



STRATEGIC POLICY

MOUNT ISA CITY COUNCIL

Child Safe Supervision and Duty of Care Policy

RESOLUTION NO. OM06/ 08/26 VERSION V1

APPLIES TO STRATEGIC POLICIES ONLY

This is an official copy of the **Child Safe Supervision and Duty of Care Policy**, made in accordance with the provisions of *Local Government Act 2009*, *Local Government Regulation 2012*, *Child Safe Organisations 2024*, *Child Protection Act 1999* and current Council Policies.

Strategic policies are adopted by Mount Isa City Council due to its desire to influence the direction of an issue or assist in the delegated decision making of Mount Isa City Council officers. Strategic policies should follow the jurisdiction provided to Council through its Corporate Plan; the **Child Safe Supervision and Duty of Care Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

Tim Rose

Chief Executive Officer

DOCUMENT VERSION CONTROL

Governance/Policies/Strategic Doc ID#1116833			POLICY TYPE	Strategic (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS	
V1	26.08.2026	OM06/ 08/26	Responsible Officer – Coordinator Governance and Disaster Management	
			REVIEW DUE	08/2028

DISTRIBUTION AND DISSEMINATION

Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all Councillors	X	Included in employee inductions	X
Employee noticeboards		Uploaded to Council website	X
Internal training to be provided		External training to be provided	
Registered in magiQ	X		

1. PURPOSE

- 1.1 Council is committed to providing and maintaining environments that support the safety, wellbeing and dignity of children and young people.
- 1.2 The purpose of this Policy is to ensure Council personnel understand:
 - they have a duty of care to children and young people, and to other people affected by Council services, programs, activities and facilities
 - the reasonable steps they must take to meet that duty of care
 - the standard of care expected of them in carrying out their role
 - their responsibilities to communicate and apply Council's duty of care and child safe expectations where Council facilities are hired or used by external parties
 - that they must not act, or fail to act, in ways that breach their duty of care
 - that breaches of duty of care may result in corrective, disciplinary, contractual or other action, depending on the circumstances.
- 1.3 It also identifies the separate responsibilities of Council personnel to prevent, identify, respond to and report child safety concerns, including risk of harm, harm to a child, and institutional child sexual abuse, in accordance with the *Child Safe Organisations Act 2024* and applicable *Criminal Code Act 1899* and associated procedures.
- 1.4 This Policy complements the Child Safe Supervision and Duty of Care Procedure and should be read in conjunction with that document and other related child safe documents.
- 1.5 Council personnel have a duty of care in relation to children and young people, clients, participants, volunteers, workers and others who engage with Council services, programs, activities or facilities.
 - This includes a duty of care toward clients who engage with the service and volunteers who are under the age of 18.
 - This also includes a duty of care towards workers and others.
- 1.6 Council applies this Policy across directly delivered services, staffed programs, public facilities, shared-use community spaces and open-access environments. The way duty of care is applied may vary depending on the level of Council's control, supervision and responsibility in each setting, however Council personnel must always take reasonable steps to prevent reasonably foreseeable harm within the scope of their role and Council's control.

2. COMMENCEMENT

This policy will commence on and from 26 August 2026. It replaces all other policies or arrangements governing Child Safe Supervision and Duty of Care Policy (whether written or not).

3. SCOPE

- 3.1 This Policy applies to all Council personnel and to duty of care responsibilities arising in Council services, programs, facilities, functions, events, online environments and other activities.
- 3.2 It includes duty of care responsibilities including child safe responsibilities where children and young people are involved, affected, or present, and to other people who may be affected by Council services, programs, activities, facilities or environments.

- 3.3 This Policy also applies to Council's management of duty of care risks arising through contractors, hirers, partners, lessees, licensees and other third parties using Council facilities or delivering services on Council's behalf.

