

I certify that this is a copy of the authorised version of this Statutory Rule as at 27 November 2024, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 27 November 2024.

K Woodward
Chief Parliamentary Counsel
Dated 28 November 2024

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*.

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.

r. 6A

6A. Information may be disclosed by, and for the purposes of, the Woolcott Review

(1) In this regulation –

Woolcott Review means the review –

- (a) established by the Premier in November 2023 to be conducted by Peter Woolcott; and
- (b) known as the *Independent Review into the actions taken in response to the information and concerns raised by the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings*.

(2) For the purposes of section 40(3)(k) of the Act, persons employed or engaged to conduct the Woolcott Review are prescribed persons for the purpose of conducting that Review in accordance with its terms of reference.

(3) This regulation is rescinded on the first anniversary of its commencement.

7. Infringement offences

For the purposes of section 59 of the Act –

- (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.

Child and Youth Safe Organisations Regulations 2023
Statutory Rules 2023, No. 82

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.

NOTES

The foregoing text of the *Child and Youth Safe Organisations Regulations 2023* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 27 November 2024 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Child and Youth Safe Organisations Regulations 2023</i>	S.R. 2023, No. 82	29.11.2023
<i>Child and Youth Safe Organisations Amendment Regulations 2024</i>	S.R. 2024, No. 79	27.11.2024
<i>Child and Youth Safe Organisations Regulations 2023</i>	S.R. 2023, No. 82	27.11.2025 r. 6A rescinded, see r. 6A(3)

¹Expiry 29 November 2033 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 6A	Inserted by S.R. 2024, No. 79