



# LEICHHARDT HOUSE STUDENT HOSTEL CHILD PROTECTION PROCEDURE

2021

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THIS DOCUMENT WILL BE REVIEWED AT THE END OF EACH SCHOOL YEAR (ALL STAKEHOLDERS WILL BE ADVISED OF ANY AMENDMENTS VIA EMAIL). ANY CHANGES IN PERTINENT COMMONWEALTH OR STATE LEGISLATION OR ANY INCIDENTS/POLICY BREACHES THAT OCCUR BEFORE THE NEXT FORMAL REVIEW WILL INITIATE IMMEDIATE REVIEW AND AMENDMENT (ALL STAKEHOLDERS WILL BE ADVISED VIA EMAIL).

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## POLICY STATEMENT

This policy applies in this instance to Leichhardt House Student Hostel (the hostel). In accordance with, and beyond the requirements of, these regulations the hostel makes all of its policies available to parents/carers/boarders and prospective parents/carers/boarders on the public area of the hostel's website: [www.hostel.net.au](http://www.hostel.net.au)

The hostel will undertake to ensure compliance with the relevant legislation and guidelines with regard to this policy for its boarders and staff and to extend this undertaking to visitors to the hostel as far as is practicably possible.

# 1 GUIDING PRINCIPLES

All hostel staff, volunteers and visitors share in the responsibility to provide a safe and supportive living and learning environment for boarders. This responsibility is placed on them by legislation and policy requirements. The policy and these procedures are based on the following principles:

- every boarder has inherent rights, including dignity, privacy, respect, and safety, and has the right to protection from abuse, neglect or inappropriate behaviour by any person, including a hostel staff member or volunteer;
- the value of the family unit is to be respected but not to the detriment of the best interests of the boarder;
- in every preventive or protective action, the safety, well-being, and best interests of the boarder must be the paramount considerations;
- hostel staff and volunteers have a responsibility to care for boarders attending the hostel, promote their safety and wellbeing and ensure all measures are taken to protect boarders from harm;
- harmful acts by a person who has authority over boarders are a breach of trust and constitute professional misconduct. Any staff member or volunteer who harms a boarder may face criminal and/or disciplinary action;
- any form of sexual behaviour by a staff member or volunteer towards a boarder is always sexual abuse and a serious criminal offence. Such behaviour will always be reported to the police;
- where there is any doubt about an allegation or suspicion of harm to a boarder by any person, the decision must be in favour of reporting the allegation or suspicion to the appropriate statutory authority;
- any hostel staff member or volunteer who is reported and/or investigated in relation to suspected boarder protection concerns must be treated with natural justice, dignity, sensitivity, and respect. However, where, on the basis of available information, it is believed the individual may pose an unacceptable risk of harm to a boarder, the hostel staff member or volunteer will not be permitted to continue to work in their position or volunteer;
- hostel staff and volunteers will always cooperate with Child Safety and police and will work collaboratively with other professionals and agencies to achieve the best possible outcomes for boarders and their families.

## 2 BOARDER PROTECTION CONCERNS HELD BY BOARDERS AND PARENTS

The hostel will ensure that boarders and parents/carers are encouraged to discuss any concerns for a boarder's safety or wellbeing with hostel staff. Boarders may also wish to discuss concerns with any trusted adult in the hostel community.

As part of any discussion with a boarder or parent about boarder protection concerns, the hostel staff member will ensure the boarder and/or parent/carer understands:

- what action will be taken by the hostel in response to their concerns;
- who this information will be shared with; and,
- what strategies will be implemented to ensure the immediate and ongoing safety of any boarder impacted by the concerns.

### 3 DISCUSSING BOARDER PROTECTION CONCERNS BEFORE TAKING FURTHER ACTION

When a staff member, volunteer or visitor has concerns for a boarder or unborn child<sup>1</sup> they must immediately discuss their concerns with an SPO or the Principal.

