# **Supplementary material 6: Frequently asked questions**

To make organisations safer for children, the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) recommended governments: require organisations to implement 10 child safe standards (CSS); and establish nationally consistent reportable conduct schemes (RCS).

The Queensland Government is exploring options to implementing these recommendations. Our preferred approach is to establish an integrated child safe organisations system which requires, and supports, organisations to implement the CSS and provides oversight of institutional child abuse complaints and allegations through an RCS. It is proposed both functions of CSS and RCS are integrated into the role of a single oversight body.

We have developed this Consultation Regulatory Impact Statement (CRIS) to seek your feedback on options for CSS and RCS in Queensland and to hear from you about what it means for, and how it might impact, your organisation. Here are some questions and answers that may assist you in considering this.

1. Will my organisation be required to comply with the child safe standards and/or a reportable conduct scheme?

The Queensland Government has not made any final decisions yet on which organisations will be in scope of either the CSS or RCS. We are looking at what the Royal Commission recommended should be in scope, what other jurisdictions are doing, and what would work best for our Queensland context. We want to hear from you about what organisations and sectors you believe should be subject to these schemes.

We encourage you to take a look at the following materials where we discuss our proposals for scope, to help inform your feedback and help us shape the best system for Queensland:

* CSS: see in the CRIS, pages 52 to 57 and Supplementary material 3: Scope for child safe standards; and
* RCS: see pages 63 to 66 in the CRIS.

1. What will my organisation need to do to comply with child safe standards? What support will be available for my organisation?

The CSS are designed to be implemented in a way that is meaningful for each organisation’s unique environment, to maximise the safety and wellbeing of children in their care. The CSS are not intended to set out prescriptive or burdensome rules but are intended to be flexible and principle-based, responsive to the characteristics of each organisation and proportionate to the level of organisational risk.

A core feature of the oversight body will be capacity building to support organisations to implement the CSS. We expect the oversight body will develop a range of resources (i.e. training materials, guides and templates) to support organisations to comply with CSS in a way that makes sense to the individual context of each organisation. While responsive capacity building will be the preferred response where compliance issues are identified, the oversight body could have a range of regulatory tools to ensure compliance such as industry compliance plans, compliance notices, audit related mechanisms, civil monetary penalties and publication of information about compliance issues.

We are seeking your feedback about what complying with the CSS will mean for your organisation. For more information, please refer to the discussion and targeted questions on the potential impact of CSS on organisations on pages 40 to 48 and 78 to 88 of the CRIS.

1. Organisations in my sector are small and mainly staffed by volunteers. Will they be expected to implement the 10 child safe standards?

The CSS are intended to help organisations ensure children in their care are safe and supported to thrive, and we think organisations of all sizes would benefit from their implementation. As mentioned above, the CSS are designed to be implemented flexibly, in a way that is meaningful for each organisation and proportionate to the level of organisational risk.

The standards incorporate some existing child safe requirements such as blue card and reporting requirements, so most organisations will already be doing something under the 10 CSS. There will also be guidance provided for organisations to implement the CSS and a supportive capacity building role for any CSS oversight body established (if the CSS are to be legislated as mandatory as per our preferred approach under the CRIS).

We are seeking your feedback about what complying with the CSS will mean for your organisation. For more information, please refer to the discussion and targeted questions on the potential impact of CSS on organisations on pages 78 to 88 of the CRIS.

1. Will implementing child safe organisations system increase or change child abuse reporting requirements?

The CSS do not create additional legal obligations to report child abuse to authorities. However, they do require employees to understand and meet their existing reporting requirements. The RCS will introduce new reporting obligations to organisations in scope. It will supplement (rather than replace) existing obligations to report child abuse to authorities. However, the proposed approach will also facilitate the exchange of relevant information between the oversight body and other regulators to minimise duplication and strengthen intelligence.

1. What is the approach of other jurisdictions?

States and territories are each at different stages of implementing the CSS and RCS. Each jurisdiction has tailored their approach to complement their existing regulatory environments. Queensland is considering other jurisdictions’ experiences to incorporate lessons learned and maximise opportunities for national consistency where appropriate, noting that consistency may also result in savings or cost efficiencies for interstate organisations subject to more than one CSS and/or RCS scheme, as well as strengthened child safety in organisations. A snapshot is provided in the table below, with greater detail in Appendix B of the CRIS. We welcome any feedback from organisations with experience working in other jurisdictions about what lessons we can learn from their approaches.

|  |  |  |
| --- | --- | --- |
| **State or Territory** | **Child Safe Standards** | **Reportable Conduct Scheme** |
| New South Wales | ✓ | ✓ |
| **Victoria** | ✓ | ✓ |
| **Australian Capital Territory** | Under development | ✓ |
| **Western Australia** | Under development | ✓ |
| **Tasmania** | ✓ *from 2024* | ✓ *from 2024* |
| **South Australia** | ✓ | ✗ |
| **Northern Territory** | ✗ | ✗ |

1. What will my sector/organisation have to do differently under a reportable conduct scheme?

Organisations are obliged to ensure they have strong systems in place to prevent, identify and respond to allegations of child abuse, which is not a new obligation for many organisations.