For the purpose of this Policy, Council personnel (also referred to as workers) includes:

- councillors
 - employees
 - volunteers
 - contractors and consultants
 - labour-hire personnel (including event workers)
 - students on placement
 - trainees / apprentices
 - any other person engaged by or on behalf of Council.
- 3.4 Council operates across a range of settings, including directly delivered services, staffed programs, public facilities, shared-use community spaces, open-access environments and online services. In some settings, Council provides direct supervision or service delivery. In other settings, Council provides access to facilities or public spaces and does not have continuous supervision or full control over who is present.
- 3.5 Council will apply this Policy in a way that is practical, risk-based and proportionate to the level of control, influence and responsibility Council has in each setting. Where Council does not hold primary supervision responsibility, Council will still take reasonable steps to identify, reduce and respond to child safety risks within its control.

This includes settings such as, but is not limited to (refer also to Item 2.6, 2.7 and 2.8 in this policy):

- libraries
 - swimming pools and splash parks
 - civic centres and community facilities
 - school holiday programs
 - community events
 - youth services
 - visitor centres
 - traineeships and school-based work or learning opportunities
 - parks and playgrounds
 - multipurpose and recreation spaces
 - online and digital service environments.
 - facilities, programs or activities delivered by, with, or through contractors, hirers, funded partners, lessees, licensees and other third parties, where children may be present.
- 3.6 This policy establishes general supervision and duty of care expectations. It does not replace or prescribe specific legislative or regulatory requirements for services, facilities or high-risk

activities. Where additional or more specific requirements apply to a service, program, facility or activity, including (but not exclusive to) higher-risk contexts such as swimming pools, libraries, splash parks, school programs, childcare, late night events and overnight stays, this policy must be read in conjunction with all relevant procedures, risk assessments, local work instructions, contractual conditions, and applicable legislative and regulatory requirements.

- 3.7 Individual risk assessments must be undertaken to determine specific duty of care and supervision standards, including adult-to-child ratios and expectations. This includes, but is not limited to, structural and physical environment requirements such as fencing, supervision zones and separate facilities (e.g. change rooms). Assessments must address the specific activity, facility and user group or entity, including settings such as childcare, education and aquatic environments, in accordance with the relevant legislative framework and regulatory authority.
- 3.8 For regulated and high-risk services, facilities or activities this policy operates as supplementary only. All legislative and regulatory requirements apply in full, take precedence, and must be strictly complied with at all times. Responsible managers are accountable for ensuring that service or entity-specific procedures, including those for sports and recreation, childcare, education and libraries, are in place and maintained.
- 3.9 Failure to meet applicable regulatory requirements is a breach of this policy.

4. POLICY STATEMENT

- 4.1 "Duty of care" is a legal obligation to take reasonable steps to reduce the risk of reasonably foreseeable harm, including physical or psychological harm, arising in connection with Council services, programs, activities, facilities or environments.
- 4.2 Council personnel must take reasonable steps to minimise the risk of reasonably foreseeable harm. This does not mean Council can guarantee that harm will never occur, but it does require Council personnel to act reasonably to prevent, identify, reduce and respond to risks within the scope of their role and Council's control.
- 4.3 Duty of care includes:
 - providing and maintaining safe and suitable premises and environments
 - providing an adequate system of child-to-adult supervision
 - undertaking risk assessments for services, activities, events and facilities
 - identifying, assessing and controlling risks to children, young people, workers, participants and others
 - implementing strategies to prevent reasonably foreseeable physical or psychological harm, including bullying and harassment and inappropriate conduct
 - ensuring appropriate first aid, medical assistance and emergency response is available and provided to sick or injured children, clients and participants
 - ensuring workers and participants are physically and psychologically safe
 - implementing policies, procedures and practices to maintain a child-safe environment and comply with the Child Safe Standards (QLD)
 - implementing and complying with work health and safety and other relevant policies, procedures and practices
 - supporting safe recruitment, screening, induction, conduct and supervision of personnel

