



Child Safety Code of Conduct and Policy

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Version information

Owner	Date and source of approval	Version and OLARIS #	Description of changes	Next review due
Office of the Clerk	Speaker, Standing Committee on Administration and Procedure, Clerk, September 2022	V 1.0	Code of conduct and policy relating to safety and wellbeing of children interacting with the Legislative Assembly and its members.	-
Office of the Clerk	Speaker, Standing Committee on Administration and Procedure, Parliamentary Leaders, Clerk, 24 June 2024.	V1.1	Clarifies a number of reporting and legislative requirements, includes additional contact and referral information, and a number of new attachments.	11 th Assembly
Office of the Clerk	Speaker, Standing Committee on Administration and Procedure, Parliamentary Leaders, Clerk	V1.2	New signatories for 11 th Assembly.	12 th Assembly

Endorsement and commitment

Children are an important and, at times, vulnerable group in our community.

Through the course of our work, we interact with children online and in person.

Children are involved in the work of the Assembly in many ways, including by taking part in school visits and work experience programs, participating in committee inquiries, and through general interactions with MLAs and their staff, staff of the Office of the Legislative Assembly and others in the Assembly precincts.

As parliamentary leaders, we are all committed to ensuring the safety and wellbeing of children as they interact and engage with their parliament, its members, and staff.

This child safety code of conduct and policy sets out detailed obligations for dealing with children in the course of our work. It has been developed to address National Principles for Child Safe Organisations, which are aimed at ensuring that organisations properly consider how to best meet the needs, safety, and wellbeing of children.

We commend and endorse this code of conduct and policy.

..... Mark Parton MLA Speaker		
..... Andrew Barr MLA Chief Minister	 Leanne Castley MLA Leader of the Opposition	 Shane Rattenbury MLA Leader of the ACT Greens
..... Fiona Carrick MLA Independent	 Thomas Emerson MLA Independent	 Tom Duncan Clerk of the Legislative Assembly

February 2025

1. Overview

A short note for children

- 1.1 This is a long and detailed document that covers a range of concepts and some of them might be challenging or difficult to understand.
- 1.2 **If you are a child reading this document (or any other person) and need help understanding what it is saying or need to have anything explained, you can contact the Office of the Legislative Assembly through its email address which is ola@parliament.act.gov.au**
- 1.3 You can also talk to:
- The Deputy Clerk—(02) 6205 0171
 - The Executive Manager, Business Support—(02) 6205 0181
 - The Senior Director, Office of the Clerk—(02) 6205 0018
 - The Manager, HR and Entitlements—(02) 6205 0150
 - The Manager, Education and Engagement—(02) 6205 3016

2. Summary

- 2.1 This document contains the following:
- A child safety code of conduct setting out the Assembly's requirements for interacting with children in the course of their work. It applies to all persons working in the Assembly—see paragraphs 8.1-8.4.
 - A child safety policy setting out the arrangements that the Assembly has adopted to protect the safety and wellbeing of children—see paragraphs 9.1-9.28.
 - Information on making a complaint—see paragraphs 10.1-10.33.
 - Further advice for MLAs and staff—see paragraphs 11.1-11.3.
 - General principles for handling complaints under the policy/code (Attachment A).
 - Extracts from the Code of Conduct for all Members of the Legislative Assembly (Attachment B).
 - Additional resources and contacts (Attachment C).
- 2.2 This code and policy should be read in conjunction with the Assembly's Respect in the Workplace policy, which sets out the Assembly's policies and requirements concerning bullying and harassment.

3. Background

- 3.1 The Office of the Legislative Assembly (the Office) is responsible for providing public education about the functions of the Assembly and its committees.¹ Education and Engagement officers are staff that work for the Office, and they provide a range of different parliamentary education and engagement programs, including:
- Hosting visiting school groups to conduct education sessions (e.g. meeting Members of the Legislative Assembly, holding mock elections, parliamentary debates, and question and answer sessions etc)
 - Visiting schools to conduct education sessions
 - Conducting school debates
 - Conducting constitutional conventions
 - Organising vocational placements (work experience and internships)
- 3.2 Members of the Legislative Assembly (also called MLAs or, simply, members) and staff at the Legislative Assembly² may also be involved in one way or another in the delivery of these programs, all of which involve the participation of children.³
- 3.3 Children are also free to visit the Assembly on their own initiative; for example, to view chamber or committee proceedings, meet with MLAs or participate in other functions or events hosted within the Assembly precincts.
- 3.4 Children may participate in Assembly proceedings by appearing as a witness before an Assembly committee or making a submission to an Assembly committee.
- 3.5 Children also use online resources produced by the Assembly and the Office to gain information about the business of the Assembly and to communicate with MLAs through the Assembly website and social media accounts.

