

Submission
No 26

INQUIRY INTO IMPACTS OF HARMFUL PORNOGRAPHY ON MENTAL, EMOTIONAL, AND PHYSICAL HEALTH

Organisation: Office of the Children's Guardian

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Hon Dr Sarah Kaine MLC
Chairperson
NSW Legislative Council's Standing Committee on Social Issues

By email: committee.socialissues@parliament.nsw.gov.au

1 November 2024

Dear Hon Dr Kaine MLC

Inquiry into the impacts of harmful pornography on mental, emotional, and physical health

Thank you for inviting the NSW Office of Children's Guardian (OCG) to make a submission to the Inquiry. This brief submission will outline the role, albeit narrow, that OCG has in keeping children safe from being exposed to, and depicted in, harmful sexual content.

Background: The functions of Office of Children's Guardian

The OCG is an independent NSW statutory authority. The OCG's functions and schemes help people in organisations to identify, prevent, report and respond to instances of abuse and harm to children and people with disability.

The Children's Guardian has responsibility for administering the Reportable Conduct Scheme, NDIS Worker Check, and the Working with Children Check. Since February 2022, the OCG administers the new Child Safe Scheme (the Scheme) which was introduced as an overarching scheme that aims to prevent abuse in child-related organisations. The Standing Committee on Social Issues should note that pornographic material involving children is child abuse material. Offences under the Crimes Act 1900 involving child abuse material are considered when OCG carries out many of our functions.

The OCG also has responsibility for managing the Carers Register, Residential Care Workers Register and Specialised Substitute Residential Care Register and regulates statutory out-of-home care, adoption services, and the employment of children under 15 years in specific industries.

The Child Safe Scheme: the OCG's role in child safeguarding in online environments

Under the Scheme, child safe organisations in NSW are required to implement the 10 Child Safe Standards (the Standards) which were developed following the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse.

Child safe organisations include organisations in the education, early childhood, health and youth justice sectors. Further, local councils, religious organisations providing services to children, and sport and recreation organisations providing services to children are also child safe organisations. It is estimated that more than 30,000 organisations in NSW are required to comply with the Scheme. The head of a child safe organisation must ensure the organisation implements the Standards. The Children's Guardian can take action to monitor and enforce the implementation of the Standards by

child safe organisations.

Relevant to the Inquiry is Standard 8: *Physical and online environments minimise the opportunity for abuse to occur*. Under this Standard, child safe organisations need to ensure their policies and processes take steps to ensure that online environment is safe for children.

To help organisations understand their obligations under the Scheme and Standard 8, and for children and their families to navigate online environments, the OCG has published several resources, including:

- [Guide to the Child Safe Standards](#)
- [Risk management and the Child Safe Standards part 2: Identifying risk](#)
- [Online safety for children factsheet](#).

These resources and other tools such as the Child Safe Self-Assessment cover:

- setting expectations about behavioural standards for staff interacting with children online
- providing all children with information about online safety, including encouraging them regularly to tell staff about negative experiences
- providing staff and parents with information about risks in the online environment
- how children can use online spaces to meet up with friends safely
- encouraging parents to reach agreements with their children on rules for the use of devices and the internet in the home.

The functions of the OCG under the Child Safe Scheme are focused on protecting children from abuse perpetrated by adults in organisations, but we do receive requests from organisations for assistance under the Scheme to create child safe environments that prevent harmful sexual behaviours between children. The OCG is currently undertaking work to identify where scope and resourcing may be available to provide guidance on this issue.

If you would like to discuss this matter further, please call Vanessa Ford, Director Strategic Projects Child Safe Organisations on .

Yours sincerely

Steve Kinmond OAM
Children's Guardian