



Child Safety Framework Model Clauses

ASDEFCON & Contracting Initiatives Child Safety Framework Model Clauses

The purpose of this document is to provide procurement officers with Child Safety Framework Model Clauses to be inserted into the relevant draft [ASDEFCON Suite of Tendering and Contracting Templates](#). These clauses were based on the Department of Prime Minister and Cabinet model clauses, available from the Department of Finance's [ClauseBank](#).

Procurement officers must still conduct their own enquiries and due diligence before inserting these clauses into the relevant draft [ASDEFCON Suite of Tendering and Contracting Templates](#), including whether this will impact other clauses or documents included in the templates.

When inserting the clauses into the ASDEFCON templates, the ASDEFCON & Contracting Initiatives Team suggests including the clauses in the Policy and Law clause of the relevant draft ASDEFCON Conditions of Contract or Deed or as an additional stand-alone clause in the less complex templates.

The example clauses provided below are drafted for inclusion in ASDEFCON Strategic Materiel. Appropriate amendments should be made when including the clauses in other ASDEFCON templates.

Option 1

To be used when drafters are not sure whether Contractor Personnel will or may interact with Children during any part of the contract term (e.g. where the contract requirements may involve incidental contact with Children). While the note to drafters in the conditions of contract template indicate that the Child Safety clauses are optional, once it is determined that Child Safety clauses are required, the clauses below become core and must be inserted.

Insert the following new clause in the relevant Conditions of Contract or Deed, numbered accordingly, as follows:

12.9 Child Safety (Core)

12.9.1 If the Contractor employs or engages any Child-Related Personnel that are required to have a WWCC to provide any part of the [Insert Services or Supplies as relevant], the Contractor shall:

- a. comply with all Child Safety Legislation relating to the employment or engagement of any Child-Related Personnel, including mandatory reporting and WWCC however described; and
- b. upon the Commonwealth's request, provide the Commonwealth, an annual statement of compliance with this clause 12.9, in such form as may be specified by the Commonwealth. Such statement of compliance shall also include the activities of Subcontractors with obligations under the National Principles for Child Safe Organisations in relation to the provision of any part of the [Insert Services or Supplies as relevant] provided by the Subcontractor.

12.9.2 The Contractor shall include, and shall ensure that each Subcontractor includes, the obligations in this clause 12.9, including this clause 12.9.2, in each Subcontract, if the relevant Subcontractor employs or engages any Child-Related Personnel to provide any part of the [Insert Services or Supplies as relevant].

Insert the following defined terms into the Acronyms and Abbreviations table and the Definitions table at Attachment M Glossary:

1. ACRONYMS AND ABBREVIATIONS

Abbreviation	Description
WWCC	Working With Children Check

2. DEFINITIONS

Term	Status	Definition
Child or Children	(Core)	means an individual(s) under the age of 18 years.
Child-Related Personnel	(Core)	means the officers, employees, Subcontractors, agents and volunteers of the Contractor who may interact with Children under the Contract.
Child Safety Legislation	(Core)	means, for the purposes of Child safety, any relevant legislation (including subordinate legislation) of a State, Territory, local authority or the Commonwealth in the jurisdiction where a part of the provision of the [Insert Services or Supplies as relevant] will be carried out.

Term	Status	Definition
National Principles for Child Safe Organisations	(Core)	means the National Principles for Child Safe Organisations, endorsed by the Council of Australian Governments as published by the Commonwealth Government (available at: https://www.humanrights.gov.au/about/news/coag-endorses-national-principles-child-safe-organisations).
Working With Children Check	(Core)	means the process in place to screen an individual for fitness to work with Children as required by any Child Safety Legislation.

Option 2

To be used in contracts where the Services or Supplies will be provided directly to Children or where some direct contact with Children will be likely. This option should also be used in contracts that involve contact with Children that is a usual part of, and more than incidental to, the provision of the Services or Supplies. While the note to drafters in the conditions of contract template indicates that the Child Safety clauses are optional, once it is determined that Child Safety clauses are required, the clauses below become core and must be inserted.

Insert the following new clause in the relevant Conditions of Contract or Deed, numbered accordingly, as follows:

12.9 Child Safety (Core)

12.9.1 The Contractor shall:

- a. comply with all Child Safety Legislation relating to the employment or engagement of any Child-Related Personnel, including, mandatory reporting and WWCC however described;
- b. ensure that any WWCC obtained or held in accordance with this clause 12.9.1 remains current and that all Child-Related Personnel continue to comply with all Child Safety Legislation for the duration of their involvement under the Contract; and
- c. ensure that all:
 - (i) Children who engage with the Commonwealth Personnel or a Child-Related Personnel as part of parent or guardian approved participation in a Defence Youth Program; and
 - (ii) Child-Related Personnel holding a Youth Related Work Position,
 as a part of the Contractor's provision of the [Insert Services or Supplies as relevant] sign an appropriate Youth Safe Code of Conduct and provide a copy of the signed document to the Commonwealth upon request .

