

# CONGREGATION OF THE MISSIONARIES OF ST. CHARLES (SCALABRINIANS)

## CODE OF CONDUCT

<b>Policy Title</b>	<b>The Congregation of the Missionaries of St. Charles – Code of Conduct (St Frances Xavier Cabrini Province – Australia)</b>		
<b>Responsibility for this Policy</b>	Provincial & Safeguarding Coordinator		
<b>Effective as at:</b>	30 November 2021	<b>Approved by Leadership:</b>	30 November 2021
<b>Last Revised:</b>	30 January 2023	<b>Review Date:</b>	30 November 2024
<b>Relevant NCSS (2019):</b>	Standard 1: Committed leadership, Governance & Culture ( <i>Criterion 1.4 and Indicators 1.4.1, 1.4.2, 1.4.3</i> )		

### 1. Introduction

The Congregation of the Missionaries of St. Charles (Scalabrinians)<sup>1</sup> expects personnel to maintain the highest standards of ethical conduct. This includes conduct that upholds the human rights, dignity and well-being of all people and safeguards children and adults at risk from abuse and harm.

### 2. Purpose

The Code of Conduct establishes principles for ethical conduct and is designed to establish a clear and common understanding of standards of behaviour expected by clergy, employees, contractors and volunteers.

Personnel have a responsibility to promote the standards embodied in the Code in addition to the teachings and values of the Catholic Church more broadly.

The Code should be read alongside our Rules of Life, the Universal Law of the Church, civil law, and the Diocesan Policies where we are present along with the Congregation's *Safeguarding Policy 2021 (Australia)*, the *Workplace Bullying & Discrimination Policy (2021)* and related documents.

Responsibility for adhering to the Code of Conduct will be subject to remedial and corrective actions according to the Universal Law of the Church and to the requirements of the civil law.

The Code also complements other documents of the Catholic Church in Australia such as *Integrity in Ministry (2010)* and *Integrity in the Service of the Church (2011)*.

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<sup>1</sup> *The Congregation*

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### 3. Scope

The Code of Conduct applies to all Scalabrinian personnel in Australia including those visiting, on leave or returning from overseas, volunteers, contractors and others engaged by the Congregation.<sup>2</sup>

The Code of Conduct applies when personnel are directly engaged with the Congregation in their workplace or in their ministry as well as beyond formal working hours.

Personnel may also be accountable for breaches of this Code of Conduct beyond what may normally be regarded by them as the workplace, both within Australia and overseas while either directly or indirectly associated with the Congregation.

Before commencing any role, personnel must sign an acknowledgement that they have reviewed this Code of Conduct, agree to comply with it, and understand the consequences of breaching the Code.

Personnel are required to review and sign the Code of Conduct regularly, not less than every two years to reaffirm their understanding of their obligations.

The Provincial, or his delegate, is responsible for ensuring that this occurs and maintaining appropriate records.

### 4. Ethical Conduct

*'The Scalabrinian Missionaries are committed to live to the highest degree the demands for Christian ethics and personal integrity, according to the teachings of the Catholic Church and the requirements of consecrated and priestly life.'* **Guidelines for the Protection of Minors & Vulnerable Persons, 2021, (9)**

The Congregation promotes the following principles:

- a. Reflecting the beliefs and gospel values of the Catholic faith.
- b. Respecting the dignity, rights and views of others.
- c. Acting honestly and with integrity at all times.
- d. Being courteous, fair, sensitive and considerate to the needs of others.
- e. Listening and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view).

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<sup>2</sup> For the purpose of this document the term personnel will be taken to refer to Clergy, Seminarians and Students, Employees, Committee Members, Volunteers and contractors unless otherwise stated.

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- f. Acting respectfully at all times, including respecting cultural, ethnic, political and religious differences.
- g. Taking an inclusive approach that does not discriminate against or harass any person because of their gender, sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment or sexual orientation or gender identity. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

**5. Professional and Personal Behaviour and Development**

5.1. In performing their duties, personnel must:

- a. maintain a high standard and quality of work.
- b. demonstrate a duty of care.
- c. maintain and develop knowledge and understanding of their area of expertise.
- d. continuously seek to improve work performance and bring about improvements in the workplace.
- e. exercise care, responsibility and sound judgement when carrying out their duties.
- f. take reasonable care of their health and safety.
- g. comply and cooperate with legislative and industrial requirements and any reasonable instruction, policy or procedure.
- h. use appropriate language.
- i. maintain adequate records to support any decisions made.
- j. maintain confidentiality and privacy.

