

**NEW SOUTH WALES**

**DRAFT GOVERNMENT BILL**

**Children’s Guardian Amendment (Child Safe Scheme) Bill 2021**

**Explanatory note**

**Overview of Bill**

The object of this Bill is to embed the Child Safe Standards, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse, as the primary framework that guides child safe practice in organisations in New South Wales.

**Outline of provisions**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Schedule 1      Amendment of Children’s Guardian Act 2019 No 25**

**Schedule 1[1]** amends the objects of the *Children’s Guardian Act 2019 (the Act)* to include embedding the Child Safe Standards as the primary framework to guide child safe practice in organisations in New South Wales.

**Schedule 1[2]** inserts proposed Part 3A, which contains the child safe scheme that—

- (a) adopts the Child Safe Standards, and
- (b) requires significant public sector agencies that are responsible for the provision of services to children to develop and implement child safe action plans, and
- (c) provides for the making of mandatory codes of practice for agencies providing out-of-home care to children, adoption service providers and other prescribed entities, and

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- (d) requires the Children's Guardian to work with entities to raise awareness of child safety, build the capability of entities to implement the Child Safe Standards and to promote the implementation of the Child Safe Standards more broadly, and
- (e) provides the Children's Guardian with powers to monitor the implementation of the Child Safe Standards, and
- (f) provides the Children's Guardian with powers for the investigation of complaints and concerns about an entity's implementation of the Child Safe Standards.

**Schedule 1[3]** makes an amendment consequential on the introduction of comprehensive monitoring provisions by proposed Part 3A.

**Schedule 1[4]** makes an amendment consequential on the adoption of the Child Safe Standards by proposed Part 3A.

**Schedule 1[5]** provides the Children's Guardian with an additional power to review systems, policies and processes when monitoring an entity's internal investigation.

**Schedule 1[6]** makes a consequential amendment to reflect the adoption of the Child Safe Standards by proposed Part 3A.

**Schedule 1[7] and [8]** repeal sections 54 and 55 of the Act to recognise that the relevant requirements will be captured by proposed Part 3A.

**Schedule 1[9]** amends section 128 of the Act to recognise the additional functions of the Children's Guardian that arise from the proposed adoption of the Child Safe Standards and the child safe scheme.

**Schedule 1[10]** amends section 128(1)(m) of the Act to recognise that the prevention of harm to children will be a function of the overarching child safe scheme as set out in proposed Part 3A and not be limited only to the reportable conduct scheme in Part 4.

**Schedule 1[11]** updates the functions of Official Community Visitors to include functions relating to the Child Safe Standards.

**Schedule 1[12]** inserts proposed Part 9A, which provides for enforcement measures allowing the Children's Guardian to issue compliance notices to *child safe organisations*, as defined in proposed section 8AA, and to enter into enforceable undertakings with child safe organisations.

**Schedule 1[15]** allows the Children's Guardian to share information, obtained for the purposes of the child safe scheme or its enforcement functions, with persons undertaking similar child safe functions in another State or Territory or for the Commonwealth.

**Schedule 1[13], [14] and [16]–[18]** make consequential amendments.

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**DRAFT GOVERNMENT BILL**

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**NEW SOUTH WALES**  
**DRAFT GOVERNMENT BILL**

**Children's Guardian Amendment (Child Safe Scheme) Bill 2021**

No           , 2021

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**A Bill for**

An Act to amend the *Children's Guardian Act 2019* to embed the Child Safe Standards as the primary framework that guides child safe practice in organisations in New South Wales; and for related purposes.

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Children's Guardian Amendment (Child Safe Scheme) Bill 2021 [NSW]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Children's Guardian Amendment (Child Safe Scheme) Act 2021*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Children's Guardian Act 2019 No 25

### [1] Section 6 Main object of Act

Insert at the end of section 6(b)—

, and

- (c) embedding the Child Safe Standards as the primary framework that guides child safe practice in organisations in New South Wales.