4. What is this document for?

- 4.1 Our Child Safety Code of Conduct (see paragraphs 8.1-8.4) and associated policy (see paragraphs 9.1-9.28) has been developed to address National Principles for Child Safe Organisations, which are aimed at ensuring that organisations properly consider how to best meet the needs, safety and wellbeing of children.

¹ See section 6 of the [Legislative Assembly \(Office of the Legislative Assembly\) Act 2012](#)

² In this document a reference to staff refers staff of MLAs, staff of the Office, and any public sector member or public servant working within the Assembly precincts, including the Clerk. It also refers to a contractor engaged by an MLA, the Office, or another public sector entity who is working in the precincts.

³ A reference to a 'child' or 'children' in this policy is a reference to an individual who is under 18 years old, unless otherwise specified.

5. Who does the code and policy apply to?

- 5.1 The code and policy apply to all MLAs, their staff, and staff of the Office of the Legislative Assembly who may have contact with children in the course of their duties.

6. Who has authorised this code and policy?

- 6.1 This code and policy have been endorsed by:

- The Speaker
- Chief Minister
- The Leader of the Opposition
- The Leader of the ACT Greens
- The two independent MLAs
- The Clerk of the Legislative Assembly

7. Communicating the code and the policy

- 7.1 The code and policy are to be provided to all MLAs, their staff and Office staff through the Assembly intranet and by email. It is published on the Assembly website and included in induction information, so that new MLAs and staff are aware of what is required.
- 7.2 Seminars for new MLAs following an election will also cover the requirements under the code and the policy.

8. The Child Safety Code of Conduct

- 8.1 This code is adapted from the Australian Human Rights Commission's [Child Safe Organisations: Example Code of Conduct](#).
- 8.2 In their in-person and online professional interactions with children, all MLAs and staff will:
- a. Act in accordance with the policies and procedures directed towards the safety and wellbeing of children at all times.
 - b. Behave respectfully, courteously and ethically towards children and their families.
 - c. Listen and respond to the views and concerns of children, particularly if they communicate (verbally or non-verbally) that they do not feel safe or well.
 - d. Promote the human rights, safety and wellbeing of all children.
 - e. Demonstrate appropriate personal and professional boundaries.
 - f. Consider and respect the diverse backgrounds and needs of children.
 - g. Create an environment that promotes and enables participation and is welcoming, culturally safe and inclusive for all children and their families.

- h. Involve children in making decisions about activities, policies and processes that concern them wherever practicable.
- i. Contribute, where appropriate or relevant, to policies, discussions, learning and reviews about the safety and wellbeing of children.
- j. Identify and mitigate risks to children's safety and wellbeing as required by applicable arrangements for managing risk.
- k. Respond to any concerns or complaints of harm to children promptly and in line with the law and requirements set out in this document.
- l. Report all suspected or disclosed child person harm or abuse as required under law and this document.
- m. Comply with all relevant laws, policies and procedures on record keeping and information sharing.

8.3 In their in-person and online professional interactions with children, all MLAs and staff will not:

- a. Engage in any unlawful activity with or in relation to a child.
- b. Engage in any activity that is likely to harm a child physically, sexually or emotionally.
- c. Unlawfully discriminate against any child or their family members.
- d. Be alone with a child unnecessarily.
- e. Arrange personal contact, including online contact, with a child for a purpose unrelated to official activities of MLAs, proceedings of the Assembly, or the work of the Office of the Legislative Assembly.
- f. Disclose personal information about a child, including images of a child, unless the child and their parent or legal guardian consent or unless required to do so by law or in accordance with reporting/complaints handling requirements.
- g. Use inappropriate language in the presence of children, or show or provide children with access to inappropriate images or material.
- h. Work with children while under the influence of alcohol or prohibited drugs.
- i. Ignore or disregard any suspected or disclosed abuse or neglect of children.

8.4 If an MLA or staff member reasonably believes that this code of conduct has been breached by another person, they must:

- Act to prioritise the best interests of children and give primacy to their safety and protection.
- Take actions promptly to ensure that children are safe.
- Promptly report any concerns to the Speaker (see below section on reporting at paragraphs 10.1-10.33).
- Comply with the applicable [laws as they relate to children](#) and the policy requirements in this document.

9. Child safety policy

- 9.1 This policy sets out the Assembly’s approach to protecting and promoting the safety and wellbeing of children who come into contact with MLAs, their staff, and the Office’s staff in the course of their work.