5.2. In performing their duties, personnel must not:

- k. act in ways that adversely affect the health and safety of others.
- l. come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- m. consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others.
- n. bring alcohol onto work premises without permission.
- o. smoke in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours.
- p. ignore work duties or waste time during working hours.

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- q. take or seek to take improper advantage of any information gained in the course of employment.
- r. take improper advantage of their position to benefit themselves or others.
- s. allow personal political views/affiliations or other personal interests contrary to the mission and values of the Congregation to influence the performance of duties or exercise of responsibilities.
- t. use information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe.
- u. make unfounded complaints with malicious, frivolous or vexatious intent against another Scalabrinian, clergy or other personnel.

### 6. Conduct Towards Children

*Civil society and the people of God expect a credible witness from the Church in respecting the dignity of minors and vulnerable people. The Scalabrinian Congregation, while condemning all forms of sexual abuse of minors and vulnerable persons, is also committed to ensuring that its Missionaries engage responsibly in human relationships. **'Guidelines for the Protection of Minors & Vulnerable Persons, 2021, (7)***

6.1 'Child' means any individual under the age of 18 years.

The Congregation enforces a zero-tolerance policy towards any form of sexual, emotional, or physical abuse of children and young people. Therefore, Personnel must not engage in the following conduct:

- a. any form of physical, emotional or sexual abuse
- b. grooming of a child for sexual abuse
- c. using sexually suggestive or explicit language or gestures
- d. engaging in conversations about sexual experiences or sharing sexual images
- e. being alone with a child away from the presence of other adults, including for the purpose of transportation, without express permission
- f. showering/using the toilet with an open door in the presence of a child
- g. helping children with intimate care if the child is capable of doing it on his or her own (e.g., toileting or changing clothes)

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- h. not respecting the privacy of a child (e.g., when using the bathroom or changing)
- i. physically disciplining a child
- j. making excessive and/or degrading demands of a child
- k. making any kind of drug, alcohol or cigarettes available to children
- l. engaging in private electronic or online contact with a child
- m. engaging with a child in a way that is overly intimate or could be seen as involving favouritism or any form of special treatment, and
- n. taking photos of a child who is in the care of the organisation outside of official duties or without consent.

### 6.3 Personnel must:

- a. report to the Congregation Safeguarding Officer any concerning conduct that is brought to their attention and any circumstances where they suspect that a child is currently at risk of harm (see Section 8)
- b. take reasonable steps to protect children from foreseeable risk of injury
- c. ensure that physical contact with children is reasonable for the purpose of their management or care, and is appropriate given their age, maturity, health or other characteristics, e.g.:
  - assessing a child or young person who is injured or ill
  - comforting an upset child
  - guiding a child in a non-threatening manner
  - protecting a child from imminent danger to himself/herself or to others
  - demonstrating or guiding a particular action or skill as part of drama or other activities within the lesson
- d. take special care to address the needs of children and young people who may be identified as belonging to a minority group or marginalized population, placing them at additional risk such as:
  - being Aboriginal or Torres Strait Islander
  - being a refugee or migrant
  - being of diverse gender or sexuality
  - speaking a first language other than English
  - being a survivor of sexual, emotional, or other abuse
  - have diminished capacity.

- e. complete their duties in accordance with the directions provided by the relevant supervisor
- f. consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- g. adhere to an appropriate standard of dress when engaged in ministry.

## 7. Conduct Towards Adults at Risk

*The abuse of authority, of conscience and the sexual abuse of minors or vulnerable persons is not only a serious sin, but also a crime. Every form of abuse offends God, causes serious discomfort to the Church of Christ, violates the dignity of the victims, causing permanent traumas, contravenes the duties of religious life and damages the Scalabrinian Congregation itself. 'Guidelines for the Protection of Minors & Vulnerable Persons, 2021, (8)*

7.1. 'Adult at risk' means any individual aged 18 years and over at increased risk of abuse, including those who:

- are elderly
- have a disability
- have a mental illness
- have diminished capacity
- have cognitive impairment
- are experiencing transient risks, e.g., bereavement, relationship breakdown, domestic or family violence, homelessness
- have any other impairment that makes it difficult for that person to protect themselves from abuse or exploitation.

7.2 Whilst taking care to not make assumptions or generalisations about individuals The Congregation recognises that other aspects of a person's identity or life experiences may also increase their risk of vulnerability to abuse or harm, e.g.:

- being Aboriginal or Torres Strait Islander
- being a refugee or migrant
- diverse gender or sexuality
- speaking a first language other than English
- surviving sexual abuse or child abuse

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7.3 When interacting with or ministering to Adults deemed to be at risk, personnel must not engage in the following conduct:

- any form of physical, emotional or sexual abuse
- making excessive and/or degrading demands
- exploiting an individual's vulnerability to form an intimate relationship
- any misuse of authority or power that exploits, manipulates or coerces a person to engage in any activity, or which disrespects their human rights and dignity
- not respecting the person's privacy
- any form of financial abuse or exploitation.