- taking reasonable precautions to minimise the risk of child abuse by individuals associated with the organisation
 - taking reasonable precautions to minimise the risk of harm caused by individuals associated with Council services, activities, facilities or environments
 - setting and communicating reasonable safety and child safe expectations for contractors, hirers, partners and other third parties where relevant
 - implementing and complying with relevant government and local policies, and,
 - ensuring individuals take reasonable responsibility for their own safety and the safety of others in the workplace.
- 4.4 Council cannot avoid its duty of care by relying solely on another person, parties or organisation/s to manage risks within Council's own services, facilities or areas of responsibility. Council personnel must take reasonable steps to prevent reasonably foreseeable harm to children and young people, and to others affected by Council activities, services and facilities, within the scope of Council's control responsibility and influence.
- 4.5 Although duty of care is non-delegable, the way it is applied may vary depending on the level of Council's control, supervision and influence in a particular setting. Council personnel must always take reasonable steps to prevent reasonably foreseeable harm within the scope of their role and Council's responsibility.
- 4.6 The application of duty of care includes, but is not limited to, the following circumstances:
- **When Council personnel have direct supervision:** Where a child or young person is participating in a Council-managed service, program, activity or event and Council personnel have direct supervision responsibilities, Council retains primary responsibility for the safety and wellbeing of children and young people within that setting, including where external organisations or individuals are engaged by Council to deliver or support the activity.
 - **When Council personnel are working in open or public spaces:** In settings such as libraries, community facilities, parks, playgrounds, pools, splash parks or other public areas, direct or continuous supervision of children may not be the role of Council personnel. In these settings, Council personnel continue to hold a duty of care in relation to maintaining safe premises, identifying and responding to risks within Council's control, communicating expected behaviour and child safe information where appropriate, and taking reasonable action when concerns arise. All regulations apply to these services and take precedence, and must be adhered to, specific to that entity (e.g. Library supervision policy as per QLD guidelines, swimming pool safety as before QLD regulations).
 - **When external individuals or organisations hire or use Council facilities:** Where external individuals, community groups, contractors, funded partners, lessees, licensees or other organisations hire, occupy or use Council facilities, the hirer or provider generally holds primary responsibility for the supervision of children during their own activities. However, Council retains a duty of care in relation to the condition and safety of Council premises, applicable conditions of use, and the management of reasonably foreseeable risks within Council's control. Council may also set and enforce child safe expectations through contracts, bookings, permits, licences, funding agreements, site conditions and other relevant arrangements. All external individuals and parties must adhere to all Council Child Safe Policies and Procedures and industry regulations and legislations.

- **When duty of care involves child protection, safety and wellbeing:** Regardless of where responsibility sits for an activity or event, all Council personnel have obligations under Queensland legislation to act on child safety concerns. Where a Council staff member forms a concern, suspicion or reasonable belief that a child or young person has suffered, is suffering, or is at risk of suffering harm, they must take appropriate action in accordance with mandatory reporting requirements and Council Child Safe Reporting procedures including internal escalation and notification to relevant external authorities.
- More detailed operational requirements relating to supervision, risk identification and control, and reporting and response are set out in the Supervision and Duty of Care Procedure, Child Safety Risk Framework, and Child Safety Complaints and Reporting Process.

5. STANDARD OF CARE

- 5.1 Council personnel are required to meet an appropriate standard of care when carrying out their duties. The standard of care expected will vary depending on the nature of the role, the level of responsibility, the qualifications, training and experience of the individual, and the circumstances in which services, activities or facilities are delivered or used.
- 5.2 Council personnel must take reasonable steps to meet their duty of care, having regard to the specific circumstances of the situation, including the nature of the activity or environment and the needs, age, abilities, vulnerability and communication needs of children and young people involved; and the level of responsibility held by the individual, including their role, position description, contractual or volunteer arrangements, qualifications, training and experience.
- 5.3 Reasonable steps may include, but are not limited to:
 - planning for and providing a safe and suitable environment for activities
 - ensuring appropriate supervision arrangements are in place
 - complying with relevant Council policies, procedures and applicable legislation
 - ensuring identified risk controls, supervision arrangements and local safety requirements are followed
 - ensuring access to appropriate medical assistance, first aid resources and emergency response measures
 - seeking guidance or escalating concerns where a person is unsure how duty of care applies in the circumstances, or where further support or decision-making is required.
- 5.4 When determining what reasonable steps are required to prevent reasonably foreseeable harm, Council personnel must consider factors such as:
 - the number of children and participants involved
 - the age, ability, vulnerability and needs of children and young people
 - the nature of the activity, environment and level of supervision available
 - the level of risk, the practicability of implementing control measures, and the level of Council's control or responsibility in the circumstances.
- 5.5 Council personnel must exercise appropriate judgement and act in a manner consistent with their role, responsibilities, training and Council's commitment to safety, child safety and wellbeing.