Definitions

- 9.2 Defined terms for this policy:
- **Child** is an individual who is under 18 years old; and
 - **Contact** with a child in this policy means physical/in-person contact, written and oral communication (which can be face-to-face, electronic/online and by telephone).

Responsibilities

- 9.3 The Speaker, the Standing Committee on Administration and Procedure, party leaders, and the Clerk are responsible for:
- Committing to a child safe policy and promoting a child-safe culture in the Assembly; and
 - Endorsing the Child Safety Code of Conduct and Policy.
- 9.4 The Office is responsible for:
- Periodically reviewing the Child Safety Code of Conduct and Policy; and
 - Assessing and managing risks associated with the Assembly’s education and engagement programs that involve children.
- 9.5 Members and staff must:
- Comply with relevant Commonwealth and Territory legislation relating to children;
 - Comply with the code and policy requirements in this document; and
 - Report breaches of the code and policy requirements to the Speaker.

Involving children in the work of the Assembly

- 9.6 The Assembly, its members and the Office are committed to providing a safe, welcoming, and friendly environment to allow children to learn about their MLAs and the work of the Assembly and its committees. We value that participation.
- 9.7 The Office has an Education and Engagement team within the Office of the Clerk, which has expertise, skills and knowledge specific to the needs of children, their learning and safety.
- 9.8 Children may be involved with the work of the Assembly by:
- Participating in school excursion or incursion programs;

- Participating in specific school programs conducted by the Office;
- Undertaking work experience in the office of an MLA or with the Office;
- Undertaking visits to the Assembly with a community group (e.g. Scouts, Girl Guides) to participate in an organised program;
- Making contact with an MLA by visiting the Assembly in person, email, phone communication or through online platforms (e.g. social media); and
- Making contact with an Assembly committee (e.g. to make a submission or to be a witness as part of a public inquiry).

Communicating with children

- 9.9 All communication with children and their families, whether written or verbal, will be respectful, clear, and accessible. This includes providing information about any activities that children will be involved in, the purpose of these activities, how any information and/or images will be used, and staff contact details to raise any concerns.
- 9.10 Information for anyone planning to [visit the Assembly](#), whether for personal reasons, Assembly business or when participating in an education program, is available through the Assembly website, which includes venue safety documentation for groups participating in programs.

Working with children

- 9.11 Under the [Working with Vulnerable People \(Background Checking\) Act 2011](#) (the WWVP Act), Education and Engagement staff (both permanent and casual staff) must be registered to engage in regulated activity with children prior to undertaking any work involving children.
- 9.12 MLAs are not required to be registered under WWVP Act in relation to their participation in the Assembly's education activities such as work experience and school visits. That is because their involvement in these programs is not regarded as a 'regulated activity' under the Act.
- 9.13 Recruitment for positions involving contact with children will highlight child safety and wellbeing in advertisements, and include selection criteria, referee checks and staff and volunteer pre-employment screening to ensure qualified staff are appointed to these positions.

Education program

- 9.14 Programs conducted by Office's Education and Engagement team aim to meet the needs of students from a range of different backgrounds and ages. Programs align with the Australian curriculum's learning outcomes and the Office's obligation to provide public education about the functions of the Assembly and its committees.⁴

⁴ See section 6 of the [Legislative Assembly \(Office of the Legislative Assembly\) Act](#).

- 9.15 Language and program content, including supporting learning resources, is designed to be engaging and age appropriate, and to be delivered in safe and respectful manner.
- 9.16 Specific programs, such as the Interschool Parliamentary Debates and ACT Schools Constitutional Convention, may sometimes include sensitive topics. These require senior management approval before inclusion in any program aimed at children. All program materials are provided to teachers or visit organisers prior to planned visits. Feedback on planned activities, including suggestions for content adjustments, can be sent to Education and Engagement staff prior to any programs being conducted.
- 9.17 On occasion, Education and Engagement staff may seek to take photographs or video of students participating in programs for promotional materials. Where this is sought, the Office will always seek written consent from parents/guardians.
- 9.18 Children who do not have consent to their image being taken will still be able to participate in the program being conducted. **Neither members, nor other (non-education) staff within the Assembly, are permitted to photograph or video students while they are participating in education programs at the Assembly.**
- 9.19 Feedback is regularly sought from students participating in specific programs and Education and Engagement staff are always able to revise programs based on feedback from students, parents/guardians, and teachers.

