Department of Child Safety, Seniors and Disability Services
Department of Justice and Attorney-General

GROWING CHILD SAFE ORGANISATIONS IN QUEENSLAND

Consultation Regulatory Impact Statement

Queensland Government

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A note on the content of this document

Content warning

This paper deals with information about child abuse and its content may be distressing for readers. If the issues discussed raise concerns or cause distress to you, and you think you may need someone to talk to, you can contact one of the services listed below:

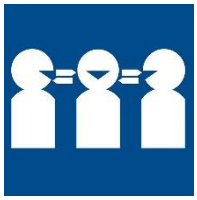
- Lifeline is a 24/7 telephone counselling and referral service across a range of support areas – ph. 13 11 14 and www.lifeline.org.au
- Blue Knot supports adult survivors of childhood trauma and abuse, parents, partners, family and friends – ph. 1300 657 380 and https://blueknot.org.au
- Kids Helpline offers telephone and online counselling service for children and young people aged between 5 and 25 years – ph. 1800 551 800 and https://kidshelpline.com.au
- WellMob provides a safe online place made by and for Aboriginal and Torres Strait Islander peoples, bringing together wellbeing resources that are culturally relevant https://wellmob.org.au/get-help/
- MensLine Australia is a 24/7 telephone and online counselling and referral service across a range of support needs – ph. 1300 789 978 and https://mensline.org.au

About this document

The format of this Consultation Regulatory Impact Statement (CRIS) reflects the requirements of the regulatory impact assessment process in the Queensland Government *Guide to Better Regulation*, which is intended to ensure all regulatory impacts of proposed changes have been considered. We have worked to present distressing content sensitively within these requirements.

To help stakeholders engage with this consultation process in a more trauma-informed way, we have also created separate **supplementary materials** which some readers may use for the purposes of responding to this consultation. These supplementary materials reflect and consolidate information presented in the CRIS and act as a companion piece to help readers navigate the CRIS and key topics.

Translating and interpreting services



Readers who require translating or interpreting services can access these services for free from the Translating and Interpreting Service website https://www.tisnational.gov.au

Acknowledgements

We greatly value and appreciate feedback about our proposals, particularly from those with lived experience of abuse in institutional settings. Your insights are vital to informing government responses to these issues.

The Queensland Government takes seriously its commitment to supporting people with lived experience of institutional child sexual abuse, redressing past wrongs, and taking action to ensure the mistakes of the past are never repeated. We acknowledge the courage and strength shown by those with lived experience of abuse who have shared their stories and who continue to engage in work to reform systems and cultures to ensure all children are safe in institutions.

The Queensland Government thanks and acknowledges all who have provided input and feedback through previous consultations about the child safe standards and reportable conduct scheme for Queensland. The information we received through these consultations has been central to the development of options outlined in this document.

Acknowledgement of Aboriginal and Torres Strait Islander Peoples

The Queensland Government respectfully acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of lands across Queensland and recognises their connections to land, wind, water and community. We pay our respects to them, their cultures, and to Elders past and present.

We also acknowledge the enduring impacts of colonisation and dispossession and associated intergenerational trauma for Aboriginal and Torres Strait Islander peoples, including in relation to particular vulnerabilities to, and impacts of, institutional child abuse.

The Queensland Government is committed to respectfully journeying together to ensure cultural knowledge and values are critical factors in the development, implementation and evaluation of government actions that support Aboriginal and Torres Strait Islander peoples. We acknowledge and thank Aboriginal and Torres Strait Islander peoples who have informed our work to develop options for implementing the child safe standards and reportable conduct schemes in Queensland to date.

Executive summary

Background

Queensland is home to more than one million children and young people under the age of 18, many of whom will interact with various organisations throughout their childhood, including, for example, early childhood education and care, schools, health services, disability services, sport and recreation clubs and religious institutions.[1] Organisations are an essential part of childhood, helping children learn, play and grow, and there is a strong community expectation that organisations are safe places where children can thrive.

Unfortunately, children and young people do not always experience organisations as safe and nurturing. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) found that tens of thousands of children were sexually abused in institutions and that the sexual abuse of children has occurred in almost every type of institution where children live or attend for educational, recreational, sporting, religious or cultural activities.[2]

The Royal Commission concluded that many organisations entrusted with the care of children and young people failed to protect them and keep them safe, and it recommended state and territory governments require the implementation of 10 child safe standards (CSS) and establish nationally consistent reportable conduct schemes (RCS).[3]

The Royal Commission's 10 CSS act as the blueprint for organisations to become child safe and establish organisational cultures that value children, respect their rights and prevent institutional child abuse. An RCS provides independent oversight of organisations' responses to allegations of child abuse and misconduct by staff and volunteers ('reportable conduct') and aims to ensure complaints are handled properly and information about people who may pose a risk to children is shared appropriately across organisations and sectors.

Figure 1 The Royal Commission's Child Safe Standards[4]

[1] Australian Bureau of Statistics, *2021 Queensland Census All persons QuickStats*, Australian Bureau of Statistics, 2022
[2] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Preface and executive summary,* Sydney, 2017, page 5, Final report | Royal Commission into Institutional Responses to Child Sexual Abuse (childabuseroyalcommission.gov.au)
[3] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Recommendations,* Sydney, 2017, pages 6–12, 19–21, 42, 44, 45.
[4] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 145.

The CSS and RCS are complementary schemes that together can comprise an integrated child safe organisations system which is preventative, responsive and has the capacity to detect risks.

Since the Royal Commission, many states and territories have progressed implementation of CSS and an RCS.

Child safe standards and a reportable conduct scheme in Queensland

The Queensland Government is working on options to implement CSS and establish an RCS in Queensland, as recommended by the Royal Commission. This Consultation Regulatory Impact Statement (CRIS) follows a targeted consultation process held in 2021. While the Royal Commission was focused on child sexual abuse in institutions, the Queensland Government is seeking to address all forms of child maltreatment in institutions and organisations (physical, sexual and emotional abuse and neglect) when considering options for CSS and an RCS.

The purpose of this CRIS is to identify and seek feedback on the impact that regulation for CSS and a Queensland RCS will have on organisations, government and the community, with particular consideration for the children and young people that the proposed regulation is intended to benefit.

For the purposes of this CRIS, the Queensland Government has estimated an approximate prevalence rate of all types of institutional child abuse in Queensland, the financial impacts of institutional child abuse, and whether the proposals will create a net benefit for Queenslanders. However, we acknowledge that the impact of institutional child abuse is profound, lifelong and cannot be measured.

Objectives of government action

The Queensland Government's goal is to prevent abuse and reduce the severity of harm children experience in Queensland institutions. To achieve this, there are two primary objectives of government action. The first objective is to ensure the safety and wellbeing of children accessing services or facilities in Queensland institutions, recognising that no amount of abuse is acceptable, and all children deserve to grow up safe from harm. However, as acknowledged by the Royal Commission, when abuse does occur, improper responses from institutions can exacerbate the harm experienced by children.[5] The second objective is to ensure children who are at risk of experiencing, or have experienced, abuse in institutional settings are supported early, in a trauma-informed and appropriate way.

Overview of proposed reforms

Queensland is proposing to establish an integrated child safe organisations system that 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 are integrated into the role of a single, independent oversight body (the oversight body)

This document explores three options for CSS with the preferred option being a legislated scheme mandating compliance, implemented through a collaborative regulatory model with a key focus on capacity building for organisations (refer Figure 2, below). Two options have been explored to assess the recommendation for an RCS (refer Figure 3, below), with the preferred option being implementing an RCS that is nationally consistent as recommended by the Royal Commission. The minimum scope of organisations recommended for inclusion in the RCS by the Royal Commission is narrower than the scope of organisations recommended for inclusion in the CSS. The Royal Commission recommended RCS only cover organisations that 'exercise a high degree of responsibility for children'

[5]Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 7: Improving institutional responding and reporting,* Sydney, 2017, page 13

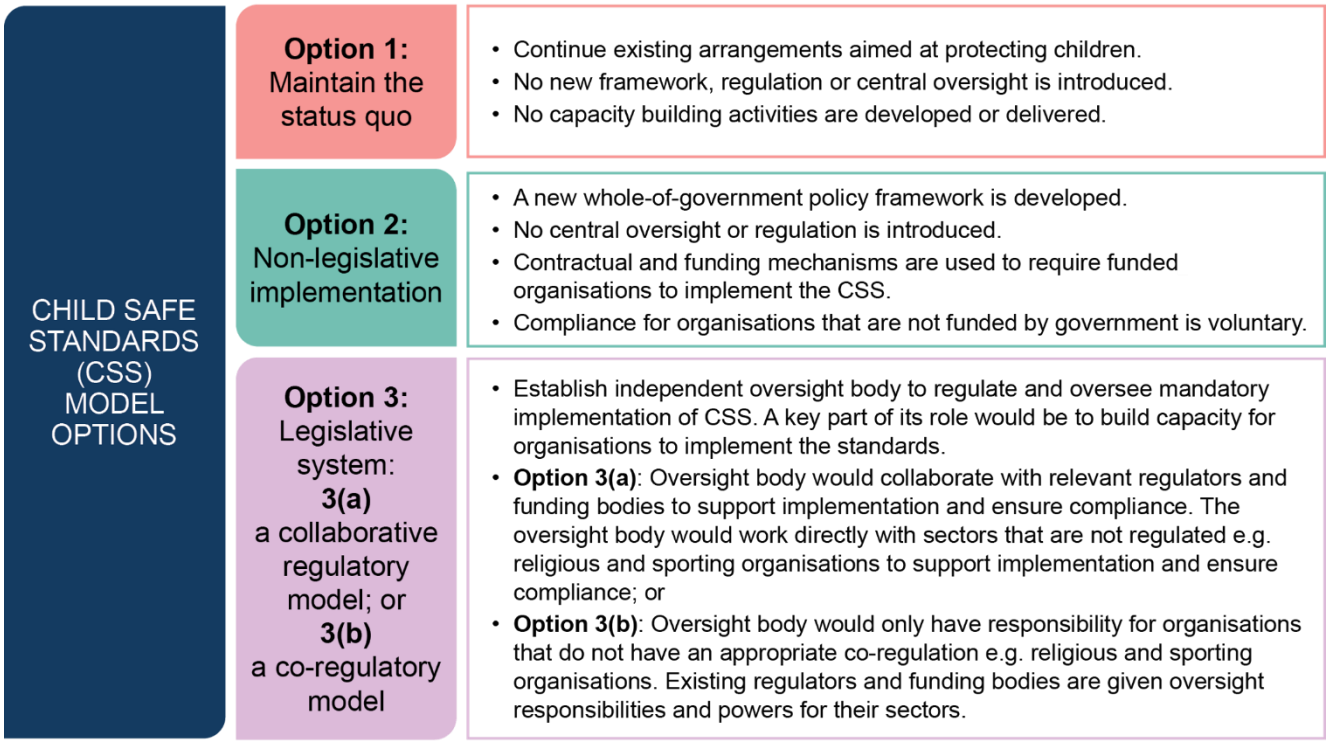
and ‘engage in activities that involve a heightened risk of child sexual abuse, due to institutional characteristics, the nature of the activities involving children, or the additional vulnerability of the children the institution engages with’ (Royal Commission, Final Report recommendation 7.12). Further details and discussion on scope can be found in Part 3 of the CRIS.

Decisions regarding the scope of the CSS and an RCS for Queensland will be made by government following further consultation and the completion of the regulatory impact analysis process.

Options for implementing child safe standards in Queensland

There are several ways the CSS could be implemented in Queensland to help organisations better prevent, detect and respond to child abuse and prioritise the safety and wellbeing of children in their care. The Royal Commission suggested states and territories should regulate, and support implementation of, CSS in a way that maximises the safety and wellbeing of children while minimising regulatory burden. To achieve this balance, the Royal Commission intended regulation to be proportionate to the level of organisational risk, flexibly applied, and leverage existing regulatory systems wherever possible. These considerations have informed the options developed and summarised on the next page.

Figure 2 Options for child safe standards in Queensland



Impact on organisations

All options require efforts from relevant organisations to build a culture and adopt practices which prioritise the safety of children (child safe practices), in a way that is meaningful for each organisation’s unique operating environment to maximise the safety and wellbeing of children in their care. The CSS are not intended to set out prescriptive rules, but are intended to be flexible, principle-based and focused on outcomes. What will differ for each option is the support and resources provided (i.e. capacity building), the level of oversight, and the regulator.

Common strategies of implementing CSS that may be adopted by organisations include, but are not limited to, developing and maintaining organisational governance materials to ensure the child safe

standards help influence the organisation's practices, decision-making processes, risk management and transparency, such as:

- a statement of commitment to child safety;
- a child safe policy;
- a code of conduct for the organisation's employees and volunteers;
- complaints management policies;
- a risk management plan; and
- reflecting the CSS in human resources policies and procedures (e.g. recruitment processes).

Organisations in scope for Option 2 (i.e. organisations funded or regulated by government) will need to meet contractual obligations of demonstrating compliance and participate in capacity building activities delivered by funding or regulatory bodies. For organisations that are not in scope participation will be voluntary with no further support or capacity building beyond what is currently available.

Many of the impacts for Option 3(a) are the same as Option 3(b), with the key difference relating to potential increased costs of regulatory burden under Option 3(b) because of the possible involvement of multiple regulators. Organisations in scope of either Option 3(a) or (b) (see discussion of which organisations are being considered for inclusion in a legislated CSS system on page 53) will be responsible for ensuring their organisations are meeting the CSS, including by:

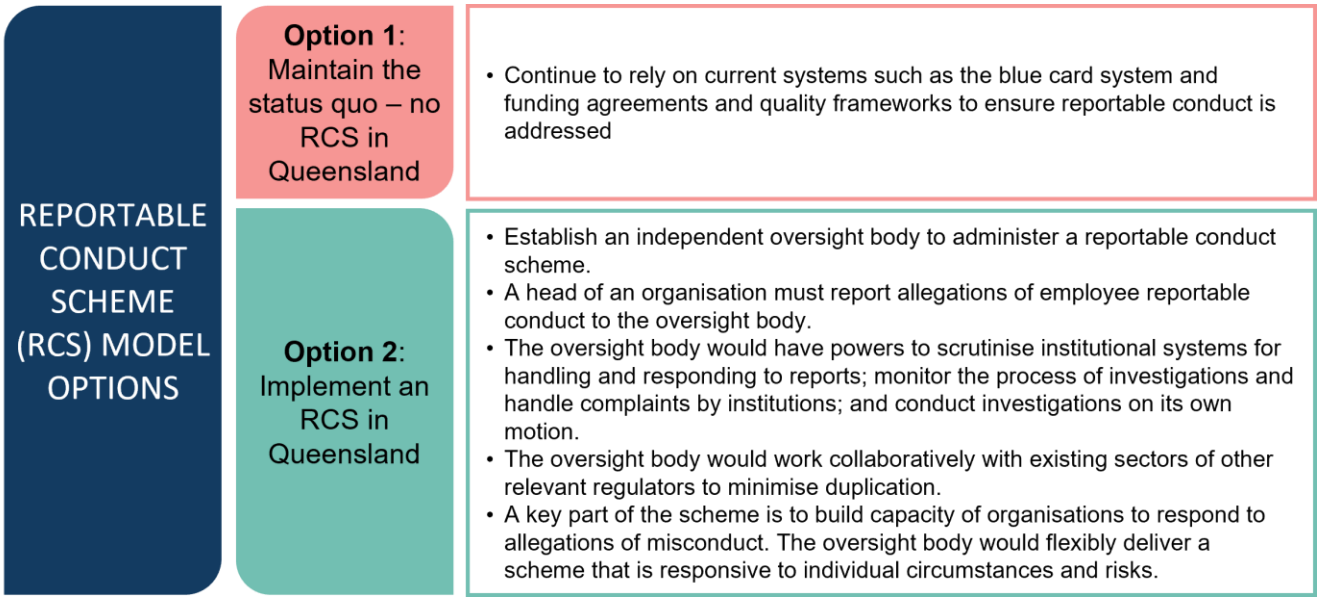
- identifying necessary requirements for how their organisation can best meet the CSS (with expert guidance and capacity building supports provided);
- participating in the CSS body's capacity building activities and accessing supports as necessary, to support the organisation's ability to implement child safe practice;
- committing themselves to ongoing quality improvement in their child safe practices, as the risks of abuse in organisations are dynamic and changing, and child safe cultures must be consciously maintained;
- complying with any directions made by the CSS body (or a delegated CSS co-regulator, for Option 3(b)). This may include, for example, producing information relating to the organisation's implementation of CSS (on request); and
- advising the oversight body of any barriers to compliance.

Preferred option for child safe standards

The preferred option for CSS is Option 3(a), the establishment of an oversight body and legislation requiring organisations in scope to implement CSS, with the oversight body taking a collaborative approach with existing regulators supporting organisations to comply. For organisations already subject to existing regulation, the oversight body will work collaboratively with those regulators to establish a consistent and coordinated approach to building child safe organisations that can leverage existing processes and help reduce any regulatory duplication or burden. The oversight body will adopt the role of regulator where there are no existing relevant regulatory arrangements for organisations. This option also enables flexible application of the CSS to each organisation in a way that is proportionate to the level of organisational risk and the nature and characteristics of each organisation.

Options for a Queensland reportable conduct scheme

Figure 3 Options for a Queensland reportable conduct scheme



Impact on organisations

For Option 1, organisations will remain subject to existing obligations such as the blue card system and existing reporting requirements, with no new obligations imposed. These are detailed further in pages 25-27.

For Option 2, organisations in scope (see discussion of scope on pages 63-66) will have obligations to:

- Ensure systems are in place for preventing, detecting and responding to reportable allegations and convictions of employees, volunteers and contractors. The oversight body will be able to request information from organisations about their systems and may make recommendations for action to be taken regarding those systems.
- Notify the oversight body of reportable allegations or convictions that they become aware of against their employees, volunteers and contractors.
- Investigate allegations having regard to the principles of procedural fairness and determine whether they have been proven.
- Provide information about allegations, progress of investigations and findings and action taken to the alleged victim and their parent/carer and as requested by the oversight body.
- Ensure appropriate confidentiality of information relating to reportable allegations.
- Advise the oversight body of the outcome of investigations upon completion.
- Take appropriate action to prevent reportable conduct by employees.

Preferred option for a reportable conduct scheme

Option 2, implementing a Queensland RCS, is the preferred option. Over time, it is expected there will be earlier detection of risks and incidents of child abuse which will have positive impacts on children, organisations, government, and the wider community, including potentially fewer incidents of harm to children.

While there would be new obligations for all organisations, the impacts will be moderated by existing obligations on highly regulated sectors, such as early childhood education and care, child protection, youth justice, education, and services for children with disability.

Sectors that have fewer existing regulatory obligations, such as accommodation and residential services, health services for children and religious organisations may need to undergo more significant changes to their practices, however, this will be mitigated by the support and capacity building functions of the oversight body.

Impact analysis

To quantify the estimated costs and benefits that could be realised by implementing the various options for both CSS and a Queensland RCS, a financial analysis was performed on the options (aside from the status quo) to evaluate the required impact for each option to be cost-neutral. The below tables summarise how different benefits and costs will accrue to different groups of stakeholders. For the purposes of the cost-effectiveness analysis, the key benefit of creating safer environments for children is used to measure the different costs for different options (see Part 4 for further detail). The other benefits identified below contribute to this key benefit and inform the additional qualitative analysis for how options will affect stakeholders.

