

## Child Safe Organisations Bill 2024

**Submission No:** 18

**Submitted by:** PeakCare Queensland Incorporated

**Publication:**

**Attachments:**

**Submitter Comments:**

# Child Safe Organisations Bill 2024

**Submission to the Community  
Support and Services Committee**

5 July 2024

# CONTENTS

<b>CONTENTS.....</b>	<b>2</b>
<b>INTRODUCTION.....</b>	<b>3</b>
<b>ABOUT PEAKCARE .....</b>	<b>3</b>
<b>PEAKCARE’S SUBMISSION.....</b>	<b>3</b>
IMPLEMENTATION OF THE CHILD SAFE STANDARDS .....	3
CULTURAL SAFETY FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN .....	4
REPORTABLE CONDUCT SCHEME .....	4
OPPORTUNITIES FOR FURTHER IMPROVEMENT .....	5
<b>CONCLUSION .....</b>	<b>6</b>

## CONTACT INFORMATION

Please contact Tom Allsop, Chief Executive Officer, PeakCare for additional information relating to this submission.

- Phone: [REDACTED]
- Email: [REDACTED]
- Mail: GPO Box 1719 BRISBANE QLD 4001

# INTRODUCTION

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to provide information in response to the Queensland Parliament's Community Support and Service Committee's call for submissions to support consideration of the Child Safe Organisations Bill 2024.

## ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has more than 80 members including small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster care, kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

## PEAKCARE'S SUBMISSION

PeakCare acknowledges the Queensland Government's continued commitment to implementing the recommendations from the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. While we support the intent of the proposed Bill, we believe further enhancements are necessary to ensure protection for all children. An overview of PeakCare's position on aspects of the Bill and proposed enhancements are outlined below for the Committee's consideration.

### Implementation of the Child Safe Standards

PeakCare supports the proposed approach to introduce mandatory compliance with the Child Safe Standards which are based on the National Principles for Child Safe Organisations. We acknowledge these standards will ensure organisations are creating safer environments for children, including by increasing the focus on preventative and early intervention safeguards. By establishing a framework that emphasises principles and outcomes, rather than relying solely on prescriptive rules, the Child Safe Standards encourage organisations to develop organisational cultures that prioritise child safety in a way that most appropriately suits and can be adapted to their unique structures and associated risk profiles.

## Cultural Safety for Aboriginal and Torres Strait Islander Children

PeakCare commends the inclusion of the Universal Principle for cultural safety which we believe is crucial for addressing the needs of Aboriginal and Torres Strait Islander children, ensuring their right to a safe and supportive environments that respects and promotes their cultural identity. Recognising that cultural safety is a protective factor, the Universal Principle mandates that organisations not only acknowledge but actively foster environments where Aboriginal and Torres Strait Islander children feel safe and valued.

## Reportable Conduct Scheme

PeakCare supports the establishment of a nationally consistent Reportable Conduct Scheme administered by the Queensland Family and Child Commission (QFCC). This scheme will ensure allegations of child abuse which do not meet the threshold for other forms of statutory intervention are handled with appropriate and timely attention, transparency, and accountability.

We support the proposed phased implementation of the Reportable Conduct Scheme. In acknowledging the significant operationalisation requirements of the scheme, PeakCare strongly encourages the Queensland Government to ensure suitable time and adequate additional funding is provided for non-government organisations to effectively participate in the scheme. This includes ensuring there is adequate time provided for non-government organisations to prepare for and introduce any new requirements into practice.

### **Adequately supporting the additional cost of compliance with a new regulatory scheme**

PeakCare holds significant concerns regarding the potential overlap of reporting and compliance obligations under various frameworks including but not limited to the:

- Human Services Quality Framework
- Child Safety Licensing for Residential Care Services
- Working with Children Checks
- National Disability Insurance Scheme
- Child Safe Organisation and reportable conduct compliance in other states and territories
- Upcoming National Child Safe Practice Standards.

We support the proposed repeal of sections of the *Working with Children (Risk Management and Screening) Act 2000* (Qld) and believe replacing the requirements for an organisation to have a risk management strategy with the child safe standards and universal principle is a positive step towards reducing some of this overlap. It is important to note however, the introduction of state-specific models still imposes compliance challenges, especially for organisations who operate across multiple States and Territories and support families who live across different States and Territories.

The direct financial costs of implementing a Reportable Conduct Scheme for non-government organisations are substantial. Organisations will face costs related to policy changes, staff training, secure reporting systems, and the human resources needed to conduct investigations and support staff.