The SPO or Principal will then:

- identify additional information known about the boarder or family to include in a report or referral;
- confer with the Child Safety and Wellbeing Advocate, ASC, if required;
- consult the online Child Protection Guide, if required (see SP Resource 4 – Child Protection Guide);
- help determine the most appropriate response to the concerns;
- help complete the relevant form if required (See SP Resource 8 – Reporting and Referral forms); and
- ensure supports are immediately provided to the boarder.

When an SPO is given information about suspected boarder protection concerns, the SPO will, as soon as practicable, inform the Principal of the concerns.

Note: While this discussion must occur, it does not fulfil mandatory reporting of boarder protection concerns (see section 5).

SP Resource 11 – Information Sharing provides guidance on sharing boarder protection information with other individuals, including the Child Safety and Wellbeing Advocate, ASC.

## 4 REPORTING SUSPECTED ABUSE AND NEGLECT TO CHILD SAFETY

### 4.1 WHEN TO REPORT TO CHILD SAFETY

#### MANDATORY REPORTERS

All mandatory reporters (teachers and registered nurses) must, in accordance with s.13E of the Child Protection Act 1999 (CPA), report to Child Safety when they reasonably and honestly suspect a child may be in need of protection because the child may have suffered, may be suffering or may be at risk of suffering significant harm as a result of physical or sexual abuse and may not have a parent able and willing to protect the child from harm. In addition to this legislative requirement, all mandatory reporters (teachers and registered nurses) must, in accordance with the policy, report to Child Safety when they reasonably and honestly suspect a child or unborn child may be in need of protection because:

- the child may have suffered, may be suffering or may be at risk of suffering significant harm as a result of any type of (physical, sexual or emotional/psychological) abuse or neglect and may not have a parent able and willing to protect the child from harm; or
- the unborn child may be at risk of significant harm after birth and may not have a parent able and willing to protect the child from harm.

#### ALL STAFF, VOLUNTEERS AND VISITORS

All hostel staff, volunteers and visitors must, in accordance with the policy, immediately discuss suspected physical, sexual, emotional/psychological abuse or neglect or unborn child concerns with an SPO or the Principal. The SPO or Principal must ensure the concerns are reported to Child Safety when they suspect the child or unborn child may be in need of protection.

#### WHAT IS A REASONABLE SUSPICION?

When forming a 'reasonable suspicion', staff may consider the boarder's age and whether there are detrimental effects on the boarder's body or psychological/emotional state that are evident or are likely to become evident in the future. In relation to any detrimental effects, staff may consider the nature and severity of the effects and the likelihood that they will continue.

When deciding whether a boarder may have been harmed or may be at risk of harm you may consider:

- your observations of the boarder, including harm that you have witnessed, any significant changes in their behaviour, functioning or wellbeing and any unexplained or suspicious injuries;
- what the boarder has said to you;
- what you are told about the boarder by another person who knows them – for example, another boarder, a parent, another staff member or a volunteer;
- other knowledge you have about the boarder and/or their family; and

- any other relevant knowledge, training or experience that you have.

When details of possible harm to a boarder have come to the hostel's attention from a third party, information about that third party should be included in the hostel's report to Child Safety or the police.

- do not contact the parent/s unless advised to do so by Child Safety;
- provide any records or forms associated with the report to the Principal to be stored securely.

## 4.2 ACTION WHEN A REPORT TO CHILD SAFETY IS NOT REQUIRED

When the SPO or Principal is informed of suspected abuse or neglect that does not meet the threshold for a report to Child Safety, the SPO or Principal should document the concerns and the hostel should continue to monitor and support the boarder. Hostel staff may, under s.13B of the CPA, also take other action to support families and try to prevent or minimise the likelihood of their having contact with Child Safety in the future by making a referral to:



## 5 REPORTING SEXUAL ABUSE OR LIKELY SEXUAL ABUSE TO THE POLICE

### 5.1 WHEN TO REPORT TO THE POLICE

All hostel staff, volunteers, and visitors must immediately give a written report to the CSAA Management Committee when they suspect the sexual abuse or likely sexual abuse of a boarder by any person. Sexual abuse is defined as including sexual behaviour involving the boarder and another person, where:

- the other person bribes, coerces, exploits, threatens or is violent toward the boarder; or
- the boarder has less power than the other person; or
- there is a significant disparity between the boarder and the other person in intellectual capacity or maturity.

