

Council Policy

Reportable Conduct Scheme



Legislation/local law requirements	<i>Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022</i> <i>Reportable Conduct Scheme</i>
Relevant Delegation	
Related policy procedures and documents	Child Safe Awareness Policy Complaints Policy Human Resources Grievance Management Policy

Introduction

This is made in accordance with the reporting requirements of the *Reportable Conduct Scheme* (the **Scheme**), which was established under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022* (WA), as a consequence of the Royal Commission into Institutional Responses to Child Sexual Abuse (the **Royal Commission**). The Scheme is intended to promote child safety by ensuring that allegations or suspicions of child abuse by employees in organisations will always be:

- Reported as appropriate to the Western Australia Police Force for criminal investigation;
- Notified to an impartial and independent body (Ombudsman);
- Investigated; and
- Review work practices where needed to ensure children are protected from abuse

Objective

The Chief Executive Officer (**CEO**) is obligated to notify the Ombudsman of reportable allegations and convictions of child abuse by City of Kwinana (the **City**) employees, report appropriately to Western Australia Police Force, investigate the allegations, report the outcome, and take appropriate action to protect children from abuse. In the instance where they are made against the CEO then the obligations to report sits with the Mayor in line with the City's Complaints Policy.

Scope

The Scheme applies to the CEO, who has reporting conduct responsibilities. Employees are also required to report suspicions or allegations to the CEO and adhere to this Policy.

Policy Provisions

Definitions

Term	Definition
Child	A person who is under 18 years of age, including employees.
City	City of Kwinana.
Employee	An employee includes the following persons over 18 years of age: <ul style="list-style-type: none"> • An individual employed by the City; • Elected Members of the City; • Contractors working with children engaged by the City; and • Volunteers engaged by the City and in child related roles.
Ombudsman	Ombudsman Western Australia.
Procedural Justice	<p>There are four key principles of procedural justice:</p> <ul style="list-style-type: none"> • Voice - Individuals should have the opportunity to express their concerns, perspectives, and participate in decision-making processes. • Neutrality - Decision-makers should be unbiased and make decisions based on consistent and transparent reasoning. • Respect - All individuals should be treated with dignity and respect, regardless of their background or circumstances, and • Trust - Decision-makers should convey trustworthy motives and concern for the well-being of those affected by their decisions. <p>Adherence to these principles is linked to improved compliance and positive outcomes.</p>
Reportable Allegation	Any information that leads a person to form the belief on reasonable grounds that an employee of an organisation covered by the Scheme has engaged in reportable conduct, whether or not the conduct is alleged to have occurred in the employee's course of employment.
Reportable Conviction	A conviction (including a finding of guilt without the court proceeding to a conviction) in Western Australia or elsewhere, of an offence involving reportable conduct.

OFFICER USE ONLY

Officers may amend this section without council approval.

Responsible Team	Community Services and Partnership	
Initial Council adoption	Date: 17 December 2025	Ref#: D25/19329
Reviewed/amended	Date: 17 December 2025	Ref#: D25/19329
Next Review Date	Date: 17 December 2029	
Policy Document Number	D25/19329	

Vulnerable Person/s	Individuals who, due to factors such as age, disability, illness, poverty, or social circumstances, are at greater risk of harm, exploitation, or not being able to protect themselves from abuse, neglect, or discrimination.
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Policy

This Policy is limited to City employees who have engaged in conduct that may be reportable conduct or employees who are the subject of a conviction that is considered a reportable conviction.

Reportable Conduct

- (a) City employees **must** report a 'reportable allegation' or 'reportable conviction' to the CEO as soon as they become aware. Reportable conduct under the Scheme includes:
 - (i) Sexual offences (against, with or in the presence of, a child);
 - (ii) Sexual misconduct (against, with or in the presence of, a child);
 - (iii) Physical assault (against, with or in the presence of, a child);
 - (iv) Significant neglect of a child; and
 - (v) Significant emotional or psychological harm to a child.
- (b) The CEO is compelled to notify the Ombudsman of allegations or convictions of child abuse by any employee within seven (7) days of becoming aware of the allegation. The CEO is also required to investigate the allegation(s) and provide a report to the Ombudsman of the investigation and any action taken. The Ombudsman will monitor, oversee and review these allegations.
- (c) If the CEO suspects criminal conduct has occurred, then the reportable conduct will be referred to the Western Australia Police (WAPOL) in the first instance.
- (d) In consultation with WAPOL, the CEO may suspend the City's investigation, to ensure there is no compromise to the criminal investigation. Any perceived risk will be managed through consultation with WAPOL.
- (e) The CEO will inform the Ombudsman of the suspension and any actions taken to manage the risk during the suspension period.
- (f) The Scheme also includes historical conduct of a current employee. Whilst the conduct may have occurred in the past, the Royal Commission determined that the nature of child abuse still requires reporting and investigation. This will ensure any risks presented by a current employee are considered and addressed appropriately.

Protections to Prevent Identification

- (a) An employee who makes a report of a reportable allegation or reportable conviction, must not publish or discuss identifying information of a child who is the subject of reportable conduct; or the person who the reportable allegation is against.
- (b) The seriousness of publishing or discussing such information is reflected in the penalty of imprisonment and a fine as per the *Children and Community Services Act 2004 (WA)* section 237.

Protections for Providing Information

- (a) There are protections under the *Parliamentary Commissioner Act 1971* (WA) for providing information under the Scheme, which include:
 - (i) Protection from liability for giving information;
 - (ii) Protection from victimisation; and
 - (iii) A prohibition on publishing information that identifies or is likely to identify a person who has made a report under the Scheme.

The Investigation Process

- (a) Reportable Conduct Scheme investigations will follow the Human Resources Grievance Management Policy and Grievance Officers will complete investigations or contract an external investigator to use age-appropriate investigation techniques.
- (b) The organisational investigation will ensure the principles of confidentiality, procedural fairness and natural justice apply to all investigations undertaken. In this regard:
 - (i) Employees who are the subject of reportable allegations will be informed of the nature of the allegations and afforded the opportunity to make submissions before any finding of the City's investigation is made;
 - (ii) Only parties directly involved with or related to the reportable allegation will be informed of it;
 - (iii) The wellbeing of all children involved in the reportable allegation is of the utmost importance. Steps will be taken to investigate without a direct interview by using suitable evidence eg CCTV. Techniques to capture the voice of the child will be coordinated with a parent, guardian or experienced Counsellor to use age-appropriate techniques. In alignment with City policies and procedures records will be adequately secured and protected from unauthorised access;
 - (iv) All parties involved will be advised of the need for confidentiality during the investigation; and
 - (v) the implications of this according to the Code of Conduct.

Compliance and Review

This Policy will be reported annually via an Annual Child Safety Compliance report at the quarter 4 Audit, Risk and Improvement Committee meeting.

Implementation

This policy will be disseminated to all Employees, Elected Members, contractors working with children and volunteers of the City.