



Speech By  
**Hon. Charis Mullen**


**MEMBER FOR JORDAN**

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Record of Proceedings, 12 June 2024

## **CHILD SAFE ORGANISATIONS BILL**

### **Message from Governor**

 **Hon. C MULLEN** (Jordan—ALP) (Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs) (2.25 pm): I present a message from Her Excellency the Governor.

**Mr DEPUTY SPEAKER** (Mr Lister): The message from Her Excellency recommends the Child Safe Organisations Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

#### MESSAGE

CHILD SAFE ORGANISATIONS BILL 2024

*Constitution of Queensland 2001*, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to establish child safe standards and a reportable conduct scheme to promote and protect the rights, interests and wellbeing of children in Queensland, and to amend this Act, the Evidence Act 1977, the Family and Child Commission Act 2014, the Working with Children (Risk Management and Screening) Act 2000 and the legislation mentioned in schedules 4 and 5 for particular purposes

#### GOVERNOR

Date: 12 June 2024

*Tabled paper:* Message, dated 12 June 2024, from Her Excellency the Governor recommending the Child Safe Organisations Bill 2024 [1048](#).

### **Introduction**

 **Hon. C MULLEN** (Jordan—ALP) (Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs) (2.25 pm): I present a bill for an act to establish child safe standards and a reportable conduct scheme to promote and protect the rights, interests and wellbeing of children in Queensland, and to amend this act, the Evidence Act 1977, the Family and Child Commission Act 2014, the Working with Children (Risk Management and Screening) Act 2000 and the legislation mentioned in schedules 4 and 5 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Community Support and Services Committee to consider the bill.

*Tabled paper:* Child Safe Organisations Bill 2024 [1049](#).

*Tabled paper:* Child Safe Organisations Bill 2024, explanatory notes [1050](#).

*Tabled paper:* Child Safe Organisations Bill 2024, statement of compatibility with human rights [1051](#).

The Child Safe Organisations Bill 2024 is a response to the thousands of people who have experienced child abuse in Queensland institutions. More than 8,000 people across Australia came forward to the Royal Commission into Institutional Responses to Child Sexual Abuse to share their experiences. They told commissioners harrowing stories. They shared the lifelong impacts institutional child sexual abuse has had on them, their relationships, their families, their mental health and their employment. They spoke of the betrayal they, their families and their communities felt when the institutions they thought they could trust failed to keep them safe.

Many institutions denied their experiences, accused them of lying and simply moved offenders to different institutions. Many prioritised their reputation over the safety of children and failed to report abuse to authorities. It has taken immense courage for survivors to speak out. Some had buried their experiences for decades. Others had been fighting for years to be recognised. Some had never told another person what had happened to them. Yet they came forward to stop what happened to them happening to another child. That is what this bill is about.

The Child Safe Organisations Bill 2024 will establish an integrated child safe organisations system in Queensland. The Queensland Family and Child Commission will oversee this new system. The bill will implement the royal commission's recommendations to require institutions involved in child related work to meet 10 child safe standards and establish nationally consistent reportable conduct schemes. Together, the child safe standards and the reportable conduct scheme will ensure relevant organisations protect children from child abuse and report it. This bill will establish the foundation for child safe environments in thousands of organisations that work with children and young people across Queensland.

The bill adopts the National Principles for Child Safe Organisations as Queensland's child safe standards. The national principles incorporate the 10 child safe standards recommended by the royal commission, with a broader scope that goes beyond child sexual abuse to cover other forms of harm to children. The national principles were strongly supported by stakeholders as the best way to achieve national consistency.

The bill will also require organisations to comply with a universal principle. This principle will promote and uphold the right to cultural safety for Aboriginal and Torres Strait Islander children when implementing the child safe standards. The principle was strongly supported in consultation. The bill requires a wide range of organisations to implement the child safe standards and universal principle. This includes: schools; early childhood education and care; child protection and youth justice services; health and disability services; arts, sports and recreation groups; religious organisations; accommodation and residential services; community services; transport services; and commercial businesses.

