety will undertake risk management assessments for any function or activity that may involve contact with children or young people. All assessments of child safety risks are conducted by the line area and all relevant risk and decision-making processes and documents reflect the assessment and level of child safety risk and how the risks are mitigated and managed should they arise.

Assessing risk

Where an event, activity or program has been identified as having contact with, impact on, or involve working with children or young people, we will consider:

1. the contact (with children and young people) and levels of direct supervision
2. the risk factors
3. the mitigation factors
4. the management strategies.

Exclusions and limitations

Children and young people in Australia have rights as articulated in the United Nations' Convention on the Rights of the Child, to which Australia is a signatory, and the National Principles for Child Safe Organisations as endorsed by the Council of Australian Governments. These rights are supported by multiple Australian laws.

eSafety works specifically to promote children's rights by ensuring child sexual abuse material is removed from the internet as soon as possible, and by working to prevent and address image-based abuse and cyberbullying targeting children. To review specific operational guidance that applies to these workers, workers should refer to the Operational Guidance document.

Responsibilities under the policy

Ensuring the safety and wellbeing of children and young people is the responsibility of all ACMA and eSafety workers, who have contact with them as part of their work. Workers are to be aware of and comply with legislative requirements that support child safety in the policy and operational guidance.

Key responsibilities are outlined in the table below.

Who	Responsibilities
The Accountable Authority of the ACMA	> approve the policy.
The eSafety Commissioner	> provide input to the policy as it pertains to eSafety.
Executive Manager, People, Communications and Governance Executive Manager Finance Reporting and Operations Executive Manager, Marcoms, Research, Legal & Regulatory, eSafety	> oversee the implementation and review of the Child Safety Policy and Operational Guidance.
Child Safety Champions – SES level officers (1 x eSafety, 1 x ACMA)	<ul style="list-style-type: none"> > oversee and respond to child safety reporting > raise awareness of and advocate for child safety in the agency > act as a source of support, advice, and expertise to workers on child safety issues > ensure child safety risks are considered and managed in accordance with our risk management practices and the best interests of the child > provide oversight of the annual risk assessment > participate in and promote training opportunities for workers.

Who	Responsibilities
ACMA Audit and Risk Committee and eSafety Compliance Committee	Review the: <ul style="list-style-type: none"> > ACMA and eSafety risks regularly and update the Risk Registers, as necessary > Commonwealth Child Safe Framework and Child Safety Policy annually.
ACMA Corporate and Research Division	<ul style="list-style-type: none"> > owns the policy and ensures compliance > oversee and support the identification, mitigation, and management of child safety risks > ensure child safety risks are considered and managed in accordance with our risk management practices > manage procedures for external reporting, information sharing and the Child Safety Policy > People, Communications and Governance Branch to audit annually the training undertaken by workers.
Legal Services Division	<ul style="list-style-type: none"> > provide advice on matters relating to legal obligations and responsibilities, including under the EOS Act, the <i>Public Service Act 1999 (Cwth)</i> and the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019 (Cwth)</i> > maintain confidential information on any complaint made under our complaints handling process.
Manager, Legal and Compliance, eSafety and Manager, People Strategy, ACMA	<ul style="list-style-type: none"> > Policy Authors.
Managers or supervisors	<ul style="list-style-type: none"> > make themselves aware of their obligations to assist and support workers to meet the requirements of this policy > assist workers to meet their obligations > support staff to complete child safety training relevant to their role > support staff to access the Employee Assistance Program where appropriate > ensure child safety risks are considered and managed in accordance with our risk management practices > provide immediate feedback and take immediate action when an employee may not be meeting their obligations under this policy.

