

Consultation Paper

‘Providers of overnight camps’ and
the reportable conduct scheme

October 2025

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1. Overview

1.1 Context of the consultation

The Children's Guardian Act 2019 (the Act) commenced on 1 March 2020, consolidating and expanding the functions of the Children's Guardian. Significantly, the Reportable Conduct Scheme (RCS) (which was previously administered by the NSW Ombudsman) became the responsibility of the Office of the Children's Guardian (OCG). Under the RCS, 'relevant entities' must notify the OCG of reportable allegations or convictions against employees. Entities listed in Schedule 1 of the Act (Schedule 1 entities) are relevant entities under the RCS.

The Child Safe Scheme (CSS) commenced on 1 February 2022, and the Child Safe Standards were embedded in the Act as the primary framework that guides child safe practice in organisations in NSW. Entities listed in Schedule 1 of the Act are also child safe organisations under the CSS.

There are two categories of Schedule 1 entities that have been drafted into the Act, but they remain uncommenced, meaning they have been passed by Parliament but not come into effect yet. These categories are 'providers of overnight camps' (Sch 5.10, item [5]), and 'accommodation and respite services for children that provide overnight beds for children, including housing and homelessness services' (Sch 5.10, item [6]). This consultation paper focuses on the first of these two categories, providers of overnight camps.

In July 2022, the statutory review of the Act asked stakeholders whether the uncommenced provisions of the Act that bring providers of overnight camps, and accommodation and respite services for children that provide overnight beds for children within the scope of the RCS, should be commenced.

In December 2024, the Minister for Families and Communities tabled the Report on the Statutory Review of the Children's Guardian Act 2019 (the Statutory Review Report) in Parliament. The Statutory Review Report recommended:

'the OCG consult with providers of overnight camps and sporting, recreational and youth organisations to consider whether any legislative amendments are required to clarify the scope of item [5], before it is commenced.'

1.2 Have your say

We are seeking your feedback on the scope of Schedule 5.10, item [5] - 'providers of overnight camps' - to help the OCG determine whether any changes are needed before these providers are brought within the Reportable Conduct Scheme (RCS).

The easiest way to have your say is by completing our short **online survey** available on the [NSW Government Have Your Say website](#). The survey includes key questions from this Consultation Paper and provides an opportunity to share your views quickly and easily.

If you prefer to provide a more detailed or formal response, you can also upload a written submission directly through the Have Your Say website.

All survey responses and submissions must be received by **Friday, 5 December 2025**.

For any questions, about the consultation, please contact legreform@ocg.nsw.gov.au. Please indicate if you would like your submission (in full or in part) to remain confidential; otherwise, submissions may be made public.

2. Background

2.2 The NSW Reportable Conduct Scheme (Part 4)

Under the Reportable Conduct Scheme, heads of ‘relevant entities’ have a number of obligations in connection with allegations against their employees (including contractors and volunteers). ‘Relevant entities’ include Schedule 1 entities, public authorities and religious bodies. ‘Schedule 1 entities’ include, among others:

- the Department of Education, Ministry of Health, government and non-government schools, early education care providers, designated agencies, agencies providing substitute residential care for children and adoption service providers; and
- adults who, under the *Child Protection (Working with Children) Act 2012*, section 10, hold, or are required to hold, a working with children check clearance because the adult resides on the same property as an authorised carer for 3 weeks or more.

As noted above, there are several other organisations intended to come within the scope of the RCS but the provisions that bring them under the Act have not been commenced. These organisations are providers of:

- overnight camps
- accommodation and respite services for children that provide overnight beds for children, including housing and homelessness services.

The purpose of the RCS is to protect children by ensuring that child abuse allegations (called ‘reportable allegations’ and ‘reportable convictions’) are properly addressed, fostering a child safe culture and improving organisational responses to child safety concerns.

‘Reportable conduct’ is defined in section 20 of the Act and includes a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, assault against a child, behaviour causing significant emotional or psychological harm, and certain criminal offences.

Under the Act, the head of a relevant entity must, among other things:

- make a notification to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity¹
- investigate the reportable allegation or conviction, having regard to the principles of procedural fairness²
- provide a report to the Children’s Guardian setting out the findings and actions taken.³

The [OCG website](#) provides fact sheets, assessment tools and an online learning module to support organisations understand their obligations under the RCS.⁴

2.3 The NSW Child Safe Scheme (Part 3A)

The Child Safe Scheme was established in response to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).⁵ The Royal

¹ *Children’s Guardian Act 2019*, section 29.

