

CLAUSE NOTES

Child and Youth Safe Organisations Bill 2022

PART I – Preliminary

Clause 1. Short title

Provides that the Bill will be cited as the *Child and Youth Safe Organisations Act 2022*.

Clause 2. Commencement

The Act will commence on 1 July 2023.

Clause 3. Object of Act

Specifies that the purpose of the Child and Youth Safe Standards and Reportable Conduct Scheme is to protect and promote the best interests of children.

Clause 4. Interpretation

Provides a list of definitions to apply in interpreting the Act, including the definition of relevant entity, head of a relevant entity, entity regulator, independent investigator, reportable allegation and reportable conviction.

Clause 5. Meaning of entity

Clause 5 defines the term 'entity' to be applied when interpreting the Act. An entity is an entity or a member of a class of entities if they are specified in Schedule 2 or 3 and must either, partially or otherwise:

- provide services specifically for children; or
- provide facilities specifically for use by children who are under the supervision of the entity.

If an entity is specified in Schedule 2 or 3 but does not provide a service specifically for children or provide facilities specifically for use by children who are under the supervision of the entity, the definition does not apply.

If part of an entity provides a service specifically for children or provides facilities specifically for use by children who are under the supervision of the entity, the definition applies to the whole entity.

An entity may consist of a sole trader, an incorporated body or association or an unincorporated body or association.

Clause 6. Meaning of grooming

Clause 6 defines the term 'grooming'. The definition of grooming applies to the interpretation of the definition of the term 'reportable conduct'. 'Grooming' means conduct intended to establish trust with

the aim of normalising sexually harmful behaviour towards, or allowing a person to engage in an unlawful act, sexual offence or sexual misconduct against, a child. To be reported to the Regulator, the grooming must form a part of a pattern of manipulative or controlling behaviour, against the child, child's guardian, family or friends or a worker of a relevant entity. A pattern may be two or more occurrences of manipulative or controlling behaviour. This may take place in a range of inter-personal and social settings and may use a variety of forms of communication.

Clause 7. Meaning of reportable conduct

This clause defines the term 'reportable conduct'. Reportable conduct is:

- a relevant offence committed against, with or in the presence of, a child. This includes sexual offences, female genital mutilation and failure to report child abuse under the *Criminal Code Act 1924*. These offences are reported to the Regulator whether or not a criminal proceeding in relation to the offence has been commenced or concluded. This ensures that an investigation is conducted regardless of whether the offence is alleged or substantiated.
- Sexual misconduct against with or in the presence of a child. Sexual misconduct does not form part of a sexual offence. Sexual misconduct includes inappropriate behaviour, voyeurism, and physical contact of a sexual nature, speech or communication of a sexual nature. This includes online or face-to-face communication. This captures allegations that do not meet the legal threshold of a sexual offence but requires a relevant entity to investigate in any event.
- Physical violence against a child. 'Physical violence' means the intentional or reckless application of physical force to a person without lawful justification or excuse, or any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person.
- 'Grooming' of a child as defined in clause 6.
- 'Emotional or psychological harm' to a child means conduct that is likely to cause significant harm to a child's wellbeing and development.
- 'Significant' is defined in the Bill as more than trivial or insignificant, but need not be deemed serious and need not have a lasting or permanent effect.
- 'Significant neglect' of a child. 'Neglect' means failure to meet the basic needs of a child that is deliberate or reckless. This is not intended to capture neglect arising from poverty or neglect linked to faith-based refusal of medical treatment.

All elements of reportable conduct must be reported to the Regulator regardless of whether the conduct occurred within the worker's duties or outside of work and regardless of whether they are historical in nature or occurred before the commencement of this Act.

Clause 8. Meaning of worker

Defines the term 'worker' when interpreting the Act. Worker means any person who is engaged in paid work or volunteer work in connection with an entity that relates to children or provides services to children. This includes, a contractor, subcontractor, consultant, director, member of a management committee, office holder or officer, alderman, councillor or member of Parliament, a person engaged

in training or work experience, a person carrying out work under supervision or a minister of religion, a religious leader, a worker or officer of a religious body.