Who	Responsibilities
All workers involved in contract and grant design or management	<ul style="list-style-type: none"> > identify the child safety obligations of funded partners of the ACMA and eSafety in Requests for Tender as well as contracts and funding and other agreements for activities that are likely to have child safety impacts. > ensure child safety risks are considered and managed in accordance with our risk management practices and the best interests of the child > ensure the appropriate child safety clause is included in Grant Agreement templates and procurement documents where relevant > ensure third party providers comply with their child safe obligations.
All workers occupying 'child related' positions	<ul style="list-style-type: none"> > attend any training on child safety related matters required for the role they perform > provide evidence of the completed training to their manager within 7 days of undertaking training on child safety related matters in accordance with this policy > report matters of abuse or harm to children or young people in accordance with the legislation applying to them.
All workers and ACMA Authority Members	<ul style="list-style-type: none"> > comply with applicable Commonwealth, state, and territory legislation > comply with the APS Code of Conduct > complete Child Safety training as directed > implement the National Principles for Child Safe Organisations set out in this policy and the Operational Guidance > ensure child safety risks are considered and managed in accordance with our risk management practices and the best interests of the child.

Working with our providers

ACMA and eSafety will ensure that all providers, as described on page 6 of this policy, delivering services which involve children, act in accordance with the principles outlined in this policy. To achieve this, we will include requirements that all our contractors, consultants and grant or procurement recipients will:

- > undertake their own risk assessment of each funded activity to ensure they identify and manage any risks to children and young people appropriately and in a manner consistent with this policy. This should be incorporated into existing planning and risk management practices of the provider

- > ensure all workers are trained in child safety awareness and understand their obligation to protect children when carrying out their work
- > have clear internal reporting mechanisms or procedures for their workers to report concerns as part of contractual requirements supplied to the ACMA or eSafety.

Compliance mechanisms

Our commitment to child safety is reflected in the following documented procedures and practices and aims to uphold and implement the National Principles for Child Safe Organisations (Appendix B):

- > ACMA Child Safety Code of Conduct (Appendix D)
- > risk assessment and management procedures
- > grants and procurement procedures
- > child safe recruitment screening procedures and employment contracts
- > skills and awareness communications and training
- > performance management procedures
- > procedures on record keeping, information sharing and external reporting.

The Child Safety Policy and Child Safety Code of Conduct will be made available to the public via both the ACMA and eSafety websites.

The ACMA and eSafety acknowledge some states and territories have Reportable Conduct Schemes which monitor how certain organisations investigate and report on child abuse allegations made against their workers. Whilst those schemes do not apply to our workers, similar obligations to these schemes apply to our workers through the APS Code of Conduct and the above compliance mechanisms.

Child Safety Code of Conduct

The diverse and intersectional needs, vulnerabilities and strengths of children and young people place a responsibility on us to engage in a way that empowers them to interact more effectively with us. This intent is embedded in this policy and all workers must comply with this and other internal guidance.

Those workers who have online or physical contact with children and young people must formally agree in writing to the Child Safety Code of Conduct (Appendix D) before they undertake this work. Current workers must agree in writing to the Code of Conduct within 14 working days of this policy being formally agreed or the worker will be reassigned to other non-contact duties.

Risk assessment and management process

Annual risk assessments will be conducted to ensure this policy is delivering on its purpose. Any complaints, concerns or safety incidents will be analysed as part of this process.

The appointed Child Safety Champions, together with the Corporate and Research Division, will coordinate the annual risk assessment process. Oversight will be provided by the ACMA Audit and Risk Committee and the eSafety Compliance Committee.

Grants and procurement procedures

Workers must consider the requirements of the Framework and ensure that all projects or activities funded by ACMA or eSafety comply with the child safety clauses outlined in the [Commonwealth Simple and Standard Grant Agreement templates](#). This is

particularly relevant where the grant is for direct services to children and/or for activities that involve contact with children that is a usual part of, and more than incidental to, the funded activity. Additional information and guidance is provided in the ACMA Grants Checklist and Procurement Guidelines.

‘Child related’ positions

All ACMA and eSafety role profiles will be updated as needed when it is identified that the duties of the role involve contact with children or young people. All new roles will be assessed for any child safety requirements at the time of their creation. All roles will be recorded in a central location.

Employees who undertake tasks and duties in roles identified as ‘child related’ roles must have a valid Working with Children Check (WWCC) for the state or territory where they live, and their office is physically located. It is always mandatory for workers in these positions to hold and maintain a current WWCC. This includes ensuring they apply for a new WWCC before the current one expires. WWCC will be funded by the ACMA or eSafety.

