




Speech By
Hon. Charis Mullen

MEMBER FOR JORDAN

Record of Proceedings, 11 September 2024

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

 **Hon. C MULLEN** (Jordan—ALP) (Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs) (3.05 pm), in reply: I thank all honourable members for their contributions to the debate on the Child Safe Organisations Bill 2024 and the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024. I will respond to each bill in turn.

The Child Safe Organisations Bill takes an important step forward to support child safe organisations in Queensland. It responds to the thousands of people with lived experience who came forward to bravely share their experiences to prevent what happened to them happening to another child today. The members for Whitsunday and Clayfield have questioned why it has taken so long to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

We have taken special care when introducing this legislation that is likely to impact up to 40,000 Queensland organisations and up to one million children. We needed to make sure we had the regulatory balance right between keeping Queensland children safe and limiting compliance costs for organisations from small sporting clubs through to schools. This has taken time, but we are confident we have the balance right.

The model we have chosen is an integrated child safe organisation system. It consists of mandatory child safe standards and a reportable conduct scheme, which will be implemented by the Queensland Family and Child Commission. This has involved an enormous amount of work and consultation, including a detailed regulatory impact analysis to ensure the final model will achieve the right outcomes. I would also like to thank the QFCC for its work and acknowledge its important role in this process and ongoing.

The final model will protect children while also minimising any unnecessary regulatory burden on the thousands of organisations doing tremendous work to help children learn, grow and thrive. Our extensive work has included modelling, targeted and broad consultation and detailed policy analysis. It has included consultation on the *Growing child safe organisations in Queensland: consultation regulatory impact statement*, which included the integrated child safe organisations system provided for in the bill. It included releasing the *Growing child safe organisations in Queensland: decision impact analysis statement* detailing the results of consultation and Queensland's recommended final model for child safe organisations.

I will outline in detail the extensive consultation we have undertaken to get the right model for Queensland. Consultation of this magnitude takes time. It included working with children, peak bodies, Queensland government agencies, statutory agencies and the commission; hosting information

sessions attended by more than 170 people to outline potential models for Queensland and to assist stakeholder feedback; consulting with Queensland government agencies and oversight bodies in other jurisdictions, including the New South Wales Office of the Children's Guardian and Victoria's Commission for Children and Young People; consulting the former Truth, Healing and Reconciliation Taskforce which was established by the Queensland government to provide advice on implementation of royal commission related reforms; receiving and analysing 63 written submissions on the *Growing child safe organisations in Queensland: consultation regulatory impact statement* and two online meetings with organisations and regulatory bodies across a range of sectors; targeting consultation with young people and Aboriginal and Torres Strait Islander peoples and organisations; and facilitating a cross-sectoral consultation forum in Cairns with over 20 key stakeholders in attendance. This work has culminated in a legislative framework for Queensland that will protect children from harm and promote their safety, wellbeing and best interests while also balancing the regulatory burden on organisations.

The member for Burnett queried the support for small organisations to meet those obligations under the child safe standards and reportable conduct scheme. The overarching intent of the bill is that the starting point of compliance by the commission is always education and capacity building to support organisations. Responses to noncompliance will be proportionate to the risk and characteristics of the organisation be they small or large, regional or metropolitan based.

The commission will be available to assist small organisations and volunteer-based groups to understand and comply with their obligations in a way that makes sense for them. Support to organisations is a key focus of the child safe organisations system. In the 2024-25 state budget, the Queensland government committed more than \$43.5 million over four years and ongoing funding to the commission to operate as the oversight body. This funding will also support the Department of Child Safety, Seniors and Disability Services' and Department of Youth Justice's ongoing roles as collaborative regulators for the child safe organisations system. This includes more than \$36 million over four years and almost \$9.5 million ongoing for the commission as the oversight body. This investment will support organisations to implement the child safe standards and universal principle and reportable conduct scheme by providing adequate resourcing to the commission's capacity-building role.