### [2] Part 3A

Insert after Part 3—

## Part 3A Child safe scheme

### Division 1 Preliminary

#### 8A Objects of Part

The objects of this Part are for the Children's Guardian to protect children from harm by—

- (a) adopting the Child Safe Standards as the primary framework that guides child safe practice, and
- (b) implementing regulatory approaches that—
  - (i) improve systems for the prevention, identification, response to and reporting of child abuse in child safe organisations through the implementation of the Child Safe Standards, and
  - (ii) assist child safe organisations to implement the Child Safe Standards by raising awareness and providing guidance, training and education, and
  - (iii) monitor and report on the compliance of child safe organisations with the Child Safe Standards, and
  - (iv) enforce compliance with the Child Safe Standards, and
  - (v) provide for the investigation of complaints about a child safe organisation's—
    - (A) implementation of the Child Safe Standards, or
    - (B) compliance with the Child Safe Standards, or
    - (C) compliance with recommendations contained in a monitoring assessment report, and
  - (vi) establish child safe action plans with prescribed agencies, and
  - (vii) provide for the ongoing exchange of information about risks to child safety in organisations between government agencies, both in New South Wales and in other states and territories, with child safety responsibilities.

#### 8AA Definitions

In this Part—

*child safe action plan*—see section 8C.

*child safe organisation* means—

- (a) a Schedule 1 entity, or

- (b) a public authority, or
- (c) a religious body, or
- (d) an entity, or part of an entity, prescribed by the regulations for this definition.

**Note.** All child safe organisations are relevant entities for the purposes of Part 4. However, an individual cannot be a child safe organisation despite the fact that the individual may be a relevant entity.

***Child Safe Standards***—see section 8B.

***head of a child safe organisation*** means—

- (a) for an organisation that is a Department—the Secretary of the Department or the Secretary's delegate, or
- (b) if the regulations prescribe a person or a class of persons as the head of the organisation—the prescribed person or a person belonging to the class of persons prescribed, or
- (c) otherwise—
  - (i) the chief executive officer of the organisation, however described, or
  - (ii) if there is no chief executive officer—the principal officer of the organisation, however described, or
  - (iii) if there is no chief executive officer or principal officer—a person approved by the Children's Guardian under section 66.

***monitoring assessment report*** means a report issued by the Children's Guardian under section 8FB.

***prescribed agency***—see section 8CA.

***related body***, for a prescribed agency—see section 8CB.

## Division 2 Child Safe Standards

### 8B Meaning of "Child Safe Standards"

The ***Child Safe Standards*** are—

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

## **8BA Systems, policies and processes**

- (1) The head of a child safe organisation must ensure the organisation implements the Child Safe Standards through systems, policies and processes, including the following—
  - (a) a statement of the organisation's commitment to child safety,
  - (b) a child safe policy,
  - (c) a code of conduct applying to—
    - (i) employees,
    - (ii) management, however described,
    - (iii) contractors,
    - (iv) volunteers,
  - (d) a complaint management policy and procedure,
  - (e) a human resources policy,
  - (f) a risk management plan.
- (2) The head of a child safe organisation must ensure that the systems, policies and processes implemented by the organisation are continuously reviewed and updated to reflect—
  - (a) changes to the Child Safe Standards, and
  - (b) enforcement measures taken under Part 9A against the organisation by the Children's Guardian, and
  - (c) guidelines issued by the Children's Guardian.
- (3) If a code of practice, made in accordance with Division 4, applies to an organisation, the head of the organisation must ensure that the organisation's systems, policies and processes are consistent with the code.

## **8BB Children's Guardian may require information about systems, policies and processes**

- (1) The Children's Guardian may, at any time by written notice, require the head of a child safe organisation to give the Children's Guardian, within the reasonable time stated in the notice but not less than 7 days, information about the organisation's systems, policies and processes under section 8BA.
- (2) If the organisation does not, without reasonable excuse, give the Children's Guardian the information required under subsection (1), the Children's Guardian may—
  - (a) commence an investigation under Division 7, and
  - (b) publish the following on the Office of the Children's Guardian's website—
    - (i) the name of the organisation,
    - (ii) that the organisation has failed to provide the information required by the Children's Guardian under this section.

## **Division 3 Child safe action plans**

### **8C Meaning of "child safe action plan"**

A *child safe action plan* is a plan that contains the strategies a prescribed agency will take with related bodies to—



- (a) build awareness in the community about the importance of child safety in child safe organisations, and
- (b) build the capability of child safe organisations to implement the Child Safe Standards, and
- (c) improve the safety of children by implementing the Child Safe Standards.

