

Summary report

'Providers of overnight camps' and the Reportable Conduct Scheme

July 2026

1. Executive Summary

The Office of the Children's Guardian (the OCG) undertook a targeted consultation on the uncommenced category of 'providers of overnight camps' in the NSW Reportable Conduct Scheme (the Scheme), and under the *Children's Guardian Act 2019* (NSW), to clarify its scope before commencement. The process included a consultation paper, an online survey, four written submissions and eight meetings with camp providers, sporting and youth organisations, and representatives from other jurisdictions.

Key feedback focused on the scope of the provision. Most stakeholders supported limiting the Scheme to organisations whose primary activity is providing overnight camps for children, citing proportionality, consistency with other states and the need to avoid burdening volunteer-based organisations. A minority preferred broader coverage to ensure uniform protections. Stakeholders also highlighted:

- challenges for volunteer-run organisations if occasional camp providers were included
- alignment with existing frameworks such as the Child Safe Standards and the National Integrity Framework
- the need for clear guidance materials and support in implementing changes.

Clarifications were sought on what constitutes a "primary activity" and whether wording should include "overnight stays" or "excursions." Stakeholders emphasised that narrowing the scope must not reduce child safety obligations.

2. Background

The purpose of the Scheme is to protect children by ensuring 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. These obligations are set out in the *Children's Guardian Act 2019* (the Act).

Under the Scheme "relevant entities" under Schedule 1 have a number of obligations in connection with allegations against their employees (including contractors and volunteers), including responsibilities to notify the OCG and to investigate, amongst other things. Two categories under Schedule 1 of the Act remain uncommenced, including providers of overnight camps (item [5]).

The purpose of the targeted consultation on Schedule 1 (item [5]) was to clarify the scope before commencement, ensuring the provision is clear, practical, and proportionate — balancing child safety with regulatory impact.

Consultation was undertaken because the statutory review of the Act undertaken by the Department of Communities and Justice (DCJ) identified mixed views on the current wording, which may unintentionally capture organisations that only occasionally run overnight activities. The review recommended further engagement with providers of overnight camps and related sectors to consider whether legislative amendments are needed.

The consultation ran from 29 October to 5 December 2025 via the NSW Government's Have Your Say platform.

3. Consultation Approach

Feedback was gathered through a combination of online and direct engagement methods to ensure broad input from affected sectors. The consultation included:

- a consultation paper published on the NSW Government's Have Your Say platform
- an online survey, completed by 21 organisations
- written submissions, with 4 received (2 of those from peak bodies in the sporting and the outdoor education and overnight camp sectors)
- eight consultation meetings, involving:
 - providers of overnight camps
 - sporting, recreational and youth organisations
 - representatives from three other Australian jurisdictions to understand interstate approaches.

This approach enabled the OCG to capture diverse perspectives on whether the provision should apply broadly to all organisations that run overnight camps or narrowly to those for whom overnight camps are a primary activity.

4. Summary of Feedback by Theme

All stakeholders strongly supported the objectives of the Scheme and recognised the heightened child safety risks in overnight settings. The main focus of feedback was the scope of the provision — whether it should apply broadly to all organisations that run overnight camps or only to those for whom overnight camps are a primary activity.

Majority Support for a Narrow Scope

A clear proportion of stakeholders, including sporting bodies, youth organisations and outdoor recreation providers, supported a narrower scope that limits the Scheme to organisations whose primary activity or core function is providing overnight camps for children. Of the 21 organisations that completed the online survey, more than half of organisations agreed or strongly agreed that only organisations that provide overnight camps for children as part of their primary activity or function should be included in the Scheme (and therefore also the Child Safe Scheme). Key reasons included:

- ensuring regulation is proportionate to risk
- avoiding unintended burden on volunteer-based organisations
- consistency with other jurisdictions such as Victoria, Western Australia and Queensland
- preserving opportunities for occasional camps without discouraging participation.

Stakeholders also stressed that narrowing the scope should not reduce child safety obligations, as all organisations remain subject to the Child Safe Standards.

Minority Support for Broader Coverage

Some stakeholders expressed concern that narrowing the scope could create gaps in child safety protections. They argued that risks to children exist regardless of how often an organisation runs overnight camps and that a broad definition would ensure consistency across sectors. Although these views were less common, they underline the importance of carefully considering both child safety and practical implementation in determining the final scope.

