

11 July 2024

Community Support and Services Committee  
Parliament House  
George Street,  
Brisbane Qld 4000

By email: [cssc@parliament.qld.gov.au](mailto:cssc@parliament.qld.gov.au)

Dear Committee Members

## **Child Safe Organisations Bill 2024 ('the Bill')**

Thank you for the opportunity to provide feedback in relation to the above.

### **About QCOSS**

Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

QCOSS supports Queensland community service organisations to understand a range of their regulatory obligations, such as those relating to the Human Services Quality Framework ('HSQF'). This includes one-on-one support for community service organisations and the development of freely available tools and resources. QCOSS also convenes the Quality Collaboration Network ('QCN'), a network of sector professionals who regularly meet to discuss quality service provision within human services.

### **QCOSS' position**

QCOSS welcomes the Queensland Government's commitment to implement recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. QCOSS, and our sector members, welcome measures in the Bill which will help to support child safety through the establishment of the Child Safe Standards ('CSS'), a Universal Principle for cultural safety for Aboriginal and Torres Strait Islander children ('Universal Principle'), and the Reportable Conduct Scheme ('RCS').

While Queensland will have the benefit of learning from the experiences of other jurisdictions who have already implemented similar frameworks, it is important to consider the factors and challenges that are unique to Queensland, including the size of our state.

It will be essential to ensure the Bill is supported by careful implementation activities, investment, and support for organisations in relation to capacity and compliance. We encourage the Committee to consider the timeframes outlined in the Bill with a view to ensuring implementation is successful. We also encourage close engagement with Aboriginal and Torres Strait Islander Peoples and Aboriginal and Torres Strait Islander community controlled organisations ('the Community Controlled Sector') on whether the Bill requires amendments, and whether there are any additional commitments needed, to ensure implementation is managed in a culturally safe way. Community service organisations implementing the CSS, the Universal Principle, and the RCS, along with relevant regulatory bodies, must be set up to succeed and must be appropriately supported, consulted, and informed through these significant next steps.



QCOSS has engaged with previous departmental consultations on the implementation of the CSS, the Universal Principle, and the RCS, drawing closely upon feedback provided by our QCN. Feedback we received to support our prior engagement in this area has informed the development of this submission. We have also received feedback from a select number of our members specifically in relation to the Bill. We have not sought to exhaustively engage with technical aspects of the Bill, due to limited timeframes.

### **Implementation must be guided by human rights principles, including the right of First Nations Peoples to self-determination**

The Bill and implementation of the CSS, Universal Principle and the RCS must be guided and underpinned by a commitment to human rights. This includes the right of First Nations Peoples to self-determination, the importance of which is acknowledged in the preamble to the *Human Rights Act 2019* (Qld) ('the HRA'). The Statement of Compatibility accompanying the Bill considers the cultural rights of Aboriginal and Torres Strait Islander Peoples, which are inherently connected to self-determination.<sup>1</sup>

Based on feedback from colleagues in the Community Controlled Sector, we particularly highlight that the Bill, and the implementation of the Bill, must ensure that important processes relating to and affecting First Nations Peoples will be led by First Nations Peoples and First Nations-led structures.

In this regard, we note that the *Community Safety Plan for Queensland* commits to establishing an Independent Aboriginal and Torres Strait Islander Children's Commissioner.<sup>2</sup> The Bill and supporting materials, however, do not appear to refer to that Commitment, nor that position, which should play a key role in this setting.

The explanatory notes do outline "it is intended that guidance for cultural safety will be led by Aboriginal and Torres Strait Islander Peoples within and external to the Commission."<sup>3</sup>

The explanatory notes also highlighted stakeholder feedback that confirmed:

"Aboriginal and Torres Strait Islander children themselves, their families and communities are the only authorities on what makes organisations culturally safe for Aboriginal and Torres Strait Islander children. Many stakeholders suggested that the design of systems, structures, resources and implementation must be led by Aboriginal and Torres Strait Islander peoples."<sup>4</sup>

With this in mind, in addition to guidance regarding cultural safety, further details and commitments are needed regarding how implementation, compliance and monitoring functions will be actively led and conducted by Aboriginal and Torres Strait Islander Peoples in relation to cultural safety. We have received feedback that underscores the importance of ensuring that non-Indigenous people are not ultimately leading this work nor assessing whether an organisation is culturally safe. Such an outcome would be contrary to the right to self-determination and to the evidence regarding culturally safe implementation of legislation and regulations relating directly to the experience and safety of Aboriginal and Torres Strait Islander Peoples.