The CSAA Management Committee must then ensure the written report about the suspected sexual abuse or likely sexual abuse is immediately given to the police. When the concerns are raised directly to the CSAA Management Committee, the Committee must immediately give a written report about the suspected sexual abuse or likely sexual abuse of a boarder by any person to the police and provide a copy of the report to police to an appropriately qualified individual.

## 6. PROTECTIONS FOR REPORTERS UNDER THE LAW

### 6.1 CONFIDENTIALITY OF NOTIFIER DETAILS

Section 186 of the CPA provides confidentiality for all individuals who report suspected harm or risk of harm to a child or unborn child to Child Safety or the police. The identity of the person who made the child protection report will not to be disclosed to any other person unless the person who made the report has given their consent or disclosing the reporter's information to particular individuals is permitted or required by law.

### 6.2 PROTECTION FROM LIABILITY

Section 197A of the CPA offers protections for any person who, when acting honestly and reasonably:

- provides information to Child Safety in accordance with mandatory reporting obligations;
- reports suspected harm or risk of harm to a child or risk of harm to an unborn child; or,
- confers or consults with a colleague.

In such cases, the person will:

- be protected from liability in any civil, criminal, administrative or defamation proceedings;
- not have breached any code of ethics or standards of professional conduct;
- not have contravened any other Act, oath or rule of law; and
- will not be liable to disciplinary action.

Similarly, ss.366 (5-6) and 366A (7-8) of the EGPA also state that, any person who makes a report about sexual abuse or likely sexual abuse of a boarder:

- is not liable, civilly, criminally or under an administrative process for giving the information contained in the report to the police;
- would have a defense of absolute privilege in a proceeding for defamation; and
- would not be contravening confidentiality requirements under another Act, an oath, rule of law or practice.

## 7. ACTIONS NOT TO BE TAKEN BY HOSTEL STAFF

### 7.1 INVESTIGATING CONCERNS

Staff, volunteers and visitors must respond when they suspect a boarder may have been abused or neglected and certain staff also have mandatory reporting obligations under the EGPA and/or the CPA. However, hostel staff and volunteers are NOT required, and DO NOT have the authority, to investigate suspected child abuse or neglect before making a report to statutory authorities. Staff may seek information from a boarder to the extent necessary to clarify whether the matter reaches the threshold for a report to Child Safety or the police or to determine whether a referral to a support service may be the appropriate response.

Once a report has been submitted to Child Safety or the police, staff have no authority, under legislation or policy, to undertake any investigative activities including:

- carrying out systematic or formal inquiries into suspected child abuse or neglect;
- interviewing boarders, family members or other relevant persons;
- examining the facts of a report to Child Safety or the police; or
- making a determination about whether a child is in need of protection under the
- Only police and Child Safety officers have the authority to investigate allegations of child abuse or neglect and to take action under the law.

### 7.2 TAKING PHOTOGRAPHS OF A BOARDER'S INJURIES

Hostel staff should NOT take photographs of boarder's injuries. If required, police will:

- attend the hostel to take photographs for use during any subsequent criminal proceedings;

or

- take the boarder to a specialist medical practitioner to document the boarder injuries.

## 8. MANAGING INAPPROPRIATE BEHAVIOUR

### 8.1 WHEN TO REPORT INAPPROPRIATE BEHAVIOUR BY A STAFF MEMBER OR VOLUNTEER

All staff, volunteers and visitors must, as soon as practicable, discuss all suspicions of inappropriate behaviour by a staff member or volunteer towards a boarder with an SPO or the Principal.

