# Supplementary material 5:Overview of a reportable conduct scheme for Queensland

The Consultation Regulatory Impact Statement (CRIS) sets out, and compares the potential impacts of, two options in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse to establish nationally consistent reportable conduct schemes. These are:

**Option 1 – Maintain the status quo** relies on maintaining the existing protections to safeguard children in organisational environments. No new action or obligations are involved.

**Option 2** – **Establish a national consistent RCS** involves establishing a reportable conduct scheme in Queensland, which is a system of independent oversight of organisations that deliver services to children.

For more detail on the options see Part 3 (page 57) and for relevant questions see Part 4 (pages 89 and 95) of the CRIS.

## Scope

The Royal Commission recommended a minimum scope of organisations to be included in the RCS, which is narrower than for the child safe standards (CSS). It also recommended that governments continue to consider whether there are additional organisations that meet the criteria for inclusion. While no decisions have been made on the exact scope of the RCS, the broad categories of organisations that are likely to be within scope of an RCS are organisations that provide services including:

* accommodation and residential services for children
* activities or services of any kind, under the auspices of a particular religious denomination or faith through which adults have contact with children
* childcare
* child protection services
* disability services
* education services for children
* health services for children
* justice and detention services for children
* other government departments and entities.

These services do not need to be the only or primary service provided by the organisation.

## Definitions

The definition of reportable conduct is proposed to refer to:

* a child sexual offence committed in relation to or in the presence of a child
* ill-treatment of a child
* neglect of child
* physical violence or assault committed in relation to, or in the presence of a child
* behaviour that causes significant emotional or psychological harm to a child and would include conduct both inside and outside the workplace.

Importantly, an RCS would cover a wider range of concerning behaviour than criminal conduct, noting that any criminal matters would still need to be reported to police as a priority.

## Obligations for organisations

An RCS places obligations on the heads of certain organisations to prevent, detect and respond to allegations of child maltreatment by staff (employees, contractors and volunteers). Key obligations include:

* ensuring systems are in place for preventing, detecting and responding to reportable conduct
* notifying the oversight body of reportable allegations
* investigating these allegations and reporting the outcomes of the investigation to the oversight body.

## Role of an RCS oversight body

An independent oversight body will receive notifications of reportable conduct and can monitor how an organisation conducts an investigation. The oversight body will have a capacity-building function to guide organisations to meet their obligations under the scheme, such as providing advice on conducting an investigation.

The oversight body will have an important role in identifying risks across sectors (posed by individuals, as well as systemic risks within organisations). The RCS will rely on its ability to exchange information with other regulators, for example worker screening authorities, to assist with identifying risks as well as to minimise duplication for organisations.

## Estimated costs

The CRIS outlines the expected costs to different stakeholder groups to implement an RCS. This primarily includes:

* costs to government to establish and operate an independent oversight body
* costs to government entities and non-government organisations to participate.

**Option 1** – requires no new up-front costs to government and organisations however presents no opportunity to improve child safety across organisations, and thereby maintains the current high costs to government, individuals and the community of institutional child maltreatment.

**Option 2** – to establish a nationally consistent RCS in Queensland will involve additional costs but is the recommended option, as it produces the greatest net benefit to the community.

**We want to hear from you about:**

We are interested in your feedback on these options for an RCS in Queensland and how they might impact you and/or your organisation.

* Have the potential impacts of an RCS been accurately captured in the CRIS?
* Do you support Option 2, to introduce an RCS for Queensland? Why or why not?
* What do you think about the core elements of the RCS, as set out on pages 57 to 68?
* What would help your organisation to successfully implement an RCS?

For the full list of consultation questions, please see the CRIS and / or the template for feedback provided. We would like to hear from you whether you respond to all, or only some, of the questions.