

# Rosa Veritas



## Child Safety Guidelines

### Introduction

Rosa Veritas is recognised as a religious body by the Commonwealth of Australia and it operates in the States of Australia and in Aotearoa New Zealand and the Netherlands.

Rosa Veritas respects human individuality, self-determination and diversity. Racism or any other form of discrimination is not tolerated.

Adults, children and young people are welcome in its communities whatever their abilities/disabilities, race, cultural and linguistic background, gender identity and sexual orientation.

The leaders of its communities are responsible for ensuring that any child or young person wishing to avail themselves of / participate in Rosa Veritas's services and facilities is welcomed and their specific needs are identified and appropriately responded to as far as practicable. Similarly, they are responsible for identifying and confronting any racism or discrimination within their community, in consultation with the Meriti.

Leaders are also responsible for enquiring of any child or young person who participates in Rosa Veritas's services or facilities if that person identifies as First Nations. If so, the leader is required to ensure they are welcomed and safe, respectful, and culturally appropriate participation is facilitated in the community of Rosa Veritas.

Any member of a Rosa Veritas community who observes racist or discriminatory behaviour or

identifies racist or discriminatory language in its in-person and online communities is responsible to bring that to the attention of the leader of the community.

In its operations in the State of Victoria, Australia, it complies with mandatory reporting requirements under the *Children, Youth and Families Act 2005* and the *Child Wellbeing and Safety Act 2005*, to strengthen its organisational and individual capacity to prevent, report and respond to allegations and findings of child abuse.

The Law applicable in the State of Victoria, Australia, has been adopted as the benchmark upon which Rosa Veritas bases its documentation, policies and procedures, generally applicable in all locations. This legislation is currently regarded as the most progressive available. Exceptions to Victorian law are taken into account, such as the lower defining age of a child under the law of New South Wales, Australia.<sup>1</sup>

Child Safe Standards provide the framework within which Rosa Veritas develops policies, procedures and strategies that formalise a culture of child safety and reduce the risk of child abuse being perpetrated by a Priest, Deacon, office-holder, member, employee or volunteer.

The Victorian Commission for Children and Young People monitors and enforces compliance with the standards in Victoria. In the absence of a similar compliance framework and agency in the locality, outside the Victorian jurisdiction, Rosa Veritas

<sup>1</sup> The defining age of a *child* by location: Victoria - under 18 years; NSW - under 16 years; Aotearoa New Zealand - under 20 years. In the Netherlands the classifications of 'children' and

'young people' collectively includes all youth up to the age of 18 years.

monitors and requires compliance with the Victorian child safe standards.

The Reportable Conduct Scheme is focused on the conduct of Priests, Deacons, office-holders, members, employees and volunteers and how Rosa Veritas will investigate, report and respond to suspected and historical child abuse. This framework assists Rosa Veritas to improve its responses to suspected or actual child abuse and to facilitate the identification of individuals who pose a risk of harm to children. It also assists Rosa Veritas to take appropriate action where the individual is found to have committed child abuse.

### **Application of the Reportable Conduct Scheme**

The Victorian Reportable Conduct Scheme applies to the following adults associated with Rosa Veritas, in all localities:

- Priests and Deacons (Ministers of Religion)
- Office-holders
- Members
- Employees
- Volunteers

### **What is Reportable Conduct?**

There are five types of 'reportable conduct' listed in the Victorian *Child Wellbeing and Safety Act 2005* which Rosa Veritas applies in all localities unless there is another legal framework applicable in a particular locality:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

### **What are sexual offences?**

In Victoria, it is an offence to engage in certain sexual behaviours against, with or in the presence

of, a child. The behaviours that are reportable conduct include:

- sexual assault
- indecent acts
- possession of child abuse material
- 'grooming' a child in order to commit a sexual offence.

A full list of the relevant sexual offences is set out in clause 1 of Schedule 1 to the Victorian *Sentencing Act 1991*.

A Priest, Deacon, office-holder, member, employee or volunteer does not need to be charged with, or found guilty of, a sexual offence for their behaviour to be reportable conduct.

### **What is sexual misconduct?**

'Sexual misconduct' captures a broad range of inappropriate behaviours of a sexual nature that are not necessarily criminal.

Sexual misconduct refers to conduct that:

- amounts to misconduct; and
- is of a sexual nature; and
- occurred against, with, or in the presence of, a child.