Vocational program—School work experience

- 9.20 Vocational placements for children are mainly confined to the Office’s work experience program. A work experience placement within a member’s office requires consent from the MLA/senior staff of an MLA, the parent/guardian, the student, and the school coordinator before it can proceed.
- 9.21 Members wishing to host a work experience placement must provide the Office with a list of duties to be assigned to a student to ensure that work is meaningful and safe. Members are not permitted to take work experience students to locations outside of the Assembly precincts.
- 9.22 All participants are provided with a vocational placement guide and a written agreement is also put into effect to ensure roles and responsibilities, including the activities to be undertaken, are understood by students, their school, their parent/guardian, and the hosting MLA. The Assembly’s vocational programs are not to be used to support the campaign or party-political related activities of MLAs.
- 9.23 Prior to commencement, students are required to undertake an online induction conveying, among other things, the rights and responsibilities of students, general health and safety related information, and information on respect, bullying and harassment.

Members and their staff

- 9.24 Members and their staff are required to always comply with the Child Safety Code of Conduct and the policy requirements in this document.

- 9.25 On occasion, MLAs and their staff will be responsible for supervising a child undertaking work experience in their office. In doing so, they need to ensure a safe, inclusive and child-friendly workplace, child accessible work activities and workspaces, and involve the child in decisions related to their workplace experience.
- 9.26 Members participating in Assembly education programs need to engage with children using apolitical, respectful, and accessible language.

Skills, awareness and training

- 9.27 MLAs and the Office will ensure that staff understand their roles, responsibilities and the behaviour expected in order to protect children.
- 9.28 MLAs and staff receive induction on the applicable legislative and policy requirements as part of new members' seminars and the general staff induction processes that are delivered by the Office (in the case of OLA staff and staff of non-executive MLAs) and CMTEDD (in the case of ministers' staff). Training is also offered to members and staff throughout the term of an Assembly.

10. Dealing with complaints

Immediate danger

- 10.1 **If a child is in immediate danger, call Triple Zero (000).**

Criminal complaint

- 10.2 If any person reasonably suspects that a criminal offence has been committed, they should report the matter directly to ACT Policing (131 444).
- 10.3 Any MLA or staff member of the Assembly should also notify the Speaker if they have reported a criminal matter to the police under this policy or the mandatory reporting provisions of the Crimes Act (see under the heading 'Criminal offences' below).

Who do I make a complaint to about a breach of the code or the policy?

- 10.4 Any person may make a complaint about an alleged breach of the code Child Safety Code of Conduct or the policy can be made to the Speaker by email at speaker@parliament.act.gov.au or 6205 0020.⁵
- 10.5 All complaints will be treated with due seriousness and will be dealt with in a way that is respectful to both the complainant and subject of the complaint.

Referral by the Speaker

- 10.6 Following the receipt of a complaint, the Speaker will:

⁵ A complaint about the Speaker can be made to the Deputy Speaker (see the Assembly intranet or website for relevant contact details).

- determine whether immediate action is required to ensure a child's safety; and
- provide a complainant with a copy of this policy, including contact details for relevant support services (see Attachment C).

10.7 If the Speaker considers that the complaint is not frivolous or vexatious, the Speaker will then determine appropriate referral of a matter as follows:

- Any complaint that is potentially criminal in nature will be referred to ACT Policing.
- Where a complaint relates to an MLA that is also a possible breach of the Code of Conduct for all Members (see Attachment B for extracts of that code), it will be referred to the Legislative Assembly Commissioner for Standards via the Clerk.
- Where a complaint relates to a staff member of an MLA, it will be referred to the employing MLA.⁶
- Where a complaint relates to a minister that is also a possible breach of the [Ministerial Code of Conduct](#), it will be referred to the Chief Minister.
- Where a complaint relates to a staff member of the Office, it will be referred to the Clerk.⁷
- Where a complaint relates to a member of the ACT Public Service, it will be referred to the Public Sector Standards Commissioner.

10.8 General principles for handling of complaints are provided at Attachment A.

Speaker may request updates

10.9 To ensure that appropriate assessment, investigation, or other action is being/has been undertaken, the Speaker may seek information from any of the persons or entities listed at paragraph 10.7 about the progress of a complaint.

Advice and administrative support

10.10 The Speaker may seek advice and administrative support from the Office, the Public Sector Standards Commissioner, the ACT Government Solicitor, an external investigator, the Assembly Ethics and Integrity Adviser, or any other person or body to assist in the management of the complaints process.

⁶ If the complaint is also a possible breach of the relevant code of conduct for members staff (see [Legislative Assembly \(Members' Staff\) Code of Conduct for Ministerial Staff and Staff of Other Office-holders Determination 2015](#) and [Legislative Assembly \(Members' Staff\) Code of Conduct for Staff of Non-Executive Members Determination 2015](#) or provisions of the Legislative Assembly Members Staff Enterprise Agreement, it should be assessed and investigated accordingly. Depending on the nature and seriousness of an allegation, it may be appropriate to engage an external investigator. The Office's HR and Entitlements is able to provide advice on these matters to non-executive members and their staff. Ministers and their staff should contact the Executive Support area of CMTEDD.

