



ORDER OF MALTA AUSTRALIA

Australian Association of the Order of Malta Limited Safeguarding Children, Young People and Vulnerable Adults Policy as amended at March 2021 (Policy Number: AAOML_P_003)

Effective Date: 31 March 2021
Review Date: 30 November 2022

1 Introduction

- 1.1 This Policy is applicable to and governs the activities and conduct of the Australian Association of the Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta (the “Order of Malta” or the “Order”) and all those persons who volunteer with, or otherwise work on behalf of, the Order of Malta.
- 1.2 The primary aim of this Policy is to provide a safe environment for Children, Young People and Vulnerable Adults (“Children and Vulnerable Persons”) with whom the Order of Malta’s personnel or any of the entities under the control of the Order have contact in order to avoid actions that are abusive or exploitative of Children and Vulnerable Persons, or could be construed as such.
- 1.3 The following documents form an integral part of this Policy:
 - The Code of Conduct (see Annexure 3).
 - Statement to be signed by all Order of Malta’s Members (including Chaplains), Candidates, Stakeholders and Partners (see Annexure 4).
 - Safeguarding Children, Young People and Vulnerable Adults Reporting Form for Suspected Abuse (see Annexure 5).

2 Policy Purpose

- 2.1 The Order of Malta recognises the personal dignity, fundamental freedoms and rights of Children and Vulnerable Persons towards whom it has a special responsibility of care and respect. The Order is committed both to provide a safe environment for all those in its care and with whom it works and to prevent abuse of any kind.
- 2.2 The Policy outlines the duties and responsibilities of the Order of Malta’s personnel, partners and other relevant stakeholders, in relation to safeguarding of Children and Vulnerable Persons in the course of the Order’s activities.
- 2.3 The Order of Malta has developed this Policy which aims to protect the rights of Children and Vulnerable Persons through outlining systems and mechanisms for raising awareness, preventing, reporting and responding to issues related to their safeguarding.

3 Policy Scope

- 3.1 This Policy applies to all the Order of Malta’s activities regardless of location and is applicable to the Order’s activities taking place in Australia and overseas.
- 3.2 This Policy applies to all the Order of Malta’s personnel working on behalf of Order.

4 Legislation and Related Documents

- 4.1 This Policy has been developed to comply with the applicable Australian legislation—Federal, States and Territories legislation—and best practice as contained in the National Catholic Safeguarding Standards November 2019, in the guidelines issued by the Teaching of the Church, the Safeguarding Children and Vulnerable Persons Policy and Procedures adopted by the Catholic Archdioceses in Australia and is intended to be fully consistent therewith.
- 4.2 To the extent of any inconsistency between the applicable legislation, best practice and this Policy, the former necessarily take precedence over the latter. For the avoidance of doubt, however, the Order of Malta is not aware of any such inconsistency as at the date of the adoption of this Policy.
- 4.3 This Policy is subject to the following legislation, regulations and documents:
- 4.3.1 Commonwealth of Australia/Federal legislation:
- *Criminal Code Act 1995 (Cth)*, Divisions 272, 273 and 274.
 - *Crimes Act 1914 (Cth) IIIA (Child Sex Tourism)*.
 - *Crimes Act 1900 (Cth)*.
 - *Carer Recognition Act 2010 (Cth)*.
 - Anti-discrimination legislation.
 - Annexure 1 contains a more comprehensive list of legislation relating to safeguarding Vulnerable People and working with children checks.
 - Annexure 2 contains a list of mandatory reporting requirements.
- 4.3.2 States and Territories main legislation:
- ACT: *Children and Young People Act 2008 (ACT)*.
 - NSW: *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.
 - NT: *Care and Protection of Children Act 2007 (NT)*.
 - QLD: *Child Protection Act 1999 (QLD)*.
 - SA: *Children's Protection Act 1993 (SA)*.
 - TAS: *Children, Young Persons and their Families Act 1997 (Tas)*.
 - VIC: *Children, Youth and Families Act 2005; Child Wellbeing and Safety Act 2005 (Vic)*.
 - WA: *Children and Community Services Act 2004 (WA)*.
 - Anti-discrimination legislation.
- 4.3.3 Catholic Church guidelines:
- National Catholic Safeguarding Standards, May 2019.
 - Towards Healing, 2016.
 - Integrity in Ministry 2010.
 - Integrity in the Service of the Church 2011.
- 4.3.4 International Safeguarding Instruments that Australia is a Signatory to as UN Member:
- *United Nations Convention on the Rights of the Child*, 1990. Optional Protocol to the *United Nations Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 2002.
 - *Geneva Declaration for the Rights of the Child*, 1959.
 - *International Labour Organisation Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 2000.

5 Definitions

- 5.1 Children:
It means any person under the age of 18 (as defined in Articles 1 of the United Nations Convention on the Rights of the Child), without prejudice to other definitions by States and Territories legislation.

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5.2 Young People or Young Person:

It means those aged between 16 and 18 years, without prejudice to other definitions by States and Territories legislation.

5.3 Vulnerable Adults:

It means a person over the age of 18 years, who is susceptible to unfair treatment, exploitation or abuse. Examples of 'Vulnerable Adults' could include the frail and elderly, the physically or intellectually disabled, those with mental health issues, those who have experienced bereavement, those of lower socio-economic status, those with poor understanding of the English language and those under the influence of drugs or alcohol. Further details can be found in the relevant State and Territory legislation to protect Vulnerable Adults. The principal Vulnerable Adult Protection Acts in each Australian State and Territory are listed in section 4, subsections 4.1 - 4.2 of this Policy.