² *Children’s Guardian Act 2019*, section 34.

³ *Children’s Guardian Act 2019*, section 36-37.

⁴ [General information | Reportable Conduct fact sheets | Office of the Children’s Guardian](#), [General information | Assessment tools | Office of the Children’s Guardian](#), [General information | eLearning | Office of the Children’s Guardian](#)

⁵ Royal Commission into Institutional Responses to Child Sexual Abuse, Final report: Making institutions safe (Volume 6) (2017), Final Report - Volume 6, [Final Report - Volume 6](#), https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_6_making_institutions_child_safe.pdf

Commission recommended 10 Child Safe Standards to make institutions safer for children. These 10 Child Safe Standards are part of the law and are the main guide for how organisations in New South Wales should keep children safe.⁶

Child safe organisations must implement the Child Safe Standards. In NSW, a ‘child safe organisation’ is comprised of any of the following⁷:

- an entity mentioned in Schedule 1
- a religious body – (i) that provides services to children, or (ii) in which adults have contact with children
- a local government authority
- a club or other body providing programs or services of a recreational or sporting nature for children and in which workers are required to hold a working with children check clearance under the *Child Protection (Working with Children) Act 2012*.

When the provisions that bring providers of overnight camps into the Act commence, these providers will also be child safe organisations required to implement the Child Safe Standards. Some providers of overnight camps may already be child safe organisations under another category and therefore required to meet all 10 Child Safe Standards, including Child Safe Standard 6 - processes to respond to complaints of child abuse are child focused. The OCG is responsible for regulating child safe organisations under Part 3A of the Act to ensure they are implementing the Child Safe Standards in their systems, policies and processes. Where non-compliance is identified, the OCG has enforcement powers available under Part 9A of the Act.

The [OCG website](#) provides free resources to support organisations understand and comply with the CSS. These include fact sheets, eLearning modules, and sector-specific materials such as the Child Safe Sport eLearning developed in partnership with the Office of Sport.

3. Providers of overnight camps

3.1 Statutory Review Report – mixed views on the scope of the provision

The Royal Commission recommended that providers of overnight camps be included in the RCS because of the overnight nature of camps, with minimal or no parental supervision, heightening the risk to child safety.

When stakeholders were asked during the statutory review whether the uncommenced provisions of the Act concerning providers of overnight camps should be commenced, there were mixed responses in relation to the current broad wording in Schedule 5.10 [5], which refers to ‘providers of overnight camps’. In simple terms, a broad scope would capture any organisation that offers an overnight camp, even if this is incidental to its main activities (e.g. a sporting club, youth orchestra or tutoring group that holds a single annual camp). By contrast, a narrow scope would focus on entities whose core business or primary purpose is to host and maintain overnight camps for children.

In relation to the feedback favouring a more limited or focused scope, the Statutory Review Report, at page 17, stated:

‘During the statutory review, some stakeholders expressed concerns that the current drafting of “providers of overnight camps” may mean that sporting and recreational bodies and coaching or tuition services would be in the scheme if they were to provide an overnight camp, even if this were rare and/or incidental to their usual activities. For example, if a football team, or youth orchestra hosts a weekend intensive camp once a year...’

The Report further noted that it was the Royal Commission’s view that ‘sporting and recreational bodies, and coaching or tuition services should not be included in the RCS because many of these bodies rely heavily on volunteers and the scheme would place a disproportionate regulatory burden on

⁶ The 10 Child Safe Standards cover areas such as child participation, leadership and governance, recruitment and training, and responding to complaints.

⁷ Children’s Guardian Act, Schedule 6.

these bodies’. This could, as a result, operate as a disincentive for these bodies in providing overnight camps as part of their activities. Concerns were also raised about volunteer organisations not having the resources or experience to investigate reportable allegations or convictions.

With respect to the responses that supported a broader scope, the Statutory Review Report, at page 18, stated:

‘However, other stakeholders take the view that the risk to children concerning overnight camps is consistent regardless as to how often that body may provide a camp. Moreover, the risk of child abuse and misconduct is more likely where an organisation has ongoing contact with children e.g., through a sporting coach, as compared to when a child attends a camp e.g., one off contact with an abseiling instructor. Therefore, applying a broad definition of ‘provider of overnight camps’ promotes consistency across the sector, and facilitates child safety.’

It is in the context of these mixed responses that the Statutory Review recommended that the Children’s Guardian consult further with providers of overnight camps, and sporting, recreational and youth organisations before commencing the provision, to clarify its scope and ensure the framework is workable.