⁷ If the complaint is also a possible breach of the relevant codes of conduct ([Public Sector Management \(ACT Public Sector\) Code of Conduct 2022](#) and [Public Sector Management \(Office of the Legislative Assembly\) Code of Conduct 2018](#)) or provisions of the Office's enterprise agreement, it will be assessed and, if necessary, investigated accordingly. A complaint about the Clerk can be referred to the Public Sector Standards Commissioner.

- 10.11 MLAs who have a complaint referred to them by the Speaker may seek advice from the relevant corporate area as to their obligations under the relevant laws, the policy requirements in this document and applicable enterprise agreements.⁸

Children and Young People Act

- 10.12 Under the [Children and Young People Act 2008](#), if a mandated reporter believes, on reasonable grounds, that a child has experienced or is experiencing sexual abuse or non-accidental physical injury; and the reasons 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), they must make a report to the responsible Director-General.⁹
- 10.13 Mandated reporters include public servants who, in the course of employment as a public servant, work with, or provide services personally to, children or families.¹⁰ MLAs and their staff are not mandated reporters under the Children and Young People Act.
- 10.14 However, if an MLA or staff member believes or suspects that a child is being abused, neglected or is at risk of abuse or neglect, they may make a voluntary report of the belief or suspicion and the reasons for the belief or suspicion to the Director-General.¹¹
- 10.15 Reports can be made by calling 1300 556 729 or emailing childprotection@act.gov.au

Criminal offences

Sexual offences

- 10.16 **Under s 66AA of the [Crimes Act 1900](#) (Crimes Act), any adult who obtains information that leads them to have a reasonable belief that a sexual offence has been committed against a child¹² commits an offence if they do not report that information to the police (Ph: 131 444) as soon as practicable. Failure to make a report is punishable by imprisonment for a period up to 2 years.**
- 10.17 The Crimes Act provides for certain exceptions, including where a mandated reporter has made a report under Div 11.1.2 of the Children and Young People Act (see above), or where the person reasonably believes that a police officer already has the information. A person does not commit an offence if:
- they obtain the information when the alleged victim is no longer under the age of 18; and
 - the person reasonably believes that the alleged victim does not want a police officer to be told about the person's belief.¹³

⁸ The Office of the Legislative Assembly for non-executive MLAs and Executive Support in CMTEDD for ministers. See the contact list on page 18.

⁹ Child and Young People Act, s 356. It is a criminal offence for a mandated reporter not to make a report.

¹⁰ A range of other professional classes are included within the definition of mandated reporter.

¹¹ Child and Young People Act, s 354.

¹² Under the Crimes Act, a child is a person who is under the age of 18.

¹³ Crimes Act, s 66AA(2)

What is a sexual offence?

- 10.18 An adult is an individual who is at least 18 years old.¹⁴ A child is a person who is under the age of 18 years.¹⁵
- 10.19 A 'sexual offence' is defined in section 66AA(8) of the Crimes Act and means an offence against Part 3 of the Crimes Act or any other provision prescribed by regulation. It includes an offence against a sexual offence provision of the Crimes Act previously in force.
- 10.20 There is a wide range of sexual offences provided for in Part 3 of the Crimes Act, including but not limited to:
- Sexual assault
 - Sexual intercourse without consent
 - Sexual intercourse with a young person
 - Persistent sexual abuse of a child or young person under special care
 - Act of indecency
 - Intimate observations of capturing visual data
 - Incest and similar offences
 - Abduction
 - Using child for production of child exploitation material
 - Offences relating to the trading and possession of child exploitation material
 - Grooming and depraving young people
- 10.21 **While some offences in Part 3 of the Crimes Act specifically relate to children under the age of 16 years, it is important to understand that there are offences which may be committed against children over the age of 16 years.**
- 10.22 **Members and staff should seek legal advice to clarify the application of s 66AA in a particular set of circumstances or if they think a given matter potentially engages the Crimes Act or the criminal law (see paragraph 11.2 below).**

What is a reasonable belief?

- 10.23 A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position as you would have formed the belief on the same grounds.
- 10.24 You only need to report information to a police officer when you have seen or heard something that has led you to form a 'reasonable belief' that a sexual offence has been committed against a child.
- 10.25 You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that a sexual offence has been committed against a child, for the same

¹⁴ *Legislation Act 2001*, Dictionary

¹⁵ *Crimes Act 1900*, Dictionary.

reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- the child tells you they have been sexually abused
- the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
- someone who knows the child tells you the child has been sexually abused
- you observe signs of sexual abuse in the child
- you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.