5.4 Abuse:

- a. Abuse of a Child or Young Person occurs when adults or other children hurt a Child or Young People, either physically, sexually, emotionally, psychologically, or in some other way. Children and Young People abuse includes abuse of a physical, sexual or emotional nature, neglect, bullying, and child labour and domestic violence.
- b. Abuse of a Vulnerable Adult occurs when adults or children hurt a Vulnerable Adult (for example, the elderly, or those who have a disability) physically, sexually, emotionally or psychologically. Abuse includes abuse of a physical, sexual or emotional nature, neglect, bullying, child labour and domestic violence.
- c. Grooming constitutes a case of abuse. Grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- d. Physical abuse is true application of force to the body of a person that results in hitting, kicking or shaking, where there is definite knowledge, or reasonable suspicion, that the injury was inflicted, threatened or knowingly not prevented. No actual harm or injury is required for physical abuse to occur.
- e. Emotional abuse is harm done by emotional ill-treatment or rejection, such as degrading punishments, threats, bullying, and not giving care and affection, resulting in adverse effects on the behaviour and emotional development of Children and Vulnerable Persons. Indicators include emotional development regression, attention seeking behaviour, bullying and other maladaptive behaviours.
- f. Neglect or ill treatment occurs when basic needs such as food, warmth and medical care are not met, or when there is failure to safeguard Children and Vulnerable Persons from exposure to danger resulting in serious impairment of Children and Vulnerable Persons' health or development.
- g. Sexual abuse occurs if Children and Vulnerable Persons are pressured or forced to take part in any kind of sexual activity, even when Children and Vulnerable Persons are aware of, or consents to, what is happening. Abuse may be current or recent, or in some cases historical, i.e., an adult may disclose sexual abuse that took place when he/she was a child. Abuse may be carried out by adult men or women, including children, siblings or other young people.
- h. Financial abuse involves the illegal or improper use of a person's finances or property by another person with whom they have a relationship implying trust.

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- i. There are some groups of children, young people and adults who are particularly vulnerable; children/adults with disabilities are among these, and children/adults from ethnic minority communities who may be particularly vulnerable if their communities suffer from discrimination. Children and Vulnerable Persons who are refugees, asylum seekers and Children and Vulnerable Persons living in residential care are among these groups.

5.5 Exploitation:

Commercial or other exploitation of Children and Vulnerable Persons refers to the use of Vulnerable Persons in work or other activities for the financial or material benefit of others. This includes, but is not limited to, Children and Vulnerable Persons labour and prostitution. These activities are to the detriment of Children and Vulnerable Persons physical or mental health, education, or spiritual, moral or social-emotional development

5.6 Violence:

The intentional use of physical force or power, threatened or actual, against, by an individual or group, that either results in, or has a high likelihood of resulting in, actual or potential harm to the recipient's health, survival, development or dignity. Violence can be committed by individuals or by a range of persons, including the State as well as groups and organisations through their members and the effect of their policies. It results not only in actual injury or the fear of actual injury, but also in fundamental interference with personal freedom.

5.7 Harm:

The result of the Exploitation, Violence, Abuse (physical, sexual or emotional) and 'Neglect' or 'Ill Treatment' of Children and Vulnerable Persons and can take many forms, including impacts to the recipient physical, emotional and behavioural development, their general health, their family and social relationships, their self-esteem, their educational attainment and aspirations.

5.8 Contact with Children and Vulnerable Persons:

It means the Order of Malta's Personnel working on an activity or in a position that involves or may involve contact with Children and Vulnerable Persons in the course of the Order activities, either under the position description or due to the nature of the work environment.

5.9 Working with Children and Vulnerable Persons:

It means the Order of Malta's personnel being engaged in an activity with Children and Vulnerable Persons in the course of the Order's activities where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering or other unpaid work.

5.10 Order of Malta's Personnel:

It includes permanent and fixed term of the Order of Malta employees, volunteers and members, including chaplains.

5.11 Stakeholders:

It refers to those engaged in short term contracts such as contractors, consultants, researchers, photographers, visitors, trustees, donors, partner agencies, supports and other groups or individuals involved in or visiting the Order of Malta's activities.

5.12 Partners:

It refers to those with whom the Order of Malta enters into legally binding agreements or other formal relationships for implementing programs, International Non-Government Organisations (INGOs), Local Non-Government Organisations (NGOs) and Community Based Organisations.

5.13 Working with Children Check:

It is a prerequisite for anyone working with children. It involves a national criminal history

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check and review of findings of workplace misconduct. The result of a Working with Children Check is either a clearance to work with children for the permitted time (typically five years), or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked

5.14 Disclosure:

It means when a specific allegation is made against a named individual.

5.15 Suspicion:

It means when concern is expressed about abuse that may have taken.

6 Equality Policy

6.1 The Order of Malta must comply with Anti-Discrimination legislation in force in each Australian State and Territory.

6.2 All those persons volunteering or otherwise working on behalf of the Order of Malta are, however, expected to respect the beliefs and practice of the Roman Catholic faith and the traditions of the Order.

7 Roles and Responsibilities

7.1 All Order of Malta's personnel and key stakeholders must comply with this Policy when in contact with Children and Vulnerable Persons.

7.2 Further, the following persons in the Order of Malta have the additional safeguarding responsibilities:

7.2.1 The Order of Malta's Executive Council has a responsibility to ensure that:

- an Order of Malta Safeguarding Officer (SGO) is appointed;
- the appointed SGO has the requisite skills and competencies and is appropriately recruited, trained, supervised and supported;
- all safeguarding concerns are properly dealt with by the SGO.

7.2.2 The Order of Malta's SGO has a responsibility to:

- raise awareness of, and deliver effective safeguarding in accordance with this Policy;
- respond appropriately and swiftly to any concerns about safeguarding received, notifying all those who need to know while ensuring proper compliance with all the Order's legal obligations, including as to reporting and data protection and confidentiality obligations and policies;
- commit himself or herself to undertake regular safeguarding training.