I will now turn to matters raised in relation to the Working with Children (Risk Management and Screening) and Other Legislation Amendment Bill 2024. The members for Whitsunday and Clayfield questioned why it has taken so long to implement the QFCC recommendations. I note that many opposition members have referred to the delays in implementing the 2017 QFCC recommendations in relation to the blue card system. The government has taken a methodical and considered approach to their implementation. Over the past two terms we have implemented 12 individual pieces of legislation to amend and improve the blue card system. I refer members to that legislation which has been amended and improved the blue card system in some ways over the years of this government. We have been progressive and methodical in our reform, and the blue card system in 2024 is very different from the system we inherited in 2015 as a result.

In addition, I note that a number of members, including the member for Whitsunday and the member for Clayfield, have referred to different status updates provided over the years as to the progress of implementing the QFCC implementations. These are not helpful contributions to this debate. The Attorney-General provided detailed responses on the status of the QFCC blue card recommendations as part of this year's portfolio estimates hearing held on 26 July 2024. This is the most up-to-date and relevant information. I refer members to that transcript for a clear overview.

I note that the member for Clayfield referenced LawRight's submission and the delays some applicants experienced in the blue card external review jurisdiction administered by the Queensland Civil and Administrative Tribunal. As part of the 2024-25 budget, the government has provided additional funding of \$70.1 million over five years and \$20.1 million a year ongoing to QCAT to enable a sustainable response to address increasing service demands. This reflects our commitment to this critical jurisdiction.

The member for Burnett also raised issues in relation to conditional working with children checks. The Royal Commission into Institutional Responses to Child Sexual Abuse recommended that there be no conditional or different types of clearances. It stated that the outcome of a working with children check be that either a clearance is issued or it is not. The royal commission states that a working with children check should be connected only to the individual seeking the clearance and not to their employer or the role or organisation in which they are seeking to work.

The new decision-making framework included in the bill establishes a more refined and focused threshold of 'risk to the safety of children'. Shifting to a risk-based statutory threshold will require a decision to issue a negative notice to demonstrate the nexus between a person's conduct, or alleged conduct, and the risk of harm to children. A reference to a risk to the safety of children is a reference to a real and appreciable risk to the safety of children.

The new decision-making framework has been developed to support consideration of a range of criteria including the nature and gravity of an offence committed by a person, the time since the offending and the conduct of the person since the offence. A decision-maker will consider all of these matters to determine whether a person presents a risk to the safety of children.

For First Nations people, the bill provides for consideration to also be given to other factors such as the effect of systemic disadvantage and intergenerational trauma and the historical context and limitations on access to justice.

The bill also provides for the establishment of advisory committees which can be drawn on by Blue Card Services to assist in the decision-making process. This provides the flexibility for Blue Card Services to pilot a committee in a particular location or for a particular cohort of applicants and take any learnings and implement them in the establishment of future committees.

The members for Whitsunday and Clayfield both noted the importance of having rigorous systems in place to ensure children's safety. I thank the opposition for their support of this element of the bill. It is critical that we get this new framework right.

Following passage of this bill, Child Safety will consult closely with stakeholders to develop a new framework for screening kinship carers which includes appropriate safeguards. Child Safety will also ensure the framework has access to necessary information to inform a nuanced assessment of kinship carers in the absence of the blue card requirement. This will ensure the new framework does not make children less safe.

The member for Whitsunday also raised the support provided to carers. The Queensland government is committed to supporting our carers. In 2024-25 the Queensland government will provide \$413.5 million to support carer families. This includes \$233.2 million per annum invested in allowances paid directly to foster and kinship carers as well as \$190.8 million over four years to ensure the care needs of children with high and complex needs will be met now and into the future.

This investment includes \$180.3 million for foster and kinship care services providing recruitment, training and direct support to foster and kinship carers. The reforms in this bill also form part of what we are doing to support children to be cared for by their kin and improve the experience of our kinship carers.

In conclusion, I want to extend further thanks to the Community Support and Services Committee and the Education, Employment, Training and Skills Committee for their examinations of the bills. I also wish to thank all of the dedicated, hardworking public servants who made both of these important bills possible. My thanks go again to all honourable members who contributed to the debate. Most importantly, I thank the many stakeholders who have contributed to the committee processes and those who participated in the development of the bills. These bills make important changes to improve the safety and wellbeing of children and young people across Queensland. I commend the bills to the House.