Screening and background checks

Workers who undertake tasks and duties in positions identified as ‘child safe’ will be subject to relevant screening and background checks.

All service providers, as described on page 6 of this policy, undertaking roles or tasks identified as requiring a WWCC will be required by the terms of their contracts and agreements to provide a certified copy of their current registration to the Procurement Section. Their registration must be maintained while contracted to the ACMA or eSafety.

Those who fail to obtain or retain a current WWCC in a state or territory where it is a requirement of the contracted task or funding grant may have their contract or funding withdrawn in accordance with the terms of the contract or funding grant.

Recruitment and selection

The ACMA’s recruitment and selection processes, including advertising, selection criteria, referee checks and pre-employment screening support, will emphasise child safety where it is relevant to do so in the duties of the position. Child safe roles will be specifically identified.

Training and other information

All workers who undertake duties that involve contact with children and/or young people, or are likely to have a direct impact on them, must:

- > familiarise themselves with this child safe policy and related information
- > complete training on child safety related matters as agreed with their manager/supervisor, based on their level and nature of contact with children and young people.

Performance management

All employees who undertake assigned duties identified as having regular contact with children and/or young people must have performance and development plans with behaviours and measures that directly reflect their obligations under this policy.

Carer's Rooms

Workers with accompanying children and/or young people in an ACMA or eSafety Office, who wish to use a Carer's Room in an ACMA or eSafety work area, are responsible for the direct supervision and care of that child or young person at all times

Record keeping

It is important that we create and keep relevant records for the right time period. ACMA and eSafety will follow the [Council of Australasian Archives and Records Authorities](#) guide, dated September 2019, for government and non-government institutions on identifying records that may become relevant to an actual or alleged incident of child sexual abuse so that victims and survivors of child sexual abuse are able to identify, create, manage and keep records relevant to incidents of child sexual abuse.

ACMA and eSafety will create and keep records of complaints of abuse or harm to a child or young person, whether the individual is identifiable or not, in accordance with the ACMA and eSafety record keeping rules and the [National Archives of Australia General Records Authority No. 41](#). We will limit access and protect these records according to law.

When the reporter or victim does not want to be identified to authorities, the receiver of the report must comply with the relevant Commonwealth, state, or territory legislation in relation to protecting the identity of the reporter or victim.

Where a program, event or activity is identified as having contact with children or young people the risk assessment must be conducted, recorded, and stored in accordance with the ACMA record keeping rules with access restricted to those who have a legitimate 'need to know'.

Mandatory reporting

If you believe a child or young person is in immediate danger or there is another emergency, please call '000' immediately.

Mandatory reporting is the legislative requirement for selected classes of people to report risks of significant harm relating to children to government authorities (generally child protection agencies). All states and territories have their own legislation for mandatory reporting with some having legislation that requires all adults within their jurisdiction to report suspected abuse or harm to children or young people. All workers should familiarise themselves with relevant legislation.

Workers who undertake child related work (and their managers or supervisors) must be familiar with the specific mandatory reporting requirements in the state or territory in which they live and undertake their work and comply with these legislative requirements. For links to further information workers should refer to the Operational Guidance.

All workers who are mandatory reporters must report significant risks of abuse or harm to children or young people as defined under the relevant legislation to the child protection authority in the state or territory in which the child is located at the time of concern arising. This procedure is to be followed even if the jurisdiction the worker is in is different to the location of the child or young person. All states and territories have protocols for managing reports across borders should this become necessary. For

operational guidance and our internal procedures, please see the Operational Guidance document.

Failure to comply with this obligation could constitute an offence and may result in disciplinary action under the APS Code of Conduct.

Obligation to report even if the worker is not a mandated reporter

It is ACMA and eSafety policy that all workers have a responsibility to report any concerns relating to the safety or welfare of a child or young person, even if the worker is not a mandated reporter.