Clause 9. Regulator to determine entity regulators

Specifies that the Regulator is to determine the entity regulators in relation to each entity for the purpose of this Act and ensure a list of entity regulators and the entities is published on a website maintained by the Regulator. The Regulator will consult with entity regulators under this Act and may issue a notice to entity regulators to investigate under clause 36.

Clause 10. Delegations

Enables the Regulator to delegate a power or function of the Regulator to a member of its staff. The Regulator may delegate to an entity regulator one or all of the investigative powers for the purpose of undertaking an investigation on behalf of the Regulator. Clause 10 also allows a head of entity to delegate to a worker of the entity any functions or powers of the head under the Act.

PART 2 – Independent Regulator and Deputy Independent Regulator

Clause 11. Appointment of Independent Regulator and Deputy Independent Regulator

Specifies that the Governor may appoint persons as the Independent Regulator and Deputy Independent Regulator. In appointing, the Governor is to ensure that either the Independent Regulator or the Deputy Independent Regulator is known to be Aboriginal or Torres Strait Islander. To be known to be Aboriginal or Torres Strait Islander the person must be:

- of Aboriginal or Torres Strait Islander descent; and
- identifies as Aboriginal or Torres Strait Islander; and
- is accepted as Aboriginal by a recognised Aboriginal organisation or as a Torres Strait Islander by a recognised Torres Strait Islander organisation.

Clause 12. Deputy Independent Regulator

Sets out that during any illness, absence or vacancy of the Independent Regulator, the Deputy Independent Regulator has the functions and powers of the Regulator and has the authority to exercise those.

Clause 13. Performance and exercise of Regulator's functions or powers generally

Specifies that the Regulator and Deputy Regulator are not subject to the direction or control of the Minister for Justice in the performance or exercise of the Regulator's functions or powers. The Regulator and Deputy Regulator have the power to do all things necessary to perform the functions of the Regulator.

PART 3 – Child and Youth Safe Standards

Clause 14. Entities to comply with child and youth safe standards

If an entity is listed in Schedule 2 and 3, and meets the definition of 'entity', an entity is to comply with the standards.

An entity who is specified in clause 2 Schedule 2 and meets the definition of 'entity' is to comply with the standards on and after 1 January 2024.

An entity who is specified in clause 3 Schedule 2 and meets the definition of 'entity', is to comply with the standards on and after 1 July 2024.

Clause 15. Universal principle relating to child and youth safe standards

Sets out the universal principle that sits across all 10 child and youth safe standards. Entities who are required to comply with the standards must implement the universal principle across each of the 10 standards to ensure the right to cultural safety of children who identify as Aboriginal or Torres Strait Islander is respected.

Clause 16. Functions of Regulator in relation to child and youth safe standards and universal principle

Sets out six functions of the Regulator under the standards and universal principle.

The Regulator has functions to:

- Educate and provide advice to ensure that the entity promotes child safety, child abuse is prevented and allegations of abuse are properly responded to.
- Provide oversight and enforcement of compliance of each of the standards and universal principle.
- Coordinate the ongoing provision of information, relating to entities, with entity regulators.
- Collect, analyse and publish data in relation to the standards and universal principle.
- Annually report to parliament on the performance of the regulator's functions and powers; and
- Report on any matter arising in accordance with the performance of their functions or powers at any time.

Clause 17. Powers of Regulator in relation to child and youth safe standards and universal principle

Sets out the powers of the Regulator under the standards and universal principle.

The Regulator is able to undertake audits to determine if an entity is complying with the standards and the universal principle. In doing so, the Regulator has the power to request information or documents, inspect premises, issue a notice to produce and issue a notice to comply. The Regulator has the power to share information in accordance with Part 5.

The Regulator may also exercise other powers reasonably necessary to perform the Regulator's functions.

Clause 18. Requests for information or documents

The Regulator may request information or documents from a worker of an entity, an entity or the entity regulator to determine whether an entity is complying with the standards or the universal principle.