## **8CA Meaning of “prescribed agency”**

*Prescribed agency* means each of—

- (a) the Department of Communities and Justice, and
- (b) the Office of Sport within the Department of Communities and Justice, and
- (c) the Department of Education, and
- (d) the Office of Local Government within the Department of Planning, Industry and Environment, and
- (e) the Ministry of Health, and
- (f) a New South Wales government agency prescribed by the regulations for the purposes of this section.

## **8CB Meaning of “related body”**

*related body*, for a prescribed agency, means the services the prescribed agency—

- (a) provides, or
- (b) funds, or
- (c) regulates, or
- (d) is otherwise responsible for.

## **8CC Prescribed agencies to develop and implement plans**

A prescribed agency must develop and implement a child safe action plan within—

- (a) 12 months of becoming a prescribed agency, or
- (b) such longer period approved in writing by the Children's Guardian.

## **8CD Consultation**

In developing its child safe action plan, a prescribed agency must—

- (a) consult with the Children's Guardian, and
- (b) consult with related bodies and any other entity or individual who, in the agency's opinion, is likely to be directly affected by the plan.

## **8CE Plans to be submitted**

- (1) A prescribed agency must submit its child safe action plan to the Children's Guardian for review and approval.
- (2) Following its review of an agency's plan, the Children's Guardian must—
  - (a) approve the plan, or
  - (b) provide comments to the agency recommending any amendments to the plan that the Children's Guardian considers necessary before it can be approved.

- (3) Following its review of an agency's plan, the Children's Guardian may report publicly, whether by its annual report or another report, on the plan and its implementation.

## **8CF Plans to be publicly available**

- (1) Following approval of a prescribed agency's child safe action plan, the agency must make the plan publicly available—
  - (a) on the agency's website, and
  - (b) in any other way prescribed by the regulations.
- (2) The Children's Guardian may, on the Office of the Children's Guardian's website, provide a link to an agency's child safe action plan.

## **8CG Progress reports**

- (1) If required to do so by written notice from the Children's Guardian, a prescribed agency must provide a progress report on the agency's implementation of its child safe action plan.
- (2) An agency's report is to include information that demonstrates how the agency is working with related bodies to—
  - (a) build awareness in the community about the importance of child safety in child safe organisations, and
  - (b) build the capability of related bodies to implement the Child Safe Standards, and
  - (c) improve the safety of children by implementing the Child Safe Standards by related bodies.
- (3) A prescribed agency must provide its report to the Children's Guardian within—
  - (a) 90 days of receiving the written notice, or
  - (b) such longer period approved in writing by the Children's Guardian.

## **8CH Annual reporting**

A prescribed agency must include in its annual report made under the *Annual Reports (Departments) Act 1985* or the *Annual Reports (Statutory Bodies) Act 1984*—

- (a) a link to the agency's child safe action plan, and
- (b) the agency's assessment of the effectiveness of the plan in promoting and supporting the adoption and implementation of the Child Safe Standards by related bodies.

## **8CI Child safe action plans to be remade**

- (1) A prescribed agency must review and remake its child safe action plan at least every 4 years.
- (2) This Division applies to a remade plan in the same way as it applies to an original plan.

## **Division 4 Codes of practice**

### **8D Application**

This Division applies to the following entities—

- (a) designated agencies,
- (b) registered agencies,
- (c) accredited adoption service providers,
- (d) any other entity of a type prescribed by the regulations for the purposes of this Division.

## **8DA Purpose**

- (1) This Division provides for the making, by regulation, of codes of practice that set out mandatory approaches to the implementation of the Child Safe Standards.
- (2) A code of practice is only to be made if the services being provided by a type of entity lead to a heightened risk to children and young people.

## **8DB Making codes of practice**

- (1) The regulations may prescribe 1 or more codes of practice for the purposes of this Division.
- (2) A code of practice must specify the entities to which it applies.
- (3) The role of the Children's Guardian in making a code of practice includes—
  - (a) assessing the need to make a code, and
  - (b) consulting with entities to which the code applies during its development.

## **8DC Content of codes of practice**

A code of practice may include the following—

- (a) technical child protection requirements relevant to a type of entity,
- (b) particular practices or activities that the type of entity must undertake to meet the particular needs of children and young people receiving services from the type of entity,
- (c) specific practices and activities the type of entity must undertake to comply with the Child Safe Standards,
- (d) measures of compliance for each Child Safe Standard,
- (e) the outcomes to be achieved in implementing the Child Safe Standards,
- (f) other matters relevant to compliance by entities with the Child Safe Standards.