- 5.6 More detailed operational guidance about supervision, risk controls and escalation is set out in the Supervision and Duty of Care Procedure, Child Safety Risk Framework, and Child Safety Complaints and Reporting Process.

6. CONTRACTORS, HIRERS, PARTNERS AND THIRD PARTIES

- 6.1 Council recognises that children and young people may be present in Council-managed facilities, services and activities delivered by contractors, funded partners, community groups, lessees, licensees, hirers and other third parties. Council will take reasonable and proportionate steps to ensure that relevant third parties understand and comply with applicable safety and child safe expectations in connection with their role, service, activity or use of Council facilities.
- 6.2 Where relevant, Council may set safety and child safe expectations through contracts, agreements, funding arrangements, procurement processes, bookings, permits, leases, licences, site access conditions, induction requirements, supervision arrangements, codes of conduct and incident notification requirements.
- 6.3 Depending on the nature of the service, activity or facility use, third parties may be required to:
- comply with relevant safety, child safe and conduct requirements
 - hold required child related safety screening, licences, qualifications or approvals
 - provide evidence of relevant child safe policies, procedures, risk controls or supervision arrangements
 - take reasonable steps to support child safety and wellbeing within the scope of their role, activity or use of Council facilities
 - comply with applicable conditions of hire, access, occupancy, service delivery or site use.
- 6.4 Where a third party is delivering services, running activities, or using Council facilities in circumstances where children are present, that third party generally holds primary responsibility for the supervision of children in connection with their own activity. However, Council retains responsibility for matters within its control, including the condition and safety of Council premises, applicable conditions of use, and the management of reasonably foreseeable risks arising within Council's areas of responsibility.
- 6.5 Council may take action where relevant safety or child safe requirements are not met, including providing direction, requiring corrective action, restricting access, escalating concerns, suspending an arrangement, terminating an arrangement, or making reports to an appropriate authority where required.
- 6.6 More detailed requirements can be accessed in relevant contracts, procurement documents, funding agreements, facility hire and use conditions, and any contractor or third-party child safe guidance adopted by Council.

7. COUNCIL FACILITIES

- 7.1 Council recognises that children and young people may access, attend or be present in a range of Council-owned, managed or controlled facilities, including public facilities, community spaces, recreation areas and venues used for Council services, programs, events or third-party activities.
- 7.2 Council will take reasonable and proportionate steps to support safety in facilities within its control. This includes maintaining facilities in a safe condition, addressing known hazards and risks, applying relevant conditions of entry or use, and taking practical steps to support child safety and wellbeing in light of the nature of the facility and how it is used.

- 7.3 Depending on the nature of the facility, its use and Council's level of control, reasonable steps may include:
- maintaining safe premises, fixtures, equipment and amenities
 - identifying and responding to known environmental or site-specific risks
 - considering visibility, access, isolation points and other environmental safety factors
 - applying and communicating conditions of hire, use, access or occupancy
 - displaying signage or information about expected behaviour, child safety and reporting pathways where appropriate
 - monitoring and responding to concerns arising in Council-controlled areas, and
 - taking action where unsafe or inappropriate behaviour is observed, reported or otherwise identified.
- 7.4 Where Council facilities are hired, occupied or used by external individuals or organisations, Council may impose and enforce relevant safety and child safe conditions through bookings, permits, leases, licences, contracts, local instructions and facility hire or use conditions.
- 7.5 Council may take action where relevant safety or child safe requirements relating to the use of Council facilities are not met, including escalation, corrective action, restriction of access, suspension or termination of an arrangement where appropriate. Relevant safety and child safe expectations may also be set out in contracts, procurement documents, bookings, permits, licences, facility hire and use conditions, local instructions and contractor or third-party guidance.
- 7.6 More detailed requirements can be accessed out in facility hire and use conditions, local work instructions, site-specific risk assessments and related child safe or safety guidance adopted by Council.

