Department of Child Safety, Seniors and Disability Services
Department of Justice and Attorney-General

GROWING CHILD SAFE ORGANISATIONS IN QUEENSLAND

Supplementary Materials and 2021 Consultation Report

Queensland Government

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Supplementary material 1: Overview guide to the Consultation Regulatory Impact Statement

Please note the supplementary materials should be read alongside the Consultation Regulatory Impact Statement (CRIS). The supplementary materials are intended to support the CRIS.

Content warning and reporting child abuse

The Consultation Regulatory Impact Statement (CRIS) and accompanying supplementary materials deal with information regarding child abuse and its content may be distressing for readers. If the issues discussed raise concerns or cause distress and you think you may need someone to talk with, you can contact any of the services listed on page 3 of the CRIS. To report an allegation of child abuse, please follow information on page 13 of the CRIS.

A Queensland child safe organisations system

Over its five-year inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) explored the devastating impacts of child abuse in organisations and recommended a wide range of measures designed to keep children and young people safe. The Queensland Government has made substantial progress in implementing these recommendations, but there is more to be done.

The Queensland Government is working on the Royal Commission's recommendations to implement child safe standards (CSS) and establish nationally consistent reportable conduct schemes (RCS). This CRIS, Growing Child Safe Organisations in Queensland, explores options for how the Queensland Government could implement CSS and establish a Queensland RCS. The objectives of these initiatives are to prevent abuse in organisations; create safe spaces for children to thrive; better respond to abuse when it happens; and avoid compounding trauma for people with lived experience.

Our preferred approach is to establish an integrated child safe organisations system that requires, and supports, organisations to implement the CSS and provides oversight of institutional child abuse complaints and allegations through an RCS. It is proposed that both functions of CSS and an RCS are integrated into the role of a single oversight body.

An integrated child safe organisations system will have an impact on organisations and government because they will be required to comply with new obligations (regulatory impacts). In order to make sure we design a system that offers the greatest benefit to Queenslanders, we are undertaking a 'regulatory impact analysis'. This CRIS is the first part of that process, and it sets out the options available to implement CSS and RCS and seeks community views on these options and whether we have assessed the impacts and benefits accurately. You can find out more about the Queensland Government's regulatory impact analysis process in the Queensland Government Guide to Better Regulation.

Your feedback will be incorporated into a Decision Regulatory Impact Statement, which will sum up our analysis and inform Government which of the options is the most beneficial to Queenslanders. This will also be published once it has been considered by government.

Please indicate when making your submission if you want your feedback to remain confidential. Submissions not marked as confidential may be published in full or quoted in public documents. For

information about how to make a submission see page 13 of the CRIS. We have developed a feedback template to assist the preparation of submissions, but you may present your submission in other ways.

Supplementary materials

The CRIS is a detailed document exploring the issues, options and approaches to implementing the CSS and RCS in Queensland.

To help you navigate the CRIS, we have developed six supplementary materials, with a particular focus on some key issues that will inform the Queensland Government's approach to child safe organisations. Each of the supplementary materials reflects and consolidates information presented in the CRIS; however, we encourage you to read the CRIS, which contains more detailed information.

1 Overview of the CRIS The first supplementary material is this document, which provides an overview and guidance about navigating the CRIS.	**2 Cultural safety in a child safe organisations system for Queensland** Discusses cultural safety and how cultural safety might be embedded in Queensland's child safe organisations system.
3 Scope for the child safe standards Discusses the potential scope of the CSS, outlining the recommendations made by the Royal Commission and the scope of CSS in other jurisdictions.	**4 Options for the child safe standards** Discusses potential options and approaches for implementing CSS in Queensland.
5 Overview of a reportable conduct scheme for Queensland Outlines the features of a nationally consistent Queensland RCS.	**6 Frequently Asked Questions** Responds to common questions about CSS and RCS.

Navigating the CRIS

The CRIS is best understood as a whole document, however, as it is a large document you may prefer to focus on sections most relevant to you and/or your organisation. Here is a quick guide to some key sections:

- Executive summary (page 5)
- Part 3 – Explains the options for child safe organisations regulation (page 37)
  - Child safe standards (page 40)
  - Reportable conduct scheme (page 57)
  -

- Part 4 – Analyses the impact of the options on particular stakeholder groups (page 70) and includes targeted questions for stakeholders
  - Child safe standards (page 78)
  - Reportable conduct scheme (page 89)
- Part 6 – Conclusion and recommended approach (page 100).



We want to hear from you about:

- Whether you agree that action needs to be taken to improve child safety in organisations that provide services to children in Queensland.
- How the CSS can best reflect the Queensland context. For details on adopting the CSS or the national principles, see page 48 and Appendix D of the CRIS.
- The best approach to embedding cultural safety in Queensland child safe organisations. For details on proposed approaches, see supplementary material 2 and pages 48-50 of the CRIS.
- The critical factors to consider in deciding which organisations will be covered by CSS in Queensland. For discussion on scope, see supplementary material 3 and pages 52 to 57 of the CRIS.
- Whether our estimated costs and other impacts are accurate for your organisation or sector. For details on our estimated costings see Appendix F of the CRIS.
- The three proposed options for the CSS in Queensland. For details related to the CSS options see supplementary material 4 and Part 3 (pages 40 to 44) and Part 4 (pages 78 to 87) of the CRIS.
- The two options proposed for an RCS in Queensland and your views on the key elements of the proposed RCS. For details related to RCS options see supplementary material 5 and Part 3 (pages 57 to 68) of the CRIS.
- The proposed approaches to implementing the CSS and RCS. For details on implementation see Part 8 of the CRIS.
- For the full list of consultation questions, please see the CRIS and/or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.

Supplementary material 2: Embedding cultural safety for Aboriginal and Torres Strait Islander children in an integrated Queensland child safe organisations system

Ensuring that cultural safety for Aboriginal and Torres Strait Islander children is embedded into any proposed child safe organisations system is a priority for the Queensland Government. We heard there is strong support for cultural safety during our 2021 targeted consultations on *Growing child safe organisations in Queensland: Child safe standards and a reportable conduct scheme*.

Our next step is to hear from you about the best approach for Queensland. We welcome input from everyone, and we are particularly interested in hearing from Aboriginal and Torres Strait Islander peoples about what you would need or want to see in a culturally safe system.

The Royal Commission's findings on cultural safety

There are many definitions of cultural safety. We acknowledge that only Aboriginal and Torres Strait Islander peoples have the authority to define what is culturally safe for Aboriginal and Torres Strait Islander peoples, communities and children. We also acknowledge that what feels culturally safe for one person, may not feel culturally safe for another person.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) found that a strong connection to culture is a protective factor against child sexual abuse for Aboriginal and Torres Strait Islander children because:

- it builds resilience in communities to help mitigate the negative consequences of past policies and contemporary racism;
- strong attachments with multiple caregivers, a high self-esteem and positive social connections act as protective factors against child sexual abuse; and
- racism and disconnection from culture heighten the vulnerabilities that Aboriginal and Torres Strait Islander children face in institutions.[1]

Key approaches under consideration

We are exploring two key approaches to embed cultural safety in a Queensland child safe organisations system. We are seeking your consideration and feedback on these approaches, or if there is another approach that responds better to the Queensland context.

1. *Create an additional CSS*: The Victorian Government has introduced an 11th CSS: 'Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued'. The benefit of this approach is that a specific standard puts cultural safety at the forefront and makes it clear that dedicated actions are needed to make an organisation culturally safe. However, it could also mean organisations do not consider cultural safety fully in their application of the other standards.
2. *Include cultural safety as a guiding principle across all CSS:* The Tasmanian Government includes a universal principle that sits across all 10 CSS to ensure the right to cultural safety of children who identify as Aboriginal or Torres Strait Islander is respected. The benefit of this approach is

[1] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 176.

that a guiding principle could encourage consideration of cultural safety across all standards. However, a guiding principle could also be less obvious to organisations as it may not be clear the principle has legal status or requirements for its compliance.

Embedding cultural safety in the CSS will also, by extension, apply to the systems that organisations put in place to prevent, detect and respond to reportable conduct.



