

Child Safe Organisations Bill 2024

Submission No:	9
Submitted by:	Queensland Network of Alcohol and other Drug Agencies (QNADA)
Publication:	Making the submission and your name public
Attachments:	
Submitter Comments:	

5 July 2024

Community Support and Services Committee
Queensland Parliament
Submitted via online portal

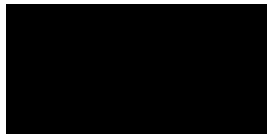
Dear Committee Members

Thank you for the opportunity to provide a submission to the *Child Safe Organisations Bill 2024*. The Queensland Network of Alcohol and other Drugs (QNADA) submission is attached.

QNADA represents a dynamic and broad-reaching specialist network of non-government alcohol and other drug (NGO AOD) treatment and harm reduction services across Queensland. We have over 55 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members.

QNADA is pleased to provide further information, or discuss any aspect of this submission. Please do not hesitate to contact me at [REDACTED] or by calling [REDACTED].

Yours sincerely



Rebecca Lang

CEO



Submission to the *Child Safe Organisations Bill 2024*

July 2024

This submission has been prepared by the Queensland Network of Alcohol and Other Drug Agencies (QNADA). Its content is informed by consultation with QNADA member organisations providing alcohol and other drug treatment and harm reduction services across Queensland, as well as a review of relevant research and reports.

QNADA welcomes and broadly supports the introduction of the Child Safe Organisations Bill 2024. Our submission will focus predominantly on the recommendations outlined in the draft Bill and on issues identified within our submission to the Consultation Regulatory Impact Statement (CRIS) on options for Child Safe Standards (CSS) and Reportable conduct scheme (RCS):

- Implement the 10 National Principles for Child Safe Organisations, as well as the introduction of a Universal Principle for cultural safety for Aboriginal and Torres Strait Islander Children
- Establishing a Reportable Conduct Scheme, for oversight of reporting and investigations
- Appoint The Queensland Family and Child Commission (QFCC) as the Independent Oversight Body responsible for administering a legislated CSS and RCS
- Support collaboration with sector leaders regarding education and capacity building

Child Safe Standards and Universal Principle

QNADA welcomes the inclusion of the 10 Child Safe Standards and the Universal Principle for cultural safety for Aboriginal and Torres Strait Islander children in the draft bill, as well as the scope of agencies captured as child safe organisations.

We suggest an amendment to the definition of Child Safe entities in Schedule 1, section 7, point (e) to limit those alcohol and other drugs treatment captured to ‘an entity that provides alcohol or other drug-related treatment services for children’. This recognises that not all alcohol and other drug services include children in their target population and those that do provide these services in a specialised and focused capacity. This amendment aligns with the approach to defining disability services and religious bodies as child safe entities, both of which specify services within these entities that have a child focus.

We note that the Universal Principle of cultural safety will be particularly difficult to implement across agencies, given that most interactions with institutions like police, youth justice and child safety will be inherently traumatic for children. For example, holding children in adult police watch houses will never be able to be undertaken in a culturally safe way, as the system that is attempting to protect First Nations children, harms the same children daily with institutionalised racism, discrimination, and violence. As outlined in our policy position paper on [Young People and the Justice System](#), it is critical that opportunities to minimise unnecessary contact with police and other justice agencies are optimised.

This includes ensuring that services for young people are available, when and where they need them. Services must be acceptable and accessible to young people, and by investing in First Nations-led, local solutions, the number of young people interacting with the youth justice system can be minimised which provides a better social return on investment. This also prioritises the protective strengths of families and communities, and the value of independent, non-government diversion and bail support programs, which are better positioned to build trust and work with children and young people preventatively.

