



Child safety code of conduct and policy

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1. A quick note for children and young people

- 1.1 If you are a child or young person reading this document and need help understanding what it is saying or need to have anything explained further, you can contact the Office through its email address which is ola@parliament.act.gov.au.
- 1.2 You can also talk to the Senior Director, Office of the Clerk, on the phone by calling (02) 6205 0018 or the Manager, Education and Engagement, on 6205 3016.

2. Background

- 2.1 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 (called members or MLAs), holding mock elections, parliamentary debates, and question and answer sessions etc);
 - visiting schools to conduct education sessions;
 - conducting school debates;
 - conducting constitutional conventions; and
 - organising vocational placements (work experience and internships).
- 2.2 Members of the Legislative Assembly (also called MLAs or, simply, members), their staff, and staff of the Office are also involved in one way or another in the delivery of these programs, all of which involve the participation of children and young people.²
- 2.3 Children and young people 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.
- 2.4 Children and young people may participate in Assembly proceedings by appearing as a witness before an Assembly committee or making a submission to an Assembly committee.
- 2.5 Children and young people 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.

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

² The *Children and Young People Act 2008* defines a child as a person under 12 years of age and a young person as a person who is 12 years old or older but not yet an adult (i.e. at least 18 years of age).

3. What is this document for?

- 3.1 Our child safety code of conduct (the code) and associated policy 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 and young people.
- 3.2 This document contains:
- a **child safety code of conduct**, which sets out the general obligations that MLAs, their staff, and staff of the Office have to children and young people; and
 - a **policy** which sets out particular responsibilities and arrangements adopted by the Speaker, the Clerk, and the Standing Committee on Administration and Procedure in relation to interacting with children and young people in the course of their public duties and functions.

4. Who does the code and policy apply to?

- 4.1 The code and policy apply to all MLAs, their staff/contractors, staff involved in the parliamentary education program and other staff/contractors of the Office of the Legislative Assembly who may have contact with children or young people in the course of their duties.

5. Who has authorised this code and policy?

- 5.1 The Speaker, the Standing Committee on Administration and Procedure,³ and the Clerk of the Legislative Assembly have approved this code and policy.

6. Communicating the code and the policy

- 6.1 The code and policy are to be provided to all MLAs, their staff and Office staff through the Assembly intranet and by email. It will also be published on the Assembly website and included in induction information, so that new MLAs and staff are aware of what is required.

7. The child safety code of conduct

- 7.1 This code is adapted from the Australian Human Rights Commission's [Child Safe Organisations: Example Code of Conduct](#).
- 7.2 In their in-person and online professional interactions with children and young people, all MLAs, their staff/contractors, and staff/contractors of the Office will:

³ This Assembly committee is responsible for advising the Speaker and includes members from all party groupings.

- act in accordance with the policies and procedures directed towards the safety and wellbeing of children and young people at all times;
- 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;
- 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 participation and is welcoming, culturally safe and inclusive for all children, young people and their families;
- involve children and young people in making decisions about activities, policies and processes that concern them wherever possible;
- contribute, where appropriate or relevant, to policies, discussions, learning and reviews about the safety and wellbeing of children and young people;
- identify and mitigate risks to children's/young people's safety and wellbeing as required by applicable arrangements for managing risk;
- respond to any concerns or complaints of harm to children/young people promptly and in line with the Assembly's policy;
- report all suspected or disclosed child/young person harm or abuse as required by [Children and Young People Act](#) and by policy and procedure on internal and external reporting; and
- comply with Children and Young People Act and policies and procedures on record keeping and information sharing.

7.3 In their in-person and online professional interactions with children and young people, all MLAs, their staff/contractors, and staff/contractors of the Office will not:

- engage in any unlawful activity with or in relation to a child or young person;
- engage in any activity that is likely to harm a child or young person physically, sexually or emotionally;
- 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 a child or young person for a purpose unrelated to official activities of MLAs, proceedings of the Assembly, or the Office of the Legislative Assembly;
- disclose personal or sensitive information about a child or young person, including images of a child or young person, unless the child or young person and their parent or legal guardian consent or unless required to do so by law or in accordance with reporting/complaints handling requirements;
- use inappropriate language in the presence of children or young people, or 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; and
- ignore or disregard any suspected or disclosed harm or abuse to children or young people.