12.9.2 The Contractor, in relation to the provision of the [Insert Services or Supplies as relevant] shall:

- a. implement the National Principles for Child Safe Organisations;
- b. ensure that all Child-Related Personnel implement the National Principles for Child Safe Organisations;
- c. complete and update, at least annually, a risk assessment to identify the level of responsibility for Children and the level of risk of harm or abuse to Children;

- d. put into place and update, at least annually, an appropriate risk management strategy to manage risks identified through the risk assessment required by this clause 12.9.2;
- e. provide training and establish a compliance regime to ensure that all Child-Related Personnel are aware of, and comply with:
 - (i) the National Principles for Child Safe Organisations;
 - (ii) the Contractor's risk management strategy required by clause 12.9.2d;
 - (iii) all Child Safety Legislation relating to requirements for working with Children, including WWCC; and
 - (iv) all Child Safety Legislation relating to mandatory reporting of suspected child abuse or neglect, however described,
- f. provide access ['in accordance with clause 11.7' or 'to its premises, records and accounts' if no Commonwealth access clause is included in the contract] for the purpose of assessing the Contractor's compliance with this clause 12.9; and
- g. provide the Commonwealth with an annual statement of compliance with this clause 12.9, in such form as may be specified by the Commonwealth. Such statement of compliance shall also include the activities of Subcontractors with obligations under the National Principles for Child Safe Organisations in relation to the provision of any part of the [Insert Services or Supplies as relevant] provided by the Subcontractor.

12.9.3 The Contractor shall:

- a. notify the Commonwealth of any failure to comply with this clause 12.9;
- b. co-operate with the Commonwealth in any review conducted by the Commonwealth of the Contractor's implementation of the National Principles for Child Safe Organisations or compliance with this clause 12.9; and
- c. promptly take such action as is necessary to rectify, to the Commonwealth's satisfaction, any failure to implement the National Principles for Child Safe Organisations or any other failure to comply with this clause 12.9.

12.9.4 The Contractor shall include, and shall ensure that each Subcontractor includes, the obligations in this clause 12.9, including this clause 12.9.4, in each Subcontract, if the relevant Subcontractor employs or engages any Child-Related Personnel to provide any part of the [Insert Services or Supplies as relevant].

Insert the following defined terms into the Acronyms and Abbreviations table and the Definitions table at Attachment M Glossary:

3. ACRONYMS AND ABBREVIATIONS

Abbreviation	Description
WWCC	Working With Children Check

4. DEFINITIONS

Term	Status	Definition
Child or Children	(Core)	<p>Note to drafters: Include the following if the Contract is not related to or will not interact with a Defence Youth Program.</p> <p>means an individual(s) under the age of 18 years.</p> <p>Note to drafters: Include the following if the Contract is related to or may interact with an Defence Youth Program.</p> <p>means an individual(s) under the age of 18 years and those over 18 years participating in a Defence Youth Program.</p>

Term	Status	Definition
Child-Related Personnel	(Core)	officers, employees, Subcontractors, agents and volunteers of the Contractor who may interact with Children under the Contract.
Child Safety Legislation	(Core)	means, for the purposes of Child safety, any relevant legislation (including subordinate legislation) of a State, Territory, local authority or the Commonwealth in the jurisdiction where a part of the provision of the [Insert Services or Supplies as relevant] will be carried out.
Defence Youth Program	(Core)	has the meaning it has in YOUTHPOLMAN.
National Principles for Child Safe Organisations	(Core)	means the National Principles for Child Safe Organisations, endorsed by the Council of Australian Governments as published by the Commonwealth Government (available at: https://www.humanrights.gov.au/about/news/coag-endorses-national-principles-child-safe-organisations).
Working With Children Check	(Core)	means the process in place to screen an individual for fitness to work with Children as required by any Child Safety Legislation.
Youth Related Work Position	(Core)	has the meaning it has in YOUTHPOLMAN.
Youth Safe Code of Conduct	(Core)	means the 'Youth Safe Code of Conduct' in the Youth Policy Manual (YOUTHPOLMAN) at https://www.defenceyouth.gov.au/youth-safety/youth-policy-manual-youthpolman/

1. REFERENCED DOCUMENTS

Reference	Description
YOUTHPOLMAN	<i>Youth Policy Manual</i>