Note: If the matter relates to alleged sexual abuse or likely sexual abuse also refer to section 7 of these procedures.

## 9. GUIDANCE FOR PRINCIPALS: IDENTIFYING A CONCERN OR ALLEGATION OF INAPPROPRIATE BEHAVIOUR REQUIRING INVESTIGATION

Inappropriate behaviour is behaviour of a sexual, physical, or psychological nature which exploits the special position of trust and authority between a staff member/volunteer and a boarder. When a concern or allegation meets this definition and relates to suspected harm or risk of to a boarder, including grooming behaviour, the matter is to be managed as detailed in 11.3 (below). Harm to a child, is considered to be a detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing. This is consistent with the responsibilities of employing authorities to notify the Queensland College of Teachers of particular allegations (see appendix 3).

The management of other behaviour of a staff member or volunteer is discussed in 11.6 below. Responsibilities when reporting managing a concern or allegation of inappropriate behaviour by a staff member/volunteer.

### 9.1 NOTING A STAFF MEMBER OR VOLUNTEER'S CONCERNING BEHAVIOUR

When information is received about behaviour of a staff member or volunteer which is of a relevant concern but not deemed to be inappropriate (see section 11.2 of the procedures and section 5.5 of the policy), the SPO or Principal will make a record of the behaviours and the Principal will continue to monitor and support the staff member or volunteer. The Principal will consider whether other management is required through established human resource/performance management and complaints management processes and occurs outside of these procedures.

## 10. RESPONDING TO BOARDER SEXUALISED BEHAVIOURS AND SEXUAL RELATIONSHIPS

Sexual behaviours vary along a continuum of increasing complexity ranging from normal and developmentally appropriate through to developmentally inappropriate or problematic when compared with same aged peers.

Detailed information about responding to boarder sexualised behaviours and sexual relationships, including matters that may require a report to police and/or Child Safety, are outlined in SP Resource Sheet 9 – Responding to boarder sexualised behaviours and sexual relationships.

## 11. RESPONDING TO OTHER FORMS OF HARM TO BOARDERS

A boarder may suffer, or be at risk of suffering, as a result of other forms of harm that do not require a report to Child Safety or police. For example, a boarder may harm themselves or may be harmed by another boarder or by a person not associated with the hostel or family.

Guidance on how to respond in a supportive way to other forms of harm can be found in SP Resource Sheet 10 – Responding to other forms of harm to a boarder.

## 12. SUPPORTING INDIVIDUALS AFFECTED BY BOARDER PROTECTION MATTER

Every person affected by boarder protection concerns will react to the situation differently. It is very important that appropriate support is offered to all those affected by boarder protection concerns.

### 12.1 SUPPORTING BOARDERS

Each boarder will react to trauma differently. Providing the boarder with stability and security will be critical to their coping. When supporting a boarder impacted by child abuse or neglect or inappropriate behaviour:

- provide regular routines and prepare the boarder for changes;
- set clear and consistent rules, boundaries and expectations when there are behavioural concerns as a result of the trauma experienced by the boarder;
- ensure the boarder knows who they can talk to when they need support including referral to the hostel Counsellor;
- monitor the boarder's relationships with peers, their participation and general behaviour;
- when there are significant changes in their behaviour or functioning, offer additional support; and
- look for opportunities for the boarder to build their self-esteem and resilience.



## 13. CONFIDENTIALITY OF BOARDER PROTECTION INFORMATION

Section 187 of the CPA states that the Principal of a non-state hostel, or a person employed by the Principal, must not use, disclose or give access to any information or documents obtained while performing functions under the CPA to any person unless permitted by law, including under information sharing provisions in Part 5A of the CPA, or because the information is being shared for purposes directly related to a child's protection or wellbeing.

