



Speech By  
**Hon. Charis Mullen**


**MEMBER FOR JORDAN**

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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 (COGNATE)**

**Second Reading (Cognate Debate)**

 **Hon. C MULLEN** (Jordan—ALP) (Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs) (11.33 am): I move—

That the bills be now read a second time.

In June this year, two bills were introduced into the Legislative Assembly to provide additional safeguards for children in Queensland. These bills are the Child Safe Organisations Bill 2024 and the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024. I will speak to each bill in turn.

The Child Safe Organisations Bill 2024 has now been considered by the Community Support and Services Committee. On 2 August 2024, the committee tabled its report, making one recommendation—that the bill be passed. I thank the committee for its examination of the bill. I would also like to thank the stakeholders who participated in the committee's inquiry, providing valuable input for the committee's consideration. I thank everyone who has contributed to the consultation process over the past few years to make sure we have a child safe organisations model that is right for Queensland.

The Child Safe Organisations Bill 2024 is a new piece of legislation to establish a child safe organisations system for Queensland. The bill will improve the safety and wellbeing of children in Queensland organisations. It will ensure children who are at risk of experiencing abuse, or who have experienced abuse, in these settings are supported. The bill delivers the Queensland government's commitment to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in relation to the establishment of child safe standards and a reportable conduct scheme. The bill establishes mandatory compliance, with 10 child safe standards and a universal principle of cultural safety for Aboriginal and Torres Strait Islander children. The bill also provides for a nationally consistent reportable conduct scheme that enables oversight of reports of, and investigations into, allegations of reportable conduct by workers within organisations.

The Queensland Family and Child Commission, referred to as 'the commission', is proposed as the independent oversight body responsible for administering the child safe organisations system. The commission was established to promote the safety, wellbeing and best interests of children and young people and improve the child protection system. The bill gives the commission the functions and powers it will need to oversee the child safe organisations system.

A key aspect of the commission's role will be to facilitate a collaborative regulatory approach, working with sector regulators to promote compliance. The bill will not change the existing functions of sector regulators or expand the scope of their current regulatory responsibilities. For unregulated sectors, and where there is no sector regulator, the commission will work directly with in-scope organisations.

For child safe standards, a collaborative regulatory approach will reduce regulatory duplication and help the commission to develop sector-specific capacity-building resources. Under the reportable conduct scheme, sector regulators will play a role in collaborating with the commission and in-scope organisations to share their expertise, knowledge and skills.

I will now discuss the child safe standards aspects of the bill. The 10 standards are designed to accommodate the diverse nature of services, activities, unique characteristics and risk factors of each organisation. There is no one-size-fits-all approach. The bill also establishes a universal principle, requiring in-scope organisations to provide environments that promote and uphold the right to cultural safety for Aboriginal and Torres Strait Islander children. The universal principle is to be applied across all 10 child safe standards to ensure cultural safety is embedded within the implementation of each standard.

The bill refers to organisations in scope of the child safe standards and universal principle as 'child safe entities'. The bill applies to a range of sectors engaging with children. It includes schools, early childhood education and care, child protection, youth justice, arts, sports and recreation, transport, community and commercial services. The scope aligns with the royal commission's recommended categories. It also covers the existing range of organisations required to develop a risk management strategy under the Working with Children (Risk Management and Screening) Act 2000. Clause 10 and schedule 1 of the bill clarify that a child safety entity is an entity that provides services specifically for children or provides facilities specifically for use by children who are under the supervision of the entity.

The bill establishes expanded functions and powers of the commission. Primarily, the role of the commission will be to support child safe entities to implement the CSS and universal principle through education and capacity building. The first response of the commission to noncompliance will be to provide support, education and capacity building. Where this is not sufficient, the bill also provides the commission with a suite of compliance and enforcement powers. These powers are to be exercised in a way that is proportionate and responsive to the characteristics and risk profiles of each child safe entity.

The bill also implements a reportable conduct scheme. This scheme requires organisations with a high degree of responsibility for children to report and investigate allegations of abuse and misconduct against children by their workers. This is known as reportable conduct. The commission will provide central independent oversight of the scheme to ensure that organisations are taking the right action to prevent and respond to concerning behaviour and systemic risks to children.