As child safe standards cover a wide range of diverse organisations, they are designed to be applied flexibly. They do not prescribe actions that organisations must take. Instead, they provide best practice principles that, where applied, will help protect children and grow child safe organisational cultures. This flexibility is important. It is not intended or expected that small grassroots organisations such as community and neighbourhood sporting groups will be required to implement the child safe standards in the same way as schools, big businesses working with children or government departments.

The scope reflects the categories recommended by the royal commission. It also includes organisations in Queensland already required to develop a risk management strategy under the Working with Children (Risk Management and Screening) Act 2000. That requirement will be repealed and replaced by the child safe standards and universal principle. This will not water down the safeguards in place for Queensland children. The risk management strategy requirements are broadly consistent with the child safe standards. Stakeholders told us that implementing both would duplicate processes and be confusing. The bill also allows organisations that are not in scope for child safe standards to choose to participate. Queensland is the first jurisdiction to allow organisations to opt into its child safe standards legislation.

The second component of Queensland's integrated child safe organisations system is a reportable conduct scheme. A reportable conduct scheme provides independent oversight of how organisations investigate and respond to allegations of child abuse and misconduct by their workers, including employees, volunteers and contractors. The range of organisations in scope for the reportable conduct scheme is narrower than the child safe standards. This is because, as recommended by the royal commission, the intent of a reportable conduct scheme is to focus on organisations with a higher degree of responsibility for children—in particular, where they exercise care, supervision or authority over children. Scope for the reportable conduct scheme includes schools, early childhood education and care, disability services, supported accommodation services, religious bodies, health services, child protection services and youth justice services.

The bill also establishes the Queensland Family and Child Commission as the independent oversight body to support and monitor compliance with the child safe organisations system. The commission has demonstrated its commitment to protecting children, advocating for children and hearing from children. The bill will empower the commission to help thousands of organisations across Queensland do the same.

We heard overwhelming support in consultation for these schemes. Stakeholders told us that compulsory implementation of a child safe organisations system, through a clear legislative framework, will demonstrate Queensland's commitment to the safety of children. They told us they are committed to building child safe cultures where children are valued, heard and at the centre of everything they do. Most organisations are already taking action to become child safe and all agreed that there is more to do. They told us they welcome the leadership and support from an independent oversight body, and that is what the commission will do.

The main focus of their work will be to educate and build the capacity of organisations to implement and comply with the child safe standards, universal principle and reportable conduct scheme. This may be achieved through providing guidelines and tools, training, webinars, videos and podcasts, and a range of other resources. Where organisations are struggling to comply with their child safe obligations, the commission's first response will be to help them by providing education and capacity-building support. This is because we want to support organisations to build child safe cultures.

The commission will not expect all organisations to implement their child safe obligations in the same way. Small community organisations, for example, will have a very different approach to a hospital or boarding school. However, this does not mean there are no consequences. The safety of children is too important for that. Where organisations are not doing the right thing and are not prepared to improve their approach, the commission will be able to take action. The bill provides a range of monitoring and enforcement powers. The commission will be able to take action tailored to the type of organisation and to the seriousness of the noncompliance. Where noncompliance becomes more concerning and more entrenched in the organisational culture, the bill allows for stronger responses from the commission. In the most serious of situations, penalties will apply.

To further support implementation, the child safe organisations model in the bill is a collaborative regulatory model. This means the Queensland Family and Child Commission and sector regulators will work together and with organisations to promote implementation of, and compliance with, the child safe organisations system. A sector regulator is defined as a department or other entity, other than the Queensland Family and Child Commission, that is responsible for regulating organisations. A sector regulator also includes a department that provides funding to in-scope organisations. This kind of collaborative regulation will allow the commission to draw on the experience and expertise of sector regulators to support implementation. It will also allow sector regulators to work with the commission to determine the most appropriate response when they identify concerns with compliance by an organisation they regulate or fund.

Collaborative regulation will also reduce regulatory burden and duplication and provide coordinated support to organisations. To clarify the role of sector regulators, it is proposed to prescribe them in regulation. It is important to note that the bill and proposed regulation do not change the roles of existing regulators or expand their responsibilities outside their sector. Where there is no appropriate sector regulator for an organisation, the Queensland Family and Child Commission will support them and, where necessary, respond to concerns of noncompliance.