8 Promotion of Policy Awareness

8.1 The Order of Malta is committed to making this Policy accessible to all Order's personnel, stakeholders, partners and the public via its various websites. In the same way, the Order's complaints procedures will be readily accessible via its website/s to those who wish to make a complaint about any aspect of the Order's activities.

8.2 The Order of Malta's personnel who through their roles are in contact with Children and Vulnerable Persons will have access to training in relation to this Policy.

8.3 Information about safeguarding of Children and Vulnerable Persons will be communicated by a variety of means including:

- routine safeguarding debriefings after each Order of Malta's activity; and
- written incident reports and the sharing of lessons learned in order to establish and promote best practice within the Order.

9 Policy Implementation

- 9.1 This Policy will be implemented within the Order of Malta through measures that include:
- 9.1.1 Safer recruitment: the Order of Malta will undertake safer recruitment by ensuring that the Order's personnel provide referees before engaging in the Order's Activities.
- 9.1.2 Establishing a culture within the Order of Malta of:
- reporting without delay any abuse or suspicions or concerns about abuse or the risk of abuse;
 - encouraging reporting and whistle-blowing; and
 - by complying with this Policy in the event of a report.
- 9.1.3 Responding appropriately to allegations of abuse or concerns about abuse: measures aimed at achieving this include the following:
- all concerns will be handled with confidentiality, impartiality, fairness, timeliness and accuracy and will adhere to the mandatory reporting obligations;
 - anyone making (or affected by) a report should be made aware that confidentiality is limited and that there may be a requirement or duty to disclose certain information given that confidentiality may conflict with the need to ensure the safety and welfare of Children and Vulnerable Persons to which a report relates;
 - all records of a personal nature and sensitive information are properly stored and accessed appropriately in accordance with any relevant data protection policy; and
 - to investigate any actual or suspected breach of this policy by any Order of Malta's personnel and will report the matter to the relevant authorities in accordance with its legal obligations (including for possible criminal proceedings against the offender).
- 9.1.4 **Compliance:**
The Order of Malta's personnel must agree to comply with the principles and standards of this Policy.
- 9.1.5 **Vulnerable Persons protection preventative measures:**
Effective Children and Vulnerable Persons abuse prevention strategies will be incorporated in all the Order of Malta's programs and activities.

10 Induction/Training

- 10.1 The Order of Malta's personnel must read this policy and attend the induction and training that is intended to provide an increased knowledge of the categories of abuse and the signs to look for to recognise abuse.
- 10.2 On pilgrimages and in the course of the Asia Pacific Summer Camps hosted by the Order of Malta in Australia, both the members of the pilgrimage's dedicated medical team and the volunteers at the Asia Pacific Summer Camps are always available to listen to any concerns raised and have mandatory reporting obligations, including reporting to the SGO.

11 Breach of Policy

- 11.1 A breach of this Policy consists of any act or omission by any Order of Malta's personnel, stakeholders and partners that violates the terms of this Policy.
- 11.2 In response to a breach of this Policy by any of the Order of Malta's personnel, stakeholders and partners, the Order may apply any or all of the following measures
- issue a warning;
 - arrange supervision or counselling;

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- require further training or education;
- report the molester to police or other relevant authorities;
- suspension (whether temporary or permanent);
- termination of the engagement.

12 Safe Recruitment and Screening of the Order of Malta's Personnel

- 12.1 All prospective Order of Malta's personnel ("applicants") to be involved in projects/activities for Children and Vulnerable Persons are required to undergo criminal record checks and to provide the names of referees who have direct experience of the applicant's work and character.
- 12.2 All applicants, members (including chaplains), candidates, employees, stakeholders and partners must sign the Order of Malta's Statement, which states that they have not been charged with or convicted of any criminal offence and have not engaged in any previous conduct which could reasonably be considered by the Order as rendering them unsuitable for employment or engagement with the work of the Order.
- 12.3 The members of the Order of Malta who are actively involved in serving Children and Vulnerable Persons must have a current Working with Children or with Vulnerable People Check from the jurisdiction where the Order of Malta's personnel are resident.

13 Personal conduct

- 13.1 The Order of Malta's personnel must comply with the Code of Conduct, which provides an ethical framework for behaviour and decision making.
- 13.2 The Order of Malta's personnel have a responsibility to meet high standards of personal conduct in conducting the Order activities.

14 Procedure in the Event of a Report of Abuse

- 14.1 The Order of Malta recognises that disclosure and suspicion should always be investigated and acted upon swiftly, making the welfare of Children and Vulnerable Persons the paramount consideration.
- 14.2 Any complaint by or about Children and Vulnerable Persons must be communicated to the SGO.
- 14.3 The SGO will obtain advice on mandatory reporting and, if requested, report to the relevant State or Territory authorities as soon as possible and within 24 hours, in accordance with the Order of Malta's obligations at law.¹
- 14.4 A complaint from the Regions will be investigated by the respective regional Safeguarding Focal Point ("SFP")² and will be notified to the national SGO.
- 14.5 Children and Vulnerable Persons whom are the subject of or who are affected by, a report of abuse will be removed to and kept in a place of safety.
- 14.6 The alleged abuser or any person implicated by a report of abuse will be removed from the relevant place or activity and suspended from the activity and all related duties with the Order of Malta until the report has been investigated and resolved.