7.4 If an MLA, staff/contractors of MLAs, or staff/contractors of the Office reasonably believe that the code of conduct has been breached by another person, they must:

- act to prioritise the best interests of children and young people;
- take actions promptly to ensure that children and young people are safe;
- promptly report any concerns to the Speaker, the Clerk, or the employing MLA;
- follow the procedures for receiving and responding to complaints and concerns (see section 'Dealing with complaints' below); and
- comply with the [Children and Young Persons Act](#) with policy and procedure on reporting (see section on 'Reporting' below).

8. The policy

8.1 The policy sets out the Assembly's and the Office's approach to protecting and promoting the safety and wellbeing of children and young people who come into contact with MLAs, their staff/contractors, and the Office's staff and contractors in the course of their work.

Definitions

8.2 Defined terms for this policy:

- **child** is a person aged 0-11 years;
- **young person** is a person aged 12-17 years;
- **contact** with a child or young person in this policy means physical/in-person contact, written and oral communication (which can be face-to-face, electronic/online and by telephone); and
- **child harm** is all forms of injury and harm through physical, emotional or sexual abuse.

Responsibilities

8.3 The Speaker, the Standing Committee on Administration and Procedure and the Clerk are responsible for:

- committing to a child safe policy and promoting a child safe culture in the Assembly; and
- approving child safe code of conduct and child safety policy and procedures.

8.4 The Office is responsible for:

- periodically reviewing the child safety code of conduct and policy;

- conducting risk assessments on programs involving children and young people, and include these risks in the Office's risk register; and
- assisting in the complaints process as appropriate.

8.5 Members, their staff/contractors and Office staff/contractors must:

- comply with the relevant Commonwealth and Territory legislation;
- comply with the Assembly's *Child Safety Code of Conduct* (See paragraphs 7.1-7.4 above); and
- report breaches of the Assembly's code of conduct and policy to the appropriate authority.

Involving children in the work of the Assembly

8.6 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.

8.7 The Office has a small 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.

8.8 Children can 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

8.9 All communication with children, young people and their families, whether written or verbal, will be respectful, clear and accessible. This includes providing information about any activities that children and young people 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.

8.10 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 website, this includes venue safety documentation for groups participating in programs.

Working with children and young people

- 8.11 This policy is compliant with the [Working with Vulnerable People \(Background Checking\) Act](#) (the Act).
- 8.12 Under the Act, Office staff are required to be registered to engage in regulated activity with children and young people, this includes both permanent and casual staff. All Education and Engagement staff in the Office will be required to complete a Working with Vulnerable People (WWVP) check prior to commencing any work in the Assembly that involves children and young people.
- 8.13 MLAs are not required to undertake checks under the Act as their involvement in programs are not a regulated activity, as they do not have primary care of children or young people and their contact with children and young people in these activities is considered ‘incidental’ to their other duties.
- 8.14 Recruitment for positions involving contact with children and young people will highlight child safety and wellbeing during advertisement, and include selection criteria, referee checks and staff and volunteer pre-employment screening to ensure qualified staff are appointed to these positions.

Education program

- 8.15 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
- 8.16 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.
- 8.17 Specific programs such as the Interschool Parliamentary Debates and ACT Schools Constitutional Convention can include sensitive topics, these require senior management approval before inclusion in any program for student debate. 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.
- 8.18 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.
- 8.19 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 take photographs or to video of students while they are participating in education programs at the Assembly.

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

- 8.20 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 parents/guardians and teachers.

Vocational program—School work experience

- 8.21 Vocational placements within members' offices require consent from MLAs/senior staff of MLAs, parents/guardians, students and school coordinators before they can proceed.
- 8.22 All participants are provided with a vocational placement guide to ensure roles and responsibilities, including the activities to be undertaken, are understood by all participants.