The bill defines reportable conduct as child sexual offences, sexual misconduct, ill treatment, significant neglect, physical violence or behaviour that causes significant emotional or psychological harm. This may include criminal conduct as well as behaviour that does not reach a criminal threshold. Organisations in scope, known as reporting entities, include those in prescribed sectors that care for, supervise or exercise authority over children. This includes early childhood education and care, disability services, education services, supported accommodation services, religious bodies, health services, child protection services, youth justice services and government entities. The definition of 'reportable conduct' and the scope of the scheme was informed by the royal commission's recommendations as well as the types of conduct captured in existing reportable conduct schemes in other jurisdictions. The bill enables this scope to be expanded by regulation.

The bill introduces new obligations on the head of a reporting entity to have systems in place to prevent, identify and respond to allegations of abuse. They will need to make reports of allegations of reportable conduct to the commission within prescribed timeframes. They need to investigate those reports and advise the commission of their findings. The bill provides functions and powers for the commission to monitor and support organisations during an investigation. The commission may ask a sector regulator to conduct the investigation on behalf of the organisation or the commission may conduct its own investigation in limited circumstances.

It is anticipated the commission will focus on educating and assisting reporting entities to understand and comply with the scheme. The commission will reserve stronger enforcement powers for more serious noncompliance. It is also anticipated that the commission will partner with Aboriginal and Torres Strait Islander organisations and peak bodies to inform its education and capacity-building function and ensure the scheme is implemented in a way that is culturally safe. The reportable conduct

scheme will complement existing reporting requirements by introducing uniform reporting for a broader range of misconduct beyond criminal conduct. This scheme will provide oversight of how organisations respond to reports of harm across a range of sectors.

The bill provides a broad proactive information-sharing framework. Information sharing is a key oversight mechanism and an essential part of boosting the commission's oversight by enabling prescribed entities to inform the commission of compliance issues. For the child safe standards and universal principle, information sharing is facilitated between prescribed child safe entities. This may include the commission, sector regulators and other entities such as the Queensland Human Rights Commission and the Queensland Ombudsman.

Similarly, for the reportable conduct scheme, relevant information under the scheme may be shared between the commission, prescribed RCS entities, reporting entities, sector regulators, Queensland Police and other oversight bodies. The bill requires the commission to share findings of reportable conduct with Blue Card Services to inform assessments under the working with children check. Reporting entities must also notify police if there is suspected criminal conduct. The bill allows the commission to share information with similar oversight bodies in other states and territories.

For both child safe standards and the reportable conduct scheme, the bill allows for the appointment of officers of the commission with powers to investigate, monitor and enforce compliance. These powers include entering premises and gathering information to determine compliance. To prevent unnecessary regulatory duplication, the bill makes transitional amendments to repeal the existing requirements for organisations to develop and implement a risk management strategy under the Working with Children (Risk Management and Screening) Act 2000. As the child safe standards and universal principle obligations commence for each sector they will replace the existing risk management strategy requirement. No protective mechanisms for children within institutions will be lost with a repeal of risk management strategy requirements.

The bill provides a staggered and phased approach to commencement, achieving full implementation of the child safe organisations system by July 2027. Following a 12-month preparation period for the commission, the CSS and the universal principle will be implemented first, in three stages, from October 2025. This will establish a foundation of child safe environments, with RCS obligations introduced, in three stages from July 2026.

The Child Safe Organisations Bill 2024 takes an important step towards ensuring our children have the best environments to learn, play and grow. I will now turn to the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024. I thank the Education, Employment, Training and Skills Committee members for their thorough consideration of this bill. A total of 23 submissions were received by the committee. I also extend my thanks to those stakeholders, organisations and individuals who made submissions and took part in the public hearing.

I am pleased to inform the House that on 2 August 2024 the committee tabled its report and made two recommendations. They were that the bill be passed and that the bill be amended to remove the requirement that adult household members of kinship carers hold a blue card. The bill includes important reforms to remove the requirement that approved kinship carers hold a blue card. Kinship carers play an incredibly important role in our child protection system. They care for children to whom they are kin and ensure these children remain connected to family, community and culture. I would like to take this opportunity to express my deep appreciation and gratitude to all kinship carers.

When a child is not able to live safely with their parents, the preferred care arrangement is for the child to be with kin. Currently, all approved kinship carers and their adult household members require a blue card. The reforms in this bill represent the first stage of the government's response to the QFCC report *A thematic analysis of provisionally approved kinship carers who receive a subsequent Blue Card negative notice*. The report found that the blue card system is not designed for kinship care and is creating barriers to Aboriginal and Torres Strait Islander children being cared for by kin. Amendments to remove this requirement reflect that caring for family is not employment.

