




Speech By  
**Adrian Tantari**

**MEMBER FOR HERVEY BAY**

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Record of Proceedings, 11 September 2024

**CHILD SAFE ORGANISATIONS BILL; WORKING WITH CHILDREN (RISK MANAGEMENT AND SCREENING) AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr TANTARI** (Hervey Bay—ALP) (12.33 pm): I rise to add my contribution to the cognate debate on the Child Safe Organisations Bill 2024 and the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024. My contribution will mainly focus on the Child Safe Organisations Bill, as it was reviewed by the committee that I chair.

Before I commence my contribution, I want to say that I found the words from the opposition spokesperson, the member for Whitsunday, insulting to this side of the House. It was alarming to hear from the other side some of the words used about how we care about children or what we have done in this space. It is just such an insult. Anyway, I do acknowledge that the previous speaker indicated that the government have done a lot in this space, which is good to hear, and said that we still have some failings. With regard to that, you need to raise those simply because we know that there is always more to do in this space.

In the chair's foreword to the Community Support and Services Committee report No. 47 in review of this bill, I said—

There is no denying that our number one priority as a community is to ensure the safety of our children. The thought of having our children exposed to risk, whatever that may be, for most of us brings out the most primal of protective instincts.

This Bill acknowledges this primal instinct at its very heart and enshrines in legislation a core set of principles that create a foundation for all organisations who work with our most precious and vulnerable community asset, our children.

In recommending the adoption of this Bill, Queensland will align with nationally agreed principles for a child safe environment and join with other states, Tasmania, Victoria, Western Australia and New South Wales, to establish this important legislation.

The purpose of the Child Safe Organisations Bill 2024 is to protect children from harm and promote the safety, wellbeing and best interests of children in Queensland organisations. The bill establishes an integrated child safe organisations system for Queensland, comprising mandatory child safe standards based on the national principles of child safe organisations and the universal principle to promote and uphold the right to cultural safety for Aboriginal and Torres Strait Islander children in organisations. It is a nationally consistent reportable conduct scheme that requires the heads of in-scope organisations to report and investigate allegations of reportable conduct to an independent oversight body and gives functions and powers for the Queensland Family and Child Commission, the QFCC, to operate as the independent oversight body for the CSO system.

The Miles government is implementing the child safe standards and reportable conduct scheme in response to the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse that recommended that all state and territory governments require institutions in jurisdictions that engage in child related work to meet the 10 CSSs and establish a nationally consistent approach.

The CSS is a framework for organisations to prevent, identify and respond to child abuse through the development of child safety cultures. The RCS provides independent oversight of how organisations investigate and respond to certain allegations of child abuse and misconduct by their workers including employees, volunteers and contractors.

Some of the key changes of the bill were to: facilitate a flexible CSS implementation process designed to accommodate different levels of risk within organisations; build capacity, with the focus of the QFCC to be on educating organisations and providing expert information and advice; and ensure oversight powers have a graduated response where the first response to noncompliance is capacity building. The bill also facilitates an information-sharing framework to enable information sharing between the QFCC and in-scope organisations and entities.

The Community Support and Services Committee reviewed the bill, holding hearings and taking evidence from key stakeholders. I want to thank those who provided expert evidence at those hearings. During the committee's deliberations of this bill, the majority of witnesses during hearings expressed their support for the bill's intent and the child safe standards the bill introduces.

With regard to the proposed changes, the committee saw a strong overall response of support for the adoption of the national principles and the universal principle, which were both strongly supported in consultation, to bring Queensland into line with most other jurisdictions. Some stakeholders indicated that, organisationally, they may not be as ready as some to implement the CSS in 12 months, but most said that they would meet the timeframe. Stakeholders also advocated for a balanced, flexible and proportionate regulatory framework focused on organisational capacity building.

Young people strongly supported laws for Queensland that mandated implementation of the CSS and stated that they feel most comfortable and safe in organisations when they are listened to and supported to reach their goals. Importantly, Aboriginal and Torres Strait Islander young people said they feel safer and are most likely to raise issues within an organisation, or disclose harm, when they can talk to Aboriginal and Torres Strait Islander people. Organisations that are in scope for the CSS are specifically for children or have facilities specifically for use by children under supervision of the entities, such as: schools, early childhood education and care; child protection and youth justice services; health and disability services; arts, sports and recreation groups; religious organisations; transport services; and commercial businesses.

With the RCS, the bill defines reportable conduct to include: a child sexual offence; sexual misconduct committed in relation to, or in the presence of, a child; ill-treatment of a child; significant neglect of a child; physical violence committed in relation to, or in the presence of, a child; or behaviour that causes significant emotional or psychological harm to a child. The scope of reportable conduct is broader than criminal offences. The threshold for a reportable allegation is a reasonable belief based on facts that would have led a reasonable person to think the reported conduct may have occurred. It is a higher threshold than a reasonable suspicion. The bill has defined a 'worker' broadly to include an individual who performs work of any kind for the entity—for example, employees, volunteers and contractors.

The bill also enables the collaboration of sector regulators with the QFCC and reporting entities to provide information, reduce duplicate investigations and share expertise, knowledge and skills in relation to entities they regulate. The bill facilitates information exchange between the QFCC and Blue Card Services as a part of the working with children check scheme. The QFCC will share findings of reportable conduct with Blue Card Services to enable Blue Card Services to assist the eligibility of a person to continue to hold a blue card. Blue Card Services will share blue card negative notices with the QFCC, if they are aware the person has been subject to a finding of reportable conduct, to support the QFCC's cross-sectional oversight of workers under the RCS.

I will touch briefly on the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill. Principally, the bill implements 12 recommendations arising from the Queensland Family and Child Commission report. Recommendations have also been made by the former Legal Affairs and Safety Committee, the Women's Safety and Justice Taskforce and the Youth Justice Reform Select Committee. They highlighted the need to consider the decision-making framework. This is the first stage of the government's response to the QFCC report. The bill makes a range of other amendments to simplify, streamline and improve the operation of the blue card system informed by the operational learnings of Blue Card Services, the feedback from stakeholders and the experience of the working with children check scheme systems in Australian jurisdictions.

I want to thank the Community Support and Services Committee members for their deliberations and the committee secretariat for the enormous volume of work they did in preparation for the hearings and their reporting on this bill. This is another set of important legislation that enhances the safety of children who are at potential risk from within organisations. It lays out the solid foundations for protection

through the use of child safe standards and reportable conduct requirements and changes to the operation of the blue card. I congratulate the minister and her department on the work they have done on this legislation. I support the cognate bills before the House.