Table 1 Summary of expected impacts child safe standards and reportable conduct scheme

Stakeholder	Costs	Benefits
Children and young people	No direct costs	Safer environments for children who engage with organisations and sectors in scope and reduced risk of harm
Organisations	Costs to comply with CSS and RCS obligations such as engaging in capacity building; setting up policies and systems; reporting incidents to the oversight body and conducting investigations	Improved capability, understanding and frameworks to support institutional child safety; earlier detection of risks of harm and better reporting; support and guidance to respond to reportable allegations; may help reduce civil liabilities regarding child abuse, improved organisational culture; higher staff retention improved public reputation stronger ability to attract grants/funding
Government	Costs to fund oversight body to administer CSS and RCS; costs to government entities that must collaborate with oversight body; compliance costs to government entities in scope of CSS and RCS	Improved oversight of child safe practice in organisations; greater collaboration between oversight body and sector regulators; improved information sharing to identify child abuse and complement existing mechanisms to protect children; increased national consistency
Wider community	No direct costs	Greater community awareness and engagement in child safety; reduced incidents of child abuse in organisations; improved community confidence in organisations that deliver services to children; increased national consistency will benefit wider community to be aware of and avoid or reduce harm

The key cost drivers and cost estimates for governments and organisations to establish and comply with CSS and RCS under different options are detailed below, with further information on the assumptions and key drivers for these estimated costs explored in Part 4. It is expected there will also be additional costs faced by government agencies in establishing the necessary resources and processes to cooperate with the oversight body – these costs are expected to be largely the same across the relevant options and are detailed further in Part 4 of the CRIS.

Table 2 Annual average costs to government to establish oversight body

Option		Cost (M) per Year					
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 +
CSS	Option 2	N/A					
	Option 3(a)	$3.96	$4.40	$3.79	$3.46	$3.56	$3.50
	Option 3(b)	$3.96	$4.04	$3.48	$3.19	$3.41	$3.40
RCS	Option 2	$3.47	$5.68	$5.10	$5.27	$5.42	$5.40
Integrated Model[6]		$7.43	$6.61	$7.02	$8.12	$8.83	$8.83

Table 3 Estimated annual average costs for organisations in scope to comply with CSS and RCS

	Annual costs to organisations							
	Large School		Religious Organisation		Foster Care Provider		Small Organisation	
	Set-up	Ongoing	Set-up	Ongoing	Set-up	Ongoing	Set-up	Ongoing
CSS	$23,333	$8,750	$15,000	$7,222	$10,000	$5,972	$1,167	$1,027
RCS	$23,333	$23,333	$15,000	$98,898	$10,000	$66,806	$1,167	$793
Integrated Model[7]	$24,333	$26,667	$16,000	$101,620	$11,000	$69,028	$1,353	$1,391

It is expected that as CSS and RCS models are implemented in Queensland, two impacts would occur: a reduction in annual prevalence of child maltreatment in Queensland organisations, and a reduction of the average harm incurred in cases of child maltreatment that continue to occur. Based on available analyses, it is estimated that on average, across all types of child maltreatment, each incident of child maltreatment has a total cost to the child of approximately $400,000 in lifetime impacts from loss of quality of life and reduced lifespan related to increased risks for poor mental health, suicide and self-harm, as well as premature mortality directly arising from the maltreatment.[8]

An additional cost to government of approximately $200,000 per incident of child maltreatment is also incurred as a result of subsequent costs relating to the increased demands on the health, criminal justice, housing and homelessness, and child protection systems.[9]

Therefore, every case of child maltreatment prevented represents approximately $600,000 in savings to society. The impact of maltreatment on every child is unique, and may be greater than these estimates, however, what is clear is that child maltreatment has an enormous impact on victims, families and communities.

Please note that the costs and benefits summarised above are indicative only and intended to best estimate the potential impact that the options would have on government and society. The methodology and assumptions underpinning these estimates are outlined in detail in Part 4 of the CRIS. It is estimated that all options would only need to achieve a very small impact on the prevalence of abuse and harm in Queensland organisations to be cost-effective. It is expected that

[6] See pages 68-69 for further detail on the assumptions and options selected to represent an integrated model of CSS and RCS co-located within the same oversight body

[7] See pages 68-69 for further detail on the assumptions and options selected to represent an integrated model of CSS and RCS co-located within the same oversight body

[8] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.

[9] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.

the preferred options would create significant net benefits for Queensland children, communities and organisations.

The outcome of the impact analysis demonstrates that across all costed options, only a small reduction in prevalence of child maltreatment will be required to have an overall net benefit for Queensland. While it is difficult to forecast the precise impact each option will have, based on the evidence available to us and the expert recommendations of the Royal Commission, it is highly probable that the impact of the recommended options will reach the level required to have a net benefit. The measures of cost-effectiveness are supplemented by qualitative analysis of each option which considers additional non-monetary impacts for the key stakeholders.

Next steps

We invite your feedback on the options and questions posed in this document. You can comment on the options by making a written submission:

- Email: RC_SPAL@cyjma.qld.gov.au
- Mail: Strategic Policy and Legislation
  Department of Child Safety, Seniors and Disability Services
  Locked Bag 3405
  BRISBANE QLD 4001

Submissions close on **Friday, 22 September at 5.00pm.**

Introduction

Organisations that have the privilege of providing services to children and young people have a significant responsibility to make sure they are kept safe and supported to thrive. The Queensland Government, both in its service delivery roles and policy/law-making functions, is committed to creating the safest possible Queensland for children and young people.

The Royal Commission, through its five-year, in-depth inquiry, explored the devastating impacts of child abuse occurring in organisations and recommended a wide range of measures to enhance systems that keep children and young people safe. The Queensland Government has made substantial progress in implementing the recommendations of the Royal Commission, but there is more to be done.

This CRIS explores the recommendations of the Royal Commission that relate to CSS and an RCS for Queensland. The objectives of these initiatives are to prevent abuse in institutions; create safe spaces for children to thrive; better respond to abuse when it happens; and avoid compounding trauma for people with lived experience.

To achieve these objectives the way the Royal Commission envisioned, there will be a regulatory impact on organisations and government. In order to make sure regulatory impact is accompanied by a system that offers the greatest benefit to Queenslanders, we are undertaking a regulatory impact analysis. The first part of that process is this CRIS. It sets out the options available and seeks community views on whether we have assessed the impacts and benefits accurately.

Your feedback will be provided to government as part of a Decision Regulatory Impact Statement, which will sum up our analysis and tell government which of the options is the most beneficial to Queenslanders. This will also be published once it has been considered by government.

How to participate

We encourage you to read the background information in each of the main sections. There are questions throughout, particularly in Part 4, to prompt your thinking and feedback, although you may provide feedback on any issues that are important to you. You may wish to comment on all the options covered in the paper, or only those that are of interest to you. You do not have to respond to every question or topic. We welcome the use of examples and real data, but please make sure no identifiable information is included. Please indicate when making your submission if you want your feedback to remain confidential. Submissions not marked as confidential may be quoted in public documents. Please note that even submissions marked as confidential may be required to be disclosed by us where we are required to do so under legislation, such as Right to Information legislation, or court order. Submissions close on **Friday, 22 September 2023** at **5.00pm**.

You can comment on the options by making a written submission:

- Email: RC_SPAL@cyjma.qld.gov.au
- Mail: Strategic Policy and Legislation
  Department of Child Safety, Seniors and Disability Services
  Locked Bag 3405
  BRISBANE QLD 4001

If you submit a response to this document, the department will acknowledge your submission. However, you will not necessarily receive an individual response to the items you address in your submission.

Submissions should not be used to make allegations of child abuse or child-related misconduct. If you suspect that a child may be in immediate danger, you should call ‘000’ immediately and report the matter to police.

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm or being neglected, contact Child Safety Services Centres and talk to someone about your concerns:

- **During normal business hours** – contact the Regional Intake Service; or
- **After hours and on weekends** – contact the Child Safety After Hours Service Centre on **1800 177 135**. The service operates 24 hours a day, 7 days a week.

If an allegation of child abuse or child-related misconduct is disclosed to the department as part of this regulatory impact analysis, we may be obligated to notify other organisations such as the Queensland Police Service and share relevant information concerning the allegation with them.

PART 1 – Why we are consulting on child safe organisations

While many organisations across Queensland have done excellent work to improve the safety of children engaged with them, we know we need to do more. The Royal Commission, along with various other inquiries, has shown us that institutional risks to children do not only exist in the past, and that child abuse continues to occur in organisations today.

Terminology: 'children and young people'

People under the age of 18. This paper references 'children and young people' throughout the document, but we also use the term 'children' to mean anyone under the age of 18.

For clarity, when there is reference to child abuse in this document, it covers all forms of abuse including physical abuse, sexual abuse, emotional or psychological abuse, and neglect, experienced by children and young people under 18 years of age. We have defined this and other key terms in the Glossary on page 115.

Any harm to a child is unacceptable. It is critical that organisations providing services to children are safe. Organisations provide important social, education and therapeutic services to children and young people that contribute to their development and wellbeing. Child safe organisations can also act as important protective mechanisms for children who might experience harm elsewhere.

The nature of risks to children and young people in organisational settings

How abuse can occur

It is typical for children to be involved with all different kinds of organisations from early childhood, many of which provide essential supports to children and their families. This includes schools, hospitals, sport and recreational clubs, religious organisations, childcare services, and disability support services, for example.

Despite their differences and unique settings, all organisations that provide services or facilities for children share a responsibility for their safety and can at times be an additional source of risk of harm.

Who is affected, and who are the stakeholders?

The table below summarises the estimated number of children who are receiving care or services in different sectors, demonstrating the substantial population exposed to potential maltreatment.[10]

Table 4 Queensland child population by service type

Service type[11]	Number of children
Education (schools)	857,920
Disability	29,332
Childcare	28,000
Child protection	10,053
Accommodation/residential	4,689
Justice and detention	1,939

[10] Modelling performed by Finity Consulting Pty Ltd using Australian Bureau of Statistics and Australian Institute of Health and Welfare data
[11] See Table 13 for further detail of these service types/sectors

All children are vulnerable to harm through their interactions with organisations due to the inherent power imbalance that exists between adults and children, which can be amplified in certain environments.

The exact number of organisations that provide care or other services to children or otherwise interact with them in some capacity in Queensland is unknown, but is expected to be significant – the Victorian Government found over 50,000 organisations in Victoria fell within the scope of its Child Safe Standards scheme, and over 12,000 organisations under its Reportable Conduct Scheme.[12] As at 31 March 2023, Blue Card Services in Queensland reported there were approximately 27,000 separate organisations with active blue card holders.

Queensland has had several independent inquiries about institutional harms to children in the last 25 years; the findings of which remain relevant to how government and organisations operate today and continue to shape our knowledge of the problem of institutional child abuse.[13]

> *Some key commonalities among the abuses included an abuse of power, a betrayal of trust, a reluctance of people in authority to acknowledge or deal with the abuse, and an official response which showed more concern for the protection of the institution and the abusers than for the safety of the children*
>
> *– Commission of Inquiry into Abuse of Children in Queensland Institutions, 1999 (Forde Inquiry) (pg. xii)*

Terminology: 'institution' or 'organisation'

The Royal Commission, when determining the scope of its inquiry, defined an 'institution' broadly, including any entity that 'provides or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children' (Royal Commission, Volume 1, page 17).

When we talk about children being safe in institutions, we are talking about organisations and businesses like: childcare, schools, churches, sports and facilities.

Institutional context of child abuse:

Happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution.

Is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to (whether by act or omission), the risk of child sexual abuse or the circumstances or conditions giving rise to that risk.

Happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

More recently, the Royal Commission conducted an in-depth inquiry into the occurrence of institutional child sexual abuse, including examining new data and evidence relating to the nature and causes of child sexual abuse. While the Royal Commission's terms of reference were limited to institutional sexual abuse, the Royal Commission's findings are relevant to improving prevention of, and responses to, all forms of harm to children in organisations. They also echo the findings of other inquiries that extended to broader forms of institutional harm to children.

[12] Victorian Department of Families, Fairness and Housing, *Review of Victoria's Reportable Conduct Scheme*, 2022.
[13] For example, the *Commission of Inquiry into abuse of children in Queensland institutions* (Forde Inquiry) (1999); *the Crime and Misconduct Commission Inquiry into the Abuse of Children in Foster Care in Queensland* (2003-2004); and the *Queensland Child Protection Commission of Inquiry* (QCPCOI) (2013).

Risk factors

The Royal Commission found a range of factors can influence the risk of harm to children in institutional settings, noting that some children can be more vulnerable to abuse than others. Such factors include gender, age and developmental stage, earlier experiences of maltreatment, disability, the nature of their engagement with an institution, social isolation, and their awareness of personal safety.[14] For children with diverse backgrounds and needs, the Royal Commission noted inherent systemic and structural issues affect their safety:[15]

> *We heard that Aboriginal and Torres Strait Islander children, children with disability and children from culturally and linguistically diverse backgrounds can face particular challenges. These children are not inherently more vulnerable to sexual abuse. Rather, they more often encounter circumstances that:*
> - *place them in organisations with high risk;*
> - *make it less likely they will be able to disclose or report abuse; and*
> - *make it more likely they will receive an inadequate response to sexual abuse than other children.[16]*

Different organisations may also have varying levels of risk depending on a range of factors. The Royal Commission identified three broad types of risk factors that can occur in every institution: institutional, operational and environmental,[17] as demonstrated in Table 5.

Table 5 Types of risk factors in organisations

Type of risk	Examples of risk factors
Institutional *Organisation attitudes and culture*	• Lacking understanding or awareness of child sexual abuse. • Failing to listen to children. • Failing to see prevention of child sexual abuse as a shared responsibility. • Prioritising the reputation of an institution over safety and wellbeing. • Failing to educate children about healthy and appropriate sexual development. • Cultivating secrecy and isolation. • A culture which normalises or tolerates harmful and abusive practices.
Operational *Governance, policy and practices*	• Institutional hierarchy that enables abuse and inhibits identification of and responses to abuse. • Inadequate recruitment and screening policies and practices, • Ineffective and insufficient child protection policies and practices. • Roles that enable opportunities for abuse, such as physical contact (e.g. showering). • Children's lack of access to a trusted adult. • Lack of effective supervision of adult-child interactions and external oversight. • Use of adults as role-models or mentors.
Environmental *Inherent characteristics of organisations and services*	• Access to children in isolated or unsupervised locations. • inappropriate placement of children in residential institutions • use of online environments or other potentially private, unaccountable communication avenues to groom and abuse children.

[14] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 2: Nature and cause,* Sydney, 2017, page 200.
[15] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 3.
[16] See further discussion on pages 48-51 'Cultural safety and considering the diverse needs of children in a Queensland system'
[17] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 2: Nature and cause,* Sydney, 2017, page 16.

Every institution is different in the risk factors or lack of risk factors that may exist in their organisation. Risks are also dynamic and ever-changing. Other factors such as staff turnover, shifting sector and market conditions, and major events such as the COVID-19 pandemic can be unpredictable and impact child maltreatment. While it is not possible to comprehensively map each organisation's level of risk for the purposes of this regulatory analysis, we can estimate how different types of services and organisations within each sector may be more or less likely to demonstrate specific risk factors, noting some organisations will sit across multiple categories or service types. These risk factors are outlined in a table which provides a non-exhaustive example of how operational and environmental risks may be different across sectors (**Appendix E**). As individual organisational and cultural risks can occur across all sectors and organisations and are not dependent on the nature of the organisation, they are not included in the table.

While understanding how organisations may experience different risks is useful, it is not possible to accurately compare organisations or make reliable predictions of the risks for any given organisation or sector. Two organisations may have roles that enable opportunities for abuse, but the organisations may have a different number of these roles and different opportunities for abuse to occur in each role. This limitation has been considered in the development of options for this CRIS, as it means government action must broadly capture organisations engaged with children and cannot be limited to only "high-risk" organisations.

A case study from the Royal Commission regarding abuse that occurred between 2009–2011 in the YMCA New South Wales (NSW) illustrates how institutional and operational risk factors led to the abuse of children by a staff member.

Royal Commission case study: YMCA NSW[18]

- August 2009 – YMCA NSW employed Jonathan Lord as casual childcare assistant for outside school hours care services.
- Over next two years, Lord worked in several roles including coordinator at two local YMCA centres.
- September 2011 – Lord subject of allegations of sexual abuse of child on excursion. Immediately suspended and employment terminated two months later.
- Early 2013 – Lord convicted of 13 sexual offences against 12 boys between six and 10 years of age, and sentenced to 10 years' imprisonment, with a non-parole period of six years.

The Royal Commission found that YMCA NSW:

- Contributed to an organisational culture where Lord was able to groom and sexually abuse children for more than two years without detection.
- Did not follow its own policies and procedures when recruiting Lord. These failures meant YMCA NSW did not know Lord had recently been dismissed from a YMCA role in the United States because of "questionable" behaviour with a child.
- Staff regularly breached policies without consequence. For example, Lord and other outside school hours care staff, including a manager, frequently babysat and engaged in outside activities with children who attended YMCA services, despite a policy prohibiting this.
- Did not have an effective system for giving parents information about its child protection policies. This meant parents were not aware of and did not understand these policies, preventing them from questioning Lord's grooming behaviours.

[18] Royal Commission into Institutional Responses to Child Sexual Abuse, Report of Case Study No 2: YMCA NSW's response to the conduct of Jonathan Lord, Sydney, 2014

- Did not provide staff with adequate education and training about its child protection policies, the nature of sexual abuse, or how to identify risks and report concerns. This contributed to Lord's behaviour going unreported.
- Did not have an effective confidential reporting system in place. This left staff not feeling comfortable to raise their concerns about Lord's conduct.

Information-sharing to prevent ongoing abuse

The Royal Commission revealed many common problems with organisational responses to allegations of child sexual abuse that meant they were not properly investigated, and children were not adequately protected. These problems can continue today, even in sectors that are highly regulated. These problems include:

- lack of clear and accessible complaint handling policies and procedures;
- ignoring or minimising complaints;
- poor investigation standards;
- no assessment or management of risks to the safety of children in their care; and
- widespread under-reporting to authorities where abuse was known or suspected, noting the Royal Commission found under-reporting occurred regardless of whether there were obligations to report.

The Royal Commission highlighted cases where organisations transferred risk by moving perpetrators to another location or provided misleading employment references to help the person obtain employment elsewhere.

The Royal Commission noted that in Queensland, regulation and oversight of employee-related child safety matters differs between sectors and multiple bodies can have roles in the same sector. For example, for schools, the Department of Education, the Non-State Schools Accreditation Board and the Queensland College of Teachers all play a role in regulation and/or oversight. However, the absence of an oversight body with a view across all sectors has allowed people who are known or suspected to pose a risk to children to move between sectors and continue employment in roles where they have contact with children. Some sectors that work with children are subject to minimal regulation, with limited or no independent oversight of child safe practices, such as transport and commercial services, or sporting and recreation clubs.

Case studies examined by the Royal Commission highlighted examples of where an oversight body with knowledge of reportable conduct missed opportunities to intervene and potentially prevent further abuse from occurring.