During the committee's inquiry into the bill there was significant stakeholder support for removing this requirement. There was also strong advocacy from stakeholders to further remove the blue card requirement for adult household members of kinship care households to ensure the reforms are effective. This government supports the committee's recommendation to remove the blue card requirement for this cohort.

I foreshadow that my colleague the Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence will move amendments to the bill during consideration in detail to implement the government's response to recommendation 2 of the committee's report. These amendments will provide for the removal of the requirements for adult household members of kinship

carer households to obtain a blue card. Removing the blue card requirement for kinship carers and their adult household members will not compromise the safety of children living with kin. Following passage of the bill, the Department of Child Safety, Seniors and Disability Services will work with stakeholders to design a new framework for screening kinship carers and their adult household members under the Child Protection Act. My department will work closely with Aboriginal and Torres Strait Islander stakeholders to ensure the new framework is fit for purpose, culturally safe and continues to provide for the protection of children.

As well as making this important amendment, the bill does a number of other things to improve the blue card system. The bill removes the existing exemption for practising lawyers who provide legal supports to children. Some legal stakeholders, including the Queensland Law Society, have questioned why this is necessary as lawyers are already regulated under the Legal Profession Act 2007. Whilst the government acknowledges the screening of lawyers undertaken by the QLS, the scope of information considered and the tests applied to determine the suitability of a legal practitioner and the suitability to work with children are not comparable. The steps we are taking will provide broad alignment with most other jurisdictions with a majority of states and territories requiring lawyers to obtain a working with children clearance. Specific transitional arrangements are included in the bill. Lawyers already providing support services to children will be given a year from commencement to apply for a blue card.

The bill also includes new self-disclosure requirements. The effective and timely disclosure of information is crucial to the operation of the blue card system and its objective of promoting and protecting the rights, interests and wellbeing of children. The bill sets out the matters which may be disclosable and applicants will only be required to disclose the specific matters stated in the application form. Blue Card Services will ensure the self-disclosure questions included in an application form are clear and easily understood to limit any unintended consequences. This new requirement is consistent with the disability worker screening framework set out in the Disability Services Act 2006.

With the Department of Justice and Attorney-General assuming responsibility for the administration of both blue card worker screening and disability worker screening from 1 September, it is appropriate to align the safeguards where possible under both schemes. Consistent with recommendations of the royal commission, a working with children check is not an employment-specific screening process. A person who receives a blue card is able to use their blue card to engage in any child related work in Queensland. Importantly, the new decision-making framework established by the bill moves to a 'risk to the safety of children' threshold to guide blue card decision-making. This will require a decision-maker proposing to issue a negative notice to any person to demonstrate the nexus between a person's conduct or alleged conduct and a real and appreciable risk of harm to children.

In its report the committee notes that the shift to a risk-based statutory threshold will support a more nuanced decision-making framework and improve recognition of rehabilitation and reintegration in decision-making. In addition, as part of the new decision-making framework, the bill gives Blue Card Services the ability to establish an advisory committee or to seek specialist or expert advice to assist in making decisions in more complex cases. In acknowledgement of the importance of ensuring stakeholders understand the impacts of changes to the blue card system, I can advise that following the passage of the bill Blue Card Services will take a methodical and staged approach to implementation. As part of this work, risk assessment guidelines will be developed to assist and instruct decision-makers. The publication of the new risk assessment guidelines will contribute to transparency and accountability.

Whilst on the subject of accountability, I want to correct a figure I used during question time. I said that I was proud to be part of the Miles Labor team delivering more than 418 child safety officers since 2015. That figure is in fact 518 child safety officers—an even better record. Blue Card Services supports stakeholders to navigate the reforms through the continuation of existing work, including a dedicated call centre to provide immediate assistance to inquiries, information on its website, written responses to email and letter inquiries, industry-specific face-to-face information sessions and a general face-to-face information session. Blue Card Services will also partner with its existing stakeholder groups to ensure new and revised communication material meets stakeholder needs and expectations.

On the whole, I am pleased to note the consistently strong overall stakeholder support for the reforms made by the bills. The legislative frameworks proposed in each bill will make a real difference to children across Queensland, strengthening the safeguards available to protect them from harm. I commend the bills to the House.