## **8DD Compliance with codes of practice**

An entity is to comply with a code of practice that applies to the entity.

## **Division 5 Capability building**

### **8E Purpose**

This Division deals with the Children's Guardian's responsibility to work collaboratively with child safe organisations, government agencies and the broader community to—

- (a) raise awareness about child safety, and
- (b) build within child safe organisations both knowledge of the Child Safe Standards and the skills to implement them, and

- (c) promote the implementation of the Child Safe Standards by child safe organisations.

## **8EA Guidelines for child safe organisations**

- (1) The Children's Guardian may develop guidelines to—
  - (a) assist child safe organisations to implement the Child Safe Standards, and
  - (b) assist children, their families and other members of the community to raise concerns and make complaints about a child safe organisation, and
  - (c) provide guidance on any other matter that the Children's Guardian identifies as appropriate.
- (2) A guideline developed under this section may include templates that can be used by organisations in developing systems, policies and processes that implement the Child Safe Standards.
- (3) A guideline developed under this section must be published on the Office of the Children's Guardian's website.
- (4) An organisation that adopts a guideline developed under this section may rely on the guideline as evidence of appropriate practice by the organisation.

## **8EB Capability building for prescribed agencies**

- (1) The Children's Guardian may develop and make publicly available—
  - (a) guidelines, including templates, to assist prescribed agencies to develop child safe action plans, and
  - (b) assessment criteria for child safe action plans.
- (2) A guideline developed under this section must be published on the Office of the Children's Guardian's website.

## **8EC Training**

- (1) The Children's Guardian may provide training on—
  - (a) matters related to the implementation of the Child Safe Standards, and
  - (b) other matters reasonably related to child safety and the functions of the Children's Guardian.
- (2) The Children's Guardian may charge fees for any training activities to recover the reasonable costs incurred in providing the training.

## **8ED Resources**

The Children's Guardian may develop and distribute other resources to promote the Child Safe Standards as the Children's Guardian considers appropriate.

## **Division 6 Monitoring**

### **8F Purpose of monitoring**

The Children's Guardian may monitor the operation of a child safe organisation to ensure that the organisation is implementing the Child Safe Standards.

## **8FA Children's Guardian may monitor implementation of Child Safe Standards**

In monitoring a child safe organisation's implementation of the Child Safe Standards, the Children's Guardian may—

- (a) review the organisation's systems, processes and policies, and
- (b) request the head of the child safe organisation to answer questions and provide specified information, and
- (c) review information held by the Children's Guardian about the organisation and its employees, and
- (d) with the consent of the head of the child safe organisation, have an authorised person inspect the organisation's premises, and
- (e) request the head of the child safe organisation complete a self-assessment, in the form approved by the Children's Guardian, of the organisation's compliance with the Child Safe Standards, and
- (f) do any other thing prescribed by the regulations for the purposes of this section.

## **8FB Monitoring assessment reports**

- (1) The Children's Guardian may, as part of its of monitoring activities under section 8FA, issue a monitoring assessment report to provide guidance and make recommendations to a child safe organisation.
- (2) If the Children's Guardian makes recommendations to an organisation, the organisation must respond to the recommendations within the period, not less than 28 days, specified by the Children's Guardian.

## **Division 7 Investigation**

### **8G When can an investigation be conducted**

- (1) The Children's Guardian may conduct an investigation into a child safe organisation's implementation of the Child Safe Standards.
- (2) Without limiting subsection (1), the Children's Guardian may conduct an investigation—
  - (a) after receiving a complaint, however made or described, about the organisation, or
  - (b) if the organisation fails to respond to a recommendation made by the Children's Guardian in a monitoring assessment report or the Children's Guardian is otherwise not satisfied with the way the organisation responds to a recommendation, or
  - (c) if for any other reason the Children's Guardian is concerned that the organisation is not implementing the Child Safe Standards.

### **8GA Undertaking an investigation**

- (1) Schedule 2 provides for powers that may be exercised by an authorised person for the purpose of conducting an investigation.
- (2) For the purposes of an investigation under this Division, the Children's Guardian may conduct an inquiry.
- (3) Schedule 3 provides for the Children's Guardian's powers to make or hold an inquiry.
- (4) An inquiry under this Division must be carried out in the absence of the public.