Another area requiring further detail includes investigation processes outlined in the Bill, and mechanisms that will be in place to ensure investigations are handled in a culturally safe way.

QCOSS has not sought to exhaustively outline all areas of the Bill which need to be strengthened in this context. We have sought to highlight select issues based on feedback we have received, which illustrate that further and extensive engagement is needed. Guidance on how to embed cultural safety in connection with the Bill must come from First Nations Peoples, the Community Controlled Sector and other First Nations organisations.

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<sup>1</sup> Child Safe Organisations Bill 2024, Statement of Compatibility.

<https://documents.parliament.qld.gov.au/tp/2024/5724T1051-BC31.pdf>

<sup>2</sup> State of Queensland. (2024). *Community Safety Plan for Queensland*, p 36.

<https://www.qld.gov.au/about/community-safety>

<sup>3</sup> Child Safe Organisations Bill 2024 Explanatory notes, p 14.

<sup>4</sup> Child Safe Organisations Bill 2024 Explanatory notes, p 30.

## **The community service sector will need additional financial support**

QCOSS members, while supporting the Bill in principle, generally raise concerns about meeting the costs of implementation. Community service organisations have raised consistent concerns regarding inadequate funding for compliance and regulatory activities in a broad range of contexts. Of the Queensland survey respondents to the Australian Community Sector Survey in 2022, only 37 per cent agreed that their most important stream of government funding enabled them to meet their regulatory obligations.<sup>5</sup> These critical aspects of service provision are regularly absorbed by service providers who are also facing increasing levels of service demand and increasing complexity of need.<sup>6</sup>

The Explanatory Notes outline a funding allocation of \$43.525 million over four years and ongoing funding for the Commission to operate the oversight body and to support the Department of Child Safety, Seniors and Disability Services' and the Department of Youth Justice's ongoing role as collaborative regulators for the CSO system.<sup>7</sup> It is important to ensure there will also be Government funding allocated for community service organisations within the scope of the Bill to implement and manage their obligations.

This includes investment in staff training and upskilling, establishing monitoring and compliance processes, covering audit and other regulatory costs and undertaking other actions set out in the Bill, such as internal investigations. The *Growing Child Safe Organisations in Queensland Decision Impact Analysis Statement* provides details on estimated costs to organisations implementing the CSS and RCS.<sup>8</sup> QCOSS remains concerned that these costs have been underestimated.

Organisations could be at risk of non-compliance with their responsibilities or potentially face the question of whether they can continue to provide services. This is a particular concern for small organisations who have limited staffing and resources, and those delivering services across rural, regional and remote (RRR) areas. Costs of compliance are likely to be significantly higher for RRR organisations due to circumstances beyond their control. For example, funding high accommodation and transport costs when internal or regulatory staff travel to evaluate services.

The cost of compliance and implementation should be further reviewed, and the financial burden on organisations who are already thinly stretched must not be minimised. Experiences in other jurisdictions on the costs of implementation and compliance to organisations may be helpful in this regard. However, there will be costs which are unique to the Queensland context.

### **Capacity building and ongoing support will be vital**

Child safety must be maintained through a combination of workforce understanding and capability, and compliance mechanisms. Building capability and understanding of what it means to be 'child safe' needs to be adequately resourced to achieve a comprehensive cultural shift towards safety for children. QCOSS is pleased to see firm commitments in this regard.

Our members have emphasised there will be a need for comprehensive guidance materials and support to help organisations understand and adopt the CSS, Universal Principle and RCS. Members have highlighted that templates and scenario based materials will be particularly useful.