### 13.1 INFORMATION SHARING PERMITTED UNDER THE CPA

Chapter 5A of the CPA allows the sharing of relevant information between particular individuals and agencies who deliver services to children and families. These provisions remove barriers to information sharing and help services promote children's wellbeing, ensure their safety and coordinate services.

Further details about information that may be shared by hostel staff, in accordance with provisions in the CPA, are outlined in SP Resource Sheet 11 – Information Sharing.

## 14. IMPLEMENTING PREVENTATIVE STRATEGIES

In addition to reporting concerns and referring families for support, hostels can also implement preventative strategies including:

- periodically reminding boarders of the SPO's role and how to access them;
- revisiting components of the policy and procedures during staff meetings;
- reflecting on processes, decisions and learnings following completion of a boarder protection report; and
- providing abuse prevention education to boarders (see Appendix 4 - Abuse Prevention Education).

## 15. COMMUNICATING THIS POLICY

Chinchilla Student Accommodation Association Inc. (CSAA) T/A Leichhardt House Student Hostel (the hostel) makes available our full set of policies and procedures online so that parents/carers/boarders and hostel staff have continuous access to the most recent versions of all the individual documents. This system will deal with any outdated issues with hostel policies that are amended during the school year.

Hard copies of any policy/procedure is available upon request.

## 16. COMPLAINTS

If anyone has a complaint in relation to the content of this document or any other matter related to the content of this document, they should, in the first instance, follow the Hostel's Complaint Management Process; the first step being to submit a complaint form via the Hostel website.<sup>1</sup>

## 17. REVIEW

This policy will be reviewed at the end of each school year; stakeholders will be notified of any amendments via email. Any changes in pertinent Commonwealth/Qld State Legislation or Education Qld/other regulatory body directive, or policy breaches that occur before the next scheduled review, will initiate immediate review and amendment; stakeholders will be notified via email.

This policy was adopted by the Hostel on: January 2010  
This policy was last updated on: January 23<sup>rd</sup>, 2021.  
Next review: End of 2021 or if/when breach of policy occurs.

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<sup>1</sup> [www.hostel.net.au](http://www.hostel.net.au)

## APPENDIX 1: DEFINITIONS

### **Child**

An individual under 18 years of age.

### **Child exploitation material**

Material that, in a way likely to cause offence to a reasonable adult, describes or depicts a person, or a representation of a person, who is, or apparently is, a child under 16 years—

- in a sexual context, including for example, engaging in a sexual activity; or
- in an offensive or demeaning context; or
- being subjected to abuse, cruelty or torture.

### **Child in need of protection**

A child in need of protection is a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; AND does not have a parent able and willing to protect the child from the harm.

### **Child Protection Guide (Qld)**

An online tool, provided by Child Safety, to support professionals' decision making about whether to refer children and families for support or report their concerns to Child Safety.

<http://www.communities.qld.gov.au/childsafety/partners/our-government->

### **Emotional abuse**

Emotional abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened. It can include emotional deprivation due to persistent: rejection; hostility; teasing/bullying; yelling; criticism; and exposure to domestic and family violence. Refer to Resource Sheet 9 – Emotional and psychological abuse for further information.

### **Harm**

Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing. Harm can be caused by physical, psychological/emotional abuse or neglect or sexual abuse or exploitation. Harm can be caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances.

### **Inappropriate behaviour**

Inappropriate behaviour, as relevant to the Hostel, is behaviour of a sexual, physical or psychological/emotional nature which exploits the special position of trust and authority between the staff member or volunteer and a child and is unacceptable. Behaviour that harms a child or places the child at risk of harm is always inappropriate. Refer to section 4.5 Professional and behavioural obligations in the policy.