**8GB Investigation report**

At the end of an investigation under this Division, the Children's Guardian must prepare a report that includes—

- (a) findings relating to the way the relevant child safe organisation implements the Child Safe Standards, and
- (b) a recommendation to improve the way the organisation implements the Child Safe Standards, and
- (c) a decision to take enforcement measures under Part 9A.

**[3] Section 9 Objects of Part**

Omit section 9(e).

**[4] Section 37 Contents of entity report**

Omit section 37(1)(d)(iii). Insert instead—

- (iii) changes to systems or policies to improve implementation of the Child Safe Standards,

**[5] Section 43 Children's Guardian may monitor relevant entity's investigation or determination**

Insert after section 43(2)(d)—

- (d1) review the relevant entity's systems, policies and processes and their effectiveness in preventing, and responding to, reportable allegations and reportable convictions,

**[6] Section 49 Children's Guardian reports**

Omit section 49(2)(d)(iii). Insert instead—

- (iii) changes to systems or policies to improve implementation of the Child Safe Standards,

**[7] Section 54 Relevant entities to have systems about reportable conduct**

Omit the section.

**[8] Section 55 Children's Guardian may require information about systems**

Omit the section.

**[9] Section 128 Functions of Children's Guardian**

Omit section 128(1)(a). Insert instead—

- (a) to take action to build the capability of child safe organisations to implement the Child Safe Standards and to prevent harm to children,
- (a1) to monitor, investigate and enforce the implementation by child safe organisations of the Child Safe Standards,
- (a2) to undertake functions under Part 3A, Division 3 relating to child safe action plans,
- (a3) to exercise functions relating to persons engaged in child-related work, including working with children check clearances, under the *Child Protection (Working with Children) Act 2012*,

**[10] Section 128(1)(m)**

Omit "prevent,".

**[11] Section 145 Functions of Official Community Visitors**

Insert after section 145(1)(f)—

- (f1) provide information about the Child Safe Standards to assist both the visitable service and the children using the service, and

**[12] Part 9A**

Insert after Part 9—

**Part 9A Enforcement measures**

**Division 1 Compliance notices**

**152A Issue of compliance notices**

- (1) This section applies if the Children's Guardian reasonably believes that children are or may be at risk of harm because—
  - (a) a child safe organisation's systems, policies or processes do not reflect or implement the Child Safe Standards, or
  - (b) a child safe organisation that is required to comply with a code of practice made under Part 3A, Division 4 is failing to comply with the code.
- (2) The Children's Guardian may issue a compliance notice requiring the organisation to—
  - (a) take the action specified in the notice, and
  - (b) provide the Children's Guardian with evidence that it has done so.
- (3) A compliance notice must be in writing.

**152B Content of compliance notices**

- (1) A compliance notice must include—
  - (a) the reasons for the belief that children are or may be at risk because—
    - (i) the relevant child safe organisation's systems, policies or processes do not reflect or implement the Child Safe Standards, or
    - (ii) the organisation is failing to comply with an applicable code of practice, and
  - (b) the nature of the risks, and
  - (c) the action that the organisation is required to take, and
  - (d) the date by which the organisation is required to take the action, and
  - (e) a statement that failure to comply with a compliance notice is an offence.
- (2) The period of time for the organisation to comply with a compliance notice must—
  - (a) reflect the nature of the identified risks, and
  - (b) otherwise be reasonable in all the circumstances.

## **152C Internal review**

- (1) A child safe organisation that is issued a compliance notice may, within 28 days of receiving the notice, request the Children's Guardian to review the decision to issue the notice.
- (2) The Children's Guardian must comply with a request made under subsection (1) unless, in the opinion of the Children's Guardian, the request is frivolous or vexatious.
- (3) An organisation that requests a review may provide the Children's Guardian with any information the organisation considers relevant to the review.
- (4) An organisation that requests a review is not required to comply with the notice while the review is underway.
- (5) Following a review, the Children's Guardian may—
  - (a) confirm the decision to issue the compliance notice, or
  - (b) withdraw the compliance notice.
- (6) If the review confirms the decision to issue the compliance notice, the Children's Guardian must give the organisation a reasonable time, not less than 28 days, to comply with the notice.
- (7) If, following the review, the Children's Guardian withdraws the notice, the notice may be reissued—
  - (a) in substantially the same form, or
  - (b) in a different form.