Royal Commission case study: Brisbane Grammar School and St Pauls School[19]

- Examined Kevin Lynch, teacher and counsellor at Brisbane Grammar between 1973 and 1988, and counsellor at St Pauls, between 1989 and 1997, and Gregory Robert Knight, teacher at St Pauls between 1981 and 1984.

Lynch

- Lynch sexually abused a large number of students during employment at Brisbane Grammar, with a number of complaints against him made to senior staff and the headmaster.
- He continued to sexually abuse students at St Pauls, where students made complaints, but no action was taken.

[19] Royal Commission into Institutional Responses to Child Sexual Abuse, Report of Case Study No 2: YMCA NSW's response to the conduct of Jonathan Lord, Sydney, 2014

- In 1997, Lynch was charged with 9 counts of offences committed against a St Pauls student. Lynch suicided the next day.

Knight

- During Knight's employment, allegations were made that he sexually abused a number of students.
- Two students made complaints of sexual abuse to headmaster of St Pauls regarding Knight, who accused them of lying and threatened to punish them if they persisted.
- St Pauls responded to allegations by accepting his resignation. The headmaster gave him a favourable reference.
- Knight went to teach at a high school in the Northern Territory. A student made allegations of sexual abuse, and school principal immediately referred matter to police.
- Knight was charged and convicted of number of counts of child sexual abuse and sentenced to eight years imprisonment.

The Royal Commission found that:

- The headmaster of Brisbane Grammar failed in his obligations to protect safety and wellbeing of the students, he did not investigate an allegation of sexual abuse made directly to him by a parent, and he did not report the matter to the police or board of trustees.
- The culture at Brisbane Grammar was that boys who made allegations of sexual abuse were not believed and not acted upon.
- During Lynch's employment, Brisbane Grammar had no systems, policies or procedures in place for dealing with allegations of child sexual abuse of students.
- St Pauls did not have a system for dealing with allegations that students made about child sexual abuse.
- The headmaster of St Pauls failed in his fundamental obligation to ensure students under his care were safe by failing to act in response to notifications of child sexual abuse.

Protective factors

While some factors contribute to added risk in organisations, protective factors reduce the risk of maltreatment occurring. These protective factors, as with risk factors, do not guarantee a certain outcome. However, their presence strengthens the safety of children and may decrease the likelihood of maltreatment, and that where it does occur the overall harm may be lessened. The Royal Commission identified that strong connection to community and culture can be protective for children, as well as access to supportive and trustworthy adults and peers, and the ability for children to safely assert themselves (verbally and physically). Another protective factor can be a child's adequate understanding of appropriate and inappropriate sexual behaviour, including sexual abuse and personal safety – this may enable a child to identify and resist abusive behaviour, although it is never a child's responsibility to prevent or resist abuse.

It is not possible to meaningfully estimate the impact of protective factors on children. Similar to institutional risk factors, it is also not possible to reasonably estimate whether particular sectors and types of organisations may have more or less protective factors compared to others. Accordingly, this CRIS has not incorporated protective factors into the impact analysis, but notes they have a role in reducing harm to children in Queensland.

Prevalence of institutional abuse

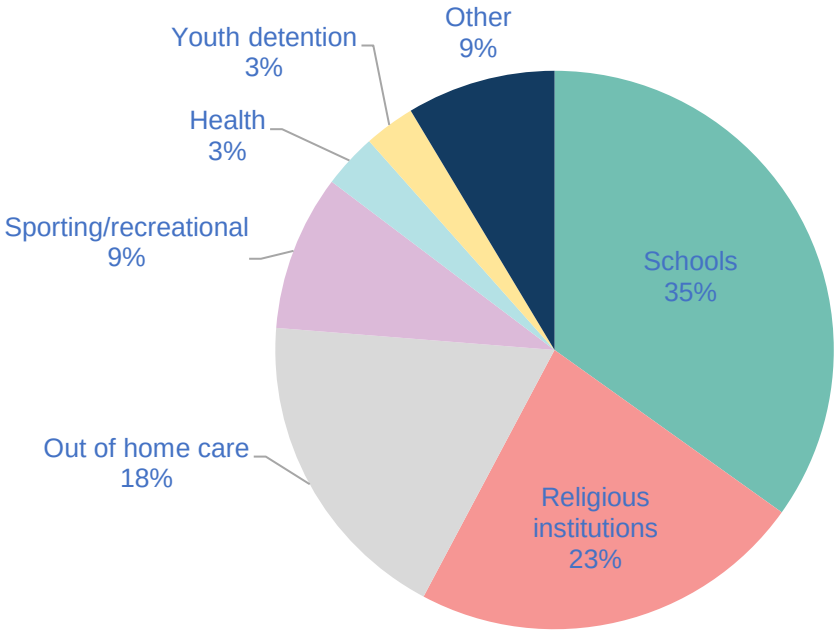
The Royal Commission concluded that it was not possible to determine the true incidence of child sexual abuse across Australian organisations due to limited data and under-reporting. However, the Royal Commission observed that the prevalence of child sexual abuse is significant.[20] Child sexual

[20]Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 2: Nature and cause,* Chapter 3, Sydney, 2017, pages 65-79.

abuse has occurred and continues to occur in nearly every type of institution where children live and learn.

People who spoke to the Royal Commission named 3,100 institutions in which child sexual abuse was reported to have occurred, of which 476 (15 per cent) were in Queensland. A breakdown of the types of Queensland institutions is outlined below.[21]

Figure 4 Types of institutions in which sexual abuse was reported in Queensland (Royal Commission private sessions)



Work is ongoing to better understand the incidence of child abuse across Australian organisations following a key recommendation of the Royal Commission about improving data and establishing a national prevalence study.[22]

In April 2023, the Australian Child Maltreatment Study (ACMS) published its landmark research into the national prevalence of child maltreatment in Australia, finding that 40.2% of Australians aged 16–24 years old have experienced more than one form of child maltreatment, and 62.2% of all Australians have experienced at least one type of maltreatment as a child.[23]

This is supported by recent inquiries that also point to evidence of ongoing harm to children in organisations, for example, the 2020–21 Australian Human Rights Commission's Independent Review of Gymnastics in Australia, the 2021 Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, and the current Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability which commenced in 2019.

[21] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 2: Nature and cause,* Table A.1, Sydney, 2017, page 279.

[22] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 2: Nature and cause,* Chapter 3, Sydney, 2017, page 78.

[23] Haslam D, Mathews B, Pacella R, Scott JG, Finkelhor D, Higgins DJ, Meinck F, Erskine HE, Thomas HJ, Lawrence D, Malacova E, *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: Brief Report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023.

At this time, there is limited research available from which the rate of institutional child abuse in Queensland can be directly obtained. However, for the purposes of this CRIS, it is important to have an approximate understanding of the baseline lifetime prevalence and annual prevalence of child abuse occurring in Queensland organisations.

The ACMS included exposure to domestic violence as a form of maltreatment and we note that exposure to domestic violence would not generally be categorised as a form of abuse that occurs in an institutional setting. Given this, while the ACMS provides a baseline for understanding the prevalence of maltreatment in Australia, this CRIS uses additional Australian research to estimate prevalence with a more institutional focus.

Terminology:
'Lifetime prevalence'
the percentage of people who at any point in their lifetime experience one or more incidents of child abuse

'Annual prevalence'
an estimate of the average number of cases of child abuse each year.

In 2016, Moore et al. undertook a systematic review of child maltreatment prevalence research in Australia to produce an estimated rate of total lifetime prevalence of four forms of child maltreatment: sexual abuse, physical abuse, emotional abuse and neglect. This study's best estimate of lifetime prevalence of child maltreatment was 12.9% for men and 21.8% for women.[24] It is noted that this is substantially lower than the lifetime prevalence estimated by the ACMS. This difference is partially owing to the inclusion of exposure to domestic violence in the ACMS as another form of maltreatment. Additionally, there is a significant gap in time between the ACMS and the studies that were reviewed by Moore et al. The ACMS indicates the figures used by Moore et al may underestimate the lifetime prevalence of child maltreatment in Australia. While the more conservative figure provides the most suitable estimate for reasons outlined above, the evidence suggesting the true prevalence of child maltreatment is higher only supports the need for government action.

To further refine these estimates to identify a lifetime prevalence of **institutional** child abuse, we adjusted these numbers using data from the Australian Bureau of Statistics (ABS) *Personal Safety Survey* (2016) (the survey). The data from the survey tells us the proportion of different types of abuse experienced by men and women that is perpetrated by a person known to them but who is not a family member/relative. This is referred to in the survey as **non-familial known person.**[25]

For men, the survey results indicate approximately 65% of sexual abuse and 29% of physical abuse was perpetrated by a non-familial known person, and for women 47% of sexual abuse and 17% of physical abuse was perpetrated by a non-familial known person.[26] Weighting these values by the number of respondents generates an estimated average percentage of child abuse perpetrated by a non-familial known person as 49% for men and 39% for women.

The ABS notes that non-familial known persons include foster carers, health professionals, teachers and school staff, childcare workers, recreational leaders, people associated with places of worship and corrective services personnel. Abuse perpetrated by these types of people would likely constitute examples of abuse in institutional settings. However, the category of non-familial known persons also includes perpetrators who are family friends, acquaintances or neighbours, which typically would not represent abuse in an institutional setting. Therefore, in the absence of more specific data that distinguishes institutional and non-institutional perpetrators, we adjusted the ABS figures down by 50% to account for the fact that the ABS data for abuse perpetrated by non-familial known persons likely captures some abuse perpetrated in non-institutional settings. Accordingly, it is estimated from the available data that the proportion of all child maltreatment that occurs in organisations is approximately 25% for men and 20% for women. By applying these proportions to overall lifetime

[24] Moore SE, Scott JG, Ferrari AJ, Mills R, Dunne MP, Erskine HE, Devries KM, Degenhardt L, Vos T, Whiteford HA, McCarthy M, Norman RE, *Burden attributable to child maltreatment in Australia,* Child Abuse & Neglect, Volume 48, 2015, Pages 208-220, ISSN 0145-2134.
[25] Australian Bureau of Statistics, *Personal Safety Survey: Experience of abuse before the age of 15,* Australian Bureau of Statistics, 2017.
[26] Australian Bureau of Statistics, *Personal Safety Survey: Experience of abuse before the age of 15,* Australian Bureau of Statistics, 2017.

prevalence calculated by Moore et al. it is estimated that 3.18% of men and 4.35% of women experience child abuse in an institutional setting, for a gender population weighted average of 3.74% for all people.[27]

In 2016, McCarthy et al. extrapolated upon Moore et al. to produce a total estimated annual prevalence rate of 4.59%, which represents the expected percentage of the 0 - 17 year old population that will experience child abuse in a given year.[28] Applying this to the most recent Queensland census population data[29] produces an estimate of 54,352 annual cases of child maltreatment in any setting. By applying the values estimated above to indicate the proportion of child abuse perpetrated in institutional settings to Queensland population data by age and sex, the total estimated annual prevalence of child abuse in institutional settings in Queensland is approximately 12,148 cases per year.

It is important to emphasise again that this estimate has been produced strictly for the purposes of providing an approximate Queensland baseline rate that can be used to analyse the impacts of the options for reform in this CRIS and is not intended to provide a true picture of institutional abuse in Queensland. Given the limited available data, this estimate should be taken as only a **rough approximation** of what the true prevalence might be. We know abuse is under-reported and that it can take many years for people with lived experience to disclose it, so it is likely we are under-estimating the rate of institutional abuse.

Impacts of child abuse

Experiences of child abuse, including poor institutional responses, have profound, lasting adverse impacts on people who experience it, as well as their networks, communities and broader society.

The impacts of institutional child abuse are devastating and can affect a person's life in many ways including their: mental health; interpersonal relationships; physical health; sexual identity and behaviour; connection to culture; spirituality and religious involvement; and interactions with society.[30] For Aboriginal and Torres Strait Islander peoples, these impacts are exacerbated by the ongoing impacts of dispossession and colonisation.

Childhood trauma can also negatively affect a person's education, social participation, economic security, ability to secure and maintain employment and housing, and these impacts can be intergenerational.[31]

The way an institution responds to abuse can contribute to the trauma for the person who experienced it. Inappropriate or inadequate responses by an institution can result in the abuse and other children being exposed to risk. People who experience abuse and their families can feel betrayed by the organisations they trusted, resulting in an understandable fear and distrust of, and contempt for, organisations more broadly. This can be compounded when the institution is closely tied to the person's communal and familial identity (e.g. church or sports clubs). In contrast, prompt and effective responses by organisations have helped keep children safe and promoted healing and a sense of justice for those who experienced abuse.[32] Appropriate responses are those that are responsive, compassionate, transparent, and hold organisations accountable.[33]

While people with lived experience of child abuse and their families are at the heart of our attention to this issue (and we acknowledge they experience the heaviest effects), it is important to also examine

[27] When weighted by the proportion of abuse experienced by men as compared to women.
[28] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.
[29] Australian Bureau of Statistics, *National, state and territory population,* Australian Bureau of Statistics, 2023.
[30] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 10.
[31] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 12.
[32] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 11-12.
[33] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 192.

the ripple effects this abuse has on wider society. The Royal Commission heard from family members, including children, partners and siblings, about the tragic impacts child sexual abuse had on their loved one's lives, and the complex and profound ways the abuse continued to adversely impact their own lives.

The Royal Commission found the estimated cumulative economic impact of child sexual abuse on wider society runs into the billions, with direct and indirect effects on social, cultural, public health and economic participation outcomes. The most significant costs to society relate to government expenditure on healthcare, increased need for government support and services, child protection, and crime.[34]

The limited data available supports the Royal Commission's findings about the level of impact child harm has on health and wellbeing throughout people's lives. The Australian Institute of Health and Welfare's *Burden of Disease* study (2018) indicated that 2.2% of the total disease burden in Australia can be attributed to child abuse and neglect, and child abuse and neglect is the leading contributor to disease burden for Australians aged 15–44 years.[35]

McCarthy et al. (2016) estimated the total financial cost of child maltreatment in Australia.[36] Broadly, these are the costs that individuals, government and societies incur as a result of child maltreatment. The paper also produces an estimated non-financial cost, factoring in impacts such as loss of quality of life and reduced lifespan related to mental health and self-harm and premature mortality as a direct result of maltreatment (these are the costs incurred by individuals).

Annual Prevalence vs Annual Incidence

Annual incidence, the measure used by McCarthy et al, refers to the total number of children who experienced mistreatment **for the first time** in that year.

Annual prevalence, the measure used in this CRIS, refers to the total number of children who experienced mistreatment in that year, including children who may be experiencing ongoing abuse over a period of years.

Annual prevalence will usually be a larger number than annual incidence – using annual prevalence aligns with the objectives of government intervention stated in Part 2, to improve safety and wellbeing for all children.

The total financial cost was estimated to be $214,545 per incident of child maltreatment, and a total non-financial cost of $399,764 per incident of child maltreatment, adjusted for inflation to December 2022 dollars.[37,38] It is noted this estimate is based on incidence rather than annual prevalence, and it is reasonable to assume there would be a difference in the experience and impact on a child experiencing ongoing maltreatment over a period of years (which is not included in incidence) as opposed to maltreatment occurring for the first time in a given year.

In the absence of more recent and relevant data, McCarthy et al. provides a best-estimate of the cost for each case of child maltreatment for the purposes of this CRIS in determining the impact of child maltreatment at a population-level for Queensland. The lifetime cost figure is an average and should not be considered an accurate indicator of the impact of maltreatment on any one child, young person or person with lived experience of childhood maltreatment.

Applying the estimated number of annual cases of child maltreatment in Queensland organisations (approximately 12,148), it is estimated this is associated with annual financial costs totalling $2.61 billion and non-financial costs totalling $4.85 billion. The degree of harm that occurs in cases of

[34] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 234.
[35] Australian Institute of Health and Welfare, *Australian Burden of Disease Study: impact and causes of illness and death in Australia 2018,* Australian Burden of Disease Study series no. 23, Canberra, 2021, page 66.
[36] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.
[37] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.
[38] Australian Bureau of Statistics, *Consumer Price Index, Australia,* Australian Bureau of Statistics, 2023.

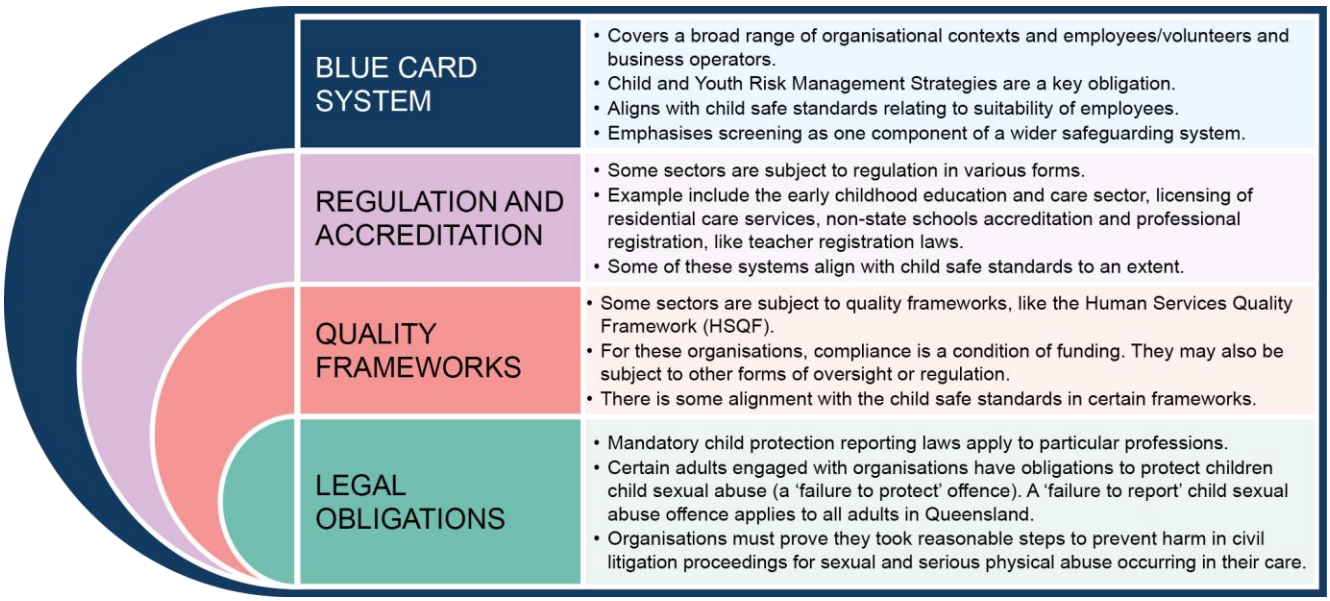
institutional child abuse will be influenced by factors such as the seriousness of the abuse, the frequency of the abuse, how the organisation responds to the incident and whether further abuse is prevented due to earlier detection.

Evidence from the Royal Commission and other research also outlines the detrimental effects of abuse on communities and organisations, including loss of social cohesion and trust in community institutions that could potentially otherwise play a major role in people's lives.[39] Other potential impacts of child sexual abuse on organisations include adverse impacts on staff, loss of reputation, increased insurance costs (or the inability to obtain insurance), and the potentially significant costs of paying claims for redress and/or compensation.

Existing systems for keeping children safe in organisations and where we can improve

The regulatory landscape in Queensland that covers organisations working with children is complex (see Figure 5). Organisations that work with children are subject to the following general child safety regulation, in addition to some sector-specific regulation.