Clause 19. Inspection of premises

Specifies that the Regulator has the power to enter premises with or without consent of the head of the entity. The Regulator may only enter premises if the Regulator believes on reasonable grounds that entering the premises is necessary to determine whether the entity is not complying, or not reasonably likely to comply with the standards or the universal principle. When the Regulator enters premises, the Regulator must notify relevant persons outlined in the clause. During an inspection, the Regulator may:

- observe the activities carried out at the premises; and
- search, examine or film any part or thing on premises;
- inspect, copy or remove any document for purpose of copying;
- request any worker to provide any information; and

- remain at the premises for the time necessary to achieve the purpose of determining whether the entity is failing to comply with the standards or universal principle.

Clause 20. Notice to produce document or information

Specifies that if the Regulator believes on reasonable grounds that a document or information is necessary to determine whether an entity is not complying with one or more of the standards or universal principle the Regulator can issue a notice to produce a document.

Clause 21. Notice to comply with child and youth safe standards or universal principle

The Regulator may issue a notice to comply if the Regulator believes on reasonable grounds that an entity is not complying with one of the standards or universal principle. A notice must specify the list of reasons highlighted in clause 21 (2).

PART 4 – Reportable Conduct Scheme

Clause 22. Functions of Regulator in relation to scheme

Sets out the functions of the Regulator in relation to the Reportable Conduct Scheme. The Regulator has the following functions:

- administering, overseeing and monitoring the scheme;
- educating and providing advice to relevant entities to assist them in meeting their obligations under the scheme;
- educating and providing advice to entity regulators to promote compliance by relevant entities with the scheme;
- monitoring the investigation by a relevant entity or entity regulator;
- conducting an own motion investigation and make findings and recommendations in relation to the investigation;
- investigating whether reportable allegations or convictions have been appropriately handled by the relevant entity or entity regulator;
- monitoring compliance by relevant entities with investigations conducted by independent persons;
- providing information with certain persons in accordance with Part 5;
- collecting, analysing and publishing data in relation to the scheme;
- report to Parliament annually on the performance of the powers, and the exercise of the functions of the Regulator; and
- report on any matter arising in accordance with the performance of their functions or powers at any time.

Clause 23. Powers of Regulator in relation to scheme

Sets out the Regulator's powers as follows:

- to require any person to provide information, answer questions or produce documents for the purpose of determining whether a relevant entity or entity regulator is complying with the scheme;
- to inspect premises for the purpose of undertaking an own motion investigation;
- to enter premises to conduct an interview for the purpose of undertaking an own motion investigation;
- to issue a notice to produce a document if the relevant entity or entity regulator does not voluntarily release the document or information for the purpose of monitoring an investigation or conducting an own motion investigation;
- to issue a notice to investigate to an entity regulator; and
- to share information in accordance with Part 5.

The Regulator may also exercise other powers reasonably necessary to perform the Regulator's functions.

Clause 24. Regulator may investigate reportable allegation or reportable conviction

The Regulator may conduct an own motion investigation into a reportable allegation or conviction against an employee of a relevant entity where the Regulator:

- receives information about the reportable allegation or conviction from any person; believes on reasonable grounds that reportable conduct may have been committed and it is in the best interests of children to do so; or
- is advised by the relevant entity that the relevant entity is unable or does not intend to investigate the reportable allegation or conviction and engage an independent investigator to do so.

The Regulator may investigate any inappropriate handling of, or response to, a reportable allegation or conviction by a relevant entity or entity regulator if it is in the public interest to do so.

At the conclusion of an investigation conducted by the Regulator, the Regulator must make findings (on whether reportable conduct occurred), give reasons and make recommendations for action to be taken and must provide those findings, reasons and recommendations to the head of the relevant entity and entity regulator.

Clause 25. Inspection of premises

Specifies that the Regulator has the power to enter premises with or without consent of the head of the relevant entity. The Regulator may only enter premises for the purpose of an own motion investigation. When the Regulator enters premises, the Regulator must notify relevant persons outlined in the clause. During an inspection, the Regulator may:

- observe the activities carried out at the premises;
- search, examine or film any part or thing on premises;
- inspect, copy or remove any document for purpose of copying;
- request any worker to provide any information; and
- remain at the premises for the time necessary to achieve the purpose of the inspection of premises.