If a worker who is not a mandatory reporter develops a belief, on reasonable grounds, in connection with their role that a child (under 18 years of age) has been harmed or is at risk of being harmed, the worker must promptly report the matter to the police or the child protection authority in the state or territory in which the child is located.

This direction is consistent with the various APS Code of Conduct worker obligations as contained in section 13 of the *Public Service Act 1999*. ACMA Child Safety Policy Guidance Notes will assist workers to understand what forms a reasonable belief. Workers may also seek assistance from the authors of this policy to make a report, but the responsibility to make a report cannot be delegated by the worker who has formed the belief that a child has been harmed or is at risk.

Reportable offences

The Royal Commission found that, unlike other categories of crime, child abuse is often not reported to law enforcement and stopped at the time of the abuse, enabling perpetrators to continue to harm children.

In response, several states and territories have created new offences to criminalise the failure to report specified child abuse offences to the police. These reporting requirements apply to all adults – and therefore all our workers – who develop a reasonable belief that one or more specified child or young person abuse offences have been committed unless they have a reasonable excuse for not reporting. Under the laws, a ‘reasonable excuse’ includes a reasonable belief that the information is already known to police and/or the relevant child protection authority; reasonable grounds to fear for the safety of the victim or another person (other than the perpetrator) if the information is reported to police; or if the victim is now an adult and does not want the information to be reported to the police.

Specified child abuse offences include extreme conduct such as murder, rape, and grievous bodily injury, as well as conduct that eSafety investigative workers are more likely to encounter, such as the production and sharing of sexual images involving children. A full list of the reportable child abuse offences specified in relevant state laws, as well as operational guidance on our internal procedures on reporting, can be found in the Operational Guidance.

Internal reporting

Employees who have reported or are planning to report child abuse offences or significant risks of harm to external authorities may seek general advice and assistance from the authors of this policy. This must be done without disclosing the identity of the individuals concerned or jeopardising any further investigation by external authorities.

Dealing with matters of child safety can be very difficult and may bring up strong feelings. Employees are encouraged to contact the Employee Assistance Program for confidential support and assistance.

The complaints process

Members of the public and workers may make a complaint about the conduct or policy non-compliance by anyone working within the scope of this policy.

The ACMA and eSafety complaint process will:

- > prioritise the safety and wellbeing of the children and young people
- > respond to immediate risk or harm and mitigate against other unacceptable risks
- > ensure anyone can make complaints in different ways and through different mediums
- > meet all record keeping and reporting obligations to external authorities.

For complaints that raise child safety issues, we will adopt a trauma informed approach during the complaints process. This means we will be sensitive to the child or young person's trauma history, needs, preferences, their safety and vulnerabilities, and recognise that their lived experience may make them susceptible to certain triggers that may lead to re-traumatisation and re-victimisation. We will develop and enhance the access points, guidance, and procedures where necessary to facilitate children and young people to make reports or a complaint and for workers to respond to the initial contact from children and young people.

Members of the public should send complaints to childsafety@acma.gov.au.

Workers

ACMA and eSafety will manage any worker who is not an employee of the ACMA or eSafety and is the subject of a current child safety concern, report, or investigation in accordance with the relevant terms of the contract or funding grant. A Child Safety Champion will consider and determine each matter on a case-by-case basis after giving due consideration to the risk assessment and other information available. Options available to the Child Safety Champions include removing the relevant worker from working for ACMA or eSafety.

Where a child safety concern, report, complaint, or an investigation is in progress against a worker, appropriate action will be taken in accordance with the *Public Service Act 1999* and the relevant ACMA People Management Instruction. This action may include but is not limited to:

- > temporary reassignment of duties and/or
- > suspension from duties if a code of conduct investigation is being undertaken.

If the complainant is an ACMA employee disclosing abuse or risk of abuse, the ACMA will ensure the ongoing safety of the employee is considered and support is provided. This may include counselling, reassignment of duties, approving leave or other action deemed appropriate by the Delegate to protect the complainant's safety.

