



YOUR QUESTIONS AND ANSWERS #3

(The first Q & A was July 2005 second September 2009)

- 1. I read in the media where a 16 year old school boy was charged with sexual assault on a 13 year old girl after they got a bit romantic. Why was it an assault, surely teenagers will be teenagers especially if there is consent?**
 - A. The law works to protect children. A child under 16 is unable, according to law, to give consent. Anyone over 16 could, as a result, be committing a sexual assault if 'involved' with a 13 year old. In the case you read about a parent or someone most likely lodged a complaint with the police.
- 2. Why don't you produce a guide with 10 simple steps to follow that would protect Leaders?**
 - A. i. Life would be easy if we could. Unfortunately it is not that simple, we have to marry our policies with the individual circumstances of matters as they arise and the ever-changing laws.
ii Scouting HAS 10 rules... they're called the Code of Conduct, but we supplement them with policies, then in turn the law comes into play. The Leader Support Guides are designed to help Leaders navigate through these restriction in as simple a way as possible and still enable effective scouting.
iii. To assist, on the web we highlight the LSG's everyone needs to be familiar with and we also provide a package with the 10 important LSG's combined. These MOST important LSG's are spoken to and handed out, on Training Courses.
iv The remaining LSG's are really reference papers. Ideally when a new one comes out a quick read/scan lets you see how it might apply to you and you file the facts away in your brain so if needed you know where to find more detail.
- 3. Why do Youth Members from an older section have to sign PED's if they are camping with a younger section and there are no Leaders sleeping in close proximity?**
 - A. i That's easy, it's the law, but it only applies if they are not going to be directly supervised by a responsible Leader. That's why in camp at night Venturers' tents are best a little way away from the Scout tents and the Leaders tents are close by so Leaders can hear any problems. Often the Leaders pitch their tents between the Venturers and Scouts.
ii. The distance doesn't have to be great and if you make each section out of bounds after lights out then you have fewer worries about the Child Protection Laws. You have acted reasonably.
- 4. Why don't you make the A1 so you can fill in the Youth Members' details for the parent?**

A A good question. The courts have held that if you part fill in the child's details then parents might consider they don't have to have read the information, but only have to sign the bottom. Leaving it blank means that they have to fill it in and it's proof that they have read it and therefore know the details in the Details Section of the A1 on page 2. That is also the reason you should put the important factors in the details and NOT just list them on a separate sheet; you can have one, but points describing the activities MUST be in the details section on page 2 of the A1. It is designed that way to not only inform parents but maximise the protection of the Leaders.
- 5. Why is it important to have two Leaders at meetings and activities; we aren't paedophiles?**
 - A. That's not the main reason. The main reason is in case of an accident and someone has to take someone to hospital or home or, more importantly, in case something happens to the Leader - we have had more than one young Leader die in camp.
- 6. Do you only suspend people who are the subject of an allegation of 'inappropriate or unacceptable conduct'?**
 - A. No. Suspension is a RISK management procedure implemented for MANY DIFFERING REASONS to protect BOTH Leaders and Youth Members. Often suspension is for medical reasons where an illness poses a risk to young people, especially if there is only one Leader. An example was a Leader with a heart problem who was supposed to be resting but was taking the troop hiking. At the request of his family and doctors we suspended him when he insisted on going. Another example was an uncontrolled epileptic who insisting on taking his Scouts rock climbing without other qualified Leaders.
- 7. What amount of an illicit drug is accepted by the police 'for personal use'.**

In NSW there is NO minimum quantity: nor is there a personal use 'get out', especially for ecstasy.