Members and their staff

- 8.23 Members and their staff are required to always comply with the *Child Safety Code of Conduct* (See paragraphs 7.1-7.4 above) and this accompanying policy.
- 8.24 On occasion, MLAs and their staff will be responsible for supervising a young person undertaking work experience in their office. They need to ensure a safe, inclusive and child friendly workplace, child accessible work activities and workspaces, and involve the young person in decisions related to their workplace experience.
- 8.25 Members participating in Assembly education programs need to engage with children and young people using apolitical, respectful and accessible language.
- 8.26 Members and staff are not authorised to take photographs of children and young people participating in education programs at the Legislative Assembly without the consent of the young person's legal guardian.

Skills, awareness and training

- 8.27 Senior managers will ensure that all staff understand their role, responsibilities and behaviour expected in protecting children and young people.
- 8.28 Induction for all MLAs, their staff, the Office staff to include the Child Safety Code of Conduct, policy, privacy policy and working with vulnerable people.

Dealing with complaints or concerns

Immediate danger

- 8.29 **If a child is in immediate danger, call Triple Zero (000).**
- 8.30 Call Crimestoppers on 1800 333 000 or contact AFP on 131 444 to report a crime.

Concerns about a child's safety

- 8.31 [Reports concerning children's safety](#) can be made to Child and Youth Protection Services by calling 1300 556 729 or emailing childprotection@act.gov.au.

Complaints handling

- 8.32 Children and young people are able to make complaints, including in person, by phone, by email or by social media.
- 8.33 All complaints will be taken seriously and be dealt with promptly. They will be dealt with in a manner that is respectful to both the complainant and subject of the complaint.
- 8.34 Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaint process. Due to certain legislative requirements, an assurance of absolute confidentiality cannot be given.
- 8.35 If a complaint is received about an MLA, a staff member/contractor of an MLA, or staff member/contractor of the Office in relation to their conduct towards a child or young person, the MLA/staff member of an MLA/staff member of the Office must:
- advise the immediate supervisor of the person being complained about (for instance, if the complaint is about a staff member/contractor of an MLA, the MLA should be advised; if a staff member of the Office is the subject of a complaint, that staff member's supervisor should be advised); and
 - where an MLA or a manager within the Office is the subject of a complaint, refer the complaint to the Speaker (in the case of MLAs) and the Clerk (in the case of senior staff of the Office).
- 8.36 **Where a complaint relates to a matter that is potentially criminal in nature, it must be reported to the Australian Federal Police (phone: 131 444).**
- 8.37 Upon receipt of a complaint, the person responsible for handling the complaint:⁵
- **Acknowledge receipt of the complaint at the time of lodgement**—Provide an outline of the complaint process so that the complainant is informed of the next steps and an estimated timeframe.
 - **Record details of the complaint**—Unless the complaint is resolved when initially received, details of the complaint should be recorded. Identify a contact person within the Office for the child/young person and the child/young person's parent/legal guardian to liaise with in relation to the complaint and subsequent process.
 - **Initial assessment of the complaint**—Include an immediate risk assessment to ensure the child/young person is safe and removed from the risk of further harm. Is mandatory reporting required? Does the child need additional support? What evidence needs to be secured/protected/kept confidential in relation to the complaint?
 - **Assess the complaint**—Identify the issues raised in the complaint, is there more than one, will they need to be separately addressed? How serious or urgent are they (from both the perspective of the complainant and the Assembly)? Are the issues raised within the Assembly's control? Are the outcomes sought by the

⁵ An MLA in the case of staff/contractor of an MLA, an Office supervisor in the case of an Office staff member, the Speaker in the case of an MLA, and the Clerk in the case of a senior staff member of the Office.

complainant viable? Is further information needed to properly assess and resolve the complaint?