Clause 26. Regulator may interview a person

Allows the Regulator to interview any worker, for the purpose of an own motion investigation, if the Regulator considers the worker may have information about a reportable allegation or reportable conviction.

Clause 27. Regulator may interview child

Allows the Regulator to interview a child or young person in relation to whom a worker of a relevant entity is alleged to have committed reportable conduct; or may be a witness. The Regulator must gain consent to conduct the interview from the youth or if the child is not a youth, from the guardian. If the guardian is the worker who is subject of the reportable allegation or conviction, consent is not required.

The Regulator must engage a person with appropriate qualifications, training or experience in interviewing child complainants of alleged abuse to conduct the interview. This is to ensure all steps are taken to minimise any negative effect an interview may have on child or young person.

A child must be offered the opportunity for a support person to be present at an interview of the child. In relation to this opportunity, a child that identifies as Aboriginal or Torres Strait Islander must be offered an opportunity for a support person who is a member of a recognised Aboriginal or Torres Strait Islander organisation.

Clause 28. Regulator may interview worker subject of reportable allegation or reportable conviction

The Regulator may interview the worker who is the subject of a reportable allegation or reportable conviction. The worker is not excused from answering a question or providing information or document in accordance with clause 53.

Clause 29. Notice to produce document or information

Empowers the Regulator to issue a notice to produce documents or information to a worker of a relevant entity, a relevant entity or an entity regulator for the purpose of the Regulator performing their functions.

Clause 30. Regulator may monitor investigation

Enables the Regulator to monitor the progress of an investigation conducted by a head of relevant entity or the entity regulator of a reportable allegation or conviction if it is the best interests of the public to do so.

Clause 31. Liaison with entity regulators

Requires the Regulator to liaise with entity regulators to avoid unnecessary duplication of oversight of the investigation or conducting of an investigation by the entity regulator, and sharing information to ensure children are protected.

Clause 32. Application of scheme

Relevant entities listed in clause 2 of Schedule 3 will be required to comply under the Reportable Conduct Scheme on and after 1 January 2024. Relevant entities listed in clause 3 of Schedule 3 will be required to comply under the Reportable Conduct Scheme on and after 1 July 2024. The definition of 'entity' applies to the definition of 'relevant entity'.

Clause 33. Disclosure of reportable allegation or conviction

Specifies that any person may disclose a reportable allegation or reportable conviction in relation to a worker of a relevant entity to the head of the relevant entity or the Regulator. If the reportable allegation or reportable conviction is against the head of the relevant entity, any person may disclose to the Regulator.

Clause 34. Head of relevant entity is to notify Regulator of reportable allegation or reportable conviction

Clause 35 states that the head of a relevant entity must notify the Regulator of certain matters within three business days of becoming aware of a reportable allegation or reportable conviction against a worker of the relevant entity.

Within 30 days, the head of relevant entity is required to provide detailed information to the Regulator, including whether action has been taken (or not), or is intended to be taken (or not) in relation to the worker and the reasons for action or inaction

If the head of the relevant entity fails to comply with these notification requirements, a penalty not exceeding 120 penalty units may apply.

Nothing in clause 35 affects the requirement for the head of a relevant entity to report to Tasmania Police, Child Safety, Registration to Work with Vulnerable People or comply with other legislative requirements.

Clause 35. Investigation by head of relevant entity

Clause 36 states that the head of a relevant entity must investigate the reportable allegation or reportable conviction. As soon as practicable after the head of the relevant entity becomes aware of a reportable allegation or conviction against a worker, the head of the relevant entity must:

- investigate; or

- engage an independent investigator to investigate.

The head of the relevant entity must inform the Regulator of who will be conducting the interview.

The head of the relevant entity must notify the Regulator if they are unable to or do not intend to conduct an investigation and is unable to or do not intend to engage an independent investigator to investigate.

If a worker resigns before the conclusion of an investigation, the investigation must be completed. This ensures that findings, reasons for findings and recommendations can be made and information can be shared with relevant authorities in accordance with Part 5.