### **What is physical violence?**

Physical violence committed against, with or in the presence of a child can fall into two categories. Physical violence can be either:

**actual physical violence** or

**apprehended physical violence** – a Priest, Deacon, office-holder, member, employee or volunteer intentionally or recklessly engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to think that physical force is about to be used against them or another person.

### **What is behaviour that causes emotional or psychological harm to a child?**

Each allegation is to be considered carefully, keeping in mind the context in which the behaviour occurred and the child's circumstances.

To be reportable under this category:

- the allegation must concern the Priest's, Deacon's, office-holder's, member's, employee's or volunteer's behaviour; and
- there must be a clear link between the alleged behaviour and the harm suffered by the child; and
- the harm must be significant.

### **What is significant neglect?**

Significant neglect occurs when there is a significant, deliberate or reckless failure to meet the basic needs of a child in circumstances where the adult understood the needs of the child or could have understood those needs if they had turned their mind to the question and had the opportunity to meet those needs but failed to do so.

### **What is a reasonable belief?**

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a Priest, Deacon, office-holder, member, employee or volunteer has committed reportable conduct or misconduct that *may* involve reportable conduct. This includes where a reportable allegation is made against the head of the organisation.<sup>2</sup>

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, reasonable belief is not the same as having proof and does not require certainty.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves;
- heard directly from a child that the conduct occurred;
- received information from another credible source (including another witness).

The senior Meritus does not need to agree with or share the belief that the alleged conduct has occurred. However, they do not need to notify the Commission about the allegation if it is plainly wrong or has no basis in reality. In the absence of a local reporting agency, the Meriti are still required to investigate the alleged conduct.

<sup>2</sup> The Head of the Organisation is the senior Meritus determined by reference to the earliest date of elevation to that office.

## **HISTORICAL ALLEGATIONS OF CHILD ABUSE**

The Victorian Reportable Conduct Scheme requires certain allegations of past or historical reportable conduct to be reported to the Commission. In certain circumstances, the Commission must be notified about an allegation that concerns conduct which occurred *before* the scheme covered Rosa Veritas.

### **Timing of conduct**

Under the scheme, an allegation made about the conduct of a Priest, Deacon, office-holder, member, employee or volunteer who has been employed or engaged by Rosa Veritas may need to be reported and investigated regardless of *when* the alleged conduct occurred. This includes conduct that allegedly occurred before the scheme covered Rosa Veritas (i.e., before 1 January 2018).

It is possible that a reportable allegation may be about alleged conduct from many decades before the scheme commenced. In that case, the scope and nature of such an investigation should be carefully considered in consultation with the Commission.

The senior Meritus could be required to report to the Commission an allegation that a Priest, Deacon, office-holder, member, employee or volunteer committed reportable conduct, regardless of whether that conduct is said to have occurred before or after the scheme covered that organisation.

### **Allegations made before the scheme covered Rosa Veritas.**

Rosa Veritas, previously known as The Centre – the Church of the Mystic Christ and then The Independent Church of Australia, has been in operation long before the scheme. The scheme does not require Rosa Veritas to report to the Commission every allegation that has ever been known to it, prior to the scheme's commencement. Rather, the scheme only requires that allegations be reported to the Commission if that allegation was made once the scheme covered that organisation.

An allegation will be made, for the purposes of the scheme, when either:

- the allegation is conveyed or communicated to another person or organisation, or
- the senior Meritus forms a reasonable belief that reportable conduct or misconduct that may involve reportable conduct has occurred, including by having personally witnessed relevant conduct.

Therefore, if an allegation of reportable conduct has only ever been made before the scheme covered a Priest, Deacon, office-holder, member, employee or volunteer organisation, it does not need to be reported to the Commission. The senior Meritus can decide to investigate the circumstances of historical allegations of child abuse where it is not reportable or there is no reporting agency in that location.

### **Remaking allegations**

The senior Meritus could be required to report to the Commission an allegation that one of their Priests, Deacons, office-holders, members, employees or volunteers committed reportable conduct, if the allegation was 'made' or 'remade' while the scheme covered their organisation. The senior Meritus may take advice and guidance from the Commission to assist them in taking the appropriate action.

If, after the scheme covered Rosa Veritas from 1 January 2018, an allegation is 'remade' or repeated (for example, an allegation previously made before the scheme covered the organisation is again conveyed or communicated after the scheme covered the organisation) that allegation may need to be reported to the Commission. Remade allegations may need to be reported to the Commission even if the allegation concerns the same or substantially the same conduct that was alleged before the scheme covered the organisation.