We want to hear from you about:

- How can we best embed cultural safety for Aboriginal and Torres Strait Islander children and young people into the child safe standards (CSS)? Do you prefer (and why):
  a) an additional standalone 11th CSS, or
  b) a guiding principle for cultural safety across the 10 CSS, or
  c) an alternative approach?

  For further details on proposed approaches, see pages 48 and 49 of the Consultation Regulatory Impact Statement (CRIS).
- What support would your organisation need to apply cultural safety and best consider the diverse needs of children and young people in implementing the CSS and a reportable conduct scheme (RCS)?
- Is there anything else we need to consider to ensure cultural safety is appropriately embedded in a Queensland child safe organisations system as a whole (comprising CSS and RCS)?

For the full list of consultation questions, please see the CRIS and / or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.

Recognising diversity in child safe organisations system

We acknowledge that children in Queensland have a range of diverse needs that must be accommodated in a child safe organisations system. Pages 50 to 51 of the CRIS explore cultural safety for children from culturally and linguistically diverse backgrounds as well as the needs of children with disability, very young children, children with previous experiences of trauma, and lesbian, gay, bisexual, transgender and intersex children.

It is expected that as part of its role to educate and support organisations, an oversight body for a Queensland child safe organisations system would also provide guidance on culturally safe practices and recognising diversity.

Supplementary material 3:
Scope for child safe standards and a reportable conduct scheme

Our objectives in implementing child safe organisations system in Queensland are to improve the safety and wellbeing of children receiving services and/or care in Queensland organisations, and to ensure children who are at risk of experiencing abuse, or have experienced abuse in institutional settings, are supported early, in a trauma-informed, appropriate way. There are many types of organisations that work with children and young people – we want to ensure we design a system that can work effectively by targeting regulation and oversight to the most relevant sectors.

The Queensland Government has not yet made any decisions about the scope of organisations that will be included in child safe standards (CSS) or a reportable conduct scheme (RCS). However, based on the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) and the examples in other jurisdictions, CSS are expected to apply to a broader range of organisations than the RCS. Your feedback on this will be a critical part of any final decisions.

Child safe standards – Recommendations from the Royal Commission

The Royal Commission recommended that governments require all institutions that engage in 'child-related work' to meet CSS.

The Royal Commission recommended the CSS should apply to:

- accommodation and residential services for children, including overnight excursions or stays
- activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- childcare or childminding services
- child protection services, including providers of family-based care (foster and kinship care) and residential care, as well as family support/secondary services
- services for children with disability
- education services for children
- health services for children
- justice and detention services for children, including immigration detention facilities
- activities or services where clubs and associations have a significant membership of, or involvement by, children
- coaching or tuition services for children
- commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- transport services specifically for children.

On page 55 of the Consultation Regulatory Impact Statement (CRIS) (see Table 13), we have provided examples of what types of services and specific sectors these Royal Commission categories could potentially translate to in our Queensland context.

Scope in other jurisdictions

With some exceptions, the scope of organisations to which CSS apply generally in other jurisdictions includes the following key sectors:

- designated government agencies or related public entities
- accommodation and residential services
- religious institutions
- childcare services
- disability services (note, NSW does not include disability services under the scope of its CSS scheme)
- education services
- health services
- justice and detention services.

Beyond these sectors, the scope of organisations captured under other governments' implementation of CSS differs slightly. For more information about other jurisdictions, see page 52 of the CRIS.

Scope considerations for Queensland

We want to ensure that implementation and oversight of the CSS is targeted most effectively to relevant sectors providing services to children and young people. Given the importance of ensuring the regulatory approach has a positive impact on child safety and wellbeing without unnecessarily burdening organisations, the scope will be informed by key factors such as: the nature and characteristics of services provided by the type of organisation; existing regulation; stakeholder feedback; and Royal Commission commentary.

Consistent with approaches in other jurisdictions, Royal Commission commentary about proportionate regulatory burden, and to ensure the CSS scheme is effectively focused, we are considering ways to target scope to:

- organisations that specifically provide services for children, or
- provide facilities specifically for use by children under the organisation's supervision.

It is proposed that obligations to comply with CSS would apply at an organisational level (rather than applying only to specific service streams or parts of an organisation). This would be accompanied by the ability to implement the standards across various services, activities and environments in a flexible way that makes sense for the individual organisation's circumstances. This is intended to provide clarity for organisations that may deliver services to both adults and children, or different types of services to children.

The CRIS (page 57) seeks feedback on target questions related to the scope of organisations for a Queensland CSS scheme.

We want to hear from you about:

- What do you believe are critical factors that we should consider in determining the scope of the CSS scheme? Are any factors more important than others?
- Do you have any views on the scope of organisations that the CSS should apply to, including any of the sectors we are considering?
- What factors should be considered if we were to require CSS compliance for the whole organisation, with flexible and tailored implementation for each service or service stream, activity or environment?

For the full list of consultation questions, please see the CRIS and / or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.

Scope of a reportable conduct scheme

The Royal Commission recommended a minimum scope of organisations to be included in the RCS, within the following broad categories:

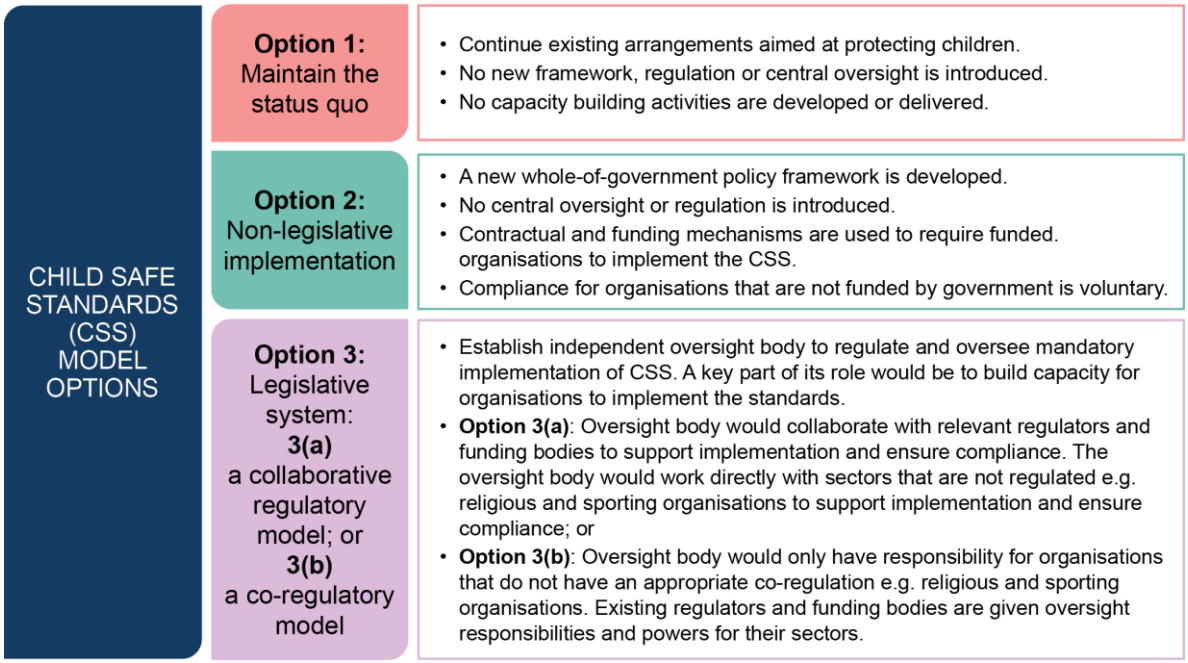
- accommodation and residential services for children
- religious institutions
- childcare services
- child protection and out-of-home services for children
- disability services and supports for children with disability
- education services for children
- health services for children
- justice and detention services for children
- other government departments and entities.

Supplementary material 5: Overview of a reportable conduct scheme in Queensland has more information on a proposed RCS for Queensland, and the CRIS Part 3 (pages 63 to 65) provides more detailed discussion on the potential scope of the RCS, in comparison to the CSS.