Oversight, Monitoring, Investigation and Enforcement

QNADA is supportive of the QFCC being appointed as the independent body responsible for overseeing Queensland's Child Safe Organisations systems. It is our view that the oversight functions of QFCC outlined in the Bill fall short of providing effective accountability. Given the known difficulties faced by children when making reports about their experiences of abuse specific consideration will also need to be given to the structural barriers that prevent reporting. To address this gap, we suggest the QFCC's functions should include an independent report mechanism to receive and resolve complaints similar to that proposed for the Anti-Discrimination Act reforms which allows organisations like QNADA to raise issues on behalf of a cohort. Implementing such a mechanism will assist in identifying systemic issues and improve access to remedies where agencies fail to uphold entities to the Child Safe Standards. This amendment is essential to ensure that complaints can be addressed in a manner that prioritises the safety and wellbeing of children.

The widespread harms facilitated by the state systems and the nature of working with our communities' most vulnerable children, confounds effective monitoring and compliance. Individual and systemic bias and prejudice are pervasive, and until individuals in these systems "do the work" and work to decolonise and reform the systems, the system will continue to function as it is¹. These intrinsic aspects of the Queensland's child safety institutions make independent oversight, by organisations such as QFCC, crucial.

This need for transparency and robust accountability mechanisms is underscored by progress in implementing the National Closing the Gap targets. While all governments have committed to reducing the over-representation of Aboriginal and Torres Strait Islander children in the child protection system through National Closing the Gap targets, a recent report by the Australian Productivity Commission has found that 'change is not occurring, accountability is limited' and that 'progress is falling short of envisaged expectations'². This highlights the critical importance of strong cross-sectoral governance and leadership, that prioritises the involvement of peaks, community-controlled services, and other nongovernment organisations at all levels of planning and system design.

Our view is that a good practice approach would be to make as much information available in the public domain as possible to enhance accountability and foster community confidence in the effectiveness of the oversight function and the conduct of agencies. QNADA supports the availability of a register of enforceable undertakings; would also like to see provisions for publishing child safe entities' self-assessments, assessment reports, and compliance notices. Ensuring these documents are publicly accessible will ensure transparency and confidence in the mechanisms designed to safeguard children.

Education and Capacity Building - Collaboration with Sectors

QNADA welcomes capacity building activities in collaboration with sectors and the commission's function of assisting child safe entities in implementing and complying with the child safe standards and universal principle. In particular, we support the enhanced focus on cultural safety which are essential for working with Aboriginal and Torres Strait Islander children. Collaboration with sector regulators, continuous training and professional development for all staff involved is welcomed as this allows for another accountability mechanism when promoting implementation and compliance with

¹ Day, A., Malvaso, C., Butcher, L., O'Connor, J. and McLachlan, K. (2023), "Co-producing trauma-informed youth justice in Australia?", *Safer Communities*, Vol. 22 No. 2, pp. 106-120. <https://doi.org/10.1108/SC-08-2022-0030>

² The Productivity Commission. (2024). Review of the National Agreement on Closing the Gap. Australian Government

the Child Safe Standards and Universal Principle. QNADA is well positioned to be able to collaborate with the QFCC regarding alcohol and other drug guidelines and the development of tools.

Implementation Concerns

QNADA has concerns with the lack of positive duty for systems (e.g. police, corrections) to ensure their practices do not undermine the goals and aspirations of the Bill. Contact with these systems is inherently traumatic and without adequate protections, such as a positive duty, these are likely to remain unresolved.

In two of our policy position papers on Systemic Responses, on [Young People and the Justice System](#) and [Child Protection](#), we discuss challenges with current system responses and identify:

- The significant issues with racism and a lack of cultural awareness in the police, as outlined in the Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence
- Approaches which emphasise punitive responses to children and young people impacts their willingness to report their experiences of victimisation to the police and erodes their confidence in an effective justice response
- Responses to young people, particularly where they are both a child in need of protection and concerns have been raised about their capacity to care and protect their child (or where they are pregnant or thought to be pregnant), at times can result in intensive and unnecessary statutory responses that would not be enacted if that young person was not already known to the system