For this system to operate effectively, information will need to be shared between a range of bodies including organisations, the commission, sector regulators and other relevant entities such as the Queensland Police Service. The bill will establish a broad information-sharing framework that enables appropriate information sharing among prescribed entities. Importantly, the information-sharing framework has been designed with the royal commission's findings in mind. The royal commission found that inadequate information sharing placed children at risk and hindered effective responses to child abuse in institutions.

Most organisations will not be starting from scratch with the new child safe obligations in the bill. Queensland already has robust safeguards in place for children. However, successful transition will take time. In consultation, organisations told us they need time to prepare for the commencement of new obligations. To support this, the bill sets out a staged approach to commencement, achieving full implementation by July 2027. The child safe standards and universal principle will be implemented first. From October 2025 the foundations of child safe environments will be established. Then reportable conduct obligations will start from July 2026.

For both the child safe standards and the reportable conduct scheme, sectors will be phased in over time. We will start with highly regulated sectors that work with the most vulnerable children such as children in care and children with disability. Then we will move to support less regulated sectors such as sporting groups. Phased implementation will best support organisations to prepare. It will also help the Queensland Family and Child Commission target support to particular sectors.

The bill is a product of extensive policy development, regulatory impact analysis and consultation. Targeted consultation in 2021 demonstrated strong support for child safe standards and a Queensland reportable conduct scheme. This support was reinforced in 2023 during public consultation on the *Growing child safe organisations in Queensland: consultation regulatory impact statement*. The preferred option, overwhelmingly supported, was for the Queensland government to implement the child safe standards and a reportable conduct scheme through a legislative framework that makes compliance mandatory, located in a single oversight body. This is exactly what the bill does.

There was strong engagement throughout the public consultation period. More than 170 people attended information sessions and 63 submissions were received from a range of organisations. Young people and Aboriginal and Torres Strait Islander peoples and organisations were also consulted, and hearing from young people let us know we were on the right track. Young people told us there should be laws in Queensland to make sure organisations are child safe and that these laws should be uncompromising. Young people said they feel most comfortable in organisations where they feel seen and heard and where the workers support them to reach their goals. Aboriginal and Torres Strait Islander young people told us they feel most comfortable in organisations when they can talk to an Aboriginal and Torres Strait Islander person. Aboriginal and Torres Strait Islander peoples told us that only Aboriginal and Torres Strait Islander children can determine what cultural safety means to them and that this is different for everyone.

We heard that exploring what cultural safety means for child safe organisations, led by Aboriginal and Torres Strait Islander peoples, is an essential step in implementing the child safe organisations system. We heard that child safe organisations must be inclusive spaces for all children, including children with disability, children from culturally and linguistically diverse backgrounds and children who identify with the LGBTQIA+ community. The results of consultation are outlined in detail in the *Growing child safe organisations in Queensland: decision impact analysis statement*, which was released on 22 March 2024.

Subsequent targeted consultation on the draft of the bill was also essential to refine and adjust the drafting of the bill. I would like to extend my appreciation to all of the stakeholders who have engaged with us on this work, sharing your time and your expertise. I particularly acknowledge the young people and Aboriginal and Torres Strait Islander peoples who gave so freely of their time.

The Queensland government is committed to getting this right. Community support for Queensland organisations to be child safe is overwhelming. We know child abuse in institutions remains an insidious problem. It is not confined to the past or to a particular organisation or sector. Just as thousands of survivors came forward to the royal commission, committed to stopping child sexual abuse in institutions, our government is committed to doing what we can to make Queensland organisations child safe. Our children deserve no less. I commend the bill to the House.

### **First Reading**

**Hon. C MULLEN** (Jordan—ALP) (Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs) (2.40 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to Community Support and Services Committee**

**Mr DEPUTY SPEAKER** (Mr Lister): Order! In accordance with standing order 131, the bill is now referred to the Community Support and Services Committee.