10.26 You do not need to report rumours or unfounded suspicions. Rumour or innuendo will not, of themselves, be a sufficient basis for forming a reasonable belief. In accordance with the precautionary principle, if you are unsure as to whether or not you have a reasonable basis of belief, you should make a report.

Other offences

10.27 **Under this policy, if an MLA or staff member obtains information that leads them to have a reasonable belief that a criminal offence of any kind has been committed against a person under the age of 18, and that information has not previously been reported under the Children and Young People Act, they must report that information to ACT Policing (Ph: 131 444) as soon as practicable.**

10.28 However, in order to respect the personal agency of an adult victim-survivor, an MLA or staff member is not required make a report to the police if:

- they obtain the information leading to the reasonable belief when the alleged victim is no longer under the age of 18; and
- they reasonably believe that the alleged victim does not want a police officer to be told about the person's belief.

Code of conduct requirements in relation to privacy

10.29 Members must be aware that under the *Code of Conduct for all Members of the Legislative Assembly* they have an obligation to:

- Respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as required by law;¹⁶ and
- Not to use information received by them as a member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information unless required by law, or improperly for the private benefit of themselves or another person.

¹⁶ Paragraph (B) of the *Code of Conduct for all Members of the Legislative Assembly*.

- 10.30 Staff also have certainly confidentiality obligations under the relevant codes of conduct.¹⁷ An obligation of confidentiality must not be breached unless disclosure is required by law.

Protecting information

- 10.31 All reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure, or any other misuse during the complaints process.

Confidentiality cannot be guaranteed

- 10.32 Due to certain legal requirements, an assurance of absolute confidentiality cannot be given. However, information will be handled discretely and sensitively wherever possible.

Record keeping and information sharing

- 10.33 Members and staff are committed to meeting the legislative requirements of the [Privacy Act 1988](#) (the Act) by:
- taking all reasonable steps to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaint process, however the Office, MLAs and their staff cannot give an assurance of absolute confidentiality given statutory obligations;
 - obtaining written consent for the collection and use of a child's personal information and/or images is always sought from parents/guardians before it is used in any promotional details;
 - not using information or images used for any other purposes than what is specified in the consent forms;
 - assessing all images to ensure any designated use is appropriate and will not harm the child, even when consent has been obtained;
 - ensuring all personal identifying information about children is removed from publicly released documents and/or images; and
 - correctly storing and if relevant, marking as confidential, any personal or sensitive information about children gathered by Office, MLAs and their staffing the course of their work.

11. Further advice for MLAs and staff

Legal advice

- 11.1 Legal advice may be sought either with the Attorney-General's agreement or directly by the Attorney-General, the Chief Minister or the Speaker. Ministers and MLAs may seek legal assistance in relation to claims or legal proceedings consistent with the Law Officers Legal Services Directions 2023 and in particular the Guidelines for the provision of assistance to Ministers and Members in relation to legal proceedings administered by the

¹⁷ See, for example, s 9(2)(d) of the Public Sector Management Act.,

Attorney-General. Those Guidelines were tabled in the Legislative Assembly in June 1997 following a report by the Standing Committee on Legal Affairs (Report No.3 March 1997).

- 11.2 It is the usual practice that the Corporate Group in CMTEDD will facilitate the seeking of legal advice for ministers. The Clerk may seek legal advice on behalf of non-executive MLAs.

Ethics and Integrity Adviser

- 11.3 All MLAs are able to seek general advice on ethics and integrity matters from the Assembly's Ethic and Integrity Adviser (contact details available from the Clerk).

Complaints handling and referral

- 11.4 Further advice on complaints handling and referral can be sought as follows.

	Source of advice
Non-executive MLAs and their staff	• Clerk of the Legislative Assembly—laclerk@parliament.act.gov.au / (02) 62050191. • Deputy Clerk—(02) 6025 0171. • Executive Manager, Business Support—(02) 6205 0181. • Senior Director, Office of the Clerk—(02) 62050018. • Manager, HR and Entitlements—hrentitlements@parliament.act.gov.au / (02) 6205 0150.
Ministers and their staff	• Chief Minister's Deputy Chief of Staff—(02) 6205 9057 • Executive Group Manager, CMTEDD Corporate—(02) 6207 0569
Staff from the Office	• Deputy Clerk—(02) 6025 0171. • Executive Manager, Business Support—(02) 6205 0181. • Senior Director, Office of the Clerk—(02) 6205 0018. • Manager, HR and Entitlements—hrentitlements@parliament.act.gov.au / (02) 6205 0150.
Staff from other directorates	• Executive Group Manager, CMTEDD Corporate—(02) 6207 0569