1 See this Policy, Annexure Two, pp 13-19.

2 See section 5 of the Safeguarding Policy Guidelines.

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- 14.7 The identity of any alleged victim of the misconduct alleged will not be disclosed to the person accused except with the consent of the alleged victim. If such non-disclosure would give rise to the risk of serious injustice in a particular case, the alleged victim may be told that non-disclosure may prevent an investigation being completed but the decision as to disclosure remains the right of the alleged victim.
- 14.8 All appropriate external authorities must be informed upon disclosure – e.g. Social Services and the Police.
- 14.9 A report of abuse to the Order of Malta will be resolved by an internal investigation, a reasoned determination of the allegations made and a decision making any appropriate recommendation/s and/or imposing any appropriate sanction/s.
- 14.10 If the report of abuse has been referred to Social Services or the Police, the investigation, determination and sanction will be delegated to the appropriate authority. In such cases the Order's Sovereign Council shall also be notified.
- 14.11 The Order of Malta will implement all and any recommendations, sanctions and further action required by the Order's SGO or appropriate external authority.

15 Managing Information

- 15.1 Information will be gathered, recorded and stored in accordance with the Order of Malta's Privacy Policy.

16 Annexures

- 16.1
1. General Overview of National Working with Children and Vulnerable Persons Screening Legislations
 2. National Mandatory Reporting Overview
 3. Example of Safeguarding Children, Young People and Vulnerable Adults Code of Conduct Form
 4. Example of Statement to be signed by Personnel, Candidates, Stakeholders and Partners.
 5. Safeguarding Children, Young People and Vulnerable Adults Reporting Form for Suspected Abuse

17 Related Policies and Documents

- 17.1
1. Safeguarding Children, Young People and Vulnerable Adults Code of Conduct Form
 2. Safeguarding Children, Young People and Vulnerable Adults Reporting Form for Suspected Abuse
 3. A Summary of our Safeguarding Children, Young People and Vulnerable Adults Policy (brochure)
 4. Safeguarding Children, Young People and Vulnerable Adults Policy (3-fold brochure)
 5. Safeguarding Children, Young People and Vulnerable Adults Policy Induction (PowerPoint presentation and slide deck)
 6. Privacy Policy

18 Review

- 18.1 The Order of Malta undertakes to review this 'Safeguarding Children, Young People and Vulnerable Adults Policy and Procedures' annually and to update it on the basis of developing best practice, learning and experience, and changes in relevant government legislation.

This Policy will be reviewed in November 2022.

Annexure 1

General Overview of National Working with Children and Vulnerable Persons Screening Legislations

(Prepared by the National Committee for Professional Standards, March 2016)

Each State and Territory has their own laws and different exemptions and exclusions apply. Individuals and employers need to be aware of their legal obligations before engaging in relevant activities and services with Children, Young People or Vulnerable Adults in all States and Territories in Australia. If you are visiting interstate and intend to engage in Children, Young People or Vulnerable Adults -related work, please contact the relevant body for more detailed advice about what you should do.

Some agencies/employers, as part of their local protocols, may require visitors to undergo a National Criminal History Record Check (NCHRC).

Additionally, please note that visiting clergy and religious must comply with Sections 45.6 and 45.7 of the Towards Healing Protocols (listed at the end of this annexure).

Australian Capital Territory Jurisdiction: Working with Vulnerable People Registration

Legislation

Working with Vulnerable People (Background Checking) Act 2011 (ACT)

Overview of Obtaining a Working with Children Check

Those people who are engaged in regulated activities or services with vulnerable people need to be registered (Do I need to register for WWVP questionnaire?)

www.accesscanberra.act.gov.au/app/answers/detail/a_id/2755

In order to register complete an online form for a Working with Vulnerable People (WWVP) registration. The information is then submitted to the Office of Regulatory Services but is not lodged officially until you: Apply for working with vulnerable people registration in the ACT.

www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804

New South Wales Jurisdiction: NSW Working with Children Check

Legislation

Child Protection (Working with Children) Act 2012 (NSW)

Overview of Obtaining a Working with Children Check

A Working With Children Check is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of findings of workplace misconduct.

www.kidsguardian.nsw.gov.au/working-with-children/working-with-childrencheck

The result of a Working With Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring, and relevant new records may lead to the clearance being revoked.

www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/apply/apply

Northern Territory Jurisdiction: Ochre Card

Legislation

Care and Protection of Children Act 2007 (NT)

Overview of Obtaining a Working with Children Check

It is mandatory for people who have contact or potential contact with children in certain specified areas of employment to hold a Working with Children Clearance Notice – an OchreCard

www.workingwithchildren.nt.gov.au

Applying online for an ochre card or National PoliceCheck
forms.pfes.nt.gov.au/safent

Queensland Jurisdiction: Working with Children Check, also known as the Blue

Legislation

Working with Children (Risk Management and Screening) Act 2000 (Qld)

Overview of Obtaining a Working with Children Check

The process of obtaining a working with children check assesses a person's eligibility to hold a blue card or exemption card based on their known past police and disciplinary information. This process also disqualifies certain people upfront and prevents people from working with children whose past behaviour indicates they are not eligible to enter regulated child-related employment.

www.bluecard.qld.gov.au/index.html

If you don't have a blue card or exemption card, follow the instructions on the link

www.bluecard.qld.gov.au/employees/howdoiapply.html

The Disability Services Act 2006 (Qld)

If you volunteer with adults with a disability in Queensland for an organisation funded by NDIS or the Department of Communities, Disability Services and Seniors, you will need to apply for a Yellow Card (via your organisation), which conducts a criminal history screening similar to the Blue Card process. Like the Blue Card, the Yellow Card is also free for volunteers and must be received prior to commencement. If you have a current Blue Card, you do not need to apply for a Yellow Card, but will need to complete an application for an exemption notice. For more information, see the Department of Communities, Disability Services and Seniors website.

volunteeringqld.org.au/volunteers/background-checks

South Australian Jurisdiction: Child Related Employment Screening

Legislation

Children's Protection Act 1993 (SA) s8B

Overview of Obtaining a Working with Children Check

Organisations providing certain services wholly or partly for children must ensure that before a person is engaged or appointed to a prescribed position, an assessment of their relevant history is conducted. Assessments must then be conducted every three years. This requirement applies to organisations that provide health, welfare, education, sporting or recreation, religious or spiritual, child care or residential services wholly or partly for children.