QCOSS has received feedback on the need for preparatory and ongoing support when navigating these changes, including how to manage intersecting obligations. For example, support will be needed to guide:

- how small organisations and organisations in small or remote communities can best navigate complex requirements, including internal investigations

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<sup>5</sup> Queensland Council of Social Service. *State of the Sector 2022*, p 23.  
<https://www.qcoss.org.au/publication/report-state-of-the-sector-2022/>

<sup>6</sup> Queensland Council of Social Service. *State of the Sector 2022*, pp 19 – 21.

<sup>7</sup> Child Safe Organisations Bill 2024 Explanatory notes, p 16.

<sup>8</sup> State of Queensland. (2024). *Growing Child Safe Organisations in Queensland Decision Impact Analysis Statement*, pp 87 – 98.

- how organisations can manage internal investigations, while also maintaining compliance with other risk-management and screening processes and obligations under Fair Work laws
- how to manage investigation timeframes and processes generally, noting there will be a need to ensure investigations are approached efficiently, while still operating in a way that is feasible for the organisation
- how organisations who are operating across more than one jurisdiction can manage compliance requirements which can have small but significant differences between the States and Territories
- how to navigate similar obligations, such as obligations to report conduct under the Criminal Code and obligations under the RCS
- how to best manage and understand the intersection between other areas of regulatory compliance. For example, in relation to licencing frameworks, or how investigations will integrate with Standard of Care Reviews. If the implementation of the CSS, Universal Principle and RCS is likely to intersect with regulation under the HSQF, it will be important to ensure that the current review into HSQF reforms incorporates consideration of the matters raised with the Committee through this Inquiry, such as a need to ensure culturally safe implementation.

Many organisations have noted a need for greater clarity on points such as these so that they can accurately determine and plan to meet their obligations. Guidance on practical implementation may also help to illuminate any further legislative amendments, capacity building materials and activities, or additional investment required to successfully operationalise the Bill.

### **The Committee should carefully consider implementation timeframes**

As outlined in the Explanatory Notes, “the Bill establishes a phased approach to commencement under clause 2”, from October 2025 through to July 2027.<sup>9</sup> The Explanatory Notes outline that the CSS and Universal Principle will commence ahead of the RCS, and that implementation will also commence progressively for different sectors. It was explained that the first phases will “apply to more highly regulated and mature sectors that are engaged with the most vulnerable children (for example, child protection services, services for children with disability, youth justice services).”<sup>10</sup>

QCOSS is pleased to see the considerable thought that has clearly underpinned the proposal for phased implementation. However, it will be important to strike the right balance between setting ambitious yet sustainable targets for implementation, with the need to ensure system readiness and readiness among relevant sectors. We therefore encourage the Committee to carefully consider whether legislated timeframes for commencement could negatively impact successful implementation.

It will be important to establish and sequence implementation activities and timeframes and ensure that commencement only occurs once any identified pre-conditions and lead times have been fully met. In working towards legislated commencement dates, any unforeseen delays could seriously undermine successful operationalisation of these important reforms.

With respect to phased implementation between different sectors, it is true that many community service organisations are already highly regulated and are familiar with compliance regimes. However, it is important to consider that many organisations in our sector are also small operations with few staff providing services in complex areas. Members of our sector have stressed the need for a long lead time, and this was particularly emphasised in relation to smaller organisations.

### **Conclusion**

QCOSS looks forward to continuing to engage with the Queensland Government to ensure the CSS, Universal Principle and the RCS can be implemented sustainably and efficiently. It will be important to ensure system readiness and to ensure that service providers feel prepared, supported

<sup>9</sup> Child Safe Organisations Bill 2024 (Qld) Explanatory Notes, p 8.

<sup>10</sup> Ibid.

and well-resourced to understand and comply with these changes. The implementation of the CSS and RCS must be underpinned by a commitment to protect, respect and fulfil human rights. This includes the right of First Nations Peoples to self-determination.

Thank you again for the opportunity to provide our submission. If you have any questions, please contact Aimee McVeigh, Chief Executive Officer at [aimee@qcross.org.au](mailto:aimee@qcross.org.au).

Yours sincerely

A handwritten signature in black ink that reads "Aimee McVeigh". The signature is written in a cursive, flowing style.

Aimee McVeigh  
Chief Executive Officer