7.4 Personnel must:

- a. report to the Congregation Safeguarding Officer any concerning conduct that is brought to their attention and any circumstances where they suspect that an adult at risk is currently at risk of harm (see Section 8)
- b. take reasonable steps to protect vulnerable adults from foreseeable risk of injury
- c. ensure that physical contact with vulnerable adults is reasonable for the purpose of their care, and is appropriate given their age, health, disability or other characteristics.  
For example:
  - physical contact should be consistent with any specific management plan for the person, and
  - physical intervention (including physical restraint, removals or escorts) should be avoided and used only as a last resort to ensure safety and protection of the person and others.
- d. complete their duties in accordance with the directions provided by The Congregation or its authorised representative.
- e. consider the risks of proposed activities and tasks and develop strategies to manage these risks, and
- f. adhere to an appropriate standard of dress when engaged in ministry.

Generally, one-to-one interactions with an adult at risk should not take place unless in an open or visible space, or within the clear line of sight of another adult.

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This includes ministries and/or services such as counselling, one-to-one tuition, the sacrament of reconciliation, coaching, spiritual direction and mentoring.<sup>3</sup>

However, this will depend on the individual's circumstances, preferences and right to privacy. Prudent judgement is required on a case by case basis.

### 8. Reporting Requirements

*On the possible obligation to notify the civil authorities about an alleged crime, the Major Superior will act, without prejudice to divine law, according to the civil laws of the country covered by his jurisdiction.*

***'Guidelines for the Protection of Minors & Vulnerable Persons, 2021, (57)***

The Congregation will comply with all requirements to report concerns about the safety of children or adults at risk to external authorities.

These requirements are outlined in the Congregation Safeguarding Policy (Australia) and respect the nation-wide civil jurisdictions across which the Congregation's personnel work and reside. These requirements include:

- a. Reporting criminal offences, or the suspicion of a criminal offence, to Police.
- b. Reporting to the relevant Child Protection Authority where there are reasonable grounds to believe that a child (or class of children) is at risk of harm
- c. Notifying, where they exist, the independent oversight body of any reportable allegations under the Reportable Conduct Scheme.
- d. Reporting safety concerns for an adult in an aged care facility, respite and day care service or support services delivered in the home to the Aged Care Quality and Safety Commission.
- e. Reporting safety concerns that relate to the provision of a National Disability Insurance Scheme (NDIS) service to the NDIS Quality & Safeguards Commission.
- f. Reporting safety concerns that relate to the abuse, neglect or exploitation of an adult with disability or older person living in their home (conduct by a member of the person's family, other informal supports, or persons known to them from the community) to the relevant body.

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<sup>3</sup> Where the sacrament of reconciliation is celebrated using the first form of the Rite of Penance, that is, the Rite for Reconciliation Individual Penitents, this may occur in a chapel or other space within a church that is set apart for this purpose, but physical contact between the cleric and penitent is not permitted.



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To ensure the Congregation can fulfil these reporting requirements, personnel must report any concerns about the safety of children or adults at risk to the Congregation Safeguarding Officer as soon as practical.

### **9. Workplace Bullying, Equity and Inclusion<sup>4</sup>**

Personnel are expected to create a fair, inclusive and safe working environment, where diversity is valued and where unlawful discrimination, bullying, harassment and victimisation in any form are considered unacceptable.

Personnel must not discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, or any other aspect of their identity.

### **10. Copyright and intellectual Property**

Personnel must ensure the intellectual property rights of others are respected and are not infringed when creating material for use by the Congregation.

When producing original material and resources for the Congregation, personnel are reminded that the Congregation may assert its intellectual property rights over the material. This may apply even if the material was developed in an individual's own time or at home.

Personnel must adhere to the relevant Federal laws when duplicating text and other materials such as music or video footage for use in school.

### **11. Gifts, Benefits and Hospitality**

Personnel have a responsibility to behave with integrity and impartiality. Personnel should exercise prudent judgement when either giving or receiving gifts or benefits particularly those of significant monetary value.

Individuals must not solicit gifts, benefits or hospitality for individual gain or seek any private advantage that may compromise them in their work or ministry.

Clergy may choose to share gifts and benefits with the community or members of their household rather than retain them personally.