Supplementary material 4: Options for the Child Safe Standards

There are a number of ways the child safe standards (CSS) could be implemented in Queensland to help organisations better prevent, detect and respond to child abuse and prioritise the safety and wellbeing of children in their care.

We have developed three options, see below, for implementing CSS in Queensland. These options and the potential impacts on organisations, children and young people, government and the community are explored in detail on pages 40 to 48 and 78 to 88 of the Consultation Regulatory Impact Statement (CRIS).



Based on the analysis we undertook in the CRIS, our preferred option is to create legislation requiring relevant organisations to comply with the standards, as set out in Option 3(a). This may look like:

- new legislation requiring organisations in scope to implement the CSS
- CSS that are principles-based and outcomes focussed, with organisations in scope able to embed the CSS in a way that makes sense for their particular service delivery contexts, in line with a legislative framework and published guidance from the CSS oversight body
- capacity building to support organisations to implement the CSS will be a core feature of the CSS oversight body's functions, including as an initial regulatory response to non-compliance. The oversight body will also have monitoring and enforcement powers in the legislation
- a CSS oversight body that takes a collaborative approach with existing regulators to support CSS compliance, in a way that is intended to boost the oversight capacity of the CSS body, while minimising regulatory burden and duplication for organisations and regulators. The oversight body and regulators would establish a consistent and coordinated approach to building child safe organisations that can build on existing processes. For organisations with no existing relevant regulatory arrangements, the oversight body will adopt the role of regulator
- there could be a phased approach to implementation, with time for preparation activities and a phasing-in of sectors to the scheme over time.

We want to hear from you about:

Option 1

- Do you support the Queensland Government taking no further action to implement the CSS in Queensland, with organisations able to choose whether to adopt the CSS? Why or why not?

Option 2

- Do you support the Queensland Government using contractual/funding arrangements to require compliance with the CSS, supported by a policy framework, instead of legislation?

Option 3

- Do you support the Queensland Government legislating a system for mandatory compliance with the CSS? Why or why not?
- If an independent CSS oversight body was established, which approach do you support:
  - existing sector regulators should work collaboratively with the CSS oversight body to maximise effectiveness of the scheme for their sectors, with the main regulation and enforcement of the CSS resting with the CSS oversight body (Option 3(a))? or
  - existing sector regulators should have a formal role in regulating and enforcing compliance with the CSS, with potential powers and functions delegated to them in legislation (Option 3(b))?
- Do you have suggestions as to how the CSS oversight body could collaborate (or regulate) with sector regulators, to streamline and support the operation of the CSS?
- How should the CSS oversight body work with organisations to support, monitor and oversee compliance with the CSS? Does this change based on factors such as existing sector regulation and peak bodies, an organisation's size and resources, and the risk profiles of particular sectors and organisations?
- How can the CSS oversight body best help create cultural change to prioritise the safety and wellbeing of children and young people in organisations as well as the community?

For the full list of consultation questions, please see the CRIS and / or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.

Supplementary material 5: Overview of a reportable conduct scheme for Queensland

The Consultation Regulatory Impact Statement (CRIS) sets out, and compares the potential impacts of, two options in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse to establish nationally consistent reportable conduct schemes. These are:

Option 1 – Maintain the status quo relies on maintaining the existing protections to safeguard children in organisational environments. No new action or obligations are involved.

Option 2 – Establish a national consistent RCS involves establishing a reportable conduct scheme in Queensland, which is a system of independent oversight of organisations that deliver services to children.

For more detail on the options see Part 3 (page 57) and for relevant questions see Part 4 (pages 89 and 95) of the CRIS.

Scope

The Royal Commission recommended a minimum scope of organisations to be included in the RCS, which is narrower than for the child safe standards (CSS). It also recommended that governments continue to consider whether there are additional organisations that meet the criteria for inclusion. While no decisions have been made on the exact scope of the RCS, the broad categories of organisations that are likely to be within scope of an RCS are organisations that provide services including:

- accommodation and residential services for children
- activities or services of any kind, under the auspices of a particular religious denomination or faith through which adults have contact with children
- childcare
- child protection services
- disability services
- education services for children
- health services for children
- justice and detention services for children
- other government departments and entities.

These services do not need to be the only or primary service provided by the organisation.

Definitions

The definition of reportable conduct is proposed to refer to:

- a child sexual offence committed in relation to or in the presence of a child
- ill-treatment of a child
- neglect of child
- physical violence or assault committed in relation to, or in the presence of a child

- behaviour that causes significant emotional or psychological harm to a child and would include conduct both inside and outside the workplace.

Importantly, an RCS would cover a wider range of concerning behaviour than criminal conduct, noting that any criminal matters would still need to be reported to police as a priority.

Obligations for organisations

An RCS places obligations on the heads of certain organisations to prevent, detect and respond to allegations of child maltreatment by staff (employees, contractors and volunteers). Key obligations include:

- ensuring systems are in place for preventing, detecting and responding to reportable conduct
- notifying the oversight body of reportable allegations
- investigating these allegations and reporting the outcomes of the investigation to the oversight body.

Role of an RCS oversight body

An independent oversight body will receive notifications of reportable conduct and can monitor how an organisation conducts an investigation. The oversight body will have a capacity-building function to guide organisations to meet their obligations under the scheme, such as providing advice on conducting an investigation.

The oversight body will have an important role in identifying risks across sectors (posed by individuals, as well as systemic risks within organisations). The RCS will rely on its ability to exchange information with other regulators, for example worker screening authorities, to assist with identifying risks as well as to minimise duplication for organisations.

Estimated costs

The CRIS outlines the expected costs to different stakeholder groups to implement an RCS. This primarily includes:

- costs to government to establish and operate an independent oversight body
- costs to government entities and non-government organisations to participate.

Option 1 – requires no new up-front costs to government and organisations however presents no opportunity to improve child safety across organisations, and thereby maintains the current high costs to government, individuals and the community of institutional child maltreatment.

Option 2 – to establish a nationally consistent RCS in Queensland will involve additional costs but is the recommended option, as it produces the greatest net benefit to the community.

We want to hear from you about:

We are interested in your feedback on these options for an RCS in Queensland and how they might impact you and/or your organisation.

- Have the potential impacts of an RCS been accurately captured in the CRIS?
- Do you support Option 2, to introduce an RCS for Queensland? Why or why not?
- What do you think about the core elements of the RCS, as set out on pages 57 to 68?
- What would help your organisation to successfully implement an RCS?

For the full list of consultation questions, please see the CRIS and / or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.

Supplementary material 6: Frequently asked questions

To make organisations safer for children, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) recommended governments: require organisations to implement 10 child safe standards (CSS); and establish nationally consistent reportable conduct schemes (RCS).

The Queensland Government is exploring options to implementing these recommendations. Our preferred approach is to establish an integrated child safe organisations system which requires, and supports, organisations to implement the CSS and provides oversight of institutional child abuse complaints and allegations through an RCS. It is proposed both functions of CSS and RCS are integrated into the role of a single oversight body.

We have developed this Consultation Regulatory Impact Statement (CRIS) to seek your feedback on options for CSS and RCS in Queensland and to hear from you about what it means for, and how it might impact, your organisation. Here are some questions and answers that may assist you in considering this.

1. Will my organisation be required to comply with the child safe standards and/or a reportable conduct scheme?

The Queensland Government has not made any final decisions yet on which organisations will be in scope of either the CSS or RCS. We are looking at what the Royal Commission recommended should be in scope, what other jurisdictions are doing, and what would work best for our Queensland context. We want to hear from you about what organisations and sectors you believe should be subject to these schemes.

We encourage you to take a look at the following materials where we discuss our proposals for scope, to help inform your feedback and help us shape the best system for Queensland:

- CSS: see in the CRIS, pages 52 to 57 and Supplementary material 3: Scope for child safe standards; and
- RCS: see pages 63 to 66 in the CRIS.

2. What will my organisation need to do to comply with child safe standards? What support will be available for my organisation?

The CSS are designed to be implemented in a way that is meaningful for each organisation's unique environment, to maximise the safety and wellbeing of children in their care. The CSS are not intended to set out prescriptive or burdensome rules but are intended to be flexible and principle-based, responsive to the characteristics of each organisation and proportionate to the level of organisational risk.