Attachment A—General guidance for MLAs and the Office

Set out below are a number of general principles and practical considerations for MLAs (in relation to their staff) and the Office (in relation to its staff) for handling a complaint that is made under this code/policy.¹⁸

Seek advice

These principles are not intended to set out a detailed roadmap for investigating complaints. MLAs and supervisors should seek specific advice from the relevant corporate area (see contacts on page 18) who may, if necessary, seek legal or other advice about the most appropriate way to proceed in a given set of circumstances.

Criminal conduct

If you have a reasonable belief that a criminal offence has been committed against a child, you must report that belief to ACT Policing (Ph: 131 444). You should seek to preserve any potential evidence that you might be in control of and that might be relevant to a police investigation (for example, documents, emails, phone call logs, computer records etc).

While it may sometimes be necessary to seek out additional information in order to form a ‘reasonable belief’, it will not generally be appropriate to make inquiries of a child as this may have the effect of further traumatising a child if undertaken by a person who is not appropriately trained. Where a referral to the police has been made, and to avoid potential interference in a police investigation, the Assembly will not investigate such matters unless informed by the police that their investigations have been concluded.

Principles

If an MLA or the Office receive a non-criminal complaint—either directly or by a referral from the Speaker under this policy—the following principles should guide inform the approach that is adopted.

- It is important to adopt a person-centred and trauma-informed approach in all your dealings with a complainant and their parent/s or guardian/s—that means showing empathy, listening and prioritising their safety and wellbeing.
- Give the child and their parent/s or guardian/s input and choice, including the choice not to pursue a matter or participate in a complaint handling process.

¹⁸ Adapted from the Commonwealth of Australia, Department of the Prime Minister and Cabinet, [Complaint Handling Guide: Upholding the rights of children and young people](#) 2019 and the Australian Human Rights Commission’s [Guiding Principles: Person-centred and Trauma-informed Approaches to Safe and Respectful workplaces](#). ACT Policing, the Assembly Commissioner for Standards, and the Public Sector Standards Commissioner have their own procedures for considering and investigating complaints. There are also particular requirements under relevant enterprise agreements for investigating staff.

- Ensure the child and their parent/guardian are aware of options for support (see Attachment C) and are appropriately supported through the process.
- Handle complaints fairly, impartially, and reasonably and ensure that participants have clear information about how the complaints handling process will be conducted.

Being ‘person-centred’ is about listening to and supporting people. A person-centred approach keeps the person at the centre of decision-making and planning and gives that person choices about how an organisation or institution will respond. Being person-centred and trauma-informed does not always mean doing what the person requests. It means genuinely considering their wishes and the impact that decisions may have on them.

Practical considerations

Records

Make a written record of the receipt of the complaint, any information that is gathered in the course of considering it, and any conclusions or determinations that are made along the way.

Assess the complaint and seek advice

Identify the issues raised in the complaint. How serious or urgent are they? Are the issues raised within the MLA’s/Office’s control? Is further information needed to properly assess and resolve the complaint?

- **For less serious matters**¹⁹—It may be that a complaint can be dealt with through a less formal approach. This might involve discussing the matter with the staff member and if the conduct leading to the complaint is not contested, counselling the staff member and considering additional training about respectful and professionalism in the workplace.²⁰
- **More serious conduct**—If you determine that the complaint involves alleged conduct by staff member that is more serious in nature,²¹ you should discuss options with the relevant corporate area (see contacts on page 18) for specific advice and guidance. In certain cases, it may be appropriate that a formal investigation be carried out by an external investigator who understands the relevant principles of fact finding, procedural fairness and who adopts strategies for ensuring child safety and wellbeing during the process.

¹⁹ That is, conduct that would not, if proven, be grounds for termination action under any law; nor the imposition of a significant employment penalty. As an example, being impolite to a child in the course of a staff member’s work may, depending on the circumstances, be regarded as a less serious matter.

²⁰ It is important to reassess the seriousness of a complaint if additional information comes to light.

²¹ That is, any conduct that is a breach of a relevant code of conduct under the *Public Sector Management Act 1994* (for OLA staff) or the *Legislative Assembly (Members’ Staff) Act 1989* for staff of MLAs, or other conduct that may constitute grounds for termination action, or the imposition of a significant employment penalty, under any law.