Clergy must declare any gifts, benefits or hospitality received in the course of their work or ministry using the monthly Personal Financial Report. Gifts or benefits of significant value should be discussed with the Provincial directly.

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<sup>4</sup> For further explanation see the Congregation's Workplace Bullying & Discrimination Policy (2021)

*'By the vow of poverty, we choose to depend on our superiors in the use and management of temporal goods. We put in common the proceeds of all our activities, as well as the gifts we receive by any title without prejudice to the norms of common law.'* RL #69

## **12. Conflicts of Interest**

Personnel have an obligation to ensure that conflicts of interest (whether financial or otherwise) are managed in a fair, ethical and transparent manner.

The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties.

They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial. To avoid a conflict of interest, real or perceived, Personnel must:

- a. Conduct themselves in a manner which is consistent with Catholic values.
- b. Be objective, open and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of the Congregation.
- c. Declare all private interests (including pecuniary and non-pecuniary) that conflict or may conflict with the discharge of their responsibilities to the Congregation].
- d. Use their own judgement in determining the appropriateness of non-cash gifts and hospitality.
- e. Ensure all decisions are free of bias or apparent bias.
- f. Behave with integrity and impartiality.
- g. Ensure all processes are transparent and documented.

It is recognised that the giving and receiving of gifts and hospitality has an important role to play in the Church. However, it is important to ensure that these practices do not give rise to conflicts of interest, the misallocation of resources or impact on the reputation or work of the Congregation. As noted in section 11, personnel must declare any gifts, benefits or hospitality consistent with the requirements above.

## **13. Fit and Proper Assessment**

Personnel responsible for the management and oversight of the Congregation must be able to demonstrate they have relevant qualifications, training or experience in order to undertake their duties in the management of finances and resources and be considered 'fit and proper' for this role.

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This could include maintaining relevant memberships with professional bodies, registrations, qualifications and certifications.

### **14. Secondary Employment**

Personnel are required to undertake their duties with the highest degree of integrity and free from any safety risks, conflicts of interest or contractual breaches resulting from other paid employment.

In some cases, secondary employment will not have any impact on a person's role with the Congregation. However, at other times, secondary employment could lead to a real or potential conflict of interest.

Personnel should seek and obtain approval in writing from the Provincial prior to engaging in any secondary employment or business activity, including during periods of paid or unpaid leave unless there is some other requirement in place governing an employment arrangement which prevents this from being necessary.

Where an employee is already involved in secondary employment, they must immediately obtain approval. Personnel may engage in voluntary work without seeking permission, as long as this work does not present a potential or actual conflict of interest.

### **15. Management of Resources**

Personnel must be careful, ethical, efficient and economical in their use and management of the Congregation's resources, including work time. Resources include (but are not limited to) money, facilities, equipment, vehicles, and services (e.g., internet).

Resources should be used only for their intended purpose, well maintained and secured against theft or misuse.

Personnel are accountable for the appropriate use of working hours and resources. Employees should not use the Congregation's working hours or resources for an outside interest, secondary employment or personal gain.

Personnel have a duty to report any improper use, waste or abuse of resources, corrupt or fraudulent conduct or inadequate administration or accountability to the Congregation's Business Manager or Country Leader.

*'Every religious shall make careful use of the means or instruments placed at his disposal for his work and ministry. He will use of them without becoming attached to them, lest they become excuses for personal comfort or occasions for weakening the spirit of poverty.'* RL #73

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### 16. Publications and Social Media

Personnel must exercise caution when using social media platforms for personal purposes outside their work hours. Personnel must not:

- a. make disparaging or offensive comments on social media about the Congregation the Catholic Church, clients or colleagues.
- b. express or support views on social media that conflict with the mission and values of the Congregation.
- c. publish articles or opinions in print or online that are likely to cause concern, embarrass or incite conflict for the Congregation either within its own membership or between the Congregation and the wider church or civil Congregation.

### 17. Appropriate use of electronic communication

The Congregation provides electronic communication facilities for its personnel for the administrative and mission purposes of the Congregation. It reserves the right to monitor and view any data stored or transmitted using these facilities.

Personnel must:

- a. Exercise good judgment when using electronic mail and use appropriate language in electronic mail messages.
- b. Not send messages that are harassing, defamatory, threatening, abusive or obscene.
- c. Report any situations where you become aware of the inappropriate use of electronic communication and social networking sites by other personnel.