www.families.sa.gov.au/childsafe

The check construes A child related employment screening certificate or letter issued by the authorised screening unit (the Department for Communities and Social Inclusion Screening Unit)

Or

South Australian Jurisdiction: Child Related Employment Screening (cont')

| <u>Legislation</u> | <u>Overview of Obtaining a Working with Children Check (cont')</u> |
|--|---|
| <i>Children's Protection Act 1993 (SA) s8B</i> | A criminal history report prepared by South Australia Police or a Crim Trac accredited agency. www.families.sa.gov.au/pages/protectingchildren/AssessCrimHist To obtain a letter or certificate from the Government Authorised Screening Unit, go to www.dcsi.sa.gov.au/services/screening NB: A verification number is not provided in South Australia a letter or certificate is provided. |

Tasmanian Jurisdiction: Working with Children Registration

| <u>Legislation</u> | <u>Overview of Obtaining a Working with Children Check</u> |
|---|--|
| <i>Registration to Work with Vulnerable People Act 2013 (Tas).</i> <i>Registration to Work with Vulnerable People Regulations 2014 (Tas)</i> | If you work or volunteer with children you might need to apply for this new registration. The new law requires registration for roles within child related organisations. www.justice.tas.gov.au/working_with_children/application Questionnaire as to whether a person needs to register The process for making applications can be found: www.forms.justice.tas.gov.au/RegistrationForm.aspx |

Victorian Jurisdiction: Working with Children Check

| <u>Legislation</u> | <u>Overview of Obtaining a Working with Children Check</u> |
|---|--|
| <i>Working with Children Act 2005 (Vic)</i> <i>Child Wellbeing and Safety Act 2005 (Vic)</i> | Under the Working with Children Act 2005 (Vic), only people who are doing child-related work need a WWC Check. This applies to both paid and volunteer workers. The process for making applications can be found: www.workingwithchildren.vic.gov.au/home The process for making applications can be found: www.workingwithchildren.vic.gov.au/home/applications |

Western Australian Jurisdiction: Working with Children Check

| <u>Legislation</u> | <u>Overview of Obtaining a Working with Children Check</u> |
|---|--|
| <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i> | A paid employee or volunteer must apply for a WWC Check or hold a valid WWC Card if they currently engage in child-related work, or about to commence child-related work. www.checkwwc.wa.gov.au The process for making applications can be found: www.checkwwc.wa.gov.au/checkwwc/Employees+and+Volunteers/How+to+Apply+and+Card+Expiry.htm |

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PLEASE NOTE:

The above information is not to be relied upon as legal advice but general information sourced from the relevant State/Territory Government websites. As legislation and regulations are subject to change, it is recommended that you visit the websites for the most current and accurate information.

In addition to legislative requirements, visiting clergy and religious must also comply with Sections 45.6 and 45.7 of 'Towards Healing'.

- 45.6 Whenever a cleric or religious is to transfer from one diocese or institute to another, (whether within Australia or coming from overseas) or is to carry out a ministry or apostolate in another diocese or institute, the Church Authority to which the person is to be transferred shall ask for a written statement from the cleric or religious indicating whether there have been any substantiated complaints of abuse against him or her or whether there are known circumstances that could lead to a complaint of abuse. Such statements shall be held as confidential documents by the Church Authority.
- 45.7 In these same circumstances the Church Authority in the diocese or institute where the cleric or religious previously lived and worked, shall provide a statement in writing to the new diocese or institute indicating whether such authority knows of any complaints of abuse which have been substantiated or is aware of circumstances that could lead to a complaint of abuse, or whether it considers that there would be an unacceptable risk to children, young people or vulnerable adults if the person were to be allowed to engage in particular kinds of ministry. Where there has been a substantiated complaint, the Church Authority shall furnish all information necessary to evaluate the seriousness of the offence, and shall report on all treatment undertaken, and other measures employed to ensure that further offences do not occur. Such statements shall be held as confidential documents by the church Authorities.

For a copy of the full text of Towards Healing, visit:
www.catholic.org.au/documents/1346-towards-healing-2010-2/file

Annexure 2

National Mandatory Reporting Overview

(Prepared by the National Committee for Professional Standards, March 2016)

Australian Capital Territory Jurisdiction

Who is mandated to notify?

- A person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a teacher at a school; a psychologist, a person providing education to a child or young person who is registered, or provisionally registered, for home education under the Education Act 2004; a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor; a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families; the public advocate; an official visitor; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

What is to be notified?

- A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury;
- and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid).

Maltreatment types for which it is mandatory to Report

- Physical abuse
- Sexual abuse

Relevant Section of the Act/Regulations

- Sections 354 and 356 of the *Children and Young People Act 2008* (ACT)

To whom do I Notify?

- Office for Children, Youth and Family Support
GPO Box 158
Canberra City ACT 2601
Ph: 132 281
- To report instances of child abuse: Ph:1300 556 729
- If you are a mandatory Reporter: Ph: 1300 556 728 or Fax: 6205 0641
- Email Child Protection Reports E: childprotection@act.gov.au
- Online Reporting (Ctrl + Click to follow):
form.act.gov.au/smartforms/csd/child-concern-report

New South Wales Jurisdiction

Who is mandated to notify?

- A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children; and a person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.

New South Wales Jurisdiction (cont')

What is to be notified?

- A child or young person “is at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, of ... basic physical or psychological needs are not being met ... physical or sexual abuse or ill-treatment ... serious psychological harm during the course of or from the person’s work.

Maltreatment types for which it is mandatory to Report

- Physical abuse
- Sexual abuse
- Emotional/ Psychological abuse
- Neglect
- Exposure to family violence

Relevant Section of the Act/Regulations

- Sections 23 and 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

To whom do I Notify?