In cases where allegations are remade, Rosa Veritas will not always need to conduct a fresh investigation. For example, if the senior Meritus is satisfied that allegations have already been thoroughly investigated and findings have been made about the alleged reportable conduct, they may submit those findings from its previous investigation to the Commission. In cases where allegations are remade and new relevant evidence comes to light, the senior Meritus may contact the Commission for guidance on whether a fresh investigation should be conducted.

If an allegation has only ever been made before the scheme covered an organisation, that allegation can be disclosed to the Commission, but a report will only be required if that allegation has been remade or repeated while the scheme covered an organisation.

### **Timing of employment or engagement**

The scheme applies to those Priests, Deacons, office-holders, members, employees or volunteers who have been employed or engaged by an organisation covered by the scheme, while the scheme covered that organisation.

Accordingly, the senior Meritus could be required to report to the Commission an allegation that one of their Priests, Deacons, office-holders, members, employees or volunteers committed reportable conduct, if that person was employed or engaged by their organisation when the scheme covered that organisation.

## **OBLIGATIONS OF THE SENIOR MERITUS OF ROSA VERITAS**

The Reportable Conduct scheme sets out specific obligations for the senior Meritus of Rosa Veritas, as it is a religious body.

The senior Meritus is required to ensure that there are systems in place that seek to:

- prevent reportable conduct from being committed;
- enable reportable allegations to be made to the senior Meritus;
- enable reportable allegations that involve the senior Meritus to be reported to the Victorian Commission for Children and Young People.

## **PROCEDURES FOR REPORTING "REPORTABLE CONDUCT"**

All members of Rosa Veritas are obliged to report 'reportable conduct' by any Priests, Deacons, officer-holders, members, employees and volunteers of Rosa Veritas, as defined in these guidelines.

The senior Meritus is the head of the organisation with certain mandated responsibilities, including:

- He or she receives reportable allegations, investigates and reports them according to law;
- He or she does not need to agree with or share the belief that the alleged reportable conduct has occurred;
- He or she does not need to notify the Victorian Commission about the allegation if it is plainly wrong or has no basis in reality. Otherwise, he or she must report the conduct according to law;
- He or she may also investigate and take appropriate action in locations where there is no reportable conduct scheme.

The Rosa Veritas Committee of Management appoints the members of the Ethics and Safety Committee for a term. These appointments are endorsed by the Consultative Council. The members of the Ethics and Safety Committee are the contact persons to receive complaints at first instance of any alleged unethical, abusive or reportable conduct. Their contact details will be published.

The initial contact person receiving the report will liaise immediately with the other members of the Ethics and Safety Committee in the management of the report. If the report concerns a member of that Committee, the contact person will liaise directly with the senior Meritus.

The Ethics and Safety Committee will liaise with the senior Meritus in developing the appropriate response to all reports received.

If a report is about the alleged conduct of one of the Meriti, the Ethics and Safety Committee will liaise

with the other Meritus to determine the appropriate course of action.

If a report concerns both Meriti, the Ethics and Safety Committee will call a special meeting of the Consultative Council of Rosa Veritas to decide the appropriate course of action, according to law.

## MANDATORY REPORTING

Rosa Veritas' Priests and Deacons also comply with their mandatory reporting obligations under the Victorian *Children, Youth and Families Act 2005*.

Mandatory reporting refers to the legal requirement of people in religious ministry to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made by the Priest or Deacon as soon as practicable after forming the belief and each time there are further reasonable grounds for such a belief.

Priests and Deacons in jurisdictions other than Victoria, Australia will inform themselves of, and comply with, their legal obligations to report child physical or sexual abuse. They are also required to advise the Ethics and Safety Committee whenever the local legal obligations change or any report of child abuse is made.

When any member of Rosa Veritas, in any location, is concerned that a child or adult is in immediate danger or a life-threatening situation, they are required to immediately inform the local Police/law enforcement officers.

## CONTACT

To contact the Ethics and Safety Committee, send an email to [ethics@rosaveritas.org](mailto:ethics@rosaveritas.org).

### Version Control

Version 2 adopted by the Rosa Veritas Consultative Council: 1 June 2022

Review date: 30 June 2024

### Record of Changes

Version 2: new text inserted under "Introduction" refers to disability and cultural diversity, adopted 1 June 2022

Ethics and Safety documents are available at [www.rosaveritas.org](http://www.rosaveritas.org).