A core feature of the oversight body will be capacity building to support organisations to implement the CSS. We expect the oversight body will develop a range of resources (i.e. training materials, guides and templates) to support organisations to comply with CSS in a way that makes sense to the individual context of each organisation. While responsive capacity building will be the preferred response where compliance issues are identified, the oversight body could have a range of regulatory tools to ensure compliance such as industry compliance plans, compliance notices, audit related mechanisms, civil monetary penalties and publication of information about compliance issues.

We are seeking your feedback about what complying with the CSS will mean for your organisation. For more information, please refer to the discussion and targeted questions on the potential impact of CSS on organisations on pages 40 to 48 and 78 to 88 of the CRIS.

3. Organisations in my sector are small and mainly staffed by volunteers. Will they be expected to implement the 10 child safe standards?

The CSS are intended to help organisations ensure children in their care are safe and supported to thrive, and we think organisations of all sizes would benefit from their implementation. As mentioned above, the CSS are designed to be implemented flexibly, in a way that is meaningful for each organisation and proportionate to the level of organisational risk.

The standards incorporate some existing child safe requirements such as blue card and reporting requirements, so most organisations will already be doing something under the 10 CSS. There will also be guidance provided for organisations to implement the CSS and a supportive capacity building role for any CSS oversight body established (if the CSS are to be legislated as mandatory as per our preferred approach under the CRIS).

We are seeking your feedback about what complying with the CSS will mean for your organisation. For more information, please refer to the discussion and targeted questions on the potential impact of CSS on organisations on pages 78 to 88 of the CRIS.

4. Will implementing child safe organisations system increase or change child abuse reporting requirements?

The CSS do not create additional legal obligations to report child abuse to authorities. However, they do require employees to understand and meet their existing reporting requirements. The RCS will introduce new reporting obligations to organisations in scope. It will supplement (rather than replace) existing obligations to report child abuse to authorities. However, the proposed approach will also facilitate the exchange of relevant information between the oversight body and other regulators to minimise duplication and strengthen intelligence.

5. What is the approach of other jurisdictions?

States and territories are each at different stages of implementing the CSS and RCS. Each jurisdiction has tailored their approach to complement their existing regulatory environments. Queensland is considering other jurisdictions' experiences to incorporate lessons learned and maximise opportunities for national consistency where appropriate, noting that consistency may also result in savings or cost efficiencies for interstate organisations subject to more than one CSS and/or RCS scheme, as well as strengthened child safety in organisations. A snapshot is provided in the table below, with greater detail in Appendix B of the CRIS. We welcome any feedback from organisations with experience working in other jurisdictions about what lessons we can learn from their approaches.

State or Territory	Child Safe Standards	Reportable Conduct Scheme
New South Wales	✓	✓
Victoria	✓	✓
Australian Capital Territory	Under development	✓
Western Australia	Under development	✓
Tasmania	*✓ from 2024*	*✓ from 2024*
South Australia	✓	✗
Northern Territory	✗	✗

6. What will my sector/organisation have to do differently under a reportable conduct scheme?

Organisations are obliged to ensure they have strong systems in place to prevent, identify and respond to allegations of child abuse, which is not a new obligation for many organisations.

As with current practice, if criminal conduct is suspected, the organisation must report it to the police as a priority. In this case, the organisation should follow instructions from the police before proceeding with their own investigation.

Under an RCS, even in the case of a police investigation, the head of the entity is required to notify the oversight body of an allegation and take necessary action (in consultation with police) to manage any risks to children.

If an organisation already has strong systems in place to protect children and manage misconduct, responsibilities primarily involve notifying the oversight body of any reportable allegations and keeping them informed of the investigation and its outcomes.

An investigation is an inquiry into an allegation. An investigation should gather and assess all relevant evidence to establish a documented basis for a decision. The Royal Commission specified the investigations should be carried out by an impartial, objective and trained investigator. This may be an employee of the institution or a contractor independent of the institution. Some may use a combination of internal investigation resources and external investigators. The investigations should be undertaken in a way that is proportionate to the seriousness of the complaint.

7. This will require a lot of work for our organisation to set up systems, and we don't have the resources/skills to conduct investigations. What support will be available for my organisation?

Supporting organisations to build their capacity to comply with the RCS will be an important part of the job of any oversight body. For example, in Victoria, the oversight body has a responsibility to educate and provide advice to entities to assist them to identify reportable conduct and to report and investigate reportable allegations; and educate and provide advice to regulators to promote compliance with the RCS. Support provided by the oversight body may include online resources, training sessions, and advice on individual cases, as needed.

8. What is the relationship between child safe standards and a reportable conduct scheme?

RCS and CSS are complementary schemes. Both seek to improve an organisation's ability to keep children safe and ensure appropriate responses to allegations of child abuse. Being child safe requires ongoing work and reflection with children's safety and wellbeing at the centre of thought, values and actions.

The CSS emphasise the importance of adopting a range of strategies for organisations to consciously and systematically create a child safe organisational culture and environment. For example, the CSS require organisations to have processes to respond to complaints and concerns to be child-focused (CSS Standard 6). This is one strategy that contributes to building a child safe organisational culture.

An RCS would apply to relevant organisations and provide independent oversight of child-related complaint handling by organisations.

9. When will a Queensland child safe organisations system commence?

No decision has been made about how CSS and RCS will be implemented. Following consultation on the CRIS, Government will consider and analyse feedback and in due course release a Decision Regulatory Impact Statement summarising the results of this consultation and regulatory impact analysis. The proposed child safe organisations system would then require legislative amendments to be passed through Parliament.

We are considering the best way to implement the new system to ensure that organisations in scope will be well prepared and the oversight body is well positioned to support them. The CRIS explores different ways the roll-out of CSS and RCS could occur, such as phased by sector and whether the CSS and RCS components should be staggered or start at the same time. For more information, please refer to the discussion and targeted questions on implementation on pages 109 to 110 of the CRIS.

10. What resources are available to learn more about the CSS and RCS?

For organisations that wish to be proactive about putting in place some best practice approaches to child safety and wellbeing in their organisation, there are existing resources that may be helpful.

The National Principles for Child Safe Organisations were endorsed by all governments and the Australian Government has some free online resources and tools that organisations can access:

- National Principles tools and resources and here;
- National Principles and cultural safety guidance.

Other jurisdictions like New South Wales, Tasmania and Victoria have resources available online to support organisations in their jurisdictions to comply with their CSS and RCS. Organisations reviewing these materials should keep in mind they were developed for the specific obligations in each jurisdiction's scheme, and it is intended that any Queensland legislative scheme would include Queensland-specific guidance.

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Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) highlighted the devastating impacts of child sexual abuse and the significant role of organisational leadership and culture in growing safer environments for children, as well as the importance of independent oversight in the way institutions handle complaints about child sexual abuse. The Royal Commission developed 10 child safe standards as the blueprint for creating child safe organisations, aiming to minimise opportunities for harm to children and promote protective factors within organisations. It also recommended nationally consistent, independent oversight of institutions' responses to complaints of child abuse through reportable conduct schemes. Both child safe standards and a reportable conduct scheme seek to improve organisational capability to keep children safe and ensure appropriate responses to allegations of child sexual abuse.

2021 consultation

A targeted consultation process commenced in March 2021. The consultation aimed to:

- raise awareness of child safe standards and reportable conduct schemes;
- seek feedback on the suitability of child safe standards in the Queensland context;
- help determine which organisations and sectors a reportable conduct scheme may apply to, and the appropriate scope of potential models of oversight of child safe standards;
- understand existing regulatory environments in different sectors and seek stakeholder views on options for oversight and regulation of child safe standards;
- consider organisations' current self-assessed alignment with child safe standards; and
- understand what help organisations may need to implement child safe standards and comply with a reportable conduct scheme, and what transition period would be needed.

The targeted consultation process focused on peak bodies and other representative organisations in sectors identified for potential oversight and regulation by the Royal Commission.