- Department of Family and Community Services
Head Office
4-6 Cavill Ave
Ashfield, NSW 2131

or

- Locked Bag 4028
Ashfield NSW 2131
Ph: (02) 9716 2222
- Child Protection Helpline: 132 111 (24 hours a day, 7 days a week)
- Mandatory Reporters call: 133 627 (13 DOCS)
- Online Reporting (Ctrl + Click to follow):
www.keepthemsafe.nsw.gov.au/v1/reporting_children_at_risk/mandatory_reporter_guide

Nrthern Territory Jurisdiction

Who is mandated to notify?

- Any person with reasonable grounds
- Registered health professionals

What is to be notified?

Any person with reasonable grounds:

- A belief on reasonable grounds that a child has been or is likely to be a victim of a sexual offence;
- or otherwise has suffered or is likely to suffer harm or exploitation

Registered health professionals:

- Reasonable grounds to believe a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and offender is greater than 2 years.

Maltreatment types for which it is mandatory to Report?

Any person with reasonable grounds

- Physical abuse
- Sexual abuse
- Emotional Psychological abuse

Northern Territory Jurisdiction (cont')

- Neglect
 - Exposure to Physical violence(e.g. A child witnessing violence between parents at home)
- Registered health professionals
- Sexual abuse

Relevant Sections of the Act/Regulations

- Sections 15 and 26 of the *Care and Protection of Children Act 2007* (NT)
- Section 26 of the *Care and protection of Children Act 2007* (NT)

To whom do I Notify?

- Department of Children and Families
PO Box 40596
Casuarina NT 0811
Ph: (08) 8999 3737
- To report instances of child abuse: (24 hours) 1800 700 250

Queensland Jurisdiction

Who is mandated to notify?

- An authorised officer, employee of the Department of Child Safety, a person employed in a departmental care service or licensed care service. Including police officers with child protection responsibilities.
- A doctor or registered nurse.
- Teachers include approved teachers under the *Education (Queensland College of Teachers) Act 2005* (Qld), employed at a school.
- The staff of the Commission for Children and young People and Child Guardian. A person performing a child advocates function under the *Public Guardian Act 2014* (Qld).

What is to be notified?

Authorised officer

- Awareness or reasonable suspicion of harm caused to a child placed in the care of an entity conducting a departmental care service or a licensee.

Doctor or registered nurse, Teachers, The staff of the Commission for Children and young People and Child Guardian

- Awareness or reasonable suspicion during the practice of his or her profession of harm or risk of harm.
- A child who is in need of protection under s10 of the *Child Protection Act 1999* (Qld) (i.e., has suffered or is at unacceptable risk of suffering harm and does not have a parent able and willing to protect them.

Maltreatment types for which it is mandatory to Report?

Any person with reasonable grounds

- Physical abuse
- Sexual abuse or
- Exploitation
- Emotional/Psychological abuse
- Neglect

Relevant Sections of the Act/Regulations

- Section 9, 13E & F of the *Child Protection Act 1999* (Qld)
- Sections 191-192 and 158 of the *Public Health Act 2005* (Qld) No 48
- Section 20 of the *Commission for Children Young People and Child Guardian Act 2000* (Qld)

Queensland Jurisdiction (cont')

To whom do I Notify?

- Department of Communities-Child Safety (Child Safety Queensland)
PO Box 806
Brisbane QLD 4002
- To report instances of child abuse:
 - South East: 1300 679 849
 - South West: 1300 683 390
 - Far Nth Qld: 1300 684 062
 - North Qld: 1300 706 147
 - Nth Coast: 1300 703 921
 - Brisbane: 1300 682 254
 - Central Qld: 1300 703 762
- After hours (all areas): 1800 177 135
- If unsure of who to contact: Call child Safety Services Enquiries Unit on: 1800 811 810
- Online Reporting (Ctrl + Click to follow)
secure.communities.qld.gov.au/cbir/home/ChildSafety

South Australian Jurisdiction

Who is mandated to notify?

- Doctors; pharmacists; registered or enrolled nurses; dentists; psychologists; police officers; community corrections officers; social workers; teachers; family day care providers; employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children; ministers of religion (with the exception of disclosures made in the confessional); employees or volunteers in a religious or spiritual organisations.

What is to be notified?

- Reasonable grounds that a child has been or is being abused or neglected; and the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties.

Maltreatment types for which it is mandatory to Report

- Physical abuse
- Sexual abuse
- Emotional/ Psychological Abuse
- Neglect

Relevant Sections of the Act/Regulations

- Section 11 of the *Children's Protection Act 1993 (SA)*

To whom do I Notify?

- Families SA
Level 7
108 North Terrace
Adelaide SA 5000
Ph: (08) 8124 4185
- To report instances of child abuse: 131 478 (24 hours)
- Online Reporting (please note you will need to create an account to use
my.families.sa.gov.au/IDMProv/landing.html)

Tasmanian Jurisdiction

Who is mandated to notify?

- Registered medical practitioners; nurses; dentists, dental therapists or dental hygienists; registered psychologists; police officers; probation officers; principals and teachers in any educational institution; persons who provide child care or a child care service for fee or reward; persons concerned in the management of a child care service licensed under the Child Care Act 2001; any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

What is to be notified?

- A belief, suspicion, reasonable grounds or knowledge that: a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004; or there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.

Maltreatment types for which it is mandatory to Report

- Physical abuse
- Sexual abuse
- Emotional/ Psychological abuse
- Neglect
- Exposure to family violence

Relevant Sections of the Act/Regulations

- Sections 13 and 14 of the *Children, Young Persons and their Families Act 1997* (Tas)

To whom do I Notify?