As with current practice, if criminal conduct is suspected, the organisation must report it to the police as a priority. In this case, the organisation should follow instructions from the police before proceeding with their own investigation.

Under an RCS, even in the case of a police investigation, the head of the entity is required to notify the oversight body of an allegation and take necessary action (in consultation with police) to manage any risks to children.

If an organisation already has strong systems in place to protect children and manage misconduct, responsibilities primarily involve notifying the oversight body of any reportable allegations and keeping them informed of the investigation and its outcomes.

An investigation is an inquiry into an allegation. An investigation should gather and assess all relevant evidence to establish a documented basis for a decision. The Royal Commission specified the investigations should be carried out by an impartial, objective and trained investigator. This may be an employee of the institution or a contractor independent of the institution. Some may use a combination of internal investigation resources and external investigators. The investigations should be undertaken in a way that is proportionate to the seriousness of the complaint.

1. This will require a lot of work for our organisation to set up systems, and we don’t have the resources/skills to conduct investigations. What support will be available for my organisation?

Supporting organisations to build their capacity to comply with the RCS will be an important part of the job of any oversight body. For example, in Victoria, the oversight body has a responsibility to educate and provide advice to entities to assist them to identify reportable conduct and to report and investigate reportable allegations; and educate and provide advice to regulators to promote compliance with the RCS. Support provided by the oversight body may include online resources, training sessions, and advice on individual cases, as needed.

1. What is the relationship between child safe standards and a reportable conduct scheme?

RCS and CSS are complementary schemes. Both seek to improve an organisation’s ability to keep children safe and ensure appropriate responses to allegations of child abuse. Being child safe requires ongoing work and reflection with children’s safety and wellbeing at the centre of thought, values and actions.

The CSS emphasise the importance of adopting a range of strategies for organisations to consciously and systematically create a child safe organisational culture and environment. For example, the CSS require organisations to have processes to respond to complaints and concerns to be child-focused (CSS Standard 6). This is one strategy that contributes to building a child safe organisational culture.

An RCS would apply to relevant organisations and provide independent oversight of child-related complaint handling by organisations.

1. When will a Queensland child safe organisations system commence?

No decision has been made about how CSS and RCS will be implemented. Following consultation on the CRIS, Government will consider and analyse feedback and in due course release a Decision Regulatory Impact Statement summarising the results of this consultation and regulatory impact analysis. The proposed child safe organisations system would then require legislative amendments to be passed through Parliament.

We are considering the best way to implement the new system to ensure that organisations in scope will be well prepared and the oversight body is well positioned to support them. The CRIS explores different ways the roll-out of CSS and RCS could occur, such as phased by sector and whether the CSS and RCS components should be staggered or start at the same time. For more information, please refer to the discussion and targeted questions on implementation on pages 109 to 110 of the CRIS.

1. What resources are available to learn more about the CSS and RCS?

For organisations that wish to be proactive about putting in place some best practice approaches to child safety and wellbeing in their organisation, there are existing resources that may be helpful.

The National Principles for Child Safe Organisations were endorsed by all governments and the Australian Government has some free online resources and tools that organisations can access:

* [National Principles tools and resources](https://childsafe.humanrights.gov.au/tools-resources) and [here](https://www.childsafety.gov.au/resources?f%5B0%5D=field_publication_type%3A1122&f%5B1%5D=language%3A8);
* [National Principles and cultural safety guidance](https://www.childsafety.gov.au/resources/keeping-our-kids-safe-cultural-safety-and-national-principles-child-safe-organisations-guide).

Other jurisdictions like New South Wales, Tasmania and Victoria have resources available online to support organisations in their jurisdictions to comply with their CSS and RCS. Organisations reviewing these materials should keep in mind they were developed for the specific obligations in each jurisdiction’s scheme, and it is intended that any Queensland legislative scheme would include Queensland-specific guidance.