ACMA or eSafety funded or accredited organisation

Where a complaint is made against an organisation that is contracted to, receiving funding from, or accredited by the ACMA or eSafety, we may report the complaint to the appropriate law enforcement agency and/or take such action as is permitted under arrangements with the entity. This may include terminating the contract and other arrangements, removal of funding or removal of relevant workers from working for ACMA or eSafety.

Implementation support

In addition to the 'Related documents' listed at the beginning of this policy, the following documents, guidance, and tools provide the mechanisms for implementation of the policy:

- > online learning modules via Learnhub and the Australian Human Rights Commission for training on the National Principles for Child Safe Organisations
- > ACMA and eSafety complaint handling guidelines for suspected and reported child abuse and neglect
- > a range of laws and information relevant to this policy (included at Attachment C).

Appendix A: Definitions

Term	Definition
At risk	Encompasses a number of circumstances, including where the child or young person has suffered, or there is a likelihood that they will suffer, harm (being harm of a kind against which a child or young person is ordinarily protected); removal from the state for illegal purposes; neglect; truancy; and homelessness.
Best interests of the child	<p>'Best interests' is a principle framed by Article 3 of the United Nations' Convention on the Rights of the Child requiring member states to observe the 'best interests of the child as a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies'. This concept includes considering a child's physical, emotional, psychological, social, moral, and spiritual needs.</p> <p>Subsequent articles in the Convention provide further clarification and guidance on how this principle should be interpreted and applied. Article 12 of the Convention provides the right of the individual child to express her/his opinions in all matters affecting her/him. Together, these principles need to be applied in consideration of how a child's rights and interests are or will be affected by another person's decisions and actions.</p> <p>Whenever a decision is to be taken that will affect a specific child or young person, the decision-making process must carefully consider the possible impacts, both positive and negative, of the decision on the child concerned, and must give this impact primary consideration when weighing the different interests at stake.</p>
Child	A 'child' refers to anyone under the age of 18, consistent with the United Nation's Convention on the Rights of the Children and the <i>Family Law Act 1975</i> (Cth).
Abuse	<p>All forms of abuse of a child or young person including:¹</p> <ul style="list-style-type: none"> > Physical abuse: refers to the non-accidental physical injury of a child by an adult. An injury may be caused by a single act or repeated acts. Physically abusive behaviour includes shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling, attempted suffocation, and poisoning. It is important to consider, however, behaviour which constitutes reasonable parental discipline, in line with current legislation. > Sexual abuse: refers to 'the use of a child for sexual gratification by an adult or significantly older child/adolescent' or 'any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards'. Sexual abuse may be caused by a single act or repeated acts.

¹ Child Family Community Australia (CFCA) (2018) *What is child abuse and neglect?* (CAFCA Resource Sheet) Melbourne: Australian Institute of Family Studies.

Term	Definition
	<p>Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger, or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to, or involving the child in pornography.</p> <p>It also includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child or young person, to lower their inhibitions in preparation for sexual activity with the child.</p> <p>The production, consumption, dissemination, and exchange of child sexual exploitation material in any form, including images, is also considered to be child sexual abuse. Child sexual abuse is often accompanied by other forms of maltreatment, including physical abuse, emotional abuse, and neglect'.²</p> <ul style="list-style-type: none"> > Emotional abuse: refers to inappropriate verbal or symbolic acts toward a child or a pattern of behaviour over time that fails to provide a child with adequate nurture and emotional availability. Emotional abuse includes rejecting, isolating, terrorising, ignoring, yelling, belittling, corrupting, and ridiculing. Emotional abuse also occurs when a child or young person has been, or is being exposed to, family violence and that exposure has, is, or would cause them significant harm (see 'Exposure to family violence below'). > Neglect: occurs when a person with parental responsibility fails to provide a child with the necessities of life and causes significant harm to the child's wellbeing or social, psychological, educational, and physical development. Neglect may be episodic and related to an event in a family's life, acute or chronic where the parent persistently and repeatedly fails to meet the child's needs and protect them from harm. Examples include failure to provide food, shelter, clothing, medical treatment, supervision, care, or nurture to such an extent that their development is damaged, or they are injured. > Exposure to family violence: occurs when a child is present, hearing or seeing while a parent or sibling is subjected to (often sustained) physical or emotional abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member's violent behaviour. > Child exploitation: occurs when a child or young person is used (usually by an adult or significantly older person), for their own personal benefit or interest. Behaviours indicative of child exploitation include: <ul style="list-style-type: none"> > the possession, production, control, and distribution of child exploitation material

² Royal Commission into Institutional Responses to Child Sexual Abuse. (2017) Final report, Volume 2: Nature and cause. Canberra, p. 9.