3.2 How other jurisdictions regulate providers of overnight camps under Reportable Conduct Schemes

The comparison below focuses on how other jurisdictions define providers of overnight camps for the purposes of their Reportable Conduct Schemes, rather than broader regulation under child safe frameworks. In some jurisdictions, the scope of organisations captured under child safe legislation differs from that under reportable conduct legislation. For example, in Victoria, a broad definition is used under the regulatory framework for the Child Safe Standards to capture organisations that provide overnight camps, whereas a narrower definition applies under the Reportable Conduct Scheme.

Western Australia, Queensland and Victoria have adopted a narrow approach under their reportable conduct legislation (see **Table 1**). Coverage is generally limited to organisations whose core or primary purpose is to operate overnight camps for children, or where the provision of camps is a regular and defining feature of their services. This approach excludes incidental or occasional camp activities run by sporting clubs, cultural groups or community associations, recognising that such groups may lack the resources to meet ongoing regulatory obligations.

Tasmania is the only State that has adopted a broader definition, capturing a wider range of organisations that provide any form of overnight camp for children.⁸ While this ensures that all overnight settings are brought within scope, it has also been noted that this may extend compliance requirements to smaller community-based groups that do not routinely operate camps.

Table 1: Jurisdictional approaches to regulating providers of overnight camps

State	Legislation	Wording in legislation
Vic	<i>Child Wellbeing and Safety Act 2005 sch 4</i> (commenced 1 Jan 2018)	“An applicable entity that provides overnight camps ... as part of its primary activity and that is not a youth organisation” (Act)
	<i>Child Wellbeing and Safety Regulations 2017 sch 2</i> (commenced 1 May 2020)	“A youth organisation that provides overnight camps ... as part of its primary activity” (Regs)
WA	<i>Parliamentary Commissioner Act 1971 Sch 2</i> (commenced 1 Jan 2024)	“An entity that provides overnight camps for children as part of its primary activity.”
Tas	<i>Child and Youth Safe Organisations Act 2023 sch 3</i> (commenced 1 Jan 2024)	“An entity that provides or facilitates overnight excursions, camps or stays for children.”

⁸ In Tasmania, the broader scope is also more practical given the significantly smaller size of its population and regulated sector. This makes it feasible to capture all organisations that provide overnight camps, even occasionally, without creating undue burden.

Qld	<i>Child Safe Organisations Act 2024</i> sch 2 (commences 1 Jan 2027)	“An entity that provides camps or excursions that include overnight stays for children as part of its primary functions.”
NSW	<i>Children’s Guardian Act 2019</i> , Sch 5.10[5] (uncommenced)	“Providers of overnight camps.”

3.3 Policy considerations

In considering how best to define the scope, the OCG has examined where the greatest and most consistent child safety risks arise, and how regulatory effort can be proportionately directed to manage those risks.

Organisations that regularly or primarily provide overnight camps to children assume extended responsibility for their care in settings where children are away from their usual supports for significant periods. The nature of these activities presents a higher and more consistent level of risk that warrants the additional safeguards of the RCS.

By contrast, applying the RCS to sporting, recreational and youth organisations that only run occasional camps could introduce significant compliance requirements without necessarily delivering a proportionate child safety benefit. These groups are usually volunteer-based, have limited resources, and are, in general, already required to comply with the CSS, and Working with Children Check requirements. In addition, 95 sporting organisations are currently signed up to the National Integrity Framework and have access to Sport Integrity Australia’s independent complaint-handling process for child safeguarding matters. This means that important safeguards and external oversight mechanisms are already in place, even if these organisations are not subject to the RCS.

However, the OCG acknowledges that some organisations run overnight camps for children on an occasional basis but may not be currently captured as a ‘child safe organisation’ under the CSS. The scheduled review of the CSS in 2026 provides an opportunity to consider whether such organisations should be brought within scope. If that were to occur, they would be required to comply with the Child Safe Standards (including Standard 6 – processes to respond to complaints of child abuse) but would not be subject to the additional obligations under the RCS.

In weighing these factors, it is also relevant that Victoria, Queensland and Western Australia have each adopted a narrower approach. While the policy considerations are not identical across jurisdictions, greater national consistency supports the Royal Commission’s recommendation that all states and territories establish harmonised reportable conduct schemes. Promoting alignment between jurisdictions helps reduce confusion for national and cross-border organisations and supports a more coherent national child safety framework.

