

TASMANIA

**CHILD AND YOUTH SAFE ORGANISATIONS
REGULATIONS 2023**

STATUTORY RULES 2023, No. 82

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CHILD AND YOUTH SAFE ORGANISATIONS REGULATIONS 2023

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Child and Youth Safe Organisations Act 2023*.

Dated 20 November 2023.

B. BAKER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Justice

1. Short title

These regulations may be cited as the *Child and Youth Safe Organisations Regulations 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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3. Interpretation

In these regulations –

Act means the *Child and Youth Safe Organisations Act 2023*.

4. Prescribed recognised Aboriginal organisation and prescribed recognised Torres Strait Islander organisation

For the purposes of the definitions of *recognised Aboriginal organisation* and *recognised Torres Strait Islander organisation* in section 4 of the Act, an organisation that is an Aboriginal and/or Torres Strait Islander Community-Controlled Organisation, within the meaning of clause 44 of the *National Agreement on Closing the Gap* published by the Department of the Prime Minister and Cabinet of the Commonwealth in July 2020, as amended or substituted from time to time, is prescribed.

5. Prescribed reportable conduct

For the purposes of section 7(2)(g) of the Act, the following offences, if committed against, with or in the presence of a child, whether or not criminal proceedings in relation to the offence have been commenced or concluded, are reportable conduct:

- (a) an offence under Division 270 of the *Criminal Code Act 1995* of the Commonwealth;

- (b) an offence under section 124A or 125E of the *Criminal Code*;
- (c) an offence under section 298, 299 or 300 of the *Criminal Code* in respect of an offence specified in paragraph (b).

6. Prescribed persons by whom, and to whom, information may be disclosed

For the purposes of section 40(3)(k) of the Act, the following persons and purposes are prescribed:

- (a) the Health Complaints Commissioner appointed under section 5 of the *Health Complaints Act 1995*, for the purpose of the performance of a function conferred on the Health Complaints Commissioner under that Act or the Act;
- (b) the Ombudsman appointed under section 5 of the *Ombudsman Act 1978*, for the purpose of the performance of a function conferred on the Ombudsman under that Act or the Act;
- (c) the Custodial Inspector appointed under section 5 of the *Custodial Inspector Act 2016*, for the purpose of the performance of a function conferred on the Custodial Inspector under that Act or the Act.

7. Infringement offences

For the purposes of section 59 of the Act –

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- (a) an offence against section 34(2) of the Act is prescribed as an infringement offence, and the penalty payable in respect of that offence is 24 penalty units; and
- (b) an offence against section 45 of the Act is prescribed as an infringement offence, and the penalty payable in respect of that offence –
 - (i) in the case of a worker, is 24 penalty units; and
 - (ii) in the case of an entity, or entity regulator, is 72 penalty units.
- (c) an offence against section 46 of the Act is prescribed as an infringement offence, and the penalty payable in respect of that offence –
 - (i) in the case of a worker, is 24 penalty units; and
 - (ii) in the case of an entity, or entity regulator, is 72 penalty units.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 November 2023.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe the following matters for the purposes of the *Child and Youth Safe Organisations Act 2023*:

- (a) a type of organisation that is a recognised Aboriginal organisation and a recognised Torres Strait Islander organisation;
- (b) additional offences that constitute reportable conduct;
- (c) additional persons by whom and to whom information may be disclosed;
- (d) infringement offences and the penalties in relation to those offences.