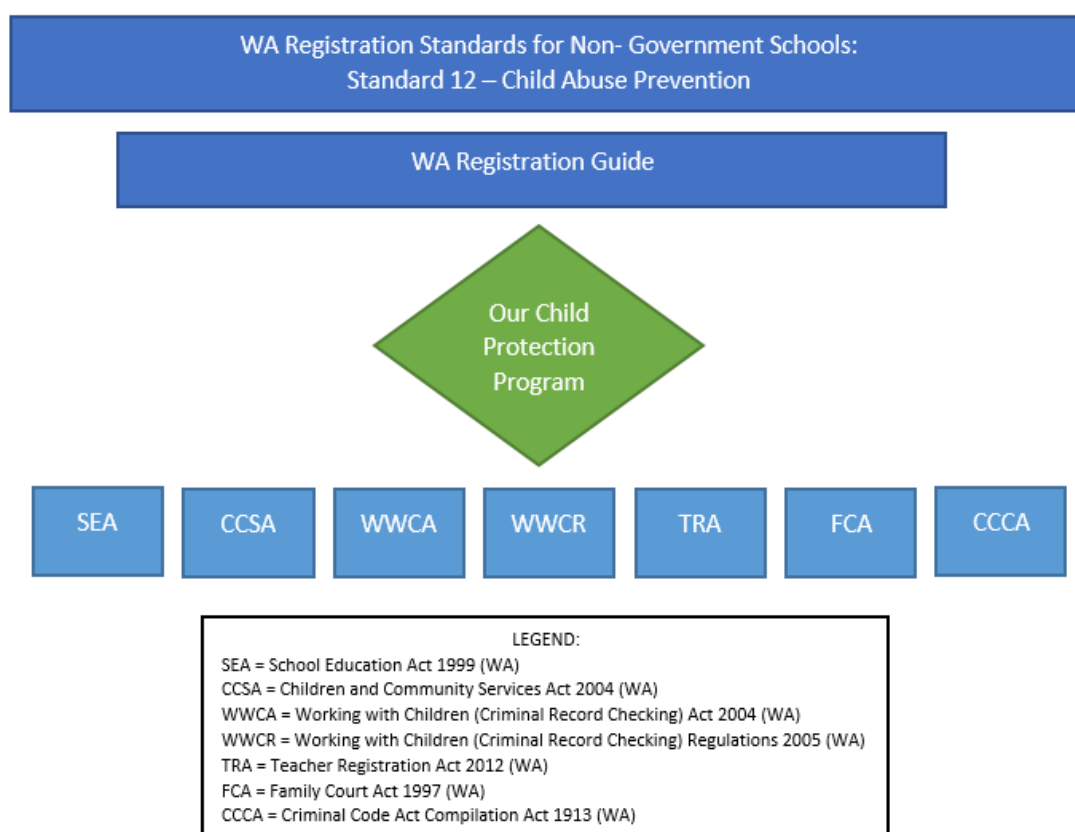




Child Protection Law & Regulation in WA - An Overview

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

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



Western Australian Registration Standards for Non-Government Schools

At the top of the diagram are the requirements for child abuse prevention included in the WA Registration Standards for Non-Government Schools.

Standard 12 of the Registration Standards is titled 'The Arrangements for Preventing Child Abuse at Schools and for Responding to Any Such Abuse Which May Occur'. The Standard includes sections (12.1, 12.2 and 12.3) that contain high-level requirements that the College must comply with for the purposes of registration.

To provide more detailed guidance for schools, the Department of Education Services Non-Government Schools in Western Australia (DES) has released a [Guide to the Registration Standards and Other Requirements for Non-Government Schools](#) (the Guide). The Guide includes further guidance for schools on how to meet Standard 12, including supporting evidence requirements and explanatory notes. For clarity, the Guide has given Standard 12 the title 'Child abuse prevention' which is different to the title set out in the Standard prescribed by the Minister for Education.

The section titled *Compliance with the WA Registration Standards* in this Program details how the College meets each requirement in Standard 12 of the Registration Standards.

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 College must notify the Board once the College 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.

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).

Our Child Protection Program

In order to comply with the requirements of the Registration Standards and Guide, as well as each of the seven separate pieces of legislation noted above, Penrhos College has established this Child Protection Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a safe and supportive College environment with a child-safe culture.