3.4 Proposal to align with jurisdictions adopting a narrowed scope

Building on the above analysis, and to balance child safety risks with the regulatory burden for smaller, not-for-profit and volunteer organisations, the OCG is considering narrowing the current scope of Schedule 5.10, item [5] - *providers of overnight camps*, and moving closer to the models adopted in Western Australia, Queensland and Victoria.

It is intended that the scope of this provision be clarified to reflect that it applies to organisations providing overnight camps *for children*, as originally contemplated, rather than to all providers of overnight camps. In addition, it is proposed that the scope be further refined to apply to organisations that provide overnight camps as part of their primary activity, rather than to those that only do so occasionally.

If this were accepted, on commencement, only organisations whose primary activity or function is to provide overnight camps for children, such as dedicated camp operators, some outdoor education providers and large youth organisations, would be within scope of the provision. By implication, community and volunteer run organisations that only occasionally host overnight camps would not

be brought within the RCS. This approach is consistent with the Royal Commission's intention to focus on higher risk environments while avoiding unintended burdens on small, incidental providers. To help illustrate how the proposed scope would operate in practice, the following hypothetical examples have been developed.

Table 2: Illustrative examples of organisations in or out of scope under the narrower model

Organisation	Overview	In Scope?	Rationale
Kids Bush Camp	Provides outdoor education programs with overnight stays as the main service for schools and community groups. Camp activities include rock climbing, bushwalking, cooking and stargazing.	Yes	Overnight camps are the organisation's primary function and represent its core activity.
Crest East Youth Orchestra	Volunteer-run orchestra for young musicians (12–18 yrs). Weekly rehearsals, community performances, and one weekend residential camp per year linked to its annual concert.	No	The annual camp is an occasional, incidental activity. The organisation's primary function is music tuition and performance. Camps are ancillary to the primary functions.
Accelerate Basketball Institute	An organisation providing year-round intensive training camps for young basketball players aged 10–17 years. On average, camps are run twice a month. Participants stay at the institute's supervised residence, with camp duration ranging from one to five nights. Activities include on-court and off-court training, classroom sessions, and recovery.	Yes	Residential overnight camps are not incidental but fundamental to the organisation's operations. The Institute's stated purpose is to deliver intensive elite player development, and this is achieved primarily through the camp model, which combines supervised accommodation, training, education, and recovery programs. Camps are held with high frequency (e.g. multiple times each month), demonstrating that they are the primary vehicle through which the organisation achieves its objectives. The overnight residential structure is therefore integral to the way the Institute conducts its core business and cannot be separated from its primary function of skill and player development.
Green Bay Tennis Academy	Provides tennis coaching, competitions, and group lessons year-round. Runs two short residential camps annually to supplement its main programs.	No	Overnight camps are a supplementary, occasional activity. The primary function is ongoing tennis training and competitions.

Questions for stakeholder consideration

1. What are your organisation's primary activities or primary functions? Please try to be as detailed as possible in your answer.
2. How often does your organisation provide overnight camps for children? i.e. once a year, twice a year, monthly, never etc.
3. Do you think all organisations that ever run an overnight camp for children should be included in the Reportable Conduct Scheme (and therefore also the Child Safe Scheme)? Why or why not?
4. Do you think only organisations that provide overnight camps for children as part of their primary activity or function should be included? Why or why not?
5. Would it be helpful to have more information or examples to explain what 'primary activities or functions' means, so your organisation can understand if it is included in the scheme?
6. Is there anything unclear about which organisations would be included or not in this proposal?

4. Sector support

The OCG recognises that sector support will be important to help organisations understand and meet their obligations under the RCS and, where relevant, the CSS. Providers of overnight camps who are captured as Schedule 1 entities under the RCS will also be child safe organisations under the CSS, meaning they will need to comply with both schemes if not already doing so.

The OCG is committed to supporting organisations through clear communication and accessible guidance and resources that apply across both schemes. The OCG will continue to maintain and promote these materials and is available to provide advice and clarification to organisations seeking to understand their obligations.

Feedback gathered through this consultation will help the OCG identify any additional areas where guidance or support may be beneficial, and inform how information is best communicated to different parts of the sector as implementation progresses.

Questions for stakeholder consideration

For the Reportable Conduct Scheme (RCS)

7. What challenges might your organisation face in complying with obligations under the RCS?
8. What support and resources would assist your organisation in meeting obligations under the RCS?

For the Child Safe Scheme (CSS)

9. What challenges might your organisation face in complying with obligations under the CSS (if not already captured)?
10. What support and resources would assist your organisation in meeting obligations under the CSS?

General

11. Do you have any other feedback on the types of supports or resources that would help your organisation, or the sector more broadly, to meet these obligations?