These directly attributable additional financial costs must be acknowledged and addressed within government service contracts and funding agreements. Without adequate funding, many organisations will likely find it unsustainable to continue providing essential child and family support services in Queensland.

PeakCare recommends the Queensland Government work with the Commonwealth Government and other States and Territories to progress the implementation of a national Child Safe Organisation and Reportable Conduct Scheme framework to streamline regulatory obligations and reduce duplication across jurisdictions. A unified approach would enhance efficiency and consistency in child safety practices, alleviating the administrative burden on organisations operating in multiple states, and ensure a consistent obligation for the safety of children, regardless of where in Australia an organisation is operating.

### **Enhancing Human Rights in Child Safety Standards**

Incorporating human rights into the guiding principles of the Child Safe Standards system is critical and referencing human rights within these principles is important in ensuring they respect, protect, and fulfill human rights, aligning with the *Human Rights Act 2019* (Qld). This inclusion would help build a culture in Queensland that respects and promotes human rights, emphasising equality before the law, protection from degrading treatment, and cultural rights.

## **Opportunities for further improvement**

While PeakCare supports the Bill, we propose the following considerations to enhance its operational effectiveness:

**Enhanced Support for Implementation:** capacity building is essential to ensure all organisations can meet the new standards and protect children effectively. Organisations, particularly smaller entities, will require additional resources to effectively implement Child Safe Standards and the Reportable Conduct Scheme. The Queensland Government must ensure adequate financial support is provided to organisations and that suitable training, resources and advice is available to support consistent and effective implementation. Establishing mechanisms for ongoing review and improvement of the Child Safe Standards and Reportable Conduct Scheme will ensure these standards remain relevant and effective over time. Regular consultation with stakeholders, including children and young people, will provide valuable insights into the practical application of these standards.

**Focus on Prevention and Early Intervention:** prevention and early intervention strategies are critical components of effective child protection. The operationalisation of the provisions of this Bill should emphasise programs that build awareness and resilience for children, families and communities. By adequately investing in preventative measures, organisations can continue to reduce the incidence of child abuse and create safer environments. Promoting trauma-informed care practices which supports the healing process and prevent further harm are also critical in ensuring children who have experienced abuse receive appropriate and sensitive responses and services.

**Strengthening Cultural Safety Provisions:** the establishment of practices which support the cultural safety of Aboriginal and Torres Strait Islander children through the implementation of the Universal Principle must be done in partnership with First Nations peoples. Specific funding to support the development and maintenance of culturally safe environments and practices is essential. This financial

support will enable organisations to engage with cultural experts, provide ongoing training and capacity building for staff, and implement culturally safe policies and procedures.

**Information Sharing and Confidentiality:** information sharing among prescribed entities is crucial for effective oversight and compliance. The provisions for information sharing should be supported to enhance coordination and collaboration noting it is still essential to ensure strict guidelines are in place for the appropriate protection of confidential information. Clear conditions for the disclosure of sensitive information will protect the privacy of children and families while ensuring that necessary information is available to safeguard children’s wellbeing.

**Responding to investigations relating to conduct ‘outside of work’:** the operationalisation of a Reportable Conduct Scheme in Queensland will need to carefully consider and provide clarification on the coordination of investigations between different regulatory bodies, particularly in cases involving conduct which occurs outside work hours. Detailed guidance on prioritisation and support during investigations is essential to ensure organisations can navigate these processes effectively. From an employment law perspective, the complexities of investigating conduct outside work hours must be addressed. Organisations need clear guidance and support to manage these investigations while balancing their responsibilities to employees.

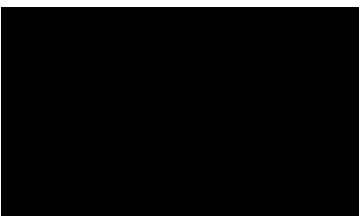
## CONCLUSION

PeakCare commends the Queensland Government for the comprehensive and well considered approach proposed through the Child Safe Organisations Bill 2024. We believe the Bill represents a significant advancement in protecting children from abuse and supporting their safety and wellbeing.

PeakCare acknowledges the significant work that will be required in supporting the operationalisation of Child Safe Standards and a Reportable Conduct Scheme in Queensland we look forward to working in partnership with both the Queensland Government and Queensland Family and Child Commission to ensure the best implementation possible for Queensland’s children, families, and the organisations who support them to thrive.

Thank you for the opportunity to provide a submission on aspects of the Child Safe Organisations Bill 2024.

Yours sincerely,



**Mr Tom Allsop**  
Chief Executive Officer  
PeakCare Queensland Incorporated  
(Pronouns: he/him)