- **Involve the complainant**—Once the issues raised by the complaint have been assessed, develop a plan for involving the affected child/young person and their parent/guardian in the complaint process. A central contact person from the Assembly should communicate with the complainant/guardian so that rapport is established with them early in the complaints process. Record all decisions, the rationale behind them and communicate these with the complainant as appropriate.
- **Resolving the complaint**—Work with both the person making the complaint/their guardian and the person or area of the Office that is the subject of the complaint to see how the issues can be appropriately addressed. Wherever possible, try to resolve complaints promptly, particularly where the matter is minor. However, where the complaint relates to a serious allegation or incident, this may not be appropriate.
- **Conducting an investigation**—Obtain and protect evidence, including identifying relevant witnesses and putting the allegations to the subject of complaint at the appropriate point in time—affording them fairness. Analyse, assess and weight all of the evidence gathered. Make findings about the allegations and explain them to the subject of complaint and the complainant/their guardian.

Check any statutory requirements and consult with relevant external bodies (e.g. police and child protection agencies) as required. There may be times where it is appropriate for the Office or the Speaker to seek to engage a suitably qualified investigator to undertake an investigation (for example, where the matters of complex or of a serious but non-criminal nature).

- **Provide regular updates**—Keep the complainant/their guardian informed about what is happening with the complaint and clarify timeframes where there are delays. The frequency of updates and the information provided to the complainant should be determined in accordance with their specific needs and wishes, and privacy and confidentiality obligations.
- **Provide the final outcome**—Report final findings to the complainant/their guardian, the subject of complaint and other stakeholders, considering privacy, confidentiality and procedural fairness obligations. Explain to the complainant/their guardian and the subject of complaint—using the most appropriate communication channel and putting in place any necessary supports—the key steps taken to investigate the complaint, the outcome (including the reasons for your decision), and available avenues for review and/or appeal if they are dissatisfied with the outcome and/or the complaints process.
- **Close the complaint**—Keep comprehensive records about the complaint including the investigation process, outcomes and recommendations, and any outstanding actions that need to be addressed.
- **Feedback**—Invite both the complainant/their guardian and the subject of the complaint to provide feedback at the conclusion of the complaints process.
- **Facilitate ongoing support**—As part of the process for finalising complaints, consider whether the child/young person involved in the complaint (or their parents/carers) will need or want ongoing support. This might involve referrals to other organisations, for example, referrals for counselling.

- **Continuous improvement**—Implement any recommendations within the Assembly to ensure that the situation identified by the complainant does not occur again. Communicate any changes or improvements as this demonstrates the tangible benefits from making complaints and may help people to feel more comfortable about raising other concerns in the future.⁶

Mandatory reporting

- 8.38 Through the [Children and Young People Act](#) (s 356) public servants who, in the course of employment as a public servant, work with, or provide services personally to children and young people or families, are mandated reporters. There are also a range of other mandated reporters.
- 8.39 Where a mandated reporter believes, on reasonable grounds, that a child or young person 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.⁷ Reports can be made by calling 1300 556 729 or emailing childprotection@act.gov.au.
- 8.40 In addition, any adult who reasonably believes that a sexual offence has been committed against a child is required to make a report to the police (phone: 131 444).⁸ Failure to make a report is an offence that is punishable by imprisonment for a period up to 2 years.

Record keeping and information sharing

- 8.41 The Office, MLAs and their 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 or young person'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/young person, even when consent has been obtained;
 - ensuring all personal identifying information about children and young people is removed from publicly released documents and/or images; and

⁶ Commonwealth of Australia, Department of the Prime Minister and Cabinet, [Complaint Handling Guide: Upholding the rights of children and young people](#) 2019.

⁷ See also section 163 of the [Legislation Act](#).

⁸ See also section 66AA of the [Crimes Act](#).

- correctly storing and if relevant, marking as confidential, any personal or sensitive information about children and young people gathered by Office, MLAs and their staffing the course of their work.

More information

For more information on this policy, contact the Senior Director, Office of the Clerk (6205 0018), or the Manager, Education and Engagement (6205 3016), or send an email to ola@parliament.act.gov.au.