A consultation paper, *Growing Child Safe Organisations in Queensland*, was sent to more than 170 stakeholders across more than 10 sectors in early March 2021. It sought feedback from stakeholders about options for the implementation and oversight of child safe standards and a Queensland reportable conduct scheme. It also asked stakeholders about how prepared they were to implement child safe standards and comply with a reportable conduct scheme, including what they would need to do in preparation and how much time they would need to comply.

Submissions in response to the consultation paper closed on 23 April 2021.

A series of information sessions was also held for key stakeholders. These were conducted between 12 and 26 March 2021 and focused on outlining the approach to consultation and providing an overview of work to implement child safe standards and a reportable conduct scheme in Queensland.

Targeted consultation snapshot

- 29 written submissions in response to the consultation paper were received from stakeholders from more than nine sectors, including education services for children, religious institutions, and sport and recreation groups.
- More than 60 people attended three information sessions.

Growing child safe organisations in Queensland — a timeline up to 2021 consultations

August 2015	Royal Commission into Institutional Responses to Child Sexual Abuse released its *Working With Children Checks* report
April 2016	The Council of Australian Governments, which included Queensland, agreed in-principle to harmonise reportable conduct schemes across jurisdictions, consistent with the NSW model.
March 2017	Public consultation on a reportable conduct scheme commenced with the release of *Queensland: A Reportable Conduct Scheme Issues Paper*
July 2017	Queensland Family and Child Commission released its report *Keeping Queensland's Children More than Safe: Review of the Blue Card System*
December 2017	Royal Commission into Institutional Responses to Child Sexual Abuse released its Final Report
June 2018	Queensland Government tabled its response to the Royal Commission into Institutional Response to Child Sexual Abuse, accepting or accepting in principle all recommendations related to child safe standards and a reportable conduct scheme in Queensland
December 2018	Queensland Government accepted the Royal Commission's child safe standards as informing best practice for departments that provide services to children in its first annual progress report
February 2019	Former Council of Australian Governments endorsed the National Principles for Child Safe Organisations
January 2021	Queensland Government commenced two projects to identify options to a) support implementation of child safe standards in Queensland and b) establish a reportable conduct scheme
March 2021	Targeted consultation on child safe standards and a reportable conduct scheme in Queensland commenced with the release of *Growing Child Safe Organisations in Queensland: Consultation Paper* and a series of information sessions
May 2021	Targeted consultation on child safe standards and a reportable conduct scheme in Queensland concluded

A summary of what we heard from consultations

We heard strong support for the implementation of the child safe standards and a reportable conduct scheme in Queensland. Organisational readiness for implementation varied, but overall indicated a solid foundation to build on together to create safer organisations for children.

	Scope	Regulation and oversight	Readiness for implementation
Child safe standards	We heard **strong support** for: • Queensland's standards being aligned with the National Principles for Child Safe Organisations. • The scope of organisations covered by potential regulation in Queensland being consistent with the Royal Commission's recommendations. We heard **considerable support** for: • Queensland's standards addressing factors specific to the Queensland context, including human rights obligations and cultural safety for Aboriginal and Torres Strait Islander children. • The scope of organisations covered by potential regulation in Queensland including organisations not included in the Royal Commission's recommendations (e.g. all organisations that provide services to or impacting children; organisations that employ children).	There was **strong support** for: • A regulatory system that mandates compliance. • A staged approach to implementation, with an initial focus on awareness raising and capacity building before regulation and oversight. • A responsive, risk-based approach to regulation. We heard **considerable support** for: • A co-regulatory approach that minimises duplication and regulatory burden. • A supportive, rather than punitive, approach to promoting compliance. There was **limited support** for: • A voluntary compliance model of regulation. • Peak bodies having oversight or regulatory responsibilities.	In terms of how ready stakeholders feel they are for implementing the child safe standards: ✓ 84% **somewhat or very prepared** to implement child safe standards; and ✓ 88% are able to implement child safe standards **within two years.**
Reportable conduct scheme	There was **considerable support** for: • The scope of a Qld reportable conduct scheme being consistent with the Royal Commission's recommendations.	We heard **considerable support** for: • A separate reportable conduct scheme oversight body being aligned with existing bodies involved in the regulation and oversight of employee-related child protection matters. • Sharing of information between the oversight body and existing regulatory frameworks (both national and state) to minimise duplication of obligations • Advice and support (capacity building) being provided to organisations during implementation and ongoing operation of the scheme, targeting smaller or less regulated sectors.	In terms of readiness for implementing a reportable conduct scheme: ✓ 69% **somewhat or very prepared** to implement a reportable conduct scheme; ✓ 76% with **mature or very mature** complaints and investigative processes; and ✓ 73% able to implement a reportable conduct scheme **within two years.**

What we heard:

This part of the report summarises the key themes and broad feedback provided by stakeholders in our consultations.

Child safe standards

Standards for the Queensland context

Stakeholders provided broad, strong support for implementing the child safe standards in Queensland and gave insights into important guiding principles for a child safe organisations system.

Some stakeholders highlighted their support for an implementation approach for the child safe standards that moves beyond compliance, emphasising the benefits of outcomes-focussed principles and the importance of striving for excellence and best practice in child safe organisations.

Two stakeholders highlighted that implementation of the child safe standards should have an explicit focus on human/children's rights, consistent with the United Nations Convention on the Rights of the Child (UNCRC) and the objects of the *Human Rights Act 2019* (Qld). These stakeholders also noted the importance of supporting particularly vulnerable groups of children, including Aboriginal and Torres Strait Islander children, those who identify as LGBTQIA+, children from non-English speaking backgrounds, and others to make sure that the unique needs of these children are met.

In terms of whether the child safe standards are appropriate for the Queensland context as is, or whether there are other principles or elements that should be further considered, overall, stakeholders generally supported the child safe standards/National Principles without any changes, particularly noting that they:

- have been developed from extensive consultation, both on the part of the Royal Commission and from the National Children's Commissioner and been subject to broad scrutiny in their development and implementation;
- are founded on a strong evidence base, informed by extensive research and broad consultation; and
- have an outcomes focus, are rights-based, child-centred and inclusive.

Some stakeholders indicated a preference for the National Principles over the Royal Commission's child safe standards, noting the National Principles' focus on children's safety and wellbeing more broadly and their utility in promoting national consistency. Other stakeholders similarly indicated their support for national consistency.

Some stakeholders suggested changes to the child safe standards/National Principles, including:

- an explicit reference to human rights obligations;
- an increased focus on cultural safety;
- more clarity about key concepts; and
- standards/principles that are more tailored to different contexts.

A number of stakeholders suggested other amendments/improvements that are largely already reflected in the National Principles or Key Action Areas.

Scope

Organisations that should be subject to child safe standards

Stakeholders generally thought the types of organisations identified by the Royal Commission in recommendation 6.9 (Final Report) appropriately represented those that should be required to comply with child safe standards in Queensland, noting a broad approach is preferable to a narrow one.

Recommendation 6.9

Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

a. accommodation and residential services for children, including overnight excursions or stays
b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
c. childcare or childminding services
d. child protection services, including out-of-home care
e. activities or services where clubs and associations have a significant membership of, or involvement by, children
f. coaching or tuition services for children
g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
h. services for children with disability
i. education services for children
j. health services for children
k. justice and detention services for children, including immigration detention facilities
l. transport services for children, including school crossing services.

Some stakeholders nevertheless suggested that the Royal Commission's recommended scope was not broad enough, and that it was important for other types of organisations to be captured by Queensland's child safe standards. This particularly included:

- all organisations that provide services to, for or impacting children, regardless of their level of contact or involvement with children; and
- organisations that employ children and young people.

No stakeholder thought the Royal Commission's recommended scope was too broad, although some highlighted the need for flexibility in how the child safe standards are applied within organisations, in recognition of the diversity of activities and services they deliver.

Some stakeholders also suggested more clarity was required about the types of organisations that would be captured within the Royal Commission's broad categories. Specific queries included whether:

- training organisations for young adolescents are included in 'education services for children';
- children's sporting groups are included in the clubs and associations category;
- universities should be included in 'education services for children' or a separate category for post-secondary education and training providers; and
- sub-contractors that provide services on an in-scope organisation's behalf should also be subject to the child safe standards.