Figure 5 Overview of existing child safe requirements and regulation in Queensland



We recognise most people working in organisations provide high quality and safe services to children. However, the nature of child abuse is such that organisations can lack the necessary knowledge and skills that assist in preventing, identifying, and responding appropriately to child abuse. The Royal Commission identified a need for improved awareness of child abuse and situational risk in organisations, and how to appropriately respond, at an individual, organisational and community level.

Working with children check – blue card system

Queensland's Working with Children Check (WWCC) – the blue card system – regulates child-related services in Queensland under the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and the *Working with Children (Risk Management and Screening) Regulation 2011*. The blue card system comprises employment screening, ongoing monitoring and a requirement for all regulated organisations to develop, implement and annually review a framework of child-safe policies and procedures referred to as a Risk Management Strategy. It applies to 16 categories of regulated

[39] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 3: Impacts*, Sydney, 2017, page 229.

employment and 12 categories of regulated business (see **Appendix F**). Whether an individual requires a blue card is determined by factors such as the environment in which the work is performed, the type of work and frequency of work.

Blue card screening assesses a person's eligibility to work with children based on the welfare and best interests of a child being paramount, and that every child is entitled to be cared for in a way that protects the child from harm and promotes the child's wellbeing. An assessment is informed by a range of information including a charge or conviction for any offence in Australia, disciplinary information from certain organisations, domestic violence information, adverse decisions about the person made by another working with children agency in Australia and any other information about the person that is relevant to deciding whether it would be in the best interests of children to issue a blue card (for example, child protection information). The strength of the WWCC scheme relies in part on information from other regulators and professional bodies.

Disability worker screening checks

In addition to a blue card, a person may also require a National Disability Insurance Scheme (NDIS) or State disability worker screening check under the *Disability Services Act 2006* (Qld) to be engaged to carry out disability work with children with disability. The disability worker screening system is a nationally consistent system that includes screening of criminal history, disciplinary and other assessable information relevant to whether a person poses an unacceptable risk of harm to people with disability, ongoing criminal history monitoring, and nationally portable clearances and exclusions. Disability worker screening only applies to people who are engaged by a NDIS registered provider in a risk assessed role, or a state-funded provider delivering disability supports or services – workers from unregistered providers do not require disability worker screening.

Failure to report and failure to protect offences

In 2021, amendments to the Criminal Code in Queensland introduced new offences of failure to report (that requires any adult to report child sexual abuse to police) and failure to protect (that applies to failing to protect a child from sexual abuse in an institutional context). Under section 229BC of the *Criminal Code Act 1899*, it is a criminal offence when any adult in Queensland, fails to report to the Queensland Police Service a reasonable belief that a child sexual offence is being, or has been, committed against a child by another adult.[40] The failure to protect offence applies if you are 18 or older and associated with an institution that has children in its care, supervision or control, and you:

- know there is a significant risk that another adult also associated with the institution (or who is a regulated volunteer) will commit a sexual offence against a child or children;
- have the power or responsibility to reduce or remove the risk;
- wilfully or negligently fail to reduce or remove the risk.[41]

Public Sector Code of Conduct/Crime and Corruption Commission (CCC)

Public sector employees are also subject to a code of conduct, and suspected corrupt conduct can be reported to the Crime and Corruption Commission (CCC). The CCC may carry out a corruption investigation to determine whether disciplinary action or criminal action should be taken. While some child-related abuse or misconduct may be captured under the definition of 'corrupt conduct' (which may also be captured as reportable conduct under an RCS), corruption usually involves behaviours such as fraud, theft or unauthorised access to confidential information. Further, while the CCC has a

[40] Queensland Government, *Failing to report sexual offences against children,* Queensland Government, 2021, Failing to report sexual offences against children | Your rights, crime and the law | Queensland Government (www.qld.gov.au)
[41] Queensland Government, *Failing to report sexual offences against children,* Queensland Government, 2021, Failing to report sexual offences against children | Your rights, crime and the law | Queensland Government (www.qld.gov.au)

broad corruption jurisdiction, its focus is on more serious cases of corrupt conduct and cases of systemic corrupt conduct within units of public administration.

Human Services Quality Framework (HSQF)

The HSQF provides a framework for assessing and improving the quality of human services. It applies to organisations funded to deliver human services under service agreements/other arrangements with certain Queensland Government departments including the Department of Child Safety, Seniors and Disability Services (DCSSDS), Department of Housing, Department of Justice and Attorney-General (DJAG), Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts and Queensland Health.

Mandatory reporting

Some professionals that work with children have a legal responsibility to report to Child Safety where they form a reasonable suspicion that a child has suffered or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the child from harm (under the *Child Protection Act 1999* (Qld)). Child Safety's role is primarily focused on abuse within family settings.

In education settings, under the *Education (General Provisions) Act 2006* (Qld) school staff members must immediately report to the principal or principal's supervisor when they become aware of or reasonably suspect, in the course of their employment, the sexual abuse or likely sexual abuse of a student under 18 years. The principal or principal's supervisor must immediately give a copy of the report to the Queensland Police Service.

Teacher registration is regulated under the *Education (Queensland College of Teachers) Act 2005* (Qld). This Act requires the employing authority to notify the Queensland College of Teachers when it starts to deal with an allegation of harm caused, or likely to be caused, to a child because of the conduct of a relevant teacher at the prescribed school. Note the teacher registration laws exempt teachers from also needing a blue card.

While mandatory reporting aims to ensure the protection of individual children, it does not trigger any oversight of the way an organisation has handled a complaint of child abuse that occurred within the organisation.

Other systems

Other regulatory mechanisms supporting the safety of children in organisations include accreditation and licencing systems (e.g. non-state schools accreditation and licencing of care services), quality frameworks and compliance requirements in funding agreements.

Some sectors that work with children are subject to minimal regulation, with limited or no independent oversight of child safe practices, such as transport and commercial services or sporting and recreation clubs. While many government and non-government entities have complaint-handling processes, which in some cases are overseen by independent bodies or sector regulators, there is no uniform quality standard for child safe practices and no central, independent oversight of complaints of child abuse in organisations that can look across sectors to identify and respond to patterns of concerning behaviour.

The existing regulatory framework provides inconsistent coverage of sectors that engage in child-related work, with each targeting specific aspects of organisations' functions, employees and conduct. Despite these various protections, the Royal Commission found that harm still occurs to children in these settings and identified a lack of consistent oversight of child safety across sectors. The Royal Commission recommended models of regulation to more comprehensively cover these sectors, while also flexibly targeting risk. The table below provides a high-level summary of existing regulation in

Queensland as it intersects with child-related work across different sectors. For further detail, please see **Appendix C**.

Please note that a decision regarding scope for potential regulation in Queensland has not been made and will be informed by the results of this CRIS.

Table 6 High level overview of existing Queensland regulatory environment for child-related work

Sector (see Table 13 for further detail on sectors)	**Working with children check**	**Child and youth risk management strategy**	**Human Services Quality Framework**	**Public Sector Code of Conduct[42]/ Crime and Corruption Commission[43]**	**Failure to protect and report offences[44]**	**Regulators**
Accommodation and residential services	✓ *Applies to child accommodation service including homestays*	✓	✓ *Specialist homelessness services only (largely via self-assessment)*	✓ *Public sector social housing*	✓	• Department of Housing • National Regulatory System for Community Housing regulates community housing providers • Department of Justice and Attorney-General
Child protection	✓ *Does not apply to provisionally approved carers[45]*	✓	✓	✓	✓	• Department of Child Safety, Seniors and Disability Services
Disability services	✓ *Does not apply to certain consumers, volunteer relatives, secondary school students on work experience under direct supervision of*	✓	✓ *State-funded services*	✓	✓	• Department of Child Safety, Seniors and Disability Services • National Disability Insurance Scheme including NDIS Quality and Safeguards Commission (NDIS worker screening clearance or State disability worker screening clearance)

[42] Applies to employees of Queensland Government agencies including departments, TAFE institutes, administrative offices of a court/tribunal or other entities prescribed by regulation.
[43] Has broad jurisdiction to deal with corruption including State Government departments (incl QPS), statutory bodies, local governments, government-owned corporations, universities, prisons, courts, tribunals and elected officials.
[44] Failure to report offence applies to all adults. Failure to protect offence applies to adults, other than regulated volunteers, associated with an entity that provides services to children or operates a facility for or engages in activities with children under the entity's care, supervision, or control
[45]The *Working with Children (Risk Management and Screening) Act 2000*, schedule 1 section 14(2), provides that an adult member of a provisionally approved carer's household is not required to hold a blue card before a child can be placed with the provisionally approved carer. However, if an adult household member does not currently hold a blue card or exemption, they are required to lodge an application and be granted a blue card or exemption before the provisional approval of the carer expires.

	a person who holds a blue card					
State schools	✓ *Applies to boarding schools and employees other than teachers and volunteer parents*	✓	✗	✓	✓	• Queensland College of Teachers *(teachers only)* • Department of Education
Non-state schools	✓ *Applies to boarding school and employees other than teachers and volunteer parents*	✓	✗	✗	✓	• Queensland College of Teachers *(teachers only)* • Non-state Schools Accreditation Board
Student exchange programs	✓ *Applies to homestays*	✓	✗	✗ *State schools only*	✓	• Queensland Registration Authority
VET and courses for overseas students	✗	✗	✗	✓ *University and TAFE employees*	✓	• Australian Skills Quality Authority • Queensland Training Ombudsman
Childcare services	✓ *Applies to babysitting, nannying and other similar services*	✓	✗	✗	✓	• Department of Education, (Regulatory Authority – Early Childhood Education and Care)
Health services	✓ *Does not apply to registered health practitioners working in their professional capacity*	✓	✓	✓	✓	• Hospital and Health Services (public health) • Office of the Health Ombudsman • Australian Health Practitioner Regulation Agency • Australian Commission on Safety and Quality in Health Care

						• National Boards for the health professions
Justice and detention	✓ *Applies to youth detention workers*	✓ *Youth detention*	✗	✓	✓	• Department of Youth Justice, Employment, Small Business and Training • Office of the Public Guardian • Queensland Ombudsman • Inspector of Detention Services • Queensland Police Service
Religious organisations	✓ *Does not apply to parent volunteers*	✓	✗	✗	✓	Some faith-based frameworks and oversight, for example: • Australian Catholic Safeguarding/Professional Standards Office • Anglican Church of Southern Queensland – Central Diocesan offices
Sport and recreation*[46]	✓ *Does not apply to parent volunteers*	✓	✗	✓ *Department of Tourism, Innovation and Sport and Queensland Academy of Sport*	✓	• Sport Integrity Australia • State and National Level Sport and Active Recreation Organisations
Private teaching, coaching or tutoring***	✓ *Does not apply if employer is education provider*	✓	✗	✗	✓	

[46] This category may include clubs and associations dance, arts, music, cultural activities, indoor games, outdoor recreation, etc.

Transport services for children*	✓ Only applies for school crossing supervisors	✓ Only for school crossing supervisors	✗	✗	✓	
Commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions*	✓ Applies to businesses providing childcare on commercial basis (e.g. gym that operates a child-minding service or hotel kid's club). May also apply where these commercial services are offered as part of a church, club or association involving children	✗	✗	✗	✓	

*Note: These sectors were not recommended by the Royal Commission as part of the minimum scope of an RCS

**Coaching refers to organisations that provide instruction in a particular activity and are not already covered by clubs and associations category, such as tutoring, driving schools, private/personal athletic training.

The issue of child maltreatment in Queensland organisations is highly complex with a vast and interconnected scope of sectors, organisations, existing regulation and risk factors which frame the current environment for children accessing different services and facilities. As mentioned above, while broad estimates of the prevalence of child maltreatment in Queensland are possible, there is also no reliable, contemporary data on child maltreatment in Queensland organisations. Key drivers of institutional child maltreatment, such as risk factors, and sector and market conditions are constantly changing over time, and major socio-economic events such as COVID-19 can have significant, unpredictable impacts on society and the safety and wellbeing of children at home and in organisations.

Accordingly, government action to address the issue of child maltreatment must avoid prescriptive approaches that do not account for the individual needs, capabilities and risks of different organisations. Therefore, responses must be flexible and responsive to ensure all organisations providing care and services to children do so in a way that prioritises the safety and wellbeing of children while acknowledging the specific regulatory framework in which each organisation operates, and the individual institutional, operational and environmental risk factors they might experience.

PART 2 – Objectives of government action

As highlighted in Part 1, children can experience abuse and neglect in contemporary organisations and more can be done to protect children and young people from harm. The ultimate goal of government action is to prevent maltreatment from occurring, and where it does occur, reduce the associated harm and trauma.

In exploring the objectives for policy addressing this problem, the Queensland Government has considered:

- the Royal Commission's findings about the need for enhanced **prevention**, **detection**, and **responses** to institutional abuse and its vision to create widespread cultural change, where organisations prioritise the safety and wellbeing of children, supported by well-informed communities;
- the nature of risks and benefits to children in organisational settings;
- the impacts of child abuse across an individual's life and across generations;
- Queensland's progress on implementing Royal Commission recommendations and other reforms which have contributed to improved safety of children; and
- the existing regulatory and quality frameworks that apply to organisations working with children in Queensland.

The Royal Commission emphasised the importance of leadership and organisational culture, recommending systems that are intended to drive widespread change. It also commented on organisations with limited resources or volunteer-based workforces, highlighting the need for flexibility in implementing child safe practices.

The policies that seek to achieve this objective must work with our existing laws, systems and processes that help keep children safe, to create a framework that will support leadership and organisational cultures that help protect children, and where situational risks of child abuse are minimised. This includes risks posed by employees who may target organisations that provide services to children and try to avoid detection by moving between sectors and jurisdictions. The following two primary objectives have been developed to capture the key intent of options explored in this CRIS, supported by sub-objectives that contribute to one or more of the primary objectives (Table 7):

Table 7 Goal and objectives of government action

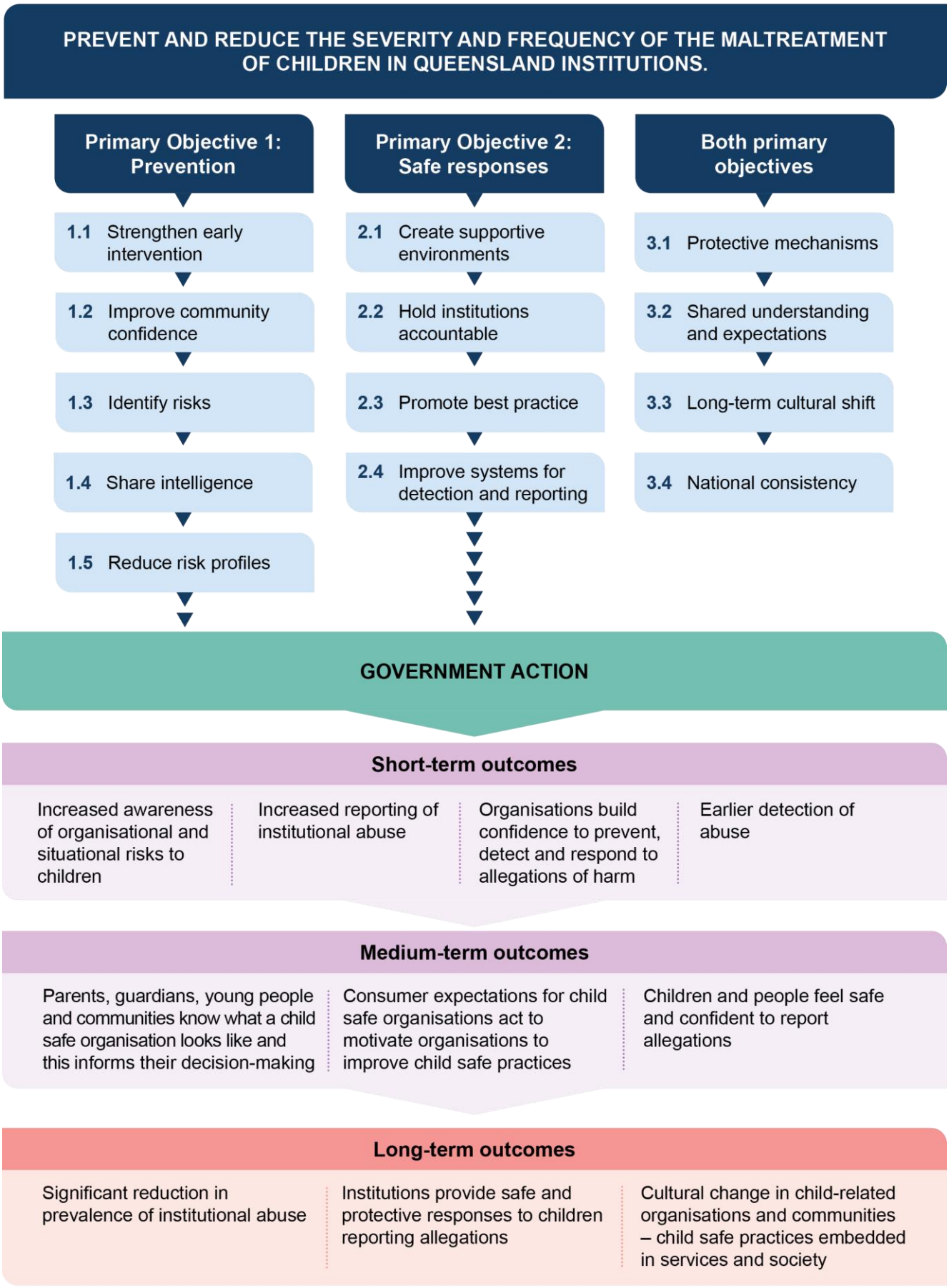
Goal: Prevent and reduce the severity and frequency of maltreatment of children in Queensland organisations	
Primary Objective 1: **Prevention – Improve the safety and wellbeing of children receiving services and/or care in Queensland organisations**	***Primary Objective 2:*** **Safe responses – Ensure children who are at risk of experiencing abuse or have experienced abuse in institutional settings are supported early, in a trauma-informed, appropriate way**
1.1. Strengthen early intervention and prevention practices and frameworks to reduce prevalence of child maltreatment in Queensland organisations. 1.2. Improved community awareness and knowledge of what constitutes a safe organisation for children motivating organisations to improve child safe practices. 1.3. Identify risks posed by organisational practices and individual employees, including concerning behaviour that might not meet the threshold for criminal conviction or is outside the scope of the child protection system.	2.1 Create environments and systems where people, including children and their families and staff and members of organisations, are supported to raise concerns and complaints and are taken seriously. 2.2 Ensure organisations are accountable and transparent in responding to complaints and allegations of abuse. 2.3 Promote best practice among organisations that provide services to children in responding to complaints of child abuse or child-related misconduct.

1.4. Gather, monitor and share intelligence about risks posed by employees across sectors and jurisdictions, to reduce risks posed by predatory individuals who may otherwise avoid detection by moving around. 1.5. Reduce the risk profile of organisations that engage in child-related work, which may also reduce liabilities associated with civil litigation claims for both government and non-government entities.	2.4 Improve systems for the detection and reporting of child maltreatment in Queensland's organisations to an external independent body, with the ability to use this data to target prevention efforts.
(3) Contributing to both primary objectives	
3.1 Strengthen protective mechanisms that can help minimise harm to children that may occur in other settings (e.g. in the home) by creating safe spaces for children. 3.2 Develop a shared understanding and expectation of what it means to be a child safe organisation. 3.3 Drive long-term cultural change in organisations to ensure the safety of children is a shared responsibility and prioritised above organisational and individual reputations. 3.4 Contribute to national consistency to reduce gaps in child safety across jurisdictions and create consistent obligations for organisations that operate nationally.	