Term	Definition
	<ul style="list-style-type: none"> > exploiting children or young people for prostitution > coercion of a child or young person to perform an inappropriate act > commission of abuse against a child or young person > grooming of a child or young person for future abuse. > abduction and trafficking of a child or young person for the purposes of slavery or prostitution.³
Child protection	An ACMA or eSafety position that has been identified as having contact with a child as a normal part of work activities (that is, child-related work), and therefore is subject to relevant screening and background checks to be engaged in that position.
Child wellbeing	Wellbeing is the ability for a child to realise his or her own potential, or 'self-agency', to better cope with the normal stresses of life, to live and learn productively and to be an active part of a community.
Complaint	An expression of dissatisfaction made to or about an organisation, related to its services, the conduct of its employees or the handling of an earlier complaint.
Direct contact	In person, over the telephone, or email.
Employee	Persons engaged under <i>the Public Service Act 1999</i> .
Exploitation	Includes 'sexual abuse' and 'involving the child as a participant or spectator' in 'an act of a sexual nature' or 'a pornographic performance'.
Harm	Significant detriment to a child's physical, psychological or emotional wellbeing or emotional development. Harm may be caused by physical, psychological, or emotional abuse or neglect, sexual abuse or other exploitation, or exposure to physical violence.
Significant harm	Any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
Mandatory reporters	Mandatory reporting legislation generally contains lists of particular occupations that are mandated to report cases of suspected child abuse and neglect. The groups of people mandated to report range from persons in a limited number of occupations (QLD) to a more extensive list (VIC and WA), to a very extensive list (ACT, NSW, SA and TAS), through to every adult (NT). The occupations most commonly named as mandated reporters are those who deal frequently with children in the course of their work: teachers, early childhood education and care practitioners, doctors, nurses and police.
Reasonable belief/grounds	A belief that a child or young person has experienced or is experiencing abuse or neglect may be formed when the abuse is disclosed, someone advises you, or your own observations of the physical condition, or observations of the behaviour of the child or young person or someone who has responsibility for the

³ Royal Commission into Institutional Responses to Child Sexual Abuse. (2017) Final report, Volume 2: Nature and cause. Canberra, p. 9.

Term	Definition
	child or young person indicates abuse may have occurred or is occurring.
Subject of complaint	The person whose alleged conduct is the focus of a complaint, allegation, or incident.
Trauma	Individual trauma results from an event, series of events or set of circumstances experienced by an individual as physically or emotionally harmful or life threatening and has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual wellbeing. ⁴
Trauma informed	A trauma informed approach to interacting with others is based on knowledge and understanding of how trauma affects people's lives; their responses to events and circumstances; and meets the individual's service needs without doing further harm to the individual. ^{5, 6}
Unacceptable risk	The portion of identified risk that cannot be tolerated, and that must either be eliminated or controlled.
Workers	The word 'workers' is used as defined in section 7 of the <i>Workplace Health and Safety Act 2011</i> . A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> > an employee > a contractor or subcontractor > an employee of a contractor or subcontractor > an employee of a labour hire company who has been assigned to work in the person's business or undertaking > an outworker > an apprentice or trainee > a student gaining work experience > a volunteer > a person of a prescribed class.
Working with children or young people	Working in an activity or in a position that involves or may involve contact with children or young people, either under the position description or due to the nature of the work environment. This contact may be direct or indirect contact.
Working with Children Check (WWCC)	An assessment of whether a person poses an unacceptable risk to children. As part of this process, the applicant's criminal

⁴ Substance Abuse and Mental Health Services Administration. (2014). *SAMHSA's concept of trauma and guidance for a trauma-informed approach*. Rockville, MD: Substance Abuse and Mental Health Services Administration. p. 7 in Australian Institute of Family Studies (2016). CFCA Paper no. 37 - Trauma-informed care in child/family welfare services.