Subjecting some sectors to regulation and oversight before others (phased implementation)

There were mixed views about whether some sectors should be subject to regulation and oversight before others.

Some stakeholders were against a phased approach to implementation, noting concerns about inconsistency, confusion and risks to children with potentially adverse outcomes.

Other stakeholders supported a phased approach. Generally, these stakeholders identified the risks to children, organisational and sector capacity and a sector's current level of regulation and oversight as the key factors to consider in determining which sectors should be prioritised.

However, there were differing views about how these factors should be assessed. That is, some stakeholders were in favour of prioritising sectors according to the level of risk to children inherent in the services they deliver, starting with the highest risk sectors. Others favoured prioritising sectors according to their current capacity and level of regulation and oversight. Most favoured starting with larger sectors and/or those that were funded or regulated by government, as in Victoria, although one stakeholder suggested starting with those organisations that were currently unregulated or under-regulated as these may pose a higher risk to children.

Oversight and regulation

Overall, stakeholders supported an approach to oversight and regulation that:

- leverages existing regulatory frameworks;
- aligns with current requirements; and
- features the oversight body collaborating with sector regulators to regulate the child safe standards, where there is an existing regulatory body.

Stakeholders emphasised that such an approach was particularly important for reducing regulatory burden, duplication and confusion, as well as strengthening implementation of the standards.

We also heard from some stakeholders about the risks of formal co-regulatory approaches, namely the risks of gaps and duplication in oversight, with a need to ensure co-regulators are sufficiently resourced and that there is thorough consideration of existing regulatory landscapes. Others also clarified their position that peak bodies should not have a compliance role in such a model.

Other views expressed by stakeholders about oversight and regulation of the child safe standards included:

- the need to balance consistency and flexibility in the way organisations are regulated, to accommodate the variable size and complexity of organisations and maximise regulatory efficiencies;
- that regulation must focus on creating child safe cultures, not tick-a-box compliance; and
- that consideration needs to be given to any unintended consequences of regulation.

Voluntary versus mandatory compliance

Most stakeholders were in favour of a mandatory compliance model for Queensland, consistent with recommendation 6.8 (Final Report) from the Royal Commission. Key reasons for this were as follows.

- Stakeholders agreed with the Royal Commission that 'the implementation of mandatory child safe standards would make it clear that child safety in institutions that engage in child-related work is not optional and would thus drive cultural change'.
- Stakeholders thought a mandatory compliance model would be the most effective in protecting children, noting the risks of non-compliance with a voluntary model.
- Stakeholders thought a mandatory compliance model would ensure consistency in the application of child safe standards across different organisations and sectors.
- Stakeholders noted a mandatory compliance model would ensure Queensland's implementation of child safe standards is consistent with practice in other jurisdictions.

'A mandatory compliance model is preferable as it achieves consistency in the application of the standards across all sectors, increases the likelihood of creating a shared understanding of what a child safe organisation is and, in the longer term, achieves appropriate, positive cultural change across all relevant organisations.' — Submission from a peak body in the education sector

Only one stakeholder expressed support for a voluntary compliance model. This stakeholder expressed concern that a mandatory compliance model would increase an already significant regulatory burden on organisations in the education sector.

Co-regulation – sharing regulatory responsibilities

One option under a mandatory compliance model is a co-regulatory approach. A co-regulatory approach may involve oversight of the standards being shared between existing regulatory bodies. An oversight body could also delegate some of its functions to sector regulators (e.g. school registration authorities or accreditation bodies) to take advantage of existing regulatory regimes.

Stakeholders identified sectors with existing regulatory mechanisms that may be suitable to co-regulate the child safe standards. Some sectors were the subject of mixed views about the relevance of existing regulatory bodies. This difference of views highlights the need for detailed mapping of existing regulatory landscapes in the design of any regulatory system.

Where there were sectors identified as lacking regulation (for example, children's sporting teams, dance groups and religious institutions), there was strong support for regulation to be implemented.

A staged approach to implementation

Most stakeholders supported a staged approach to implementing child safe standards, focusing first on awareness raising and capacity building before imposing regulation and oversight. Stakeholders believe this would ensure organisations are properly prepared to implement the standards and giving organisations the best chance of meeting regulatory expectations.

Some stakeholders commented on what they saw as the key elements of capacity building under such an approach. These included:

- Taking an intelligence-led approach to capacity building activities and tailoring them to reflect an organisation's/sector's existing level of capacity.
- Developing comprehensive information and education resources, including self-assessment tools, template policies and procedures, and telephone helplines.
- Educating organisations with respect to culture, not just compliance, by focusing on the fundamental purpose of the standards.

Risk-based regulation – targeting monitoring and compliance activities

Many stakeholders expressed their support for a responsive, risk-based approach to regulation, with the oversight body identifying areas of highest risk and focusing resources on those areas. Proportionate, risk-based responses were identified by many stakeholders as an important feature in this type of regulatory model.

Stakeholders suggested areas of highest risk could be identified in various ways, including by reviewing and analysing data, requiring organisations to report publicly on their implementation of the child safe standards, liaising with key stakeholders, and assessing organisational risks using a situational approach.

We heard from two stakeholders who highlighted the need for the oversight body to engage with children and young people to appropriately target its monitoring and compliance activities.

One stakeholder noted there is also a need to bear in mind any pitfalls of a risk-based approach, including ensuring that areas of perceived lower risk are not neglected by the oversight body and that the focus is not just on known risks and on 'repeat offender' organisations.

Monitoring and compliance powers

Stakeholders supported oversight bodies adopting a supportive, rather than punitive, approach to promoting compliance with the child safe standards. This would include a focus on education and continual service improvement, helping organisations to learn from instances of non-compliance.

Stakeholders noted the importance of external compliance monitoring and were generally supportive of oversight bodies having a range of monitoring and enforcement powers consistent with those identified in the consultation paper (p. 15). Of these, stakeholders particularly noted their support for oversight bodies having the power to:

- request (and share) information;
- undertake audits (although one stakeholder expressed doubts about the utility of these);
- undertake own motion investigations;
- make recommendations;
- require or undertake public reporting, including maintaining a public register of non-compliant organisations (although two stakeholders noted some opposition or risks to this); and
- undertake enforcement actions, including issuing breach or compliance notices, applying financial penalties and instigating criminal or civil proceedings or court orders for serious failures (although one stakeholder noted some opposition to financial penalties).

Other powers or functions stakeholders suggested were important for oversight bodies to have included those to:

- receive complaints about organisations' compliance with the child safe standards;
- consult with children and young people about organisations' compliance with the child safe standards; and
- provide training, education and guidance to help organisations comply with the child safe standards.

Two stakeholders also highlighted the importance of internal compliance monitoring by organisations.

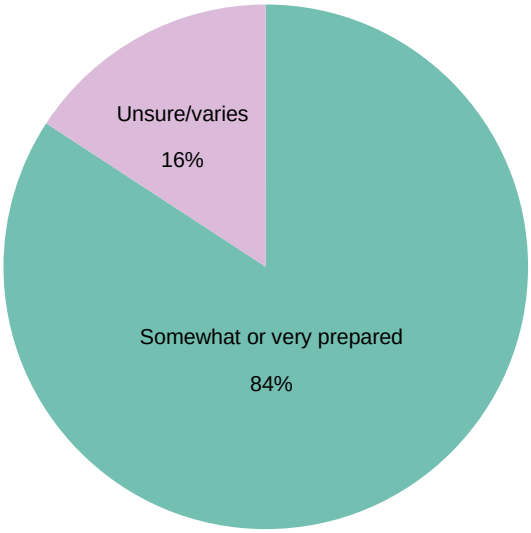
Stakeholders had mixed views about the appropriateness of using funding contracts in monitoring and enforcement of the child safe standards. Some stakeholders suggested the standards should be built into funding contracts, with the option to withdraw funding reserved for serious instances of non-compliance, while other stakeholders strongly opposed funding contracts being used as a compliance tool (given risks of inequity and ineffectiveness in achieving child safe cultural change).