- Child Protection Services
GPO Box 125
Hobart TAS 7001
Ph: 1300 135 513
- To report instances of child abuse: Ph: 1300 737 639 (24 hours)
- Online Reporting (Ctrl + click to follow):
www.dhhs.tas.gov.au/children/child_protection_services

Victorian Jurisdiction

Who is mandated to notify?

- Registered medical practitioners, registered nurses, a person registered as a teacher under the Education, Training and Reform Act 2006 or teachers granted permission to teach under that Act, principals of government or nongovernment schools, and members of the police force.

What is to be notified?

- Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(c) or 162(d), formed in the course of practising his or her office, position or employment.

Maltreatment types for which it is mandatory to Report

- Physical abuse
- Sexual abuse

Victorian Jurisdiction (cont')

Relevant Sections of the Act/Regulations

- Sections 162 and 182 and 184 of the *Children, Youth and Families Act 2005* (Vic.)
- *Child Wellbeing and Safety Act 2005* (Vic). The Act established the Office of the Child Safety Commissioner and provides an overarching legislative framework designed to encourage and support a shared commitment towards children in Victoria.

To whom do I Notify?

- Department of Human Services-Children, Youth and Families
Level 9
50 Lonsdale St
Melbourne VIC 3000
- Child Protection Crisis Line 131 278 24 hrs 7 Days
- Local Child Protection Contacts:
 - Metropolitan
 - Eastern: 1300 360 391
 - Southern: 1300 655 795
 - North & West: 1300.664 977
 - Rural:
 - Barwon S/West: 1800 075 99
 - Gippsland:1800 020 202
 - Grampians:1800 000 551
 - Hume: 1800 650 227
 - Loddon Mallee: 1800 675 598

Western Australian Jurisdiction

Who is mandated to notify?

- Court personnel; family counsellors; family dispute resolution practitioners, arbitrators or legal practitioners representing the child's interests.
- Licensed providers of child care or outside school-hours care services.
- Doctors; nurses and midwives; teachers; and police officers.

What is to be notified?

Court personnel; family counsellors; family dispute resolution practitioners, arbitrators or legal practitioners representing the child's interests.

- Reasonable grounds for suspecting that a child has been: abused, or is at risk of being abused; ill treated, or is at risk of being ill treated; or exposed or subjected to behaviour that psychologically harms the child.

Licensed providers of child care or outside school-hours care services

- Allegations of abuse, neglect or assault, including sexual assault, of an enrolled child during a care session.

Doctors; nurses and midwives; teachers; and police officers

- Belief on reasonable grounds that child sexual abuse has occurred or is occurring.

Maltreatment types for which it is mandatory to Report

By court personnel; family counsellors; family dispute resolution practitioners, arbitrators or legal practitioners representing the child's interests.

- Physical abuse
- Sexual abuse
- Emotional/ • Psychological • abuse
- Neglect

By licensed providers of child care or outside school-hours care service

- Physical abuse
- Sexual abuse
- Neglect

Western Australian Jurisdiction (cont')

By doctors; nurses and midwives; teachers; and police officers

- Sexual abuse

Relevant Sections of the Act/Regulations

Court personnel; family counsellors; family dispute resolution practitioners, arbitrators or legal practitioners representing the child's interests

- Section 160 of the *Western Australia Family Court Act 1997 (WA)*

Licensed providers of child care or outside school-hours care service

- Regulation 20 of the *Child Care Services Regulations 2006 (WA)*
- Regulation 19 of the *Child Care Services (Family Day Care) Regulations 2006 (WA)*
- Regulation 20 of the *Child Care Services (Outside School Hours Family Day Care) Regulations 2006 (WA)*
- Regulation 21 of the *Child Care Services (Outside School Hours Care) Regulations 2006 (WA)*

Doctors; nurses and midwives; teachers; and police officers

- Section 124B of the *Children and Community Services Act 2004 (WA)*

To whom do I Notify?

- Department for Child Protection
Central Office
PO Box 6334
East Perth WA 6892
Ph: (08) 9222 2555
TTY: (08) 9325 1232
- After hours: (08) 9223 1111 or 1800 199 008
- Mandatory Reporters: 1800 708 704 (24 hours);
Online Reporting:
mrweb.dcp.wa.gov.au/psc/mrweb/EMPLOYEE/CRM/c/MRIS2.AS_MRIS2.GBL?



ORDER OF MALTA AUSTRALIA

Safeguarding Children, Young People and Vulnerable Adults Code of Conduct

This Code of Conduct sets out the standards of conduct and personal behaviour required of personnel and other stakeholders of the Australian Association of the Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta (the “Order of Malta” or the “Order”).

1. General Conduct

Whilst employed, engaged or representing Order of Malta, I will:

- Treat all Children, Young People and Vulnerable Adults (“Children and Vulnerable Persons”) with respect regardless of race, colour, sex, language, disability, religion, political or other opinion, national, ethnic or social origin, property, birth or other status.
- Provide a welcoming, inclusive and safe environment for all Children and Vulnerable Persons, parents/guardians, the Order of Malta’s personnel and other stakeholders or partners of the Order.
- Not use physical or humiliating punishment on Children and Vulnerable Persons.
- Encourage Children and Vulnerable Persons, parents/guardians, the Order of Malta’s personnel and other stakeholders of the Order to speak up about issues that affect them.
- Immediately report concerns or allegations for the safety or wellbeing of Children and Vulnerable Persons or breach of this Policy and Code of Conduct in accordance with Children and Vulnerable Persons Protection Reporting Process.
- Comply with the national and international legislation on safeguarding Vulnerable People, the relevant requirements of which are referred to in this document.
- Ensure that, whenever possible, another adult is present when I am working with Children and Vulnerable Persons in the Order of Malta’s programs or activities.
- Speak with the Order Malta’s personnel who is supervising the activities I’m volunteering in about any concerns I have of my involvement in any situation where my words, actions or behaviour may be misinterpreted or would be likely to have a negative impact on the reputation of the Order.
- Immediately disclose all charges, convictions and other outcomes of an offence which occurred before or occurs during my employment/engagement with the Order of Malta that relates to Children and Vulnerable Persons’ exploitation and abuse.
- Use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass Children and Vulnerable Persons or access child exploitation materials through any medium.
- Ensure that parents/guardians of Children and Vulnerable Persons involved in research or consultation for the Order of Malta participate in these activities voluntarily, are well informed of the process and have provided informed consent.