After an investigation is concluded by the head of the relevant entity or independent investigator, the head of the relevant entity must provide a copy of findings, details of any disciplinary action and reasons for action or inaction to the Regulator.

Clause 36. Notice to entity regulator to investigate

Empowers the Regulator to issue a notice to investigate to the entity regulator of the relevant entity if:

- the head of the relevant entity notifies the Regulator that the entity is unable to investigate; and the relevant entity is unable to engage an independent investigator; and
- the entity regulator has agreed to investigate.

Clause 37. Investigation by entity regulator

Specifies that if an entity regulator receives a notice under clause 36, the entity regulator must conduct an investigation. The Regulator may delegate one or all of the Regulator's investigative powers to the entity regulator to be able to conduct the investigation. At the conclusion of an investigation by the entity regulator, the entity regulator must make findings, give reasons and make recommendations for any disciplinary or other action to occur and must provide those findings, reasons and recommendations to the head of relevant entity and the Regulator.

PART 5 – Information Sharing

Clause 38. Use of information by Regulator

Enables the Regulator to obtain, record, share and use information for the purposes of:

- protecting and promoting the safety and wellbeing of children;
- enabling the investigation or enforcement of a law;
- investigations, disciplinary or other employment related purposes where it relates to the safety or wellbeing of children;
- collection, analysis and publishing of data on child safety; and
- otherwise performing functions under the Act.

Additional purposes can be prescribed in regulations.

To balance personal information protection principles, the Regulator is required to, where practicable, protect the identity of a child.

Operates despite any law to the contrary.

The Regulator can delegate any of its rights to share information under clause 8.

Clause 39. Right to Information Act 2009 and Personal Information Protection Act 2004 do not apply in certain circumstances

Exempts the *Personal Information Protection Act 2004* in relation to information obtained or held by the Regulator, meaning that such information that would ordinarily be considered personal information for the purposes of that Act, is not.

Also exempts the Regulator from the *Right to Information Act 2009*, other than providing information relating to the administration of the Regulator as a public authority under that Act.

Clause 40. Disclosure of information to and by Regulator, head of an entity, relevant entity, entity regulator, Tasmania Police, authorities of other jurisdictions &c.

Enables certain people, for certain purposes, to disclose information or documents relating to:

- a reportable allegation or reportable conviction;
- a concern that reportable conduct has been committed;
- the investigation of either of the above;
- findings, reasons for findings and recommendations made at the conclusion of that investigation;
- any action taken in response to those findings; and
- an alleged or actual failure to comply with the child and youth safe standards or the universal principal relating to child and youth safe standards.

The certain people that can disclose the above listed information to each other are:

- the Regulator;

- an entity regulator;
- head of an entity;
- head of a relevant entity;
- Commissioner of Police;
- an independent investigator if necessary for the purposes of an investigation;
- the Registrar of the *Working with Vulnerable People Act 2013*;
- the Integrity Commissioner under the *Integrity Commission Act 2009*;
- a Minister of the Crown;
- the police authority of the Commonwealth, a State or a Territory;
- if the worker who is the subject of the reportable allegation or reportable conviction is a contractor, the head of any relevant entity with whom the worker is engaged as a contractor;
or
- a prescribed person or body for a prescribed purpose.

The purposes for which the above listed people can disclose the above listed information are:

- the purposes of the Act;
- the promotion of the safety and wellbeing of children; or
- a prescribed purpose.

The head of an entity may also disclose the above listed information to a worker of that entity if necessary or appropriate for:

- the purposes of the Act;
- the promotion of the safety and wellbeing of children; or
- a prescribed purpose.

Operates despite any law to the contrary.

Clause 41. Disclosure of information about investigation to worker concerned

Enables information to be shared with the worker whose conduct is being investigated in accordance with clauses 24, 35 or 37, out of procedural fairness, as it relates to:

- that a disclosure of reportable conduct has been made;
- findings, reasons for findings and recommendations upon conclusion of an investigation; and
- actions taken in response to those findings.