Organisational preparedness

How prepared are organisations to implement the child safe standards

Most stakeholders said they were 'somewhat' or 'very' prepared to implement the child safe standards in their organisation or sector. This included in relation to education services for children; religious institutions; sporting and recreation groups; and health services for children. Many of these stakeholders noted they have been undertaking work that aligns with the child safe standards/National Principles for some time now.

How prepared is your organisation or sector to implement the child safe standards?



Those stakeholders who felt somewhat or very prepared to implement the child safe standards noted the following indicators as demonstrating their progress towards being child safe:

- public commitments to child safety;
- leadership commitment to child safety;
- processes for incorporating children's views into decision-making;
- existing policies, procedures and guidelines that are focused on child safety, including processes for responding to incidents and allegations of child abuse;
- child safe recruitment practices;
- training for staff;
- monitoring and oversight mechanisms; and
- review and continuous improvement mechanisms.

Some stakeholders noted that their sectors are diverse and that some organisations will be more prepared to implement the standards than others. Generally, there was a view that larger organisations and organisations that operate in jurisdictions where child safe standards are already in effect will be better prepared to implement the standards in Queensland.

What will organisations need to do?

Many stakeholders emphasised the need for education, awareness raising and capacity building, with many noting the oversight body and co-regulators will need to play a key role.

Stakeholders particularly highlighted the need for capacity building activities to feature:

- clear guidelines and expectations;
- training for staff across all levels of an organisation;
- access to online and other resources; and
- expert advice.

Some stakeholders who felt relatively well prepared to implement the child safe standards noted they would need to review their current practices, continue to monitor and evaluate their work, and look to continuously improve their approach to child safety and wellbeing.

Others noted that some organisations will need more support generally to become child safe, highlighting particularly that:

- Smaller organisations would likely need additional financial and human resources to implement the child safe standards.
- Cultural change will be important and should be supported.
- Organisations will need time.
- What organisations will need will depend on the standards that are adopted.

'We believe that organisations are across the spectrum of preparedness, and it will be important in the design phase to understand the diverse needs of organisations in our industry.' — Submission from an organisation in the community services sector

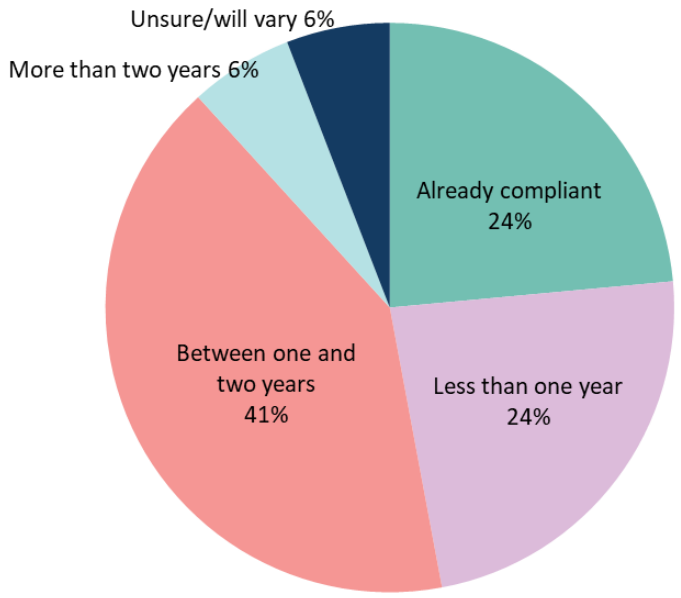
How much time will organisations need

Most stakeholders said they could implement the child safe standards within two years. This included many who said they were already compliant or would need no more than a year.

Only one stakeholder, in the education sector, said they would need more than two years to implement the standards.

Some stakeholders noted that the time they will need will ultimately depend on the nature of the model implemented in Queensland, including the specific child safe standards that are adopted and how these align with existing regulatory frameworks.

How much time would your organisation need to implement the child safe standards (if you started today)?



Reportable conduct scheme

Of the 29 submissions received, 17 responded to questions about the reportable conduct scheme, which focused on organisational readiness for the new obligations.

Scope

Only two stakeholders specifically commented on the types of organisations that should be within the scope of a Queensland reportable conduct scheme. They generally supported the scope of a Queensland scheme being consistent the with recommendation 7.12 (Final Report).

Recommendation 7.12

Reportable conduct schemes should cover institutions that:

- exercise a high degree of responsibility for children; and
- engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with.

At a minimum, these should include institutions that provide:

a. accommodation and residential services for children, including.
   i. housing or homelessness services that provide overnight beds for children and young people
   ii. providers of overnight camps

b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children

c. childcare services, including
   i. approved education and care services under the Education and Care Services National Law
   ii. approved occasional care services

d. child protection services and out-of-home care, including
   i. child protection authorities and agencies
   ii. providers of foster care, kinship or relative care
   iii. providers of family group homes
   iv. providers of residential care

e. disability services and supports for children with disability, including
   i. disability service providers under state and territory legislation
   ii. registered providers of supports under the National Disability Insurance Scheme

f. education services for children, including
   i. government and non-government schools
   ii. TAFEs and other institutions registered to provide senior secondary education or training, courses for overseas students or student exchange programs

g. health services for children, including
   i. government health departments and agencies, and statutory corporations
   ii. public and private hospitals
   iii. providers of mental health and drug or alcohol treatment services that have inpatient beds for children and young people

h. justice and detention services for children, including
   i. youth detention centres
   ii. immigration detention facilities.

Oversight and regulation

Existing oversight bodies and how their functions could align with a reportable conduct scheme

Stakeholders identified existing bodies that play a role in regulation and oversight of the handling of employee-related child protection matters:

- across multiple sectors – including the Queensland Police Service (QPS) and Blue Card Services in the Department of Justice and Attorney-General; and
- in particular sectors – including government funders, disciplinary/professional standards bodies and professional registration /accreditation bodies — for example, the Queensland College of Teachers and the Non-State Schools Accreditation Board in the education sector; the Australian Health Practitioners Regulation Agency (AHPRA) and the Office of the Health Ombudsman in the health sector; and the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission in the disability services sector.

Stakeholders generally supported that the functions of these existing bodies could be aligned with a central oversight body for a reportable conduct scheme, as a way of both minimising duplication and providing the opportunity for a central oversight body to address existing gaps in regulation. For example, stakeholders in the education sector noted that a separate body for a reportable conduct scheme could provide oversight of non-teacher employees, who are not captured under the functions of the Queensland College of Teachers.

Stakeholders noted that the scope of a reportable conduct scheme and relevant processes will need to be very clear to ensure these aims are met.

Some stakeholders expressed views about who would be an appropriate central oversight body. Suggestions included the Queensland Ombudsman, the Queensland Family and Child Commission (QFCC) or a new independent body.

Functions of an independent oversight body

One stakeholder in the justice and legal sector expressed the view that an independent oversight body for a reportable conduct scheme should have a broad capacity to conduct its own investigations and receive complaints directly from children.

This stakeholder and others also expressed their support for the oversight body being a source of expert information and advice for organisations, including about how to conduct effective investigations and about the nature of child sexual abuse and how to prevent it.