⁵Australian Childhood Foundation (2015). 9 Plain English Principles of Trauma Informed Care. Knowledge and Research Therapeutic Application. Available at: <https://professionals.childhood.org.au/prosody/2015/04/trauma-informed-care>

⁶ Wall, L., Higgins, D. and Hunter, C. (2016) Trauma-informed care in child/family welfare services. Australian Institute of Family Studies. CFCA Paper no. 37 – available at: <https://aifs.gov.au/cfca/publications/trauma-informed-care-child-family-welfare-services>

Term	Definition
	history, child protection information and other information is checked. A WWCC may also be known by other names, including Working with Vulnerable People (WWVP), a Blue Card, Working with Children Clearance, or Ochre Card.
Young person	Section 13 of the <i>Children and Young People Act 2008 (ACT)</i> defines a young person as a person who is 12 years old or older, but not yet an adult. The <i>Children and Young People Act 2008 (ACT)</i> refers to the <i>Legislation Act 2001</i> that defines an adult as a person who is at least 18 years old.

Appendix B: National Principles for Child Safe Organisations

National Principles for Child Safe Organisations



1 Child safety and wellbeing is embedded in organisational **leadership, governance and culture.**



2 Children and young people are informed about their **rights, participate** in decisions affecting them and are taken seriously.



3 Families and communities are **informed and involved** in promoting child safety and wellbeing.



4 **Equity** is upheld and **diverse needs** respected in policy and practice.



5 People working with children and young people are suitable and **supported** to reflect child safety and wellbeing values in practice.



6 Processes to respond to **complaints and concerns** are child focused.



7 **Staff and volunteers** are equipped with the knowledge, skills and awareness to keep children and young people safe through **ongoing education and training.**



8 **Physical and online environments** promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.



9 Implementation of the national child safe principles is **regularly reviewed and improved.**



10 **Policies and procedures** document how the organisation is safe for children and young people.



Australian Government

For more information, please visit
<https://pmc.gov.au/child-safety>
<https://childsafe.humanrights.gov.au/>

Appendix C: State and territory child safety information

Jurisdiction	Primary legislation	WWCC/WWVP legislation	WWCC/WWVP registration
Commonwealth	Enhancing Online Safety Act 2015 Crimes Act 1914 Criminal Code Act 1995 Telecommunications (Interception and Access) Act 1979		
Australian Capital Territory	Children and Young People Act 2008 Crimes Act 1900	Working with Vulnerable People (Background Checking) Act 2011	ACT Working with Vulnerable People
New South Wales	Children and Young Persons (Care and Protection) Act 1998 Crimes Act 1900	Child Protection (Working with Children) Act 2012	NSW Office of the Children's Guardian
Northern Territory	Care and Protection of Children Act 2012 Criminal Code Act 1983	Care and Protection of Children Act 2012	Working with Children Clearance
Queensland	Child Protection Act 1999 Criminal Code Act 1899	Working with Children (Risk Management and Screening) Act 2000	Working with Children and Young People
South Australia	Children's Protection Act 1993 Criminal Law Consolidation Act 1935	Children's Protection Act 1993	Child-related Employment Screening
Tasmania	Children, Young Persons and Their Families Act 1997 Criminal Code Act 1924	Registration to Work with Vulnerable People Act 2013	Working with Children Registration Form
Victoria	Children, Youth and Families Act 2005 Crimes Act 1958	Working with Children Act 2005	Victoria Working with Children Check

Jurisdiction	Primary legislation	WWCC/WWVP legislation	WWCC/WWVP registration
Western Australia	<u>Children and Community Services Act 2004</u> <u>Criminal Code Act Compilation Act 1913</u>	<u>Working with Children (Criminal Record Checking) Act 2004</u>	<u>Working with Children Check</u>

Appendix D: Child Safety Code of Conduct

All workers and employees, as defined in the ACMA and eSafety Child Safety Policy, are responsible for the safety and wellbeing of children and young people who engage with the ACMA and/or eSafety.