Clause 42. Disclosure of information about investigation to children and guardians

Enables information to be shared with a child, a youth, a guardian of a child, a person with daily care of the child and, where the youth consents, the guardian or person with daily care of the youth, as that information relates to an investigation in accordance with clauses 24, 35 or 37 and being information relating to:

- information about the progress of an investigation;
- findings, reasons for findings and recommendations upon conclusion of an investigation; and
- actions taken in response to those findings.

This clause is not intended to enable the sharing of information to persons with daily care *in loco parentis* type situations.

Clause 43. Regulator to notify Registrar of finding of reportable conduct

Requires the Independent Regulator to provide certain information to the Registrar of the Working with Vulnerable People Act where a finding is made by the Regulator or head of relevant entity that a worker has committed reportable conduct.

The information disclosed to the Registrar is that a finding has been made, the finding and the reasons for the finding, and the name and date of birth of the worker subject to the finding.

The Regulator is not required to provide this information to the Registrar if any person or body has informed the Registrar of the finding or for another reason that the Regulator considers it is not appropriate to give the notification.

Clause 44. Prohibition on disclosing identifying information other than in accordance with a law

Prohibits the disclosure of identifying information in relation to:

- a person who has notified the Regulator of a reportable allegation, reportable conviction or reportable conduct; and
- a child in relation to whom a reportable allegation, reportable conviction or reportable conduct relates. This does not prohibit the relevant child from disclosing this information.

Prohibits the disclosure of identifying information of the person the subject of an investigation, during the period of the investigation.

But does not prevent any person from disclosing when:

- that person is the head of the entity making a disclosure to a worker of the entity if necessary or appropriate for the purposes of the Act or the promotion of the safety and wellbeing of children;
- disclosing to a law enforcement official; or
- otherwise in accordance with the Act or another Act or law.

PART 6 – Offences

Clause 45. Failure to comply with notice in relation to child and youth safe standards

It is an offence for a worker of an entity or an entity to fail to comply with a notice given under section 20 or 21. The penalty for a worker is a fine not exceeding 120 penalty units. The penalty for an entity is a fine not exceeding 360 penalty units.

Clause 46. Failure to comply with notice in relation to reportable conduct scheme

It is an offence for a worker of a relevant entity, a relevant entity or entity regulator to fail to comply with a notice to produce or notice to investigate. The penalty for a worker is a fine not exceeding 120 penalty units. The penalty for a relevant entity or entity regulator is a fine not exceeding 360 penalty units.

Clause 47. False or misleading information

It is an offence for a person to, in complying or purportedly complying with this Act, to knowingly give false or misleading information or omit any matter or thing without indicating how it is false or misleading or correcting the information. The penalty for a person is a fine not exceeding 120 penalty units.

Clause 48. Unauthorised use of information

Specifies that a person whom information is shared must not use or disclose that information other than for the purpose for which the information was disclosed to the person or in accordance with this Act, another Act or a law. The penalty for a person is a fine not exceeding 120 penalty units.

Clause 49. Interference with records or documents

Specifies that a person must not interfere with, alter, remove without reasonable excuse or destroy any record or document in the possession of an entity that is requested by the Regulator. The penalty for a person is a fine not exceeding 120 penalty units.

Clause 50. Proceedings for offences

Sets out that a proceeding for an offence are to be dealt with summarily; and may be instituted by the Regulator and must be instituted within 3 years after the day the offence was alleged to have been committed.

Clause 51. Court may make orders

Clarifies that a court may make an order requiring a person, entity or entity regulator to provide information, answer questions or produce documents, to the Regulator.

PART 7 – Review of Decisions

Clause 52. Internal review

Requires the Regulator to prepare and implement a process for internal review of a decision to give a notice to produce, notice to comply, notice to investigate and a finding made by the Regulator at the conclusion of an own motion investigation.

Clause 53. External review

If an internal review has been completed and a person is aggrieved by the decision, the person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision. The external review will be held in private unless the Regulator elects or Magistrates Court orders for all or part of the review to be held in public.