Providing independent oversight of how certain organisations prevent and handle allegations and convictions of child abuse by the organisation's staff… is a necessary but not sufficient role for the scheme to play. There is also an important role to play as a source of expertise and advice for institutions on how to better identify and manage risks to children; and encourage better internal complaint handling. — Submission from an organisation in the justice/legal sector

The oversight body should be a source of information and advice on how to conduct an investigation and the type of evidence that needs to be collected, what needs to be done to preserve evidence, and techniques and procedures to afford fairness and to avoid traumatising or retriggering trauma for the child and, in the circumstances of complaints by Aboriginal or Torres Strait Islander children, how to ensure that an investigation is conducted in a culturally competent manner. — Submission from an organisation in the justice/legal sector

Organisational preparedness

How prepared are organisations

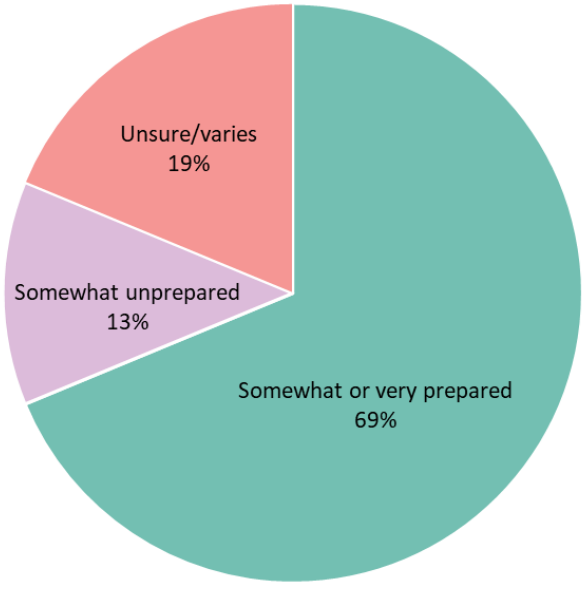
Most stakeholders said they were 'somewhat' or 'very' prepared to implement a reportable conduct scheme in their organisation or sector. This included in relation to education services for children; child protection services, including out-of-home care; religious institutions; and health services for children. Many of these stakeholders noted they had existing obligations and practices for responding to concerning conduct by staff that contributed to them feeling prepared to implement a reportable conduct scheme.

One stakeholder in the education sector did note, however, that their sector is diverse, and that some institutions will therefore be more prepared than others. Similar comments were made by a stakeholder in the community services sector.

Two stakeholders, both in the sport and recreation sector, said they were somewhat *unprepared* to implement a reportable conduct scheme. This reflected a) the large number of autonomous organisations in their sector and b) limited resourcing.

> *'Whilst we have a robust process for receiving allegations and reporting to authorities, we do not have the resourcing that would be required through creation of the proposed scheme… [The nature of the proposed scheme] is likely to require [the organisation] to engage a legal professional to conduct investigations which will require substantial diversion of program funding to meet high employment costs.' — Submission from an organisation in the sport and recreation sector*

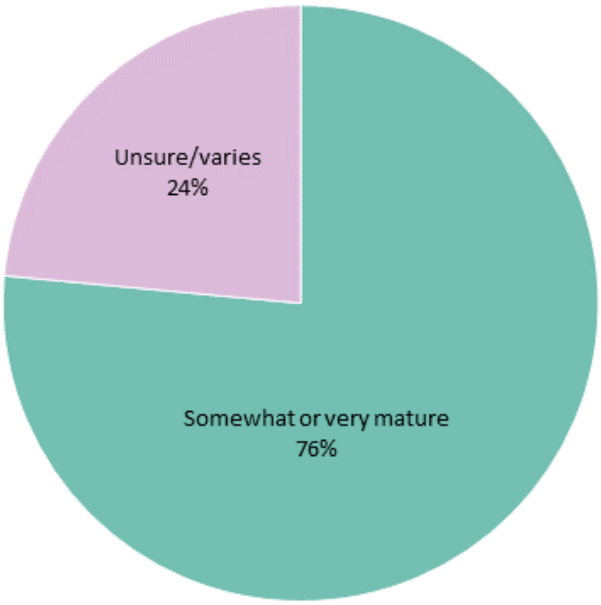
How prepared is your organisation or sector to implement a reportable conduct scheme?



How mature are existing processes

Most stakeholders said their organisation or sector's processes for responding to allegations of employee or volunteer conduct that raises child protection concerns were 'somewhat' or 'very' mature. Again, many stakeholders noted their existing processes for responding to concerning conduct. It is noted this finding aligns with similar questions regarding organisational readiness for the child safe standards.

How mature are your organisation or sector's complaints and investigative processes for responding to allegations of employee or volunteer conduct that raises child protection concerns?



What will organisations need to do

To implement and comply with a reportable conduct scheme, stakeholders highlighted the need to:

- train and educate staff, including service delivery staff, program/policy staff and governance/compliance/legal staff;
- access online and other resources that can provide advice about requirements; and
- engage or seek advice from experts.

This is consistent with the options outlined in the consultation paper.

A number of stakeholders said they would also need to develop new processes and resources or review and update their existing policies, procedures, guidelines and training to ensure they met the requirements. One stakeholder highlighted that for their sector, implementation would need to be supported by both overarching statewide policies and local resources.

A few stakeholders indicated their expectations of an increase in expenditure to implement a reportable conduct scheme and that they would need additional funding and resources, noting that current funding arrangements would not accommodate the anticipated impacts.

Finally, two stakeholders emphasised the need for the community to be consulted about the development and implementation of a Queensland reportable conduct scheme.

'[The organisation] does, however, highlight the need for extensive community consultation with Aboriginal and Torres Strait Islander communities and would appreciate the opportunity to engage further to ensure cultural perspectives are considered.' — Submission from a peak body in the education sector

'[The organisation] recommends that a thorough public consultation process be undertaken on the form, structure and implementation of… a reportable conduct scheme to ensure an effective child safe organisations framework is established for Queensland.' — Submission from an oversight body operating in multiple sectors

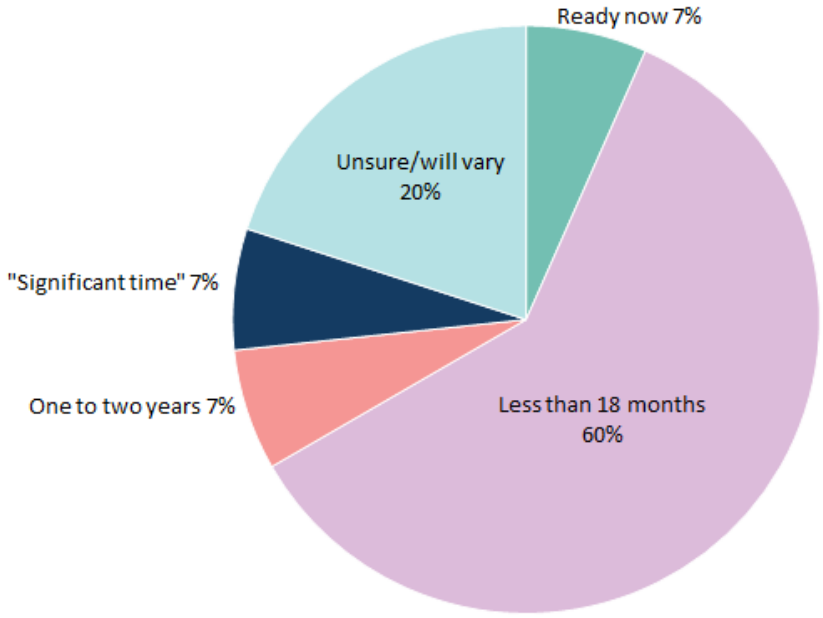
How much time will organisations need

Most stakeholders indicated they would need no more than 18 months to develop the policies, procedures and training necessary to implement a reportable conduct scheme. In most instances, these stakeholders said they would be ready within 12 months or less.

Only two stakeholders, one in the education sector and one in the community services sector, indicated they may need more than 18 months to implement a reportable conduct scheme.

Several other stakeholders indicated that the time they will need will ultimately depend on the specific model that is implemented.

How much time would your organisation or sector need to develop policies and procedures that support a reportable conduct scheme?



Overall, responses regarding the reportable conduct scheme varied within sectors. However, the education, health and child protection sectors generally reported greater confidence of preparedness and maturity, while some community services and clubs/sport and recreation organisations reported less confidence or more variation within their sectors.

Other issues raised

Blue Cards

Several stakeholders raised concerns about existing Blue Card requirements, including in relation to inter-jurisdictional operation, information sharing, and overall effectiveness.

Child and Youth Risk Management Strategy requirements

Three stakeholders expressed support for the existing Child and Youth Risk Management Strategy requirements in the Blue Card legislation being considered and revised as part of the implementation of the child safe standards/National Principles.

Next steps

The feedback from the consultation is directly informing our work in developing options for how Queensland could implement the child safe standards and a nationally consistent reportable conduct scheme. There will be further opportunities to have your say and we will continue to ensure we partner with a broad range of sectors working with children as part of this process.