## **152D Extension of time for compliance with compliance notices**

- (1) This section applies if a child safe organisation has been issued with a compliance notice.
- (2) The organisation may apply to the Children's Guardian for an extension of time for compliance.
- (3) The organisation may only apply for an extension of time if the application is made before the end of the period of time that it is applying to extend.
- (4) The Children's Guardian may grant an application made under this section if the Children's Guardian considers—
  - (a) the organisation has taken suitable steps to address the risk to children, and
  - (b) there are special circumstances justifying the extension of time.

## **152E Compliance notices to be publicly available**

- (1) The Children's Guardian is to maintain a list of compliance notices that are in effect and make the list publicly available on the Office of the Children's Guardian's website.
- (2) A child safe organisation must include in its annual report the details of any compliance notice that applied to the organisation during the period covered by the report.
- (3) This section does not apply to a compliance notice that is, or may become, subject to review under section 152C.



## **152F Offence**

A child safe organisation that receives a compliance notice must comply with the notice.

Maximum penalty—

- (a) for a corporation—250 penalty units,
- (b) otherwise—50 penalty units.

## **Division 2 Enforceable undertakings**

### **152G Enforceable undertaking**

- (1) Instead of issuing a compliance notice under Division 1, the Children's Guardian may accept an enforceable undertaking from a child safe organisation.
- (2) An enforceable undertaking is an undertaking from the organisation under which the organisation agrees to take specific action by a specific date.
- (3) An enforceable undertaking must be in writing and be signed by the head of the organisation.

### **152H Amendment of enforceable undertaking**

- (1) This section applies if a child safe organisation has entered into an enforceable undertaking.
- (2) The organisation may apply to the Children's Guardian to amend the undertaking.
- (3) The organisation may only apply to amend an undertaking if the application is made before the date by which the organisation had agreed to undertake the action specified in the undertaking.
- (4) The Children's Guardian may only agree to amendment of an undertaking if the Children's Guardian considers—
  - (a) the organisation has taken suitable steps to address the risk to children, and
  - (b) amendment of the undertaking is appropriate in all the circumstances.

### **152I Enforceable undertakings to be publicly available**

- (1) The Children's Guardian is to maintain a list of enforceable undertakings that are in effect and make the list publicly available on the Office of the Children's Guardian's website.
- (2) A child safe organisation must include in its annual report the details of any enforceable undertaking that applied to the organisation during the period covered by the report.

### **152J Offence**

A child safe organisation that enters into an enforceable undertaking must comply with the undertaking.

Maximum penalty—

- (a) for a corporation—500 penalty units,
- (b) otherwise—100 penalty units.

### Division 3 Miscellaneous

#### 152K Ministerial notice

The Children's Guardian must inform the Minister before taking enforcement action under this Part against a child safe organisation that is a public authority under paragraphs (a), (b), (d) or (e) of the definition of *public authority* in section 14.

#### [13] Section 164 Executive liability offences

Insert after paragraph (g)—

- (g1) section 152F,
- (g2) section 152J,

#### [14] Section 174 Children's Guardian may make guidelines

Insert after section 174(2)(d)—

- (e) guidance for the purposes of Part 3A.

#### [15] Section 180A

Insert after section 180—

#### 180A Information sharing

- (1) The Children's Guardian may give information obtained under Part 3A or 9A of this Act to a relevant person in relation to—
  - (a) a matter relevant to the exercise of a law of any other State, the Commonwealth or a Territory, or
  - (b) an undertaking that is or was being carried out jointly by New South Wales and any other State, the Commonwealth or a Territory.
- (2) In this section—  
*relevant person* means a person exercising functions under a law of another State, the Commonwealth or a Territory, that are substantially the same as the functions of the Children's Guardian under this Act.

#### [16] Schedule 6 Dictionary

Insert in alphabetical order—

*child safe action plan*—see section 8C.

*child safe organisation*—see section 8AA.

*Child Safe Standards*—see section 8B.

*head of a child safe organisation*—see section 8AA.

*monitoring assessment report*—see section 8AA.

*prescribed agency*—see section 8CA.

*related body*, for a prescribed agency—see section 8CB.

#### [17] Schedule 6, definition of “employee”

Omit “Part 4”. Insert instead “Parts 3A and 4”.

#### [18] Schedule 6, definition of “head”

Omit “Part 4”. Insert instead “Parts 3A and 4”.