8. PHYSICAL, ONLINE AND SERVICE ENVIRONMENTS

- 8.1 Council will take reasonable and proportionate steps to identify, assess and reduce safety risks, including child safety risks, in the physical, online and service environments within its control.
- 8.2 Council recognises that risks may arise in directly delivered services, staffed programs, public facilities, online environments, shared-use spaces and open-access settings. Council also recognises that, in some environments, its control over who is present or how a space is used may be limited. In these settings, Council will still take practical steps within its control to support safety, child safety and wellbeing.
- 8.3 Depending on the nature of the environment, activity or service, reasonable steps may include:
- environmental design and visibility measures,
 - risk assessments and site-specific controls,
 - supervision arrangements appropriate to the setting,
 - management of visitors, contractors and facility users where relevant,
 - codes of behaviour and conditions of entry or use,
 - safe use of technology, online communication and digital service environments,
 - clear reporting and escalation processes, and,

- signage, information and communication about expected behaviour, child safety, reporting pathways and shared responsibilities where appropriate.

- 8.4 Council will apply these measures in a way that is practical, risk-based and proportionate to the nature of the environment, the risks identified, and the level of Council's control or responsibility in the circumstances.
- 8.5 More detailed requirements relating to supervision, risk identification, control measures and reporting can be accessed in the Supervision and Duty of Care Procedure, Child Safety Risk Framework, and Child Safety Complaints and Reporting Process.

9. SUPERVISION RESPONSIBILITIES

- 9.1 Council recognises that appropriate supervision is an important part of meeting duty of care responsibilities and supporting the safety and wellbeing of children and young people.
- 9.2 Supervision arrangements must be appropriate to the nature of the activity, the environment, the age, needs and vulnerability of children and young people involved, and the level of Council's responsibility, control and role in the circumstances.
- 9.3 In some settings, Council personnel will have direct supervision responsibilities. In other settings, including open-access or shared-use environments, Council's supervision role may be limited and duty of care may instead be met through other reasonable steps within Council's control.
- 9.4 Further detail about supervision expectations, risk identification and environmental controls is set out in the Child Safety Risk Framework and associated Procedures.

10. SAFETY CONCERNS, COMPLAINTS AND REPORTING

- 10.1 Council will maintain clear, accessible and appropriate processes for raising, receiving, responding to and escalating concerns, complaints, allegations, disclosures, incidents and breaches relating to safety, duty of care and child safety.
- 10.2 All Council personnel must act on concerns relevant to safety, duty of care or child safety promptly and appropriately. All concerns must be taken seriously, including concerns raised directly by a child or young person, by a family member, by another person on behalf of a child, by a worker, participant, facility user, contractor, hirer, or community member, or through observation, disclosure, complaint or allegation.
- 10.3 If a child is in immediate danger, call 000. If criminal conduct is suspected, report to Queensland Police. Internal reporting requirements apply in addition to, not instead of, any legal obligation to report to external authorities.
- 10.4 Council recognises that some workers may also hold legal mandatory reporting obligations under Queensland law and must comply with those obligations. Whilst not all council personnel will meet the definition of a Mandated Report under the Act, in the interest of the safety of all children, Council will report all risk of harm, harm and any alleged criminal acts against/toward a child to the relevant statutory authority in accordance with the Child Safe Reporting Policy and Procedure.
- 10.5 Council will respond to concerns, complaints and reports in a way that is, as far as possible:
- child-focused where children are involved
 - timely
 - fair
 - respectful

- trauma-informed where appropriate
- culturally responsive
- consistent with privacy, confidentiality and information-sharing requirements.

10.6 Detailed requirements for reporting, complaint handling, escalation and response can be accessed in the Child Safety Complaints and Reporting Process and the Child Safe Reporting Policy and Procedure.

11. BREACH OF DUTY OF CARE

11.1 A breach of duty of care may occur where Council personnel, contractors, volunteers or other people engaged by or on behalf of Council fail to take reasonable steps to prevent, identify, reduce or respond to reasonably foreseeable harm within the scope of their role, responsibilities or Council's control.

11.2 A breach may include, but is not limited to:

- failing to identify, assess or manage known or reasonably foreseeable risks
- failing to provide appropriate supervision where required
- failing to maintain safe premises, equipment or environments
- failing to comply with relevant Council policies, procedures or child safe requirements
- failing to act on, report or appropriately respond to safety or child safety concerns
- failing to follow identified risk controls, supervision arrangements or local safety requirements, and
- failing to ensure appropriate training, support, resources or systems are in place to support safe practice.

