

# Kung Fu Wushu Australia Child Safety Policy

## South Australian Addendum

As at 1 February 2023

### 1. Introduction

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In South Australia, organisations providing services to children and young people must, by law, provide child safe environments. Those organisations are required to:

- have child safe environments policies in place and at a minimum, review their policies once every 5 years
- meet Working with Children Check obligations, and
- lodge a child safe environments compliance statement with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

The South Australian Addendum (Addendum) has been developed to supplement the Child Safety Policy to meet compliance requirements. To the extent of any inconsistency between this Addendum and the Child Safety Policy, this Addendum will prevail. Any capitalised terms used and not defined in this Addendum have the meaning given in the Child Safety Policy.

The Child Safety Policy and this Addendum must also be read, interpreted, and applied with reference to, and in conjunction with, the Safety Act and Prohibited Persons Act as defined in section 2 below.

The purpose of this Addendum is to ensure that Relevant Organisations and Relevant Persons in South Australia comply with their legislative obligations under the South Australian Child Protection Legislation. This Addendum is not intended to create any additional Prohibited Conduct under the Child Safety Policy.

### 2. Definitions

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Defined terms not otherwise defined in this Addendum have been defined in and have the meaning given to them, in the Child Safety Policy. In this Addendum the following words have the corresponding meaning:

**Harm** as defined in Section 17 of the Safety Act means physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental, or emotional abuse or neglect. This definition should be read in conjunction with the definition of Child Abuse as outlined in Schedule 1 of the Child Safety Policy.

**Mandatory Notifiers** means people specified under the Safety Act to report to the Department for Child Protection if they suspect on reasonable grounds that a child is, or may be at, risk and this suspicion is formed in the course of their work (paid or unpaid).

**Prescribed Position** means a position:

- in which a person works, or in the ordinary course of his or her duties, it is reasonably foreseeable that a person in that position will work, with children and/or young people.
- set out in the [Prohibited Persons Regulations 2019 \(SA\) \(PDF 120 KB\)](#).

**Prohibited Persons Act** means the *Child Safety (Prohibited Persons) Act 2016 (SA)*, being the South Australian legislation regarding Working with Children Check requirements.

**Risk** as defined in Section 18 of the Safety Act. This includes that a child or young person will be taken to be at risk if:

- (a) the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- (b) there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

**Safety Act** means the *Children & Young People (Safety) Act 2017 (SA)*, being the South Australian Child Protection Legislation.

**Kung Fu Wushu South Australia (KW SA)** is the governing body for Kung Fu Wushu in South Australia.

### 3. Scope

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The Addendum applies to all Relevant Organisations and Relevant Persons affiliated with KW SA.

### 4. Working with Children Checks

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- 4.1 The Prohibited Persons Act requires people working or volunteering with children in South Australia to have a valid Working with Children Check prior to commencing working with children and young people.
- 4.2 A Relevant Person who works in a Prescribed Position must have a valid Working with Children Check.
- 4.3 A Relevant Organisation can only appoint or continue to appoint a Relevant Person in a Prescribed Position if:
  - (a) they have verified that the Relevant Person has had a Working with Children Check conducted in the last 5 years, and
  - (b) that the person is not prohibited from working with children.
- 4.4 The Prohibited Persons Act requires organisations to contact the Central Assessment Unit (Department of Human Services Screening Unit) if
  - (a) they become aware of any assessable information in relation to the person
  - (b) they become aware that the person is prohibited from working with children under a law of the Commonwealth or of another state or territory
  - (c) they become aware that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006*
  - (d) the person makes a disclosure to the employer under section 66 of the *Child Sex Offenders Registration Act 2006*.

### 5. Mandatory Notifiers

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- 5.1 Under the Safety Act, the following people are mandated notifiers:
  - (a) medical practitioners
  - (b) pharmacists

- (c) registered or enrolled nurses
- (d) dentists
- (e) psychologists
- (f) police officers
- (g) community corrections officers under the Correctional Services Act 1982
- (h) social workers
- (i) ministers of religion
- (j) employees of, or volunteers in, an organisation formed for religious or spiritual purposes
- (k) teachers employed to teach in a school, pre-school, or kindergarten
- (l) employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people, being a person who:
  - (i) provides such services directly to children and young people or
  - (ii) holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people<sup>1</sup>
- (m) an officer or employee of a prescribed organisation (as per section 114, of the Safety Act) who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.<sup>2</sup>

5.2 Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line (CARL), Phone: 13 14 78, if they suspect on reasonable grounds that a Child is, or may be, at risk and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.

5.3 By way of general guidance, reporting obligations arise where there is "a reasonable suspicion" that a Child may be "at risk".

## 6. Child Safe Environments Compliance

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6.1 Under the Safety Act, Relevant Organisations affiliated with KW SA:

- (a) with significant membership of, or involvement by, Children and Young People; or
  - (b) who provide coaching to Children and Young People,
- must:
- (c) read and adopt the KWA Child Safe Policy and this Addendum, which are designed to ensure that safe environments for Children and Young People are established and maintained; and
  - (d) lodge (or have KW SA lodge on its behalf) a statement with the Department of Human Services certifying that these child safe environment policies and procedures are in place for affiliated clubs.

<sup>1</sup> Section 30(3), Children and Young People (Safety) Act 2017

<sup>2</sup> Regulation 9, Children and Young People (Safety) Regulations 2017

- 6.2 Adoption and implementation of the Child Safe Policy and this Addendum will assist Relevant Organisations affiliated with KW SA meet these obligations.
- 6.3 To be included on the KW SA Child Safe Environments Compliance Statement, Relevant Organisations affiliated with KW SA must provide the required information annually as specified by KW SA.
- 6.4 Failure to do so means that a Relevant Organisations affiliated with KW SA will need to separately and independently lodge a compliance statement of its own, confirming its compliance (assuming appropriate compliance steps have been taken). Failure to lodge a compliance statement can result in a fine up to \$10,000.

## **7. Child Safety Policy Implementation**

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### **7.1 Risk Management**

- (a) KW SA takes a risk-based approach to ensure that all activities are child safe and will undertake risk assessments for activities that may involve contact with children.
- (b) The risk assessment will consider:
  - (i) the contact (with Children) and levels of direct supervision.
  - (ii) the risk factors.
  - (iii) the management strategies.
  - (iv) residual risk

### **7.2 Involving Children**

KW SA is committed to involving children in decisions that affect them and providing them with information about their rights. We will do this by:

- (a) Providing children and their parents/guardians with information about our Child Safe Policy
- (b) Encouraging feedback from children on their training

### **7.3 Supporting Employees and Volunteers**

KW SA is committed to providing Employees and Volunteers with ongoing training and support to ensure they understand their responsibilities in relation to Child safety. We will do this by:

- (a) Ensuring that all employees and Instructors in KW SA and its member clubs are accredited Instructors through the Australian Coaching Council's National Coaching Accreditation Scheme.
- (b) Undertaking regular updates of their accreditation
- (c) appointing a Child Safety Officer.
- (d) providing access to online resources about issues concerning child safety and wellbeing.

### **7.4 Communication and Awareness of Child Safety Policy**

KW SA is committed to promoting a child-safe sporting environment. We will do this by:

- (a) having a dedicated, easy to access child-safe area on our website.
- (b) providing information about the Child Safety Policy, Child Safe Practices and Recruitment and Screening requirements as part of membership and coach and officials accreditation.