How do we expect these outcomes to be achieved?

Organisations will be required and supported to ensure their responses to reported child abuse are child-centred, prompt, accountable and transparent. Through better prevention of, and response to, institutional abuse, organisations will be better positioned to provide safe and responsive care and support to children. This will improve outcomes for children and young people both in institutional settings and at home with their families and communities by raising awareness and understanding of safety and wellbeing, and ensuring that children have access to adults they can trust and to whom they can report harm. The program logic detailed on the following page explains how objectives will guide government action and in turn drive the outcomes hoped to occur over different periods of time.

Program logic



Target questions

1. To what extent do you agree that action is needed to improve the safety of children in organisational settings in Queensland?
2. Do you broadly support the Queensland Government implementing the Royal Commission recommendations for the CSS and RCS?

PART 3 – Options for child safe organisations regulation

The development of options has been guided by:

- Royal Commission recommendations and commentary (pages 37 to 39);
- approaches taken in other jurisdictions (page 39 and **Appendix B**); and
- feedback received from stakeholders (Figure 7).

These sources informed the development of our design principles for a Queensland child safe organisations system (Figure 6):

Figure 6: Our design principles for a Queensland child safe organisations system

The proposed options for how a child safe organisations system could be established in Queensland were designed around the following design principles:

- prioritising the safety and wellbeing of children and young people;
- flexible and suitable for a wide range of organisations, and scalable and responsive to risk levels across varied physical and online environments;
- appropriate to the Queensland context and the needs of people with different economic, family, cultural, educational and health experiences;
- culturally safe;
- outlines clear objectives to promote understanding, certainty, and support implementation;
- recognises best practice and supports capacity building, promotes evidence-based methods;
- considerate of regulatory and cost impacts on organisations, avoids duplication, and contributes to national consistency;
- focuses on educating and guiding entities to improve their ability to prevent, identify and investigate reportable allegations;
- works collaboratively with regulators and recognises their knowledge and roles, including sharing information in relation to investigations; and
- promotes accountability, transparency, and procedural fairness while upholding individual privacy and confidentiality and protections for reporters.

The Royal Commission's recommendations – Child safe standards and reportable conduct scheme

Through over 8,000 private sessions with people with lived experience of institutional child sexual abuse and extensive commissioned research and consultations, the Royal Commission made 409 recommendations, the majority of which were directed towards state and territory governments. These comprise measures designed to work together to prevent, identify and respond to child sexual abuse, and strengthen the safety of children in organisations.

While its terms of reference were confined to institutional sexual abuse, the Royal Commission's findings are relevant to improving prevention of and responses to all forms of harm to children in organisations and echo the findings of other inquiries which examined broader forms of institutional harms to children.

The Royal Commission – child safe standards

Throughout its inquiry, the Royal Commission examined what makes organisations safer for children. It found that organisational leadership and culture are crucial in growing safer environments. It

identified that the majority of institutional child sexual abuse is opportunistic and can be minimised by addressing situational risks. The Royal Commission recommended states and territories legislatively require organisations engaged in child-related work (that is, organisations that have frequent or more than incidental contact with children and/or a degree of responsibility for children's supervision and care) to comply with 10 CSS to create child safe organisations. The CSS have been adopted by various governments and organisations throughout Australia as the baseline approach to child safety and wellbeing in organisations (see further below, 'Jurisdictional Comparison' and **Appendix B**).

The 10 CSS (**Appendix D**), as set out in recommendations 6.5 and 6.6[47] (Final Report) provide a flexible, outcomes-based framework for how to create a child safe organisation. CSS elements include promoting children's voices, securing physical and online safety, ensuring reporting obligations are met, and ensuring appropriate responses to concerns. CSS are aimed at bringing about organisational cultural change to ensure the key priority is the safety and wellbeing of children and young people. The CSS are intended to apply to a broad range of sectors working with children in institutional settings, including schools, early learning and childcare, arts, sports and recreation, youth detention, child protection settings, transport and commercial services.

The Royal Commission made the following comment about the definition of a child safe institution:

> *'We have adopted a definition of a child safe institution as one that consciously and systematically creates conditions that reduce the likelihood of harm to children, creates conditions that increase the likelihood of identifying and reporting harm, and responds appropriately to disclosures, allegations or suspicions of harm.'*[48]

The Royal Commission provided substantial commentary about the way states and territories should regulate to support implementation of CSS in a way that maximises the safety and wellbeing of children while minimising regulatory burden. CSS responses should be proportionate to an organisation's risk and leverage existing regulatory systems wherever possible. The Royal Commission intended that the CSS be flexibly applied, to minimise regulatory burden in heavily regulated sectors, as well as sectors reliant on volunteer workforces. These considerations have informed the options we have developed.

The Royal Commission – reportable conduct scheme

The Royal Commission found systemic failings of organisations to properly deal with the conduct of their employees/volunteers where allegations of child abuse were not being properly investigated, and children not being protected. This occurred regardless of whether the organisations and associated adults were obliged to report and where cultures of secrecy and organisational reputation were prioritised above the safety of children.

The Royal Commission concluded that independent oversight is important in addressing the way institutions handle complaints about child sexual abuse. It recommended, as articulated in recommendations 7.9 - 7.12,[49] that states and territories establish nationally consistent reportable conduct schemes (RCS), similar to the NSW model, requiring heads of organisations to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees/volunteers. An RCS provides independent oversight of institutional responses to allegations of misconduct or abuse involving children as well as a central, cross-sectoral database to identify risks posed by individuals working with children. It identifies systemic risks in organisations and sectors and supports organisations to respond appropriately to risks, misconduct and abuse. An RCS can provide valuable information about institutional child safety and changes and trends that occur over time.

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[47] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Recommendations,* Sydney, 2017, pages 6–9.
[48] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 12.
[49] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Recommendations,* Sydney, 2017, pages 19-20.

Queensland Government response to the Royal Commission child safe standards and reportable conduct scheme recommendations

In 2016, the former Council of Australian Governments (COAG) agreed in-principle to harmonise RCSs across jurisdictions, consistent with the NSW model. In 2019, COAG also endorsed the National Principles for Child Safe Organisations (National Principles), which incorporate the Royal Commission's 10 CSS.

In its response to the Royal Commission's Final Report in June 2018, the Queensland Government accepted, or accepted in principle, the majority of the CSS and RCS recommendations, with two remaining recommendations requiring further consideration (recommendations 6.8 and 6.12 relating to mandating compliance with the CSS and establishing CSS support in local governments).[50] Both of these recommendations have now been accepted in principle by the Queensland Government.

A media release on 15 June 2018 by the Premier and then Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence, highlighted the commitment to introduce an RCS. In 2018, the Queensland Government directed that all Queensland Government agencies that provide services to children adopt the CSS as best practice. As a result, relevant Queensland Government agencies have been working to embed the CSS and National Principles in all levels of organisational leadership, governance, and culture.

The CSS and consideration of a Queensland RCS form part of a broader suite of reforms the Queensland Government has progressively implemented since the release of the Royal Commission's final report in 2017. This includes changes to the civil and criminal justice systems to improve access to justice for survivors, enhance institutional accountability, and strengthen protections for children and young people in organisations. The CSS and RCS are intended to work alongside these and other reforms to improve the prevention and detection of, and organisational responses to, child abuse.

Jurisdictional comparison

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. A snapshot is provided on the next page, with greater detail in **Appendix B**.

Table 8 Interjurisdictional implementation of CSS and RCS[51]

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	✗	✗

[50] Queensland Government, *Queensland Government response to the Royal Commission into Institutional Responses to Child Sexual Abuse,* 2018, pages 21 & 22.
[51] See Appendix B for further detail on other jurisdiction's implementation of CSS and RCS, and Appendix D for further detail on the 10 recommended Child Safe Standards and National Principles for Child Safe Organisations

Results of previous consultation with stakeholders

Figure 7: What we heard from stakeholders

The options we have developed for how CSS could operate in Queensland have also been informed by what we heard from stakeholders in targeted consultations in 2021. Key findings included:

- There was strong support for implementing the CSS in a way that promotes national consistency.
- There was considerable support for Queensland's standards to address human rights obligations and cultural safety for Aboriginal and Torres Strait Islander children.
- There was strong support for a:
    - regulatory system that mandates compliance;
    - staged approach to implementation, with an initial focus on awareness raising and capacity building before regulation and oversight; and
    - responsive, risk-based approach to regulation.
- In terms of a regulatory approach to CSS, there was considerable support for:
    - a co-regulatory approach that minimises duplication and regulatory burden; and
    - a supportive, rather than punitive, approach to promoting compliance.
- Stakeholders also strongly supported ensuring the scope of organisations covered under the scheme includes at least all sectors recommended by the Royal Commission.
- In terms of how ready stakeholders felt for implementing the CSS:
    - 84% felt somewhat or very prepared to implement CSS; and
    - 88% would be able to implement CSS within two years.

Summary of options developed to implement child safe standards in Queensland

Informed by the design principles (Figure 6) which draw on the information summarised above, this CRIS presents and considers a number of ways the CSS can be put into action in Queensland to help organisations better prevent, detect, and respond to child abuse and prioritise the safety and wellbeing of children in their care.

The options that will be explored in this document are:

Options	Description
Option 1	No action and maintain the status quo.
Option 2	Establish a non-regulatory model for CSS implementation, without legislation and with more limited application.
Option 3	Implement a regulatory model requiring organisations in scope to comply with CSS, which could be: a) collaborative regulatory model; or b) co-regulatory model with multiple government entities and departments having oversight and regulatory responsibilities.

Our models for how the CSS could work in Queensland consider the following key features:

- **Mode of regulation:**
  should the CSS be mandatory for organisations in Queensland? Should an entity, or multiple entities, be responsible for overseeing and enforcing the CSS (should there be a CSS oversight body)? How should a CSS oversight body work with other regulators, government bodies and the non-government sector?

- **Capacity building approaches:**
  how do we build the capability of organisations to become child safe and implement the CSS?
- **Tools for regulation:**
  what monitoring and enforcement powers should a CSS oversight body have to regulate compliance with the CSS?
- **Oversight mechanisms:**
  what oversight mechanisms would be available to monitor compliance with the CSS and help the oversight body target its activities to where they are most needed?

These key features (and the variations under each) make up the core model options for how the CSS can be implemented in Queensland. There is substantial variation in the way each of the key features can be approached to achieve our objectives. These options are outlined and compared in this Part, with impact analysis of each in Part 4.

Alongside these key features, models for implementing the CSS must also consider:

- alternative options unsuitable or unviable for further consideration;
- obligations for organisations who would fall under the scope of CSS;
- whether to adopt either the CSS from the Royal Commission, the National Principles, or amend either for Queensland's specific context;
- how to ensure cultural safety in a Queensland system; and
- the appropriate scope of organisations subject to compliance.

Option 1 – Maintain the status quo

The Queensland Government could maintain the status quo for CSS in Queensland. This would mean no new framework or regulations are introduced to support implementation of the CSS, no new capacity building support is provided, and existing child safe regulation and approaches would continue.

This would involve continuing the approach of:

- Queensland Government departments that have child-related responsibilities embedding the CSS internally, tailoring approaches to their unique service settings.
  - An example of this work can be seen with the Department of Education's *Aware. Protective. Safe Strategy*, and its associated commitments and ongoing child safety and wellbeing initiatives. The actions outlined in the strategy reflect the department's response to the Royal Commission and additional initiatives to improve its culture of awareness, protection and safety for all Queensland children and young people.
- Organisations taking an ad-hoc and likely inconsistent approach to CSS implementation, with some sectors and organisations voluntarily implementing the CSS and others required to implement them under arrangements in other jurisdictions (e.g. an organisation operating in Queensland that receives funding from a federal government agency may be required by their funding contract to implement the National Principles). Organisations may continue to use freely available resources online to support implementation (e.g. guidance provided by Australian Human Rights Commission for implementing the National Principles) or pay for expert guidance by specialist organisations.

Existing child safe protections and regulations would continue to apply to organisations working with children such as those described in Figure 5 on page 25 and **Appendix C.**

Option 2 – Establish a non-legislative model for CSS implementation, with more limited application

An option that would not require legislation or setting up an independent oversight body to oversee CSS implementation has also been considered.

Under this approach, implementation of the CSS could be supported by a whole-of-government policy framework. There would be no central oversight; CSS obligations would be the responsibility of Queensland Government agencies, and largely passed on to government-funded organisations via contracts and/or potentially incorporated into existing regulatory frameworks. Compliance would be voluntary for non-government organisations that are not funded by governments and implementation of CSS would not be subject to any central regulation.

The key features of this type of model are described in Table 9:

Table 9 Overview of key elements of a non-legislative option for CSS compliance (Option 2)

Key feature	Details
Mode of regulation	• There would be no independent regulator or oversight body. • Queensland Government agencies that fund or regulate relevant organisations would partner under a whole-of-government policy framework to promote compliance with CSS. These government agencies would pass on CSS obligations to relevant funded and/or regulated organisations primarily via contractual mechanisms or possibly by embedding the CSS into relevant existing frameworks.
Capacity building approach	• Capacity building for organisations would be delivered by the government agencies that regulate/fund these services, supported by agency action plans which would outline how agencies promote CSS.
Tools for regulation	• CSS compliance would be dealt with via existing mechanisms that already respond to similar types of compliance issues.
Oversight mechanisms	• Information sharing between relevant government agencies and regulatory partners to identify risks and target capacity building activity to where it is most needed. • Existing mechanisms available to oversee relevant sectors (e.g. audit mechanisms in the HSQF). • Oversight of government agencies would be via existing oversight mechanisms (e.g. external audit).

Option 3 – Establish a regulatory model legislatively requiring organisations in scope to comply with child safe standards

This option would involve setting up an oversight body that would have responsibility to regulate and oversee mandatory implementation of the CSS by relevant organisations in Queensland, supported by legislation. This could involve:

a) A collaborative regulatory model, with an independent authority providing centralised oversight of organisations' mandatory compliance with the CSS. Other relevant regulators and funding bodies collaborate with the CSS oversight body by advising it when they become aware of indicators that organisations have issues with CSS compliance.

b) A co-regulatory model, in which CSS functions and powers sit with existing government regulators and funding bodies, with a CSS oversight body only having responsibility for organisations for which there is no appropriate co-regulator (e.g. religious and sporting organisations).

A collaborative regulatory model (Option 3(a)) could include the following key features:

Table 10 Key features of collaborative regulatory model for CSS implementation (Option 3(a))

Key feature	Details
Mode of regulation	• A single, independent, central CSS oversight body is established (funded by the Queensland Government). • The oversight body collaborates with existing regulators and funding bodies to target oversight activities that support organisations to comply with the CSS. • Existing regulators and funding bodies collaborate with the oversight body by advising it of issues they become aware of that indicate organisations are experiencing challenges with CSS compliance.
Capacity building approach	• Delivery options include: - capacity building delivered by one or more non-government providers with expertise in child safe organisations and/or tailored solutions for particular communities/sectors; and - capacity building delivered by the oversight body. • The focus of capacity building in this model is both: - as a proactive tool to support organisations to improve their child safe practice (proactive capacity building); and/or - as a response to organisations experiencing issues with child safe practice/non-compliance with CSS (responsive capacity building).
Tools for regulation	• The oversight body could have a range of tools and remedies available to support organisations to comply and address non-compliance in a proportionate way, including for example: - responsive capacity building; - industry compliance plans; - compliance notices; - audit-related mechanisms (such as powers of entry and inspection, powers to request information and documents); - civil monetary penalties; and/or - publication of information about compliance issues.
Oversight mechanisms	• The oversight body could have a range of oversight mechanisms to inform itself about how well organisations are complying with CSS, which could include any or all of the following: - information sharing; - referrals from other relevant regulators, departments, funding bodies, and the community; - self-assessments conducted by organisations; and - audit program.

A co-regulatory model (Option 3(b)) shares some similarities with the previous model, with the key difference being the higher level of responsibility and oversight powers given to existing sector regulators to ensure compliance with the CSS. Under this model, a central CSS oversight body would only have responsibility for direct regulation and oversight of organisations that do not have an existing, appropriate co-regulator (e.g. religious and sporting organisations).

Table 11 Key features of co-regulatory model for CSS implementation

Key feature	Options
Mode of regulation	• A single, independent, central CSS regulator is established (funded by the Queensland Government). • Regulation and oversight of CSS compliance is formally shared between the central CSS oversight body and existing regulators and funding bodies:

	- The central CSS oversight body has direct oversight of sectors that are not already funded or regulated by government. - Relevant existing regulators/funding bodies are given CSS oversight responsibilities and powers for their sectors.
Capacity building approach	• The central CSS oversight body and its co-regulators undertake both proactive and responsive capacity building activities to support organisations to comply with the CSS. • Obligations to become a child safe organisation are supported by a range of guidance materials. • Delivery options are as described in Table 10 for Option 3(a).
Tools for regulation	As per Option 3(a).
Oversight mechanisms	As per Option 3(a).

Alternative options

Several options were considered but are not proposed as suitable options for implementation, including:

Co-regulatory approaches that rely on sector peak bodies or other non-government entities to have oversight and regulatory responsibilities. It is important to ensure the well-established peak bodies in Queensland can maintain existing relationships with their sectors. If regulatory or oversight responsibilities sit with these bodies, these relationships would likely need to change so the peak bodies could have the independence and impartiality they would need to effectively regulate CSS.

Approaches reliant on commercial accreditation systems only. It is not considered viable to rely on commercial products given the wide range of sectors and types of organisations that could be in the scope of a CSS system. Only using commercial products would involve significant risk that only some organisations, with sufficient resources, could access the system and would likely create inequities for organisations and the children they serve.

Self-regulatory approaches wholly designed and determined by non-government sectors. Given the Royal Commission's findings about the need for accountability and its emphasis on the way state and territory governments should mandate compliance with CSS, it is not considered appropriate that the non-government sector be entirely responsible for designing and determining the CSS system in Queensland. However, we recognise the expertise in these organisations and are committed to ensuring this expertise is used to inform a high-quality system.

Queensland child safe standards obligations for organisations

For individual organisations, how implementation of the CSS will look under each of the models will generally only differ in terms of the support and resources provided, the level of oversight they will be subject to, and who regulates the CSS (see further impact analysis in Part 4, page 70).

Common to all models will be a set of CSS for Queensland, which at their heart, are intended to be flexible, principle-based and focused on outcomes. They are not intended to set out prescriptive rules to be followed in the same way for each organisation.

We are considering what the CSS in Queensland should look like (explored further on page 48), however, the intent is the same – the CSS will empower organisations to create child safe practices that respond to their organisation's nature, characteristics, and level of risk (rather than being a set of prescriptive rules to be followed).

Some examples of how implementation of the CSS could look for organisations may include developing and maintaining governance materials to ensure the CSS help influence the organisation's

practices, decision making processes, risk management and accountability mechanisms.[52] This could include:

- a statement of commitment to child safety;
- a child safe policy;
- a code of conduct for organisations' employees and volunteers;
- a complaints management policy;
- a risk management plan; and
- reflecting the CSS in human resources policies and procedures (e.g. recruitment processes).