Capacity and Resource Challenges

Volunteer-heavy sectors emphasised that applying the Scheme to occasional camp providers would be unworkable. Challenges cited included limited administrative and investigative capacity, financial strain for compliance and risks of procedural fairness breaches. Stakeholders warned this could lead to withdrawal from overnight activities, reducing opportunities for children.

Need for Clear Guidance and Transitional Support

Stakeholders called for practical tools and education to support compliance, including templates, reporting checklists, training modules tailored to camp environments and advisory support from the OCG. Several stakeholders suggested phased implementation and targeted funding for sector-led education initiatives, particularly for small and regional providers. Outdoors NSW & ACT, representing the outdoor education sector and the peak for overnight camp providers, proposed a partnership model with the OCG for statewide education and outreach.

Alignment with Existing Frameworks and National Consistency

Stakeholders advocated for harmonisation with other jurisdictions and recognition of existing child safety frameworks such as the Child Safe Standards, the Working with Children Check, the National Integrity Framework for sport and internal safeguarding systems. Feedback stressed that regulation should complement, not duplicate, these frameworks.

5. Clarifications and Specific Issues Raised

In addition to the main themes, stakeholders raised several issues requiring clarification and further guidance:

Definition of “Primary Activity”

Stakeholders asked for clear guidance on what qualifies as providing overnight camps as a primary activity. Questions included whether this refers to the organisation’s main purpose or a regular, defining feature of its programs, and whether frequency or scale should be considered.

Terminology and Wording

There was discussion about whether the provision should refer only to “overnight camps” or also include “overnight stays” and “overnight excursions.” Some suggested aligning wording with other jurisdictions to promote national consistency.

6. Implications

The consultation confirmed consistent support for including providers of overnight camps in the Scheme, reflecting stakeholder views that overnight environments present heightened child safety risks and warrant regulatory oversight.

Across meetings, submissions and survey responses, many organisations — particularly peak bodies — supported limiting the provision to organisations whose primary activity or primary function is providing overnight camps for children. Stakeholders considered this approach proportionate, less

burdensome for volunteer-based organisations, and aligned with approaches in other jurisdictions. On the basis of stakeholder feedback, it is recommended that the provision be amended to reflect this narrower scope, before it is commenced. In considering this recommendation, the following implications for policy should be noted:

- **Consistency with risk-based oversight frameworks:** Clarifying the scope is consistent with established risk-based oversight frameworks, including those informed by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission emphasised proportionate regulation, clear accountability in higher-risk settings, and explicitly recognised the capacity constraints faced by volunteer-based organisations when designing regulatory obligations. The proposed narrowing of the scope of the provision reflects this approach and aligns with interstate practice, while supporting a proportionate framework that takes into account the diversity of organisational structures and capacities across the sector.
- Risk and mitigation considerations:
 - **If the scope remains broad:** Volunteer-run organisations may face compliance challenges, potentially leading to withdrawal from overnight activities and reduced opportunities for children.
 - **If the scope is narrowed:** While some stakeholders expressed concern about gaps in protections for occasional camp providers, this risk is mitigated by the fact that these organisations are still subject to the Child Safe Standards, Working with Children Check requirements, and other safeguarding frameworks. Clear communication will be essential to reinforce that narrowing the scope does not reduce child safety obligations. Additional measures could include:
 - publishing and promoting guidance that explains obligations under the Child Safe Standards for all organisations, regardless of inclusion in the Scheme
 - targeted outreach to sectors that run occasional overnight activities to promote best practice and compliance with existing child safety frameworks.

7. Next Steps

Building on the outcomes of the consultation, the OCG will report back to the Government with a recommendation for legislative reform in 2026. Should legislative reform occur, the OCG will prioritise supporting organisations to understand and implement any changes. This will include promoting and updating existing guidance materials and educational resources, developing additional practical tools to strengthen organisational capability, and delivering targeted engagement activities to assist stakeholders most affected.

The OCG will continue to provide clear, accessible information and maintain open communication channels to ensure organisations can seek clarification and guidance as needed.