

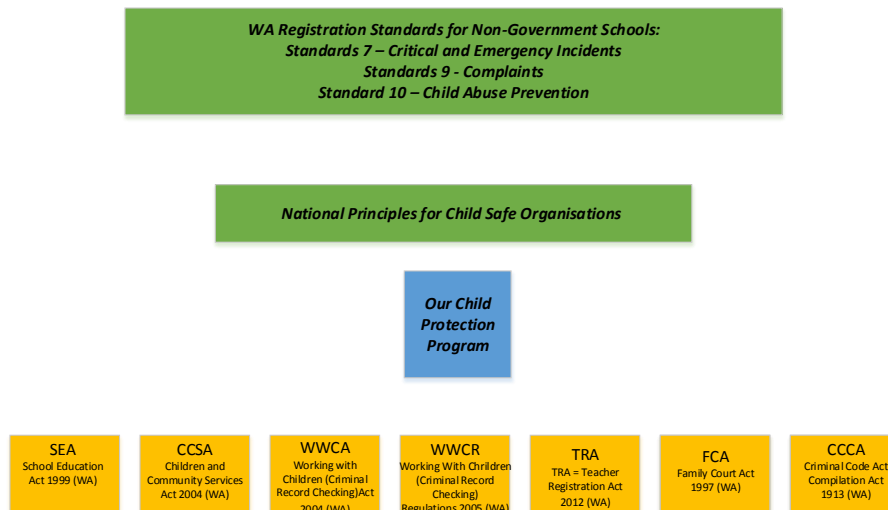


## CHILD PROTECTION LAW & REGULATION WA- an overview

### Child Protection WA

The legal and regulatory framework for child protection in WA is made up of a complex web of laws, regulations and guidance notes.

The diagram and the commentary below provides an overview of the framework.



### Western Australian Registration Standards for Non-Government Schools

There are several registration requirements that are relevant to child safe organisations and child protection, and with which Pioneer Village School is required to comply for the purposes of registration. These are set out in the Registration Standards for Non-Government Schools (determined by the Minister for Education under section 159(1) of the School Education Act 1999 (WA)) (the Registration Standards).

The relevant Registration Standards are:

- Registration Standard 10 –Child Abuse Prevention
- Registration Standard 9 – Complaints
- Registration Standard 7 – Critical and Emergency Incidents

To provide more detailed guidance for schools, the Department of Education in Western Australia (DoE) has released a *Guide to Registration Standards and Other Requirements for Non-Government Schools* (the Registration Standards Guide). The Registration Standards Guide includes further guidance for schools on how to meet the Registration Standards. For clarity, note that the Registration Standards Guide has given Standard 10 the title 'Child Abuse Prevention' which is different to the title of Standard 10 on page 64 of the Registration Standards 'Preventing and Responding to Child Abuse'.

## **Prescriptive Legal & Regulatory Requirements**

At the bottom of the diagram there are seven separate pieces of legislation that work together to make up the legal and regulatory framework for child protection in WA.

They are in summary:

### *The School Education Act 1999*

The key function of section 159 of the School Education Act is to give the Minister for Education the power to determine standards about a number of matters. Section 159(1)(l) allows the Minister to determine standards about 'the arrangements for preventing child abuse at schools, and for responding to any such abuse which may occur.'

### *Children and Community Services Act 2004*

The Children and Community Services Act has a number of functions, including to make provisions about the protection and care of children. From a child protection and safety perspective, the Act sets out mandatory reporting obligations requiring all teachers, boarding supervisors, doctors, nurses, midwives and police officers in WA to report reasonable suspicions of child sexual abuse. Grooming behaviour may also constitute 'sexual abuse' which must be reported under the Children and Community Services Act.

### *Working with Children (Criminal Record Checking) Act 2004 and Regulations 2005*

The Working with Children (Criminal Record Checking) Act establishes a framework to screen the criminal records and the professional conduct of people who intend to work with or care for children (the Working with Children Check (WWC Check)). People who are assessed as posing an unjustifiable risk to the safety of children will fail the WWC Check and the Act prohibits these people from working with children.

The Act imposes penalties for schools and individuals that do not comply with the Act. The Regulations set out who is exempt from requiring a WWC Check, what is not 'child-related work' and categorises offences which will prohibit persons from working with children.

### *Teacher Registration Act 2012*

The Teacher Registration Act establishes the Teacher Registration Board of WA. The Teacher Registration Board is the body responsible for the registration of teachers in WA. Under the Act the school must notify the Board once the school has taken disciplinary action (suspension or

dismissal) against a registered teacher, or the teacher has resigned, for serious misconduct or incompetence. The Board then has powers to investigate and take further action.

#### Family Court Act 1997

The Family Court Act is designed to maximise safety for children and adults who have experienced family violence and forms a key part of the overall legal and regulatory framework for child protection in WA. Critically, the Act provides an extensive definition of “family violence” and a definition of child abuse that includes serious psychological harm caused by a child’s subjection or exposure to family violence.

#### Criminal Code Act Compilation Act 1913

The Criminal Code Act Compilation Act sets out a number of child protection related offences including showing offensive material to children and persistent sexual abuse.

Of key relevance to the WA child protection framework are the offences of:

- Sexual offences against a child under 13 (section 320);
- Sexual offences against a child of or over 13 and under 16 (section 321); and
- Sexual offences against a child of or over 16 by a person in authority (section 322).

### **Child Protection at PVS**

In order to comply with the requirements of the National Principles for Child Safe Organisations, the Registration Standards and Registration Standards Guide, as well as the legislation noted above, the school has established robust child safety policies and procedures which sets out our work systems and practices designed to not only ensure compliance, but also to develop a safe and supportive environment with a child safe culture.

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