Building a child safe culture in an organisation in scope of any of the above models, for an organisation of any size or type, will require an ongoing commitment to keeping children safe from abuse. It is about building long-term cultural change, and this means ongoing learning and continuous improvement.

Some further guidance about expectations for organisations under each of the CSS model options is set out below.

If Option 2 is implemented, obligations in complying with the CSS for organisations may include:

- where required, meeting contractual obligations of demonstrating compliance with the CSS; and
- participating in capacity building delivered by relevant agencies.

Note Option 2 also allows for organisations not in scope to implement the CSS, which would not involve any centralised capacity building support or obligations to meet a standard of compliance.

If Option 3(a) or 3(b) is implemented, obligations in complying with the CSS for organisations may include:

- identifying and implementing the necessary requirements for how their organisation can best meet the CSS (with expert guidance and capacity building supports provided);
- complying with any directions made by the CSS body (or a delegated CSS co-regulator, for Option 3(b)) in its regulation and oversight of CSS obligations. This may include, for example, producing information relating to the organisation's implementation of CSS (see also other tools for regulation, detailed above);
- participating in proactive and reactive capacity building activities as necessary; and
- advising the oversight body/ies of any barriers to compliance.

These obligations will be similar irrespective of whether the model is overseen by a single CSS oversight body or a central oversight body with co-regulators. As implementation of CSS is intended to be flexible and tailored to each organisation based on its purpose, size, structure and characteristics, we expect the activities used to implement the standards will be different for each organisation.

For the purpose of the CRIS, we have listed in Table 12 below some examples of how small and large organisations could implement the CSS, noting there may be overlap between small and large organisations and not all examples would apply to every organisation given the range of different services and activities that are provided to children. It is also important to note Table 12 does not indicate a minimum or expected standard for compliance with CSS, rather it is intended to inform organisations of the types of activities they may undertake to implement the CSS.

[52] These types of activities are common to Royal Commission commentary about implementation, as well as the National Principles and approaches taken in other jurisdictions.

Table 12 Examples of child safe activities (small and large organisations)

Standard	Small organisation – example activities	Large organisation – example activities
Standard 1: Child safety is embedded in institutional leadership, governance and culture	• Public commitment to child safety is displayed and reflected in Code of Conduct. • Code of Conduct includes guidance about how adults should behave in the organisation. • Child safe organisation resources are provided to staff and volunteers.	• Public commitment to child safety is displayed and reflected in a child safe policy. • Induction includes training in the Code of Conduct, child abuse and child safe organisations. • A dedicated position leads development of a child safe culture, policies and practices. • Governance meetings include child safety as a standing agenda item.
Standard 2: Children participate in decisions affecting them and are taken seriously	• Children are provided age-appropriate information on their rights and how adults should behave in the organisation.	• Children are involved in policy development e.g. student bodies, youth advisory groups, children representative committees. • Surveys seek feedback from children.
Standard 3: Families and communities are informed and involved	• Regular communication with parents includes information on child safe policies and practices. • Feedback is sought from parents on child safe policies and practices.	• Families are consulted on the development of child safe policies and practices. • Families are represented on governance committees. • Families are regularly surveyed about their experiences and perceptions of child safety in the organisation.
Standard 4: Equity is upheld and diverse needs are taken into account	• Information about child safe organisations includes consideration of children's diverse needs, circumstances and vulnerabilities. • Code of Conduct includes expectations about equity and inclusion.	• Learning about diversity is incorporated into daily activities e.g. discussing upcoming events such as NAIDOC Week. • Cultural safety is clearly articulated in policies and procedures and staff engage in regular training. • Strategies are developed to support the participation of children with diverse needs including supporting individual children.
Standard 5: People working with children are suitable and supported	• Processes are in place for working with children check applications and renewals. • Selection processes consider why staff or volunteers want to work with children and discuss the organisation's commitment to child safety.	• Selection processes include specific questions about child abuse and child safety. • References seek feedback on the candidates' interactions with children. • Staff supervision includes a focus on child safety. • Managers are provided guidance on responding to concerns about staff behaviour.

Standard	Small organisation – example activities	Large organisation – example activities
Standard 6: Processes to respond to complaints of child sexual abuse are child focused	• Staff and volunteers have clear reporting processes in place. • Child-friendly resources which detail how to make a complaint are prominently displayed. • Processes are in place to ensure staff and volunteers are aware of how to respond to a complaint and have access to resources and guidance.	• Staff engage in regular training on reporting obligations and processes. • Data on reports of harm and complaints is collated and reviewed to identify improvements. • Children, young people and families are involved in the development of complaint processes. • Processes are in place to assist children who make a complaint to access support including external, professional support.
Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training	• Induction includes information about child abuse, identifying child abuse and child safe organisations. • Guidance material on child abuse is readily available.	• Staff engage in regular training on child abuse, identifying child abuse and child safe organisations. • Training and guidance is regularly updated. • Supervision includes consideration of child safety.
Standard 8: Physical and online environments minimise the opportunity for abuse to occur	• Supervision of children is explicitly considered for all activities where an adult may be alone with children. • Clear guidelines established on the use of social media and digital communication with children.	• The physical and online environment is regularly assessed, and strategies developed to address risk e.g. enhancement to safety where adults are alone with children, development of social media policies.
Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved	• Policies, guidelines and access to resources are reviewed annually.	• Policies, guidelines, training and practices are reviewed and updated annually. • Children and families participate in annual review processes. • Action plans are developed to improve child safe responses.
Standard 10: Policies and procedures document how the institution is child safe.	• Policies and procedures are documented in writing. • Record-keeping processes are established to record reports of harm and complaints from children and families.	• Policies, procedures and reviews are clearly documented. • Robust record-keeping processes on reports of harm, complaints and incidents, as well as organisational responses, are developed and maintained. • Staff are trained in record-keeping.

There is comprehensive information available to support CSS implementation in other jurisdictions[53] and we expect a Queensland oversight body would also develop guidance material for Queensland organisations. We also acknowledge many organisations in Queensland have already implemented CSS or similar measures and practices into their everyday activities, policies and procedures.

Child safe standards for Queensland

As part of designing a Queensland child safe organisations system, we are considering whether to adopt the wording of the 10 CSS from the Royal Commission, the 10 National Principles (see **Appendix D**), or adapt either of these to respond to the Queensland context.

In our 2021 targeted consultation process, we heard strong general support for Queensland's standards being aligned closely with the Royal Commission's standards and the National Principles. Some stakeholders preferred the National Principles over the Royal Commission, noting a greater focus on children's safety and wellbeing more broadly. Our approach in Queensland to date has been to refer to both the CSS and National Principles given their close alignment.

While broadly supporting national consistency, states and territories have taken different approaches. South Australia has adopted the National Principles, the NSW CSS closely reflect the Royal Commission's 10 Child Safe Standards, and Victoria's approach aligns with the National Principles (but includes an 11th standard to establish culturally safe environments for Aboriginal and Torres Strait Islander children and young people).

Target questions

3. Do you have a preference for what form the CSS should take in Queensland, and why? Would the form of CSS adopted in Queensland make a difference to your organisation? Options being considered include: the Royal Commission's 10 CSS; the 10 National Principles; or a version adapted for Queensland.
4. Are there specific issues relevant to Queensland that need to be considered or reflected in the standards adopted in Queensland?

Cultural safety and considering the diverse needs of children in a Queensland system

Cultural safety for Aboriginal and Torres Strait Islander children and young people

Ensuring that cultural safety is embedded into any proposed child safe organisations system is a priority for Queensland.

The Royal Commission found that a strong connection to culture is a protective factor against child sexual abuse for Aboriginal and Torres Strait Islander children because:

- it builds resilience in communities to help mitigate the negative consequences of past policies and contemporary racism;
- strong attachments with multiple caregivers, a high self-esteem and positive social connections act as protective factors against child sexual abuse; and

[53] See for example, Guide to the Child Safe Standards | Office of the Children's Guardian (nsw.gov.au) and CCYP | Resources and support for the Child Safe Standards.

- racism and disconnection from culture heighten the vulnerabilities that Aboriginal and Torres Strait Islander children face in institutions.[54]

The Royal Commission noted that the absence of cultural safety can compound the risk of abuse experienced by Aboriginal and Torres Strait Islander children in institutions by creating barriers to disclosure and inhibiting their access to appropriate support.[55]

There are many definitions of cultural safety. We acknowledge that only Aboriginal and Torres Strait Islander peoples have the authority to define what is culturally safe for Aboriginal and Torres Strait Islander peoples, communities and children. We also acknowledge that what feels culturally safe for one person, may not feel culturally safe for another person.

Common elements of cultural safety include environments:

- where Aboriginal and Torres Strait Islander peoples are comfortable expressing their culture, identity and spiritual and belief systems;
- where the voices and needs of Aboriginal and Torres Strait Islander children, families and communities are listened to and respected; and
- that support Aboriginal and Torres Strait Islander children to embrace and maintain connection to their culture without fear or questioning.

Cultural safety is not just the absence of racism and is commonly recognised as being more than cultural awareness and cultural sensitivity.[56] Cultural safety and cultural competence can go hand in hand, though some argue that cultural safety should replace cultural competence as a goal for organisations.[57]

In our 2021 targeted consultation process, we heard strong support for Queensland's child safe standards to address cultural safety for Aboriginal and Torres Strait Islander children. We are considering two key approaches to embed cultural safety in a Queensland child safe organisations system:

1. *Create an additional child safe standard*. The Victorian Government has introduced an 11th child safe standard: 'Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal [and Torres Strait Islander] children and young people are respected and valued'. The benefit of this approach is that a specific standard puts cultural safety at the forefront, however, it could also mean organisations do not consider cultural safety fully in their application of the other standards.
2. *Include cultural safety as a guiding principle across all standards*: Tasmania is proposing a universal principle that sits across all 10 standards to ensure the right to cultural safety of children who identify as Aboriginal or Torres Strait Islander is respected. The benefit of this approach is that a guiding principle could encourage consideration of cultural safety across all standards. However, a guiding principle could also be less obvious to organisations as it may not be clear the principle has legal status, or requirements for its compliance.

We expect that embedding cultural safety in the child safe standards will also, by extension, apply to the systems that organisations put in place to prevent, detect and respond to reportable conduct.

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[54] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 176.
[55] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 172.

[56] Australian Human Rights Commission, *Cultural safety for Aboriginal and Torres Strait Islander children and young people: A background paper to inform work on child safe organisations*, 2018, 5. Adapted from Irihapeti Ramsden, Cultural Safety and Nursing Education in Aotearoa and Te Waipounamu (PhD Thesis, Victoria University Wellington, 2002) 117.
[57] See, for example, Ruth DeSouza, *Wellness for All: The Possibilities of Cultural Safety and Cultural Competence in New Zealand,* 2008, 13(2) Journal of Research in Nursing 125, 125.

Cultural safety for children from culturally and linguistically diverse backgrounds

Cultural safety also means appropriate consideration of the needs of children from culturally and linguistically diverse backgrounds. This is recognised in Standard 4 of the CSS and Principle 4 of the National Principles, which both acknowledge that equity must be upheld and diverse needs embraced for the safety of children to be prioritised. It is equally important that implementation of CSS as a whole, as well as the RCS, considers the diversity in Queensland communities, and recognises that children from culturally and linguistically diverse backgrounds may face greater risk of abuse in organisations, and a greater risk that institutions may not respond in a safe and appropriate way if abuse occurs. The Royal Commission noted these risks could include:

- exposure to racism and discrimination;
- limited or no access to culturally tailored and adapted primary prevention programs;
- lower levels of awareness about child sexual abuse issues and child protection systems;
- different norms about how to discuss sex and sexuality; and
- limited access to skilled language and cultural translators within organisations.[58]

We recognise that regardless of the approach, organisations will require support and guidance on incorporating cultural safety into implementation of CSS.

Recognising diversity in child safe organisations

The Royal Commission also identified other groups of children with diverse needs who must be considered when implementing child safe organisations, including children with disability, children from diverse religious and cultural backgrounds, very young children, children with previous experiences of trauma, and lesbian, gay, bisexual, transgender and intersex children.

In considering what helps keep children from diverse populations safe in organisations, the Royal Commission research[59] highlighted the importance of consultation with children from diverse backgrounds and that approaches should be tailored to individual diverse groups. Other research findings indicated that:

- Interventions should acknowledge and account for structural barriers and discrimination that put those children at increased risk.
- When children from diverse populations are isolated and singled out from their peers, the risks of maltreatment in institutional settings increase.
- Organisational cultures of poor communication between children and adults charged with keeping them safe increases the risk of maltreatment. This risk was particularly apparent for children with disability and high support needs, as stereotypes and taboos about sex education and topics related to sexual abuse increased the risks of maltreatment for children with disability.
- Healthy, trusting relationships with adults are a protective factor for diverse populations of children. These relationships remove some of the barriers to disclosing and provide examples of appropriate adult behaviour.
- For children with disability, feeling seen, known and valued acts as a protective factor.

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[58] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 175.

[59]See, for example - Moore T, McArthur M, Noble-Carr D, & Harcourt D, *Taking us seriously: children and young people talk about safety and institutional responses to their safety concerns*, Institute of Child Protection Studies, Australian Catholic University, Royal Commission into Institutional Responses to Child Sexual Abuse, Melbourne, 2015. Robinson S, *Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings?* Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016. Breckenridge J & Flax G, *Service and support needs of specific population groups that have experienced child sexual abuse: Report for the Royal Commission into Institutional Responses to Child Sexual Abuse,* Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016.

The Royal Commission created Standard 4 of the CSS, 'Equity is upheld and diverse needs are taken into account' and identified core components for implementation, which are similarly reflected in National Principle 4 and its key action areas:[60]

> *National Principle 4 'Equity is upheld and diverse needs respected in policy and practice' key action areas:*
>
> - *the organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable;*
> - *children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand; and*
> - *the organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people*.

We want to ensure we have considered how the diverse needs of children and young people in Queensland can be best reflected in a proposed Queensland CSS system. In addition to the findings of the Royal Commission, the guidance provided by the National Principles and contemporary research, we will also look at the approach of other jurisdictions. We will also be referencing the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability[61] in the design and implementation of the CSS.

It is expected that as part of its role to education and support organisations, an oversight body for a Queensland child safe organisations system would also provide guidance on culturally safe practices and recognising diversity.

Target questions

5. How can we best embed cultural safety for Aboriginal and Torres Strait Islander children and young people into the CSS? Do you prefer (and why):
   a) an additional, standalone 11th CSS or
   b) a guiding principle for cultural safety across the 10 CSS, or
   c) an alternative approach?

   Note: *We welcome input from everyone on this question, and we are particularly interested in hearing from Aboriginal and Torres Strait Islander peoples about what you would see as a culturally safe CSS system*.
6. How can we best ensure the CSS embeds cultural safety for children and young people from culturally and linguistically diverse backgrounds?
7. How can we best ensure that the Queensland CSS and RCS most effectively recognise diversity and the unique needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people?
8. What support would your organisation need to apply cultural safety and best consider the diverse needs of children and young people in implementing the CSS and RCS?
9. Is there anything else we need to consider to ensure cultural safety is appropriately embedded in a Queensland child safe organisations system as a whole (comprising CSS and RCS)?

[60] See Appendix D for the full CSS and National Principles

[61] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Scope of organisations the child safe standards should apply to

The Royal Commission recommended that governments require all institutions that engage in 'child-related work' (i.e. institutions that have frequent or more than incidental contact with children and/or a degree of responsibility for children's supervision and care) to meet CSS.[62] A decision regarding scope for potential regulation of CSS in Queensland has not been made and will be informed by the results of this CRIS.

Several governments across Australia have either implemented or committed to implementing a CSS scheme. Both single regulator and co-regulator models have been implemented by governments, with NSW, Victoria and Tasmania also co-locating their oversight body for CSS and RCS schemes. With some exceptions, the scope of organisations to which CSS apply generally includes the following key sectors where care, supervision or services are provided to children as part of their primary functions:

- designated government agencies or related public entities;
- accommodation and residential services;
- religious institutions;
- childcare services;
- disability services (note, NSW does not include disability services under the scope of its CSS scheme);
- education services;
- health services; and
- justice and detention services.

Beyond these key sectors, the scope of organisations captured under other governments' implementation of CSS differs slightly (see **Appendix B**):

- Victoria has the broadest scope, with 47 classes of organisations subject to its CSS, if they provide services specifically for children, provide facilities for use by children under supervision, or engage children as employees or volunteers.
- In NSW, organisations must adopt CSS if they are covered by the NSW Reportable Conduct Scheme, which applies to entities defined in Schedule 1 of the *Children's Guardian Act 2019* (largely aligning with the above list) as well as local councils and recreational organisations that provide services to children.
- In South Australia, child safe regulation applies to all state government authorities, as well as any person or body defined under the *Child Safety (Prohibited Persons) Act 2016* which includes the above key sectors and other 'child-related work' such as coaching or tuition services for children.

Limited information is available on the number of organisations included under these different models, but the Victorian Government has estimated approximately 50,000 organisations fall under the scope of its CSS scheme.[63]

[62] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6*, *Making Institutions Child Safe*, Sydney, 2017, page 292.
[63] Victorian Department of Families, Fairness and Housing, *Review of Victoria's Reportable Conduct Scheme*, 2022.

Snapshot of stakeholder feedback about the scope of a CSS regulatory system for Queensland:

- Stakeholders who made written submissions to targeted consultations in 2021 generally supported the Royal Commission's recommended categories and thought a broad approach was preferable to a narrow one, with some suggesting sectors outside of the recommended list should also be included e.g. in organisations that do not deliver services directly to children but whose work otherwise impacts or involves contact with children.
- No stakeholder thought the Royal Commission's recommended scope was too broad, although some emphasised the need for flexibility in how they are applied given the diversity of organisations.
- Some stakeholders also suggested more clarity was required about the types of organisations that would be captured within the Royal Commission's broad categories.

The Queensland Government is still considering the scope of organisations that any regulatory Queensland CSS scheme would apply to, regardless of which option is preferred.

We want to ensure that implementation and oversight of the CSS is targeted most effectively to relevant sectors providing services to children and young people. While taking a broad approach to scope may reflect our conviction that all organisations can benefit from implementing the CSS, the number of organisations covered by CSS impacts the costs and practicalities of a CSS oversight body effectively operating the scheme.[64] Given the importance of ensuring the regulatory approach has a positive impact on child safety and wellbeing without unnecessarily burdening organisations, the scope will be informed by key factors such as:

- the nature and characteristics of services provided by the type of organisation;
- existing regulation;
- consistency with approaches taken in other jurisdictions;
- stakeholder feedback;
- Royal Commission commentary and research informing its recommended scope categories; and
- ensuring the CSS system can deliver an effective, targeted, and proportionate regulatory response.

Scope proposals under consideration

Consistent with approaches taken in other jurisdictions, Royal Commission commentary about proportionate regulatory burden, and to ensure the scope of the CSS scheme is effectively focused, we are considering ways to target scope to organisations that:

- specifically provide services for children; or
- provide facilities specifically for use by children under the organisation's supervision.