All workers and employees are expected to act in accordance with this Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

Where the Code of Conduct refers to the ACMA employees, it includes employees supporting the eSafety Commissioner.

I will	<ul style="list-style-type: none"> > always act in accordance with the Child Safe Policy and Operational Guidance > behave respectfully, courteously, and ethically towards children and young people and their families > listen and respond to the views and concerns of children and young people, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well > promote the human rights, safety and wellbeing of all children and young people in the ACMA and eSafety > demonstrate appropriate personal and professional boundaries > consider and respect the diverse backgrounds and needs of children and young people > create an environment that promotes and enables children and young people's participation and is welcoming, culturally safe and inclusive > involve children and young people in making decisions about activities, policies and processes that concern them wherever possible > contribute, where appropriate, to the ACMA and eSafety policies, discussions, learning and reviews about children's safety and wellbeing > identify and mitigate risks to children's safety and wellbeing as required by the ACMA and eSafety risk assessment and management processes > respond to any concerns or complaints of child harm or abuse promptly and in line with the ACMA policy and procedure for receiving and responding to complaints > report all suspected or disclosed child harm or abuse as required by the state or territory in which you are employed and by the ACMA and eSafety framework and procedures on internal and external reporting > comply with all relevant legislation and the ACMA and eSafety's policies and procedures on record keeping and information sharing.
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	<p>When photographing or filming a child or using children’s images for work-related purposes:</p> <ul style="list-style-type: none"> > Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child or young person. > Obtain informed consent from the child, young person and their parent or guardian before photographing or filming a child or young person. An explanation of how the photograph or film will be used must be provided. > Ensure photographs, films, videos and DVDs present children and young people in a dignified and respectful manner and not in a vulnerable or submissive manner. Children and young people should be adequately dressed and not in poses that could be sexually suggestive. > Ensure images are honest representations of the context and the facts. > Ensure file labels, meta data or text descriptions do not reveal identifying information about a child or young person when sending images electronically or publishing images in any form and that any images are securely stored.
<p>I will not</p>	<ul style="list-style-type: none"> > engage in any unlawful activity with or in relation to a child or young person > engage in any activity that is likely to physically, sexually, or emotionally harm a child or young person > unlawfully discriminate against any child, young person, or their family members > be alone with a child or young person unnecessarily > arrange personal contact, including online contact, with children or young people I am working with for a purpose unrelated to the ACMA and eSafety’s activities > disclose personal or sensitive information about a child or young person, including images, unless parent or legal guardians have provided consent or unless it is determined disclosure is warranted under the EOS Act by the ACMA and eSafety’s framework and procedure on reporting > use inappropriate language in the presence of children or young people > show or provide children or young people with access to inappropriate images or material > work with children or young people while under the influence of alcohol or prohibited drugs > ignore or disregard any suspected or disclosed child harm or abuse.
<p>If I think this Code of Conduct has been breached by another worker, I will</p>	<ul style="list-style-type: none"> > act in the best interests of children and young people > take actions promptly to ensure that children and young people are safe

	<ul style="list-style-type: none"> > promptly report any concerns to my manager or the ACMA or eSafety Child Safety Officer or the Chief Executive Officer or another manager or leader in the ACMA or eSafety > follow the ACMA and eSafety’s policies and procedures for receiving and responding to complaints and concerns > comply with mandatory reporting and reportable offence requirements if relevant, and with the ACMA and eSafety’s framework and procedure on internal and external reporting.
<p>I agree to abide by this Code of Conduct during my employment with ACMA or eSafety</p> <p>I understand that breaches of this Code of Conduct may lead to disciplinary action</p>	<p>..... Signature</p> <p>..... Full name</p> <p>..... Date</p>