And I will not:

- Use language that is offensive, discriminatory, demeaning, shaming, culturally inappropriate, abusive or of a sexual nature when speaking with or in the presence of Children and Vulnerable Persons.

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- Engage in behaviour to shame, humiliate, belittle or degrade Children and Vulnerable Persons or otherwise emotionally or psychologically abuse Children and Vulnerable Persons, including exposing them to family violence.
- Use social media to contact, access, solicit or befriend a Children and Vulnerable Persons involved in the Order of Malta's programs or activities and not place images of those Children and Vulnerable Persons on personal social media sites, unless permitted or authorised by the Order of Malta.
- Spend time with Children and Vulnerable Persons involved in the Order of Malta's programs and activities outside programs or activities they are attending unless I live and work in the same community and come together with those Children and Vulnerable Persons in the context of my family, social and community life. If this is the situation, I will continue to comply with the Policy and Code of Conduct and be a positive role model and mentor for those Children and Vulnerable Persons and not discuss private/confidential information concerning them outside any the Order's programs or activities.
- Discriminate against or act in favour of particular Children and Vulnerable Persons to the exclusion of others.
- Hire Children and Vulnerable Persons for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury.
- Do things for Children and Vulnerable Persons involved in the Order of Malta's programs or activities of a personal nature that they can do for themselves such as toileting or changing their clothes.
- Sleep in close proximity to Children and Vulnerable Persons involved in the Order of Malta's programs or activities that I am working with or in contact with unless it is absolutely necessary and in which case I will keep the Order informed and ensure another adult is present, where possible (noting this does not apply to my own children).

2. Use of Children and Vulnerable Persons Images

When photographing or filming Children and Vulnerable Persons or using Children and Vulnerable Persons images for the Order of Malta's news-related purposes, I must:

- Assess and endeavour to comply with any restriction for reproducing personal images before photographing or filming Children and Vulnerable Persons.
- Obtain informed consent from the parent/guardian of Children and Vulnerable Persons before photographing or filming them. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present Children and Vulnerable Persons in a dignified and respectful manner and not in a vulnerable or submissive manner. Ensure images are honest representations of the context and facts.
- Ensure file labels, meta-data or text descriptions do not reveal identifying information about Children and Vulnerable Persons when sending images electronically or publishing images in any form.

3. Responding to a report of abuse

Upon receiving a report of abuse, I must:

- Assure the person making the complaint that they will be taken seriously.
- Listen to what is being said.
 - a. Stay calm.
 - b. Do not probe for detail.
 - c. Empathise but do not jump to conclusions.
 - d. Do not disturb anything that may be evidence.

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- e. Do not promise complete confidentiality but explain that you have a duty to report the concern to somebody.
 - f. Do not attempt to question the alleged abuser.
 - g. Ensure that the person affected is in a safe environment.
 - h. Inform the Safeguarding Focal Point (“SFP”) appointed in each Region.¹
 - i. Tell all the facts that you have been told or observed. Try not to give your own interpretation.
 - j. Record accurately details of the report. Include the date and the time of the incident, the people involved and details of any observed injuries, as well as the appearance and behaviour of the victim and what they have said.
 - k. Be prepared to co-operate, as requested, in any reasonable way with the subsequent safeguarding enquiry.
- If the compliant involves any the Order of Malta’s personnel, there is a duty to report this concern to the Region’s SFP.
 - If I think that someone is being abused or that poor standards of care are making for conditions in which there is a risk of abuse, I have a duty to report this by writing down what it has been witnessed, including dates, times, places and people involved, and make a report to the SGO as soon as possible.

Safeguarding contacts

Safeguarding Officer (SGO):

- National: Maria Randazzo

Safeguarding Focal Points (SFPs):

- North Eastern Region: Chris McMahon
- South Eastern Region: Timothy Gorton
- Central Eastern Region: Vivian Hardjono
- Northern Central Region: Kiim Parnell
- Central Southern Region: Noel Mifsud
- New Zealand: Bevan Killick

Signature:..... **Date:**.....

Name (printed):.....

Capacity (please check appropriate box):

- Member**
- Employee**
- Volunteer**

1 See section 5 of the Safeguarding Policy Guidelines



ORDER OF MALTA AUSTRALIA

Statement to be Signed by the Order of Malta' Personnel, Candidates, Stakeholders and Partners - as required by section 12.2 of the Order Safeguarding Children, Young People and Vulnerable Adults Policy

I, (*insert name*) acknowledge that I have read and understand the Order of Malta Safeguarding Children, Young People and Vulnerable Adults Policy.

I agree to comply with the Policy in its entirety.

I understand that a breach of the Policy may provide grounds for my employment/engagement by the Order of Malta or in any of the entities under the control of the Order to be terminated. I also understand that a breach of the Policy could result in criminal prosecution.

I understand that the Order of Malta can ask for a copy of a Police check and Working with Children check.

I authorise the Order of Malta to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process.

I declare that I have not been charged with or convicted of any criminal offence and have not engaged in any conduct which could reasonably be considered by the Order of Malta as disqualifying the applicant for employment or engagement as a volunteer in any work of the Order.

Name:

Position:.....

Signature:..... **Date:**.....