In hearing and determining an application for a review, the Magistrates Court is not to disclose any information to the extent that to do so would do the following:

- prejudice the enforcement of law;
- prejudice the fair trial;
- prejudice the impartial adjudication;
- disclose confidential information;
- disclose methods or procedures for preventing, detecting or investigating reportable conduct;
- endanger life or safety of another person;
- disclose information gathered, collated or created for intelligence; and
- hinder, delay or prejudice an ongoing investigation.

In order to prevent the disclosure of this information, the Magistrates Court is to receive evidence and hear argument in the absence of the public, the applicant for the review and the applicant's representation.

PART 8 – Legal Matters

Clause 54. Abrogation of privilege against self-incrimination

Requires a person to provide information or documents to the Regulator even where the information may tend to incriminate them. However those documents or information cannot be used in proceedings against that person, other than proceedings brought under this Act or for providing false or misleading information.

Aims to encourage open disclosure and attempts to strike a balance between the usual protection from self-incrimination offered to individuals, open disclosure and the ability for the Regulator to issue penalties under the Act.

Clause 55. Disclosure to Regulator in good faith

Provides protection from liability for persons providing information or documents to the Regulator, entity regulator or head or head of an entity in good faith under the Act.

Provides that by providing information or documents to the Regulator a person has not breached any code of professional etiquette or ethics, departed from any accepted standard of professional conduct or contravened any Act.

This continues the intention of the Act to encourage open disclosure in relation to concerns of child abuse.

Clause 56. Legal professional privilege not affected by this Act

Retains the legal professional privilege of documents by ensuring they are not required to be produced. It is not anticipated that this should restrict the flow of important information, given the benefits offered by clauses 53 and 54, and the information sharing provisions.

Clause 57. Civil liability not affected by this Act

Confirms that the Act does not create a right of action in civil proceedings nor a defence to an action in civil proceedings. Nor do the duties or obligations imposed the Act affect the extent to which a right of action exists.

Clause 58. Immunity from liability

Provides personal protection from liability for people engaged in the administration of the Act when acting in good faith and in accordance with the powers and functions limited by the Act.

Where a person engaged in the administration of the Act is civilly liable, that liability attaches to the State.

PART 9 – Miscellaneous

Clause 59. Infringement Notice Offences

The Regulator may issue and serve an infringement notice on a person, entity or entity regulator if the Regulator reasonably believes that the person, entity or entity regulator has committed an infringement offence. An infringement offence will be prescribed in Regulations.

Clause 60. Annual reports

Specifies that the Regulator must prepare a report on the activities of the Regulator 4 months after each financial year to the Parliament of Tasmania. This clause specifies how the report should be laid before each House of Parliament.

Clause 61. Persons assisting Regulator

Specifies that a person (the assistant), including the interpreter, may accompany the Regulator entering a premises. The assistant may only assist the Regulator in accordance with the Regulator's functions and powers.

Clause 62. Service of documents

Specifies the circumstances on how a notice must be served on a person, entity or entity regulator.

Clause 63. Regulations

Provides for the making of regulations for the purposes of this Act.

Clause 64. Review of Act

Inserts that the Minister is to cause a review of this Bill to be made after 3 years of operation and ensure the review is completed and a copy of the report is laid before each House of Parliament within 4 years after commencement.

Clause 65. Administration of Act

Provides that until provision is made under section 4 of the *Administrative Arrangements Act 1990*, the administration of the Bill is to be assigned to the Minister for Justice; and the Department responsible to that Minister in relation to the administration of this Bill is the Department of Justice.

Schedule 1 – Child and Youth Safe Standards

Sets out the 10 Child and Youth Safe Standards consistent with the National Principles for Child Safe Organisations.

Schedule 2 – Entities to comply with child and youth safe standards

Lists the entities that must comply with the Child and Youth Safe Standards if the entity provides, partially or otherwise, services specifically for children or facilities specifically for use by children who are under the supervision of the entity.

Schedule 3 – Relevant entities to which the reportable conduct scheme applies

Lists the relevant entities that must comply under the Reportable Conduct Scheme if the entity provides, partially or otherwise services specifically for children or facilities specifically for use by children who are under the supervision of the entity.

Schedule 4 – Terms of appointment

Sets out the Independent Regulator and Deputy Independent Regulator's appointment conditions.