11.3 Where an alleged or actual breach of duty of care occurs, Council will respond in accordance with relevant policies, procedures and legislative requirements. This may include review, corrective action, training, supervision, restriction of duties, disciplinary action, contractual action, referral to external authorities, or review of systems and controls, depending on the nature and seriousness of the matter.

11.4 Council recognises that duty of care obligations exists alongside obligations under other legislation, including child protection, work health and safety and criminal law. A breach of duty of care may result in organisational, regulatory, civil or criminal consequences.

11.5 Any person may raise a concern, complaint, allegation, incident or report relating to a potential breach of duty of care. All matters will be taken seriously and managed in a timely, fair, respectful and, where appropriate, trauma-informed manner in accordance with Council's complaints, reporting and investigation processes. Relevant processes for reporting, escalation and response are set out in the Child Safety Complaints and Reporting Process and any other applicable Council procedures.

12. ROLES AND RESPONSIBILITIES

Councillors and Chief Executive Officer

Councillors and the Chief Executive Officer are responsible for endorsing and supporting the implementation of this Policy, allocating resources, and ensuring child safety and duty of care is reflected in governance, risk management, decision-making and organisational culture.

Executive Management Team and managers

Executive Management Team (EMT) and managers are responsible for implementing this Policy in their areas of responsibility, supporting child safe practice, monitoring compliance, responding appropriately to concerns, and ensuring relevant induction, supervision and risk controls are in place.

Council officers

All Council personnel must:

- comply with this Policy and related Council policies, procedures and requirements
- take reasonable steps to meet their duty of care responsibilities
- uphold the Child Safe Code of Conduct and other relevant standards of behaviour
- act on safety and child safety concerns and report them promptly and appropriately
- contribute to safe, respectful and inclusive environments
- participate in required induction, training, supervision and other safety requirements, and
- follow lawful directions, risk controls, local safety requirements and corrective actions relevant to their role.

Child Safe Lead (Delegated Child Safety Contact)

The Child Safe Lead, Child Safety Officer, or other delegated child safety contact provides advice, coordination and support in relation to child safe practice, reporting, escalation, guidance, monitoring and continuous improvement.

Contractors, volunteers and third parties

Contractors, volunteers and third parties must comply with relevant safety, conduct and child safe expectations applying to their role, service, activity or access to Council facilities, and cooperate with Council directions and requirements relevant to safety and child safety.

Families, carers and community members

Families, carers and community members are encouraged to support child safety by understanding Council's child safe approach, following relevant conditions of use, and raising concerns where needed.

13. COMMUNICATION AND ACCESSIBILITY

Council will take reasonable steps to ensure this Policy and related child safe information are communicated in ways that are accessible and appropriate to different audiences, including Council personnel, children and young people, families, carers, communities and relevant third parties.

Council recognises that effective communication supports safer environments, clearer expectations, and more accessible pathways for raising concerns, complaints or reports.

This may include:

- making the Policy publicly available
- providing child-friendly and family-friendly information
- publishing or displaying key child safe commitments and reporting information
- providing information in alternative formats, where reasonably practicable
- supporting understanding through induction, briefing, signage, website content or local guidance.

- Using communication approaches that are culturally appropriate and responsible to the needs of the local community where relevant.

14. MONITORING, REVIEW AND CONTINUOUS IMPROVEMENT

- 14.1 Council will monitor the implementation of this Policy and use feedback, incidents, complaints, concerns, risk information, audits, reviews and other relevant information to strengthen child safe practice, safety and duty of care over time.
- 14.2 Council recognises that effective child safe practice requires ongoing review, learning and improvement.
- 14.3 Council will take reasonable steps to identify gaps, respond to emerging risks, and improve the effectiveness of its child safe systems, controls, communication and practices, as well as broader safety and duty of care arrangements.
- 14.4 In particular, Council will use available information to assess whether:
- children and young people are safer in Council services, facilities, activities and environments
 - child safe expectations are understood and applied in practice
 - concerns, complaints, incidents and disclosures are being identified, responded to and escalated appropriately
 - risk controls, supervision arrangements and environmental safeguards are effective
 - communication, reporting pathways and accessibility measures are working for children, families, communities and Council personnel
 - further action, training, system improvement or local controls are needed.
- 14.5 This Policy will be reviewed at least every two years, or earlier if required due to legislative change, organisational change, service changes, identified risk, incident trends, complaint trends, child safety concerns, or review findings.
- 14.6 Monitoring and review activities may also be informed by the Child Safety Risk Framework, related procedures, implementation guidance, incidents, complaints, feedback and other relevant review processes.

15. VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

16. BREACH OF POLICY

Where Council reasonably believes an employee has breached this policy, the matter will be dealt with under the Performance and Misconduct Policy.

17. COMMUNICATION AND DISTRIBUTION

Council will make available to the public, the Child Safety and Wellbeing Policy on our website at www.mountisa.qld.gov.au.

Supervisors will ensure the Policy is distributed as per the Distribution and Dissemination table on this policy.

18. DEFINITIONS

For the purposes of this policy:

Child / children / young person - means a person under 18 years of age. In Queensland, a child is legally defined as an individual under 18 years of age. However, specific legal ages for activities may vary: E.g. 10 for criminal responsibility, 18 for buying alcohol. The legal age for consent for having sex in Queensland is 16.

Child safety and wellbeing - means the actions, systems, culture and practices that support children to be safe, respected, included and heard, and that prevent and respond to harm.

Child safe concern - means any concern, allegation, suspicion, disclosure, complaint, incident, behaviour, practice or environmental issue that may affect the safety or wellbeing of a child or young person.

Clients and/or Participants - means people receiving, attending, using or participating in a Council service, program, activity or facility, whether delivered directly by Council or by an external provider.

Council personnel / workers - means the persons listed in the scope section of this Policy. Includes all council staff, representatives, members, managers, directors, volunteers, contractors, work experience students, apprentices, trainees, third-party providers, workers for hire (e.g. event staff). This also includes all workers and personnel associated with council services, programs, facilities, land, events, workers, volunteers, contractors, labour-hire personnel, trainees, students, placement workers, facility hirers, tenants, lessees, user groups, event organisers and other third parties (all personnel and council related programs/activities and facilities).

Duty of Care – may be defined as ‘an obligation, recognised by law, to avoid conduct fraught with unreasonable risk of danger to others’. This means the obligation to take reasonable steps to prevent reasonably foreseeable harm to people who may be affected by Council services, programs, activities, facilities or environments.

Harm includes physical harm, psychological or emotional harm, sexual abuse, neglect, exploitation, grooming, exposure to family violence, inappropriate conduct, and any other conduct or circumstance that places a child at risk.

Parent, carer or guardian – means a person with day-to-day responsibility for a child or young person, or another person legally responsible for the child or young person.

Reasonable steps – means actions that are sensible, proportionate and appropriate in the circumstances to reduce the risk of reasonably foreseeable harm, having regard to the nature of the activity, the needs of those involved, and the level of Council’s control, authority and responsibility.

Reasonably foreseeable harm – means harm that a person in the same position should reasonably anticipate as a possible outcome in the circumstances.

Third party includes contractors, consultants, labour-hire personnel, funded partners, hirers, lessees, licensees, user groups, community organisations and any other public users, external person or entity providing services to children, working with children, or using Council facilities in circumstances where children may be present.

ASSOCIATED LEGISLATION AND POLICIES

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Human Rights Act 2019*

- *Child Safe Organisations Act 2024*
- *Child Protection Act 1999*
- *Anti-Discrimination Act 1991*
- *Information Privacy Act 2009*
- National Agreement on Closing the Gap
- National Principles for Child Safe Organisations
- Employee Code of Conduct
- Councillor Code of Conduct
- Anti-Bullying, Sexual Harassment and Discrimination Policy
- Information Privacy Policy
- Performance and Misconduct Policy
- Child Safety and Wellbeing Policy
- Child Safe Complaints and Reporting Procedure
- Child Safety Risk Framework
- Supervision and Duty of Care Child Safe Policy
- Child Safe and Wellbeing Statement of Commitment