



What is this Information Sheet about?

This Information Sheet is about the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021. The Bill will establish a Reportable Conduct Scheme in Western Australia.

What is the Reportable Conduct Scheme?

The Reportable Conduct Scheme (**the Scheme**) will make Western Australian children safer. The Scheme will compel heads of organisations to notify allegations of, or convictions for, child abuse by their employees to the Ombudsman and then investigate these allegations. These investigations will be supervised and reviewed by the Ombudsman.

The Scheme implements key recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse* and provides that child abuse in organisations will always be:

- notified to an impartial and independent body;
- investigated fully; and
- dealt with to ensure children are protected from abuse within institutions.

Why do we need a Reportable Conduct Scheme?

The Royal Commission highlighted the numerous times and ways in which children reported abuse and were not believed, or no action was taken. The Royal Commission recommended that States and Territories establish Reportable Conduct Schemes to prevent harm to children by holding organisations accountable for the conduct of their staff.

The Scheme will support people to speak up about concerning behaviours, help prevent child abuse and improve systems and processes of organisations for preventing and dealing with complaints and reports of abuse about their staff.

What is Reportable Conduct?

Consistent with the national approach, conduct covered by the Scheme in the first year will include:

- sexual offences;
- sexual misconduct;
- physical assault; and
- other prescribed offences.

After 12 months of the operation of the Scheme, conduct will also include:

- significant neglect of a child; and
- any behaviour that causes significant emotional or psychological harm to a child.

What organisations are covered?

The types of organisations covered by the Scheme in the first year include:

- child protection and out-of-home care services;
- childcare services;
- education services;
- health services; and
- justice and detention services.

After 12 months of operation of the Scheme, the types of organisations covered also include:

- accommodation and residential services;
- religious institutions; and
- disability services.

The phased implementation is intended to provide an appropriate amount of time for organisations to prepare for their reporting obligations, and to enable the Ombudsman to provide effective guidance and assistance to organisations over the implementation period.

The Scheme will not apply to organisations that do not exercise care, supervision or authority over children as part of its primary functions.

Who are Employees?

Given that the Scheme is about preventing child abuse, it is important that as many employees as possible are included. This includes the following persons over 18 years of age:

- paid employees;
- volunteers;
- contractors;
- ministers of religion;
- certain types of carers; and
- family day care educators.

The inclusion of contractors and volunteers as well as paid employees, is consistent with the recommendations of the Royal Commission.

What is the Ombudsman's role?

The Ombudsman is an impartial officer who serves Parliament and is independent of the Government of the day. The office of the Ombudsman has particular expertise in investigating matters involving the safety and welfare of children, including its longstanding child death review and family and domestic violence review functions.

The Ombudsman will monitor, oversight and review investigations undertaken by organisations into allegations of, and convictions for, abuse of children involving any of the organisation's employees. The Ombudsman may also at any time investigate matters of their own motion.

What does an organisation need to do?

The heads of organisations covered by the Scheme will be required to:

- notify the Ombudsman of allegations of, or convictions for, child abuse by their employees;
- investigate the allegation; and
- provide a report to the Ombudsman on the outcome of the investigation.

Organisations will also be required to have systems in place to enable them to better protect against, and respond to, reportable conduct.

The Bill provides mechanisms to ensure that there is no unnecessary duplication of investigations, including interviewing vulnerable children. These mechanisms include providing for consultation and sharing of information between the Ombudsman and other investigatory or oversight bodies, such as the WA Police Force. It also includes the capacity for the Ombudsman to exempt a matter, or an organisation from an investigation where appropriate, including that it is being investigated by another appropriate person or body.

What will be available for organisations to assist them in meeting their obligations and compliance with the Scheme?

The Ombudsman will work closely and cooperatively with stakeholders in key sectors and individual organisations included in the Scheme to provide education, advice and guidance to assist in building their capacity to meet their reporting obligations and comply with the Scheme. This will include:

- developing tailored guidance and support materials and education programs for each sector, in collaboration with peak bodies for the sector; and
- providing advice and guidance to organisations to assist them in their handling of individual investigations.

The provision of education, advice and assistance is set out in the functions of the Ombudsman which include to:

- educate and provide advice to organisations to assist them to identify and prevent child abuse and to notify and investigate reportable allegations and reportable convictions; and
- support organisations to make continuous improvement in the identification and prevention of reportable conduct and the reporting, notification and investigation of reportable allegations and convictions.

Where can I get a copy of the Bill?

If you would like to read the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021 that would create the Scheme please go to this [link](#).