### **Mandatory reporter (relevant person)**

A mandatory reporter includes a:

- doctor;
- registered nurse;
- teacher;

- an early childhood education and care professional including any individual, who is not a volunteer or a person under 18 years of age, and who, under the Education and Care Services Act 2013 or the Education and Care Services National Law, is an Approved Provider, Nominated Supervisor or Educator for an approved service.
- police officer;
- person fulfilling a child advocate role in the Office of the Public Guardian;

### **Neglect**

Neglect occurs when a child's health and development are affected because the basic necessities of life are not met including: food; adequate clothing; housing; hygienic living conditions; health care; timely provision of medical treatment; personal hygiene; and adequate supervision. See Resource Sheet 8 – Physical abuse and neglect for further information.

### **Parent**

A parent is the child's mother, father or someone else (other than the chief executive of Child Safety) having or exercising parental responsibility for the child. A person standing in the place of a parent on a temporary basis is not a parent of the child. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent.

A parent may be able and willing to protect the child from harm when the parent has both the ability and the willingness to ensure the safety, wellbeing and best interests of the child. The parent's ability and willingness may be evident in their statements and direct or indirect actions. Other factors that may impact on a parent's ability and willingness to care for and protect their child may include the parent's: alcohol or substance misuse; mental health concerns; domestic or family violence; and physical or intellectual disability.

### **Physical abuse**

Physical abuse occurs when a child has suffered, or is at risk of suffering, non-accidental physical trauma or injury. Physical abuse can include: hitting or shaking; throwing or pushing; burning or scolding with hot water; cutting or biting; and poisoning. It is also important to remember that physical abuse does not always leave visible marks or injuries and it is not how bad the mark or injury is, but rather the act itself that causes injury or trauma to the child. Refer to Resource Sheet 8 – Physical abuse and neglect for further information.

Reasonably suspects (Sch. 3 Dictionary the Act)

### **Reasonable suspicion**

When forming a 'reasonable suspicion', you may consider the child's age and whether there are detrimental effects on the child's body or psychological/emotional state that are evident, or likely to become evident, in the future. In relation to any detrimental effects, you may consider the nature and severity of the effects and the likelihood that they will continue. Your considerations about whether a child may be in need of protection could be informed by your

observations of the child, other knowledge you have about the child and any other relevant knowledge, training or experience that you have.

### **Relevant information**

Relevant information includes information about a child, the child's family, someone else, a pregnant woman or an unborn child which is given to the chief executive, Department of Child

Safety, Youth and Women, an authorised officer or a service provider, as defined in s. 159D of the Act. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>

### **Reportable suspicion**

A reportable suspicion is a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse AND may not have a parent able and willing to protect the child from harm. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>

### **Sexual abuse**

Sexual abuse is defined in the EGPA as including sexual behaviour involving the boarder and another person, where:

- The other person bribes, coerces, exploits, threatens or is violent toward the boarder; or
- The boarder has less power than the other person; or
- There is a significant disparity between the boarder and the other person in intellectual capacity of maturity.

Sexual abuse is defined by Child Safety as occurring when an adult, more powerful child or adolescent uses his or her power to involve a child in sexual activity. Sexual abuse can be physical, verbal or emotional and can include:

- kissing or holding a child in a sexual manner;
- exposing a sexual body part to a child;
- having sexual relations with a child under 16 years of age;
- talking in a sexually explicit way that is not age or developmentally appropriate;
- making obscene phone calls or remarks to a child;
- fondling a child in a sexual manner;
- persistently intruding on a child's privacy;
- penetrating the child's vagina or anus by penis, finger or any other object;
- oral sex;
- rape or incest;
- showing pornographic films, magazines or photographs to a child;
- having a child pose or perform in a sexual manner;
- forcing a child to watch a sexual act; and
- child prostitution.

### **Visitor**

A visitor to a hostel is any person who visits the hostel on a one off or regular basis to provide services [paid or unpaid] to the hostel. This includes contractors, consultants and presenters of one-off programs.

### **Volunteer**

Consistent with the Working with Children (Risk Management and Screening) Act 2000, a person undertaking work for a Hostel without receiving financial reward. 'Undertaking work' is understood to mean holding a position or performing a function with the actual or apparent authority of the Hostel.