It is proposed that in any potential CSS system, **obligations to comply would apply at a broad organisational level** (rather than applying only to specific service streams or parts of an organisation). This is intended to provide clarity for organisations that may deliver services to both adults and children, or different types of services to children. This would then be accompanied by the ability to implement the standards across various services, activities and environments in a flexible way that makes sense for the individual organisation's circumstances.

[64] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6*, *Making Institutions Child Safe*, Sydney, 2017, page 261.

We are also considering whether organisations that would be included in the scope of a mandatory CSS framework should include sole traders (individuals carrying on a business), as well as other usual business types (e.g. incorporated or unincorporated bodies and associations).

The table below sets out the sectors that the Royal Commission recommended[65] should be included in scope of a mandatory CSS scheme, along with some examples of what types of services this could include in Queensland (some organisations may deliver services across different sectors). Note this table does not represent any decisions on scope and is intended to broadly canvass a wide range of organisations for the purposes of facilitating consultation and discussion, including prompting stakeholders to consider whether the CSS should apply to their sectors (and how and why this should occur). Also note 'organisations' is intended to mean both government and non-government organisations.

[65] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6*, *Making Institutions Child Safe*, Sydney, 2017, page 292.

Table 13 Scope of organisations for CSS recommended by Royal Commission

Sector recommended by Royal Commission (CSS)	Examples of what this could include
Accommodation and residential services for children, including overnight excursions or stays	• Domestic and family violence services that provide overnight beds or accommodation for children (noting children may be present with, or unaccompanied by, a parent/caregiver). • Providers of overnight camps/stays (for organisations that provide camps as part of their primary activity). • Housing and Homelessness Services (may include social housing (public and community housing) and accommodation delivered by specialist homelessness services – noting children that access these services may in some circumstances be unaccompanied by a parent/caregiver/family).
Activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	• Religious bodies, such as churches and other congregational environments of religious and faith-based organisations where children have contact with adults. This would include all church services or activities, such as Sunday schools and youth groups. • Services provided by a religious body to children, such as community services and support services (including chaplaincy services, recreational services).
Childcare or childminding services	• Childcare services regulated under the Education and Care Services National Law (e.g. long day care, kindergarten, outside school hours care, and family day care) and the *Education and Care Services Act 2013* (Qld) (e.g. occasional care and standalone care). • Professionally organised commercial babysitting/nannying/au pair services. *Note: Does not include private babysitting, nannies and kids clubs.*
Child protection services, including providers of family-based care (foster and kinship care) and residential care, as well as family support/secondary services	• All child protection services delivered or funded by the Department of Child Safety, Seniors and Disability Services (DCSSDS), including residential care, foster and kinship care and secondary child protection and family support services (e.g. Intensive Family Support, Family Wellbeing Services and Family and Child Connect).
Services for children with disability	• Registered and unregistered NDIS providers delivering services for children with disability. • Services for children with disability provided or funded by DCSSDS, including the Accommodation Support and Respite Service and disability advocacy services.
Education services for children	• State schools and non-state schools. • School boarding facilities (including student hostels). • TAFEs and other organisations registered or accredited to provide senior secondary education or training. • Organisations providing courses for overseas students or secondary student exchange programs under the *Education (Overseas Students) Act 2018* (Qld). • May include universities.
Health services for children	• Queensland Health and Hospital and Health Services. • Queensland Ambulance Service. • Private health facilities. • Mental health services that provide inpatient beds for children. • Drug or alcohol treatment services that provide inpatient beds for children.

Sector recommended by Royal Commission (CSS)	Examples of what this could include
	• Organisations funded by the State to provide community-based health services for children. *Note: Does not include private practitioners unless covered by one of the sectors listed, such as a private hospital*.
Justice and detention services for children, including immigration detention facilities	• Youth detention centres (and organisations providing services within youth detention centres). • Services delivered or funded by Youth Justice. • Child and youth advocacy services. • Watch houses. • Community legal centres delivering services to children. • Queensland Police Service and related funded services.
Activities or services where clubs and associations have a significant membership of, or involvement by, children	• Sport and recreation organisations providing activities/services for children including dance, arts, music, cultural activities, indoor games, and outdoor recreation. • Active Recreation Centres (operated by the Department of Tourism, Innovation and Sport).
Coaching or tuition services for children	• Tutoring companies. • Organisations and owner-operated businesses that provide instruction/coaching/tuition in a particular activity (e.g. music/arts/recreation not covered by clubs and associations category, tutoring, driving schools).
Commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions	• Modelling/photography services for children. • Talent or beauty competitions in which children participate. • Entertainment or party services for children. • Gym or play services for children.
Transport services specifically for children	• Ride shares targeted towards children and families.
Other organisational settings under consideration include: • neighbourhood centres; • youth services; and • cadets. It is also intended that relevant **Queensland Government entities** that provide services to children are included in the scope of a regulatory CSS scheme. This could include, for instance: • government departments that provide services to children; • relevant statutory bodies; and • local councils.	

Taking a risk-based approach to scope was also considered, where it would be mandatory for organisations identified as being high risk to comply with the CSS, and lower risk organisations would be encouraged to comply with CSS on a voluntary basis. However, as explored in Part 1, it is not possible to meaningfully compare the risk profiles of organisations with different risk factors that provide different services in different sectors and engage with different cohorts of children. A more suitable approach is to ensure the oversight body under Options 3(a) and 3(b) is responsive to the needs of the sector and community, and therefore to the relative risk of different organisations. As CSS and RCS are rolled out, the oversight body will be able to identify specific organisations or sectors experiencing barriers in compliance or that have a higher proportion of reportable conduct incidents (RCIs) and take action by providing additional capacity building support or requiring stricter compliance measures. This approach also allows the oversight body to respond flexibly to the

organisation's existing regulation or regulators. Consequently, it would be expected that organisations with more risk factors would likely need to implement more controls under the CSS (and vice versa).

Any legislation (and accompanying guidance material) would make clear which sectors are included in scope of a CSS scheme. It is also intended that the responsible oversight body, if established, would take a responsive regulatory approach with the organisations in scope, to support CSS compliance in a way that considers the needs and characteristics of individual sectors and organisations. As discussed on pages 110-111, taking a phased approach to scope and implementation is a key consideration to help ensure sectors are operationally ready and to allow the oversight body to conduct its establishment activities.

Target questions

10. What do you believe are critical factors we should consider in determining the scope of the CSS scheme? Are any factors more important than others?
11. Do you have any views on the scope of organisations CSS should apply to, including any of the sectors we are considering? (see Table 13, page 55)
12. What factors should be considered if we were to require CSS compliance for the whole organisation, with flexible and tailored implementation for each service or service stream, activity or environment?

Options for a reportable conduct scheme

Consideration of options

The two options for implementing an RCS in Queensland that will be explored in this document are:

Options	Description
Option 1	Status quo. No changes and maintain current systems to protect children from harm.
Option 2	Implement a nationally consistent, legislative reportable conduct scheme, as recommended by the Royal Commission.

Alternative options (not proposed)

Alternatives to a full RCS were considered with a view to minimising the regulatory impacts and costs of the scheme, however these are not considered feasible as they fail to meet the objectives of government action and the intent of the Royal Commission recommendations.

Reduced scope

An option was considered to implement an RCS with a reduced scope of organisations. Options and their potential benefits include:

- Including only Queensland Government agencies – to remove any regulatory impacts on non-government organisations and reduce the up-front cost to government of establishing and implementing the RCS.
- Including only sectors that do not have an existing independent regulator that can oversee and conduct investigations, e.g. religious organisations, non-state schools and accommodation and residential services. This would bridge a gap for these sectors, which are currently subject to less regulation and may require greater support to develop reporting and investigation systems.

However, the Royal Commission identified sectors for inclusion based on their risk profile and proportionate regulatory burden. This option does not provide national consistency in reporting obligations for organisations that deliver services to children. This will result in different treatment and

safety standards for children depending on which services they engage with. It will also not deliver cross-sectoral oversight of organisations and employees. For example, the ability to gather and share intelligence regarding child abuse across sectors may be insufficient with a reduced scope. This will impact on the ability to detect and report abuse, including individuals who may move across sectors and jurisdictions, as well as the goal to reduce the risk profile of key organisations that engage in child-related work.

Voluntary reportable conduct scheme

An alternative option is to consider a form of self-regulation, which is supported by a whole-of-government policy framework that provides education and guidance to support organisations to report allegations to an oversight body. Compliance would be voluntary for organisations. This option does not include legislative obligations to report or an oversight body to monitor or conduct investigations.

However, the Royal Commission found that without legal obligations, many institutions did not report child sexual abuse outside the institution. This option will not promote best practice in improved accountability of organisations in preventing, identifying and responding to complaints of child abuse; improve detection and reporting of abuse to an external independent body; contribute to more complete gathering and sharing of intelligence regarding risks posed by employees; or contribute to national consistency in reporting obligations.

Option 1 – Maintain status quo (no action)

As a baseline option, the Queensland Government may maintain the status quo in Queensland which means maintaining current systems and obligations of organisations to protect children from harm. Regulation will continue to vary across different sectors, with no cross-sectoral oversight of institutional responses to allegations of harm against children. The key systems of regulation are summarised under Part 1, pages 25 to 27 (and **Appendix C**).

The degree of enforcement and compliance within these existing systems varies as some requirements are contractual, legislative, required as a condition of employment, or are criminal offences. There is also limited publicly available data. Available data shows that in 2020–21, Blue Card Services assessed, actioned and finalised 2228 identified compliance issues regarding the blue card.[66] In 2022, the Queensland College of Teachers assessed 103 compliance issues; in over half (57) no breaches of the general offence provisions of the Act were found, 28 warnings were issued to individuals, schools or employing authorities, no further action was undertaken on 18 minor breaches, with the remaining to be addressed in 2023.[67]

Option 2 – Direct government regulation of a nationally consistent reportable conduct scheme

Scope of core model

This option is to introduce an RCS which aligns with the model recommended by the Royal Commission (Final Report, recommendation 7.10). This requires direct government regulation to set up an independent oversight body that will have responsibility for administering the RCS, supported by legislation. This model is proposed to include the following key elements, with further details about their application and the variations across jurisdictions discussed in the paragraphs that follow:

[66]Queensland Government, *Compliance and enforcement under the blue card system,* 2022.
[67]Queensland College of Teachers, *Annual Report,* 2022.

Table 14 Key elements of a nationally consistent RCS

Core element of nationally consistent RCS (to be included in Queensland model)	Status and additional information
Independent oversight body	Location to be determined by government. Proposed to be funded by the Queensland Government.
Obligatory reporting by heads of organisations	Notification requirements, including timeframes to be determined. While the obligation to notify the oversight body of an allegation remains with the head of an entity, it is proposed to allow any person to report directly to the oversight body. Similar to other schemes, the Queensland scheme will contain ways to reduce duplication of reporting, such as providing a reasonable excuse for not reporting to the oversight body if it is believed another person has reported the allegation.
Definition of reportable conduct that covers any sexual misconduct, committed against, with or in the presence of a child.	Across other jurisdictions, reportable conduct also includes the following conduct, which is proposed for inclusion in the definition for the Queensland scheme: • 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; or • behaviour that causes significant emotional or psychological harm to a child; and • applies to conduct outside the workplace. Some jurisdictions exclude certain conduct, but this is not proposed for Queensland's scheme.
Definition of reportable conduct that includes the historical conduct of a current employee	This is proposed for inclusion in the Queensland scheme and will apply to: • conduct of a current employee that may have occurred prior to the commencement of the scheme; and • allegations made when the entity is covered by the scheme (allegations made before commencement of the scheme will not need to be reported to the RCS oversight body unless the allegation is re-made during the operation of the scheme).
Definition of employee that covers paid employees, volunteers, and contractors	Across jurisdictions, this varies as to whether all employees are captured or only those who provide services to children. Proposed to capture all employees, volunteers and contractors in Queensland scheme, as well as individuals engaged by third-party employers.
Protection of persons who make reports in good faith	Protection may include protection from criminal or civil liability, reprisal or detrimental action due to making a report or complaint and can apply to reports limited to the oversight body or to organisations as well. Proposed to include protections for all persons making reports or complaints in good faith, whether to the oversight body or an organisation.

Oversight body powers and functions It is proposed the Queensland RCS will incorporate the following functions and powers. The oversight body will have some discretion regarding how these are implemented.	
Scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions	This may involve: • proactive scrutiny of systems; and • reactive scrutiny of systems, such as upon receiving a notification.
Monitoring the progress of investigations and the handling of complaints by organisations	The level of monitoring will vary depending on the seriousness of the matter, the level of support needed by the organisation and the capacity of the oversight body (and any existing regulatory frameworks). Could be supported by a range of investigative powers such as ability to request information or documents, interview witnesses or search premises.
Conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware	As in other jurisdictions, the test for conducting an own motion investigation in Queensland will be that it is in the public interest, or the organisation is unable or unwilling to conduct the investigation. Will be supported by a range of investigative powers such as ability to request information or documents, interview witnesses or search premises.
Power to exempt any class or kind of conduct from being reportable conduct	It is proposed that the Queensland RCS include this power for the oversight body. For example, the oversight body may decide to apply an exemption to an entity that has demonstrated competence in complaint handling. Based on experience of other jurisdictions, the RCS would need to be well established before such agreements could be entered with organisations.
Capacity building and practice development, through the provision of training, education and guidance to organisations	Capacity building is a central function of the oversight body. It could be provided directly by the oversight body or outsourced or a combination of both and could vary in the type and extent of support provided to organisations. Examples of capacity building activities include: • online resources, such as fact sheets; • training; and • ongoing support and advice, upon request by organisations or in response to the monitoring of investigations.
Public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and the power to make special reports to parliaments	The parameters on special reports to be determined.

Functions and powers of the oversight body, are also generally consistent across jurisdictions, with all oversight bodies able to:

- monitor progress of investigations and handling of complaints by organisations;
- conduct their own investigations regarding reportable conduct;
- scrutinise and help develop institutional systems for preventing reportable conduct and for responding to reportable allegations, including through capacity building (not a requirement in Australian Capital Territory (ACT) and Western Australia (WA));
- publicly report on operation of the scheme and trends in reports and investigations; and
- share information with relevant agencies.

It is also consistent across jurisdictions that have implemented an RCS that people making reports are protected from civil, criminal liability and/or professional conduct obligations, although only some jurisdictions explicitly protect people making reports from dismissal, in the authorising legislation.

Responsibilities of organisations under the reportable conduct scheme

The obligations for organisations under the proposed RCS would include measures as set out below (some of which may be consistent with existing obligations such as reporting concerning behaviour or information sharing obligations regarding worker screening checks):

- Ensure systems are in place for preventing, detecting and responding to reportable allegations and convictions of employees, volunteers and contractors. The oversight body will be able to request information from organisations about their systems and may make recommendations for action to be taken regarding those systems.
- Notify the oversight body of reportable allegations or convictions (obligation rests with the head of an organisation) when they become aware of reportable conduct by their employees, volunteers and contractors (within a prescribed period, e.g. NSW has a notification period of seven business days and Victoria has three business days).
- Investigate allegations*, having regard to the principles of procedural fairness, and determine whether the reportable allegation has been proven. In the case of suspected criminal conduct, police investigations would take precedence, and in some circumstances, the outcomes of the police investigation may be used to meet this obligation. However, an RCS investigation may still be required.
- Provide information about allegations, the progress of investigations* and the findings and action taken to the alleged victim and their parent/carer and as requested by the oversight body.
- Ensure appropriate confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by legislation.
- Provide the oversight body with a report advising of the outcome within a prescribed period after completion of an investigation* (noting the investigation itself may be an existing requirement for some organisations under other frameworks that may also meet the requirements under an RCS).
- Take appropriate action to prevent reportable conduct by employees.

*An investigation is an inquiry into an allegation. The 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.

Definition of reportable conduct

Reportable conduct captures conduct that falls below a criminal threshold and may not necessarily be reportable to police. All suspected criminal conduct must also be reported to police. The definition of reportable conduct differs slightly between the five jurisdictions with an RCS in place, as identified in Table 15:

Table 15 Definitions of reportable conduct across jurisdictions

Definition of reportable conduct	NSW	VIC	ACT	WA	TAS
A child sexual offence committed in relation to or in the presence of a child	✓	✓	✓	✓	✓
Sexual misconduct (conduct in relation to or in the presence of a child that is sexual in nature but does not constitute a criminal offence)	✓	✓	✓	✓	✓
Ill-treatment of a child	✓	✗	✓	✗	✗
Neglect of child	✓	✓*	✓	✓*	✓*
Physical violence or assault committed in relation to, or in the presence of a child	✓ *Assault*	✓ *Physical violence*	✗	✓ *Physical assault*	✓ *Physical violence*
Any behaviour that causes emotional or psychological harm to a child	✓*	✓*	✓	✓*	✓*

*Must be 'significant' neglect or cause 'significant' emotional or psychological harm.

Cumulative harm

It is proposed that notifications of reportable conduct may be related to harm that occurs as either a single incident or a series or combinations of acts or omissions. For example, one incident of emotional or psychological abuse may not amount to reportable conduct, but a pattern of behaviour may cause significant emotional or psychological harm to a child and amount to reportable conduct.

Conduct outside the workplace

The Royal Commission Terms of Reference provide that child sexual abuse happens in an institutional context if, for example:

- it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- it happens in any other circumstances where an institution is, or should be treated as being, responsible for adults having contact with children.

All jurisdictions (NSW,[68] Victoria, WA, ACT and Tasmania) provide for reportable conduct whether or not the conduct is alleged to have occurred within the course of the employee's employment, as long as the person was an employee at the time the employer became aware of the allegation. The rationale for this is that if a person is abusive to a child in one environment, this may give rise to a risk in their employment environment *if they work with children.*

While investigations by police and child safety may also need to occur in such circumstances, the RCS investigation remains an important component in situations where the person comes into contact with children as part of their employment. It is proposed that the Queensland scheme include the requirement to cover reportable conduct of an employee that may not have occurred during the course of their employment. This provision may be limited to employees who come into contact with

[68] For employees of public authorities (e.g. local councils), contractors and sub-contractors if they engage in child-related work (hold a WWCC).

children as part of their employment. It is expected that organisations would utilise the outcomes of investigations by police and child safety for the RCS investigation, as occurs in some other jurisdictions with an RCS. Therefore, organisations may be permitted to delay the completion of an RCS investigation until the outcomes of investigations by police or child safety are completed and shared with the organisation.

Excluded conduct

NSW, ACT and WA schemes clarify certain conduct is not reportable conduct, such as:

- conduct that is reasonable for the purposes of discipline, management or care of a child having regard to factors such as age, maturity, health, or other characteristics of the child and to any relevant codes of conduct or professional standards; and
- the use of physical force that is trivial or negligible following an investigation and recorded as part of a workplace procedure.

Specifying these exclusions is intended to reduce the potential for organisations and the oversight body to manage unnecessary allegations, and instead focus resources on matters that present serious risks to the safety and welfare of children. However, it may act as a deterrent to reporting possible misconduct if it is seen as falling into an excluded category such as disciplining or managing a child, which may also lead to cumulative harm being missed. It is therefore proposed that the Queensland model will not include formal exclusions, but that guidance material will clarify thresholds for reportable conduct.