Personnel must not use Congregation or personal networks to view, upload, download or circulate any of the following materials:

- a. Sexually related or pornographic messages or material.
- b. Violent or hate-related messages or material.
- c. Racist or other offensive messages aimed at a particular group or individual.
- d. Malicious, libellous or slanderous messages or material or
- e. Subversive or other messages or material related to illegal activities.

Be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them.

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Confreres, students, and personnel must also observe these principles in their personal use of email, text messaging and social media while on their private devices and social media platforms.

All personnel are warned of the dangers of behaviour on any form of electronic and social media that may be unlawful or bring the Church or the Congregation into disrepute.

For further guidance it is recommended that confreres and personnel are familiar with the Congregation's *Acceptable Use of Social Media Guidelines (2023)*

### 18. Privacy & Confidentiality

*All Scalabrinian Missionaries are committed to respecting the integrity and dignity of every person, and to safeguarding priestly ministry and religious consecration, and therefore, are required to safeguard the confidentiality and discretion of all personal information they become aware of through their ministry. 'Guidelines for the Protection of Minors & Vulnerable Persons, 2021, (10)*

The Congregation complies with *The Australian Privacy Principles (2014)*. Personnel must not divulge, either during employment or after, the confidential information of the Congregation.

In particular, Personnel must not divulge, either during employment or after leaving employment, any confidential information gained while with the Congregation that could adversely affect the Congregation, its clergy or other personnel if disclosed.

Further individuals must:

- a. only use official information for the work-related purpose it was intended.
- b. not disclose or use any confidential information without appropriate approval.
- c. must make sure that confidential information cannot be accessed by unauthorised persons.
- d. take care in discussing other people's personal information with other persons. Information provided to others should be restricted to those who require it in the normal course of the Congregation's work
- e. respect the privacy and confidentiality of any person who reports safety concerns about a child or adult at risk except where legislative or statutory requirements over-ride this as outlined in the Safeguarding Policy.

### 19. Protected Disclosures

In reporting any suspected improper use, fraud, waste or abuse of resources, corrupt conduct, inadequate administration or accountability, personnel will be protected as far as reasonably practicable against victimisation and retaliation as result of a disclosure.

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Personnel are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result. For more information, see the Complaint Handling Policy and Procedure.

### **20. Consequences of Breaching this Code of Conduct**

Breaching the Code of Conduct will constitute misconduct and result in disciplinary proceedings up to and including dismissal (with or without notice) and possible criminal proceedings. This may impact on their ability to work with children and/or adults at risk in the future.

In relation to clergy, breaching the Code of Conduct may lead to them being removed from ministry and dispensed from his vows or dismissed from the clerical state, as applicable.

Breaches of this Code of Conduct are managed under the Congregation *Grievance Policy & Procedure (2021)*.

### **21. Conflicts between this Code of Conduct and other obligations on Clergy and personnel**

In the event that the Congregation Code of Conduct is in conflict with another policy or relevant state or federal legislation, or requirement of the Congregation, clergy or other personnel will be bound by the policy that places a higher burden on them.

In such cases, any civil statute, particularly those involving child protection legislation, will prevail over this Code of Conduct.

### **22. Related documents**

- Scalabrinian Rules of Life, Rome (2014)
- Guidelines of the Scalabrinian Congregation for the Protection of Minors and Vulnerable Persons (2021)
- The Congregation Safeguarding Commitment Statement (2021)
- The Congregation Safeguarding Policy (2021)
- The Congregation Complaints Handling Policy (2021)
- The Congregation Grievance Policy & Procedure (2021)
- Risk Management Strategy (2021) and supporting templates
- The Congregation Workplace Bullying & Anti-Discrimination Policy (2021)
- Model Code of Conduct (Catholic Religious Australia 2020)

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- [Integrity in Ministry \(2010\)](#)
- [Integrity in the Service of the Church \(2011-2013\)](#)
- National Catholic Safeguarding Standards 2019-2022
- [The National Response Protocol \(ACCC, Feb 2021\)](#)

### 23. Relevant legislation<sup>5</sup>

- State Crimes Act(s)
- State Child Protection Legislation
- State Reportable Conduct Legislation
- State Working with Children Check legislation
- *Privacy Act (Cth 1988) and the [Australian Privacy Principles \(2014\)](#)*
- *National Disability Insurance Scheme Act 2013 and related Rules,*
- *Aged Care Quality and Safety Commission Act 2018 and the Aged Care Act 1997.*

### 24. Reviewing the Code

The content of the Code of Conduct will be reviewed whenever a breach is identified and at least every three years. Provincial is responsible for ensuring the review is completed.

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<sup>5</sup> A full list of the relevant Australian State and Territory legislation can be found at: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>