Attachment B—Extracts from the Code of Conduct for all Members of the Legislative Assembly

Code of Conduct for all Members of the Legislative Assembly

If a person reasonably believes that an MLA has breached of the Child Safety Code of Conduct in a way that may also be a breach of the Code of Conduct for all Members of the Legislative Assembly (see [Assembly continuing resolution 5](#)), they are able to report the matter to the Commissioner for Standards via the Clerk of the Assembly.

Among other matters, the Code of Conduct for all Members of the Legislative Assembly requires that MLAs:

- Should respect the dignity and privacy of individuals, and not disclosure confidential information to which they have access other than with consent or as required by law.
 - Should promote and support the principles of the code by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.
 - Treat all people with courtesy, and respect the diversity of their backgrounds, experiences and views. In particular, Members should by their words and actions demonstrate, and by their example and leadership encourage and foster others to show, respect for the peaceful, temperate and lawful exercise by all members of the community of their shared and individual rights and entitlements, including freedom of religion, freedom of association and freedom of speech.
 - Seek to promote, and by their conduct reflect, an Assembly workplace that is collegiate, inclusive and diverse and in which health and safety risks are eliminated or minimised.
 - Familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology).
 - Have zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination and pledge that they will not themselves engage in such conduct.
- Accordingly, MLAs are required to:

- offer and provide support to a person who indicate they were making (or may wish to make) a complaint alleging bullying, sexual and other harassment, sexual assault or discrimination;
- seek to be sensitive to the needs and feelings of any such complainant and to recognise their possible need for trauma-informed care;
- as appropriate, seek expert advice and assistance as to the manner in which the Member should act in such circumstances;
- recognise and respect that it is the right of a complainant as to whether and how they seek and pursue official investigation of their complaint;
- respect the confidentiality of personal information concerning a complainant;

- not imply, threaten or take detrimental action against a person because they are, or have indicated that they may become a complainant;
- not offer any improper inducement to a person to not make, or to withdraw, such a complaint;
- seek to preserve any evidence that may be relevant to the investigation of such a complaint;
- fully cooperate with any official inquiry in connection with a complaint; and
- take appropriate action if they observe another person engaging in bullying, sexual and other harassment, sexual assault or discrimination.

Attachment C—Additional resources and contacts

The following table contains contact details and website links to relevant support and advisory services.

Organisation	Contact
1800 RESPECT	1800 737 732
ACT Ombudsman Reportable conduct	Phone: (02) 6276 3773 Indigenous line: 1800 060 789 International: +61 2 6276 0111
ACT Policing	000 (for emergencies) 131 444 (for assistance) 1800 333 000 (Crime Stoppers)
Australian National University (student counselling)	https://www.anu.edu.au/students/health-safety-wellbeing/gettinghelp-at-anu/anu-counselling
Blue Knot Helpline	1300 657 380
Canberra Rape Crisis Centre	(02) 6247 2525 0488 586 518 (SMS/text line) crisis@crcc.org.au (crisis email contact)
Canberra Youth Refuge (crisis and emergency accommodation)	(02) 6247 0330
Child Commissioner	(02) 6205 2222
Child protection and youth justice Reporting abuse or neglect	1300 556 729 1300 556 728 childprotection@act.gov.au
Domestic Violence Crisis Service	(02) 6280 0900 0408 006 616
Every Man (Support service for men)	(02) 6230 6999
Kids helpline	1800 55 1800 https://kidshelpline.com.au/get-help/webchatcounselling (webchat)
Legal Aid ACT	1300 654 314
Lifeline (telephone counselling)	131 114
Mensline Australia (telephone counselling for men)	1300 789 978

Organisation	Contact
National Office for Child Safety	
eSafety Commission - Kids	
Parentline ACT	(02) 62873833
QLife Australia	
Resources for parents and carers (support for the LGBTQIA+ community)	1800 184 527 https://qlife.org.au
Service Assisting Male Survivors of Sexual Assault	(02) 6287 3935
Survivors and Mates Support Network (SAMSN)	1800 472 676
Toora Women Inc (Support service for women)	Toora domestic violence service (02) 6122 7000 / intake@toora.org.au Toora alcohol and other drug services (02) 6122 7027 intake@toora.org.au Toora counselling services (02) 6122 7000 intake@toora.org.au
University of Canberra (support services for students)	https://www.canberra.edu.au/safe-community/sexual-violenceinformation-and-resources/support
Victims of Crime Commissioner	(02) 6205 2222
Victim Support ACT	1800 822 272 (02) 6205 2066
Women's Legal Centre	(02) 6257 4377
Youth Engagement Team (outreach services for young people)	(02) 6282 3037