Definition of employee

In line with the Royal Commission's recommendation, and consistent with other jurisdictions, it is proposed to include a broad definition of employee in the Queensland RCS, to capture paid employees, volunteers and contractors of organisations that are subject to the scheme, regardless of whether they provide services to children. Entities that comprise an individual, e.g. sole traders with no other employees, may also be included as employees in scope if operating within an included sector. Volunteers may include students undertaking placements within child-related organisations. This will create a focus on maintaining child safe environments and cover employees that may have incidental contact with children, such as a school cleaner. Other jurisdictions cover all paid employees in a relevant organisation but vary as to how contractors and volunteers are treated. Victoria and Tasmania cover all contractors and volunteers whether or not they are engaged to provide services to children. By contrast, the NSW, ACT and WA reportable conduct schemes cover only those contractors and volunteers who provide services to children.

For a religious body, the scope would include a minister of religion, a religious leader, or an employee, including those who operate as sole traders and volunteers. It will not include a person only because they participate in worship.

The Queensland RCS is proposed to capture individuals who are engaged by third-party employers as employees, volunteers, or contractors, or who are the head of a third-party employer contracted to provide services to children on behalf of an entity that is within scope.

Proposed reportable conduct scheme scope – types of organisations

The Royal Commission recognised that regulation and oversight should avoid placing unnecessary or excessive regulatory burden on organisations. Consistent with this approach, the Royal Commission considered two criteria that had to be met for organisations to be recommended for inclusion in the scope of an RCS:

- that the organisation exercises a high degree of responsibility for children; and

- that the organisation engages in activities that involve a heightened risk of child sexual abuse due to institutional characteristics, the nature of the activities involving children, or additional vulnerability of the children the organisations engage with.

Based on these criteria, the Royal Commission recommended a minimum scope of institutions and also recommended that governments continue to consider whether there are additional organisations that meet these criteria. Further detail regarding institutions which might be included in the scope of an RCS is set out below in Table 16 (both government and non-government) and the Royal Commission Final Report, Volume 7, pages 25 and 26.

The Royal Commission recommended a narrower scope for the RCS than for the CSS, considering that an 'overly broad scope' for the RCS might incur a disproportionate burden on government and organisations, and be 'unsustainable and ineffective'.[69] The Royal Commission's proposed minimum scope for RCS does not include sport and recreation, private teaching, coaching or tutoring, transport services for children and commercial services for children. This was based on factors such as:

- limited evidence regarding these institutions;
- high membership base and low resources;
- often operating as sole traders or small businesses;
- large and diverse spread of institutions, making regulation impractical;
- the potentially limited capacity of an oversight body to engage with and support these additional institutions; and
- lack of coverage of these sectors in existing RCS at the time of the Royal Commission report.[70]

As part of its RCS, Tasmania proposes to include clubs and associations and coaching or tuition services for children from 1 July 2024. Legislation for the Queensland RCS may enable the expansion of sectors in scope in the future.

The criteria used by the Royal Commission does not claim to provide an exact quantification of the risk-profile of different organisations. Rather, it establishes a sector-level view of organisations that should be included in the scope of an RCS. As noted on pages 17-18, it is not possible to meaningfully compare which organisations have more risk than others. In line with the intent of the Royal Commission recommendations, it is intended that an oversight body would have the flexibility to use regulatory tools as needed to address each organisation's individual strengths, risks and capabilities.

Table 16 Organisations recommended for inclusion in RCS scope by Royal Commission

Sector recommended by Royal Commission (RCS)	Examples of what this could include
Accommodation and residential services for children	• Domestic and family violence services that provide overnight beds or accommodation for children (noting children may be present with a parent/caregiver, or unaccompanied). • Providers of overnight camps/stays (for organisations that provide camps as part of their primary activity). • Housing and Homelessness Services (may include social housing (public and community housing) and accommodation delivered by specialist homelessness services – noting children that access these services may in some circumstances be unaccompanied, i.e. without a parent/caregiver/family).

[69] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 7: Improving institutional responding and reporting,* Sydney, 2017.
[70] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 7: Improving institutional responding and reporting,* Sydney, 2017.

Sector recommended by Royal Commission (RCS)	Examples of what this could include
Activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	• Religious bodies, such as churches and other congregational environments of religious and faith-based organisations where children have contact with adults. This would include all church services or activities, such as Sunday schools and youth groups. • Services provided by a religious body to children, such as community services and support services (including chaplaincy services, recreational services).
Childcare	• Childcare services regulated under the Education and Care Services National Law (for example long day care, kindergarten, outside school hours care, and family day care) and the *Education and Care Services Act 2013* (Qld) (for example, occasional care and standalone care). *Note: Does not include babysitting, nannies and kids clubs.*
Child protection services, including providers of family-based care (foster and kinship care) and residential care, as well as family support/secondary services	• All child protection services delivered or funded by DCSSDS, including residential care, foster and kinship care and secondary child protection and family support services (Intensive Family Support, Family Wellbeing Services and Family and Child Connect).
Disability services and supports for children with disability	• NDIS providers delivering services for children with disability. • Services for children with disability provided or funded by DCSSDS, including the Accommodation Support and Respite Service and disability advocacy services.
Education services for children	• State schools and non-state schools. • School boarding facilities (including student hostels). • TAFEs and other organisations registered or accredited to provide senior secondary education or training. • Organisations providing courses for overseas students or secondary student exchange programs under the *Education (Overseas Students) Act 2018* (Qld). • May include universities.
Health services for children	• Queensland Health and Hospital and Health Services. • Queensland Ambulance Service. • Private hospitals (may include private health facilities). • Mental health services that provide inpatient beds for children. • Drug or alcohol treatment services that provide inpatient beds for children. • Organisations funded by the State to provide community-based health services for children. *Note: Does not include private practitioners unless covered by one of the sectors listed, such as a private hospital*.
Justice and detention services for children	• Youth detention centres (and organisations providing services within youth detention centres). • Services delivered or funded by Youth Justice. • Child and youth advocacy services. • Watch houses. • Community Justice Groups. • Queensland Police Service and related funded services. *Note: Does not include immigration detention*

Sector recommended by Royal Commission (RCS)	Examples of what this could include
Other government departments and entities	Departments and entities that exercise care, supervision or authority over children as part of their primary functions or otherwise.

The scope of organisations subject to the RCS is broadly consistent across jurisdictions that have an RCS (NSW, Victoria, the ACT, WA and Tasmania), however there is some variation between jurisdictions. For example, the RCS in NSW, as with the NSW CSS, does not extend to disability services, and the ACT excludes private providers of mental health and related services with in-patient beds as well as providers of overnight camps and homelessness services

Other types of employers or organisations

Entities that comprise an individual may be included in the RCS if operating in a sector that is within scope. Third party employers, who are engaged by a relevant entity (i.e. in scope for the RCS) to provide services to children would also be in scope. This means they will be subject to the same obligations as other organisations in scope as previously set out. This includes ensuring there are systems in place for preventing, detecting and responding to reportable allegations or convictions, and reporting and investigating reportable allegations and convictions. For example, this will include a private/NGO health provider contracted by a government agency to provide services to children.

This will improve the accountability of third-party employers, who may be in a better position to respond to allegations involving their employees than the contracting organisation (which, in the above example, is the government agency).

Features to minimise regulatory impacts

The Queensland scheme will be designed to minimise duplication, including through the features outlined below.

Collaborative regulatory approach

It is proposed the legislative framework facilitates a **collaborative approach** between the oversight body and existing sector or other relevant regulators. The scheme will also be designed with the intent to avoid and minimise duplication with existing regulators. This will be achieved through mechanisms such as information sharing between the oversight body, regulators, and heads of organisations, to assist with investigations, and minimise duplication in reporting and investigations. Another mechanism to achieve this includes the ability for the oversight body to establish agreements with sector regulators to facilitate a collaborative approach to investigations, or delegate certain functions in the future, where appropriate. For example, in Victoria and Tasmania, the oversight body may request that a regulator investigate a reportable allegation, which the oversight body may monitor. In Victoria, this is supported by information sharing provisions that allow information to be shared between the regulator, the organisation, and the oversight body. The *Child Wellbeing and Safety Act 2005* (Vic) requires the Commission to liaise with regulators to avoid unnecessary duplication in the oversight of investigations and sets out who is a regulator for the purpose of the Scheme.

This aims to harness the expertise and support of industry regulators, as well as reduce the regulatory burden on organisations who may continue to have other reporting obligations to sector and industry regulators, outside of an RCS.

Minimising duplication of obligations

Similar to other RCS schemes, the Queensland scheme will contain features that are intended to reduce duplication of reporting and investigating. NSW, Victoria, and WA provide for a ‘reasonable

excuse' to the obligation to notify the oversight body of a reportable allegation if the head of the entity believes the oversight body has already been notified. This may reduce duplication in circumstances where a contractor is employed by an entity that is in scope of the scheme, such that both the contracting entity and the third-party employer have reporting obligations.

NSW and WA schemes enable the oversight body to exempt organisations from commencing or continuing an investigation, if the matter is already being dealt with by another relevant entity (NSW) or another appropriate person or body (WA), such as another relevant entity, regulator or police. Victoria's legislation places the highest priority on police investigations, such that an RCS investigation must not commence or continue if police are investigating the matter.

Exemptions

The Royal Commission recommended the RCS should provide for the power to exempt any class or kind of conduct from being reportable conduct (Final Report, recommendation 7.10(g)(iv)).[71] This exempts certain entities from requiring notification to the oversight body or to provide an entity report, in respect of a class or kind of conduct. The conduct is still reportable conduct, and the relevant entity is still required to investigate it, but without the oversight of the oversight body. It recognises that there are some entities and sectors that are competent to investigate certain classes or kinds of conduct. This helps to ensure that the oversight body can focus its efforts on the most serious matters, and on institutions or sectors that have less experience and have not demonstrated a satisfactory level of competence in complaint handling.

NSW, Victorian, ACT and WA schemes provide for class or kind exemptions. The Victorian, ACT and WA schemes also allow for an entity or class of entities to be exempt from the RCS, prescribed in regulation, however, there are currently no such exemptions in Victoria, ACT or WA. This may be because no organisations have yet been able to demonstrate the required competency to oversee reportable conduct investigations independently. Once jurisdictions' respective schemes reach maturity, it is possible there will be an increasing number of exemptions as organisations have developed the operational experience to independently review and investigate allegations of reportable conduct.

It is proposed that the Queensland scheme will include the ability for the oversight body to exempt a class or kind of conduct. In using such exemptions, the oversight body will need to carefully consider any risks that may arise from applying a lower level of scrutiny to certain organisations, such as reducing its ability to identify patterns of behaviour. It is anticipated that the use of exemptions should only occur when organisations have demonstrated competence in investigating those classes or kinds of conduct and would therefore only be introduced as the scheme matures.

Capacity building and practice development

An important function of the oversight body will be to work with organisations to build their capacity to prevent harm to children through child safe systems, policies and practices through the provision of training, education and advice. In NSW, Victoria, WA and Tasmania, an object or function of the oversight body is to educate and provide advice to entities to assist them to identify reportable conduct and to report and investigate reportable allegations. In Victoria and Tasmania, this also includes education and advice to support regulators to promote compliance with the RCS. Queensland proposes to include, as part of the legislative functions of the oversight body, providing education and advice to organisations and regulators to identify, report and investigate reportable conduct and allegations under the scheme.

[71] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 7: Improving institutional responding and reporting,* Sydney, 2017.

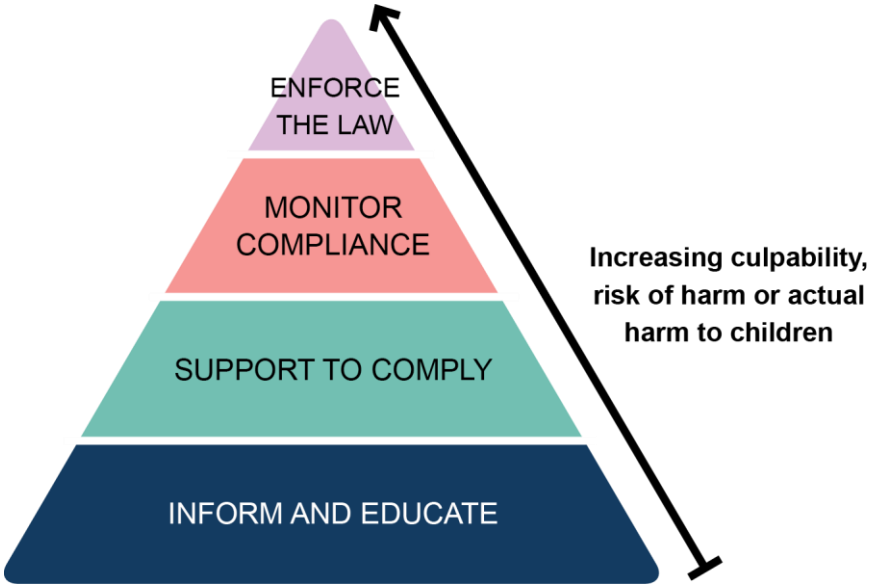
The Royal Commission found that the sectors most likely to require external advice and support are those that:

- are small or under-resourced;
- operate in new and emerging sectors;
- do not have the support of a peak body; and
- have little or no experience with handling complaints of child sexual abuse.

Capacity building should occur alongside the monitoring and enforcement functions of the oversight body to enable support to be targeted to organisations that need it the most.

In Victoria, the Commission for Children and Young People takes a risk-based approach as shown in the below diagram:

Figure 8 Commission for Children and Young People – Risk prioritisation approach

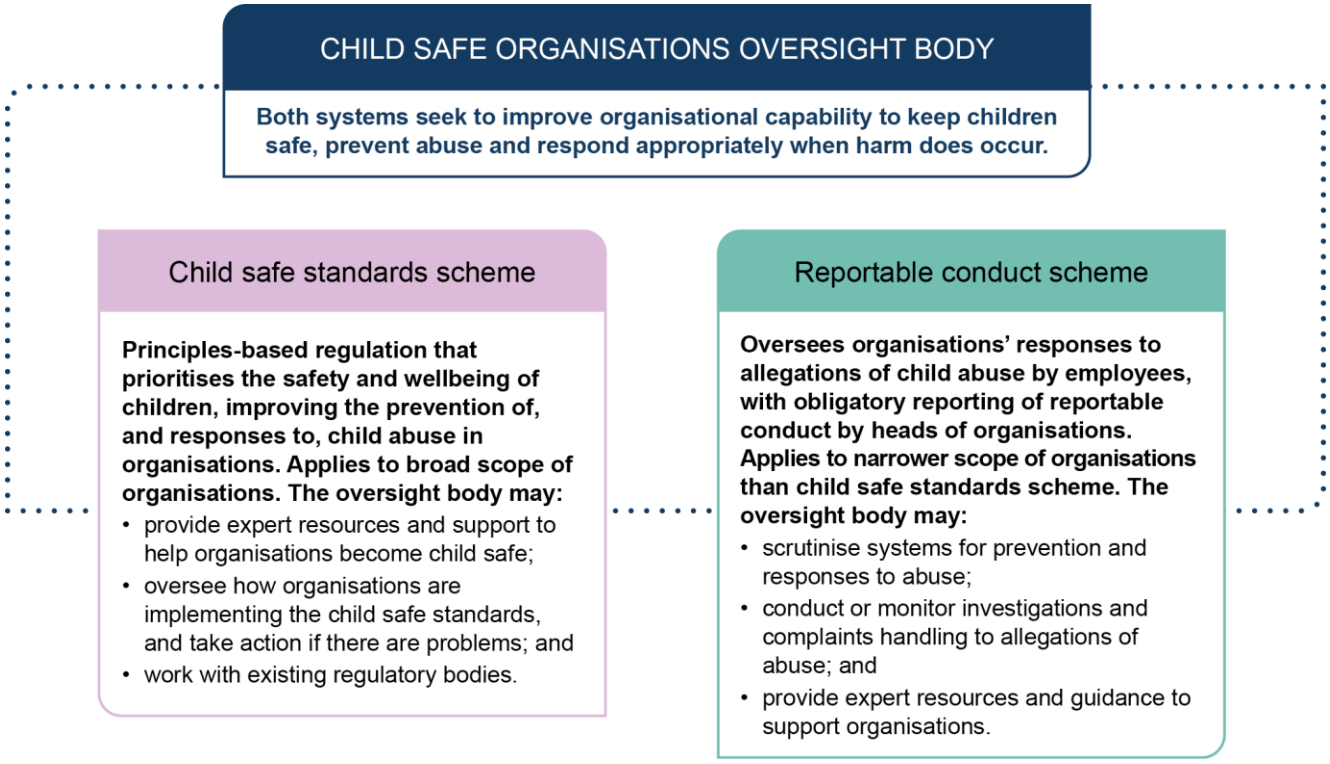


Experience in other jurisdictions suggests that under the RCS, the source of risk, the needs of organisations and the types of reportable conduct have evolved over time, warranting an approach that is dynamic and includes a focus on continuous improvement and maintenance of good practice for all organisations. It is proposed that the Queensland RCS will enable the independent oversight body to flexibly deliver a scheme that is responsive to individual circumstances and the characteristics of organisations and sectors.

Implementing an integrated child safe organisations model

The CSS and RCS are complementary schemes that together could comprise an integrated child safe organisations system in Queensland, which is preventive, responsive and has the capacity to detect risks. The CSS provide a foundation for organisations to develop child safe environments, while the RCS provides a mechanism for transparent reporting of child abuse allegations and independent oversight of institutional responses to such allegations across sectors. This also enhances the ability to identify and respond to risks posed by individuals working with children across sectors.

Figure 9 Integrated functions of RCS and CSS into one independent child safe organisations oversight body



Both CSS and RCS seek to improve organisations' ability to keep children safe and respond appropriately to allegations of child abuse. The Royal Commission considered that the oversight body for an RCS should also be responsible for monitoring and enforcing the CSS (which is the case in Victoria and NSW). Appointing a single oversight body to oversee both schemes allows costs to be shared, such as those relating to leadership resources, administration, information sharing, reporting, capacity building, and information and communications technology. Integrating oversight of the CSS and RCS within one body has the potential to more effectively build child safe organisations and practices in Queensland.

Target questions

13. For organisations that work with the CSS and RCS in the same oversight body (i.e. Victoria and NSW), are there any other considerations we should be aware of regarding the schemes working together, based on your experiences?

PART 4 – Impact analysis of the options

This part of the CRIS provides an analysis of the expected impacts for each option compared to maintaining the status quo.

There is inherent value in safeguarding children in Queensland, upholding their human rights and helping them grow up in a supportive, enriching environment that prioritises their wellbeing.

However, to help government invest in the most effective actions to prevent and respond to child maltreatment, this part explores the risks, benefits and impacts of each option compared to the 'base case' of taking no further action to implement the CSS or RCS.

Quantifying the cost benefits of social policy initiatives that aim to improve the safety and wellbeing of children and young people is a challenging and sensitive exercise, and this document has already outlined the limitations in the existing data related to child abuse (see pages 20 to 23).

Impact analysis

This Part details the expected impacts of the options developed to implement the CSS and RCS in Queensland. This is informed by what we have previously heard in targeted consultation with stakeholders, lessons learned in other jurisdictions and preliminary actuarial analysis.

We want to hear from you about how you expect these options will impact your organisation or sector, your community, and, most importantly – children and young people.

This will inform Government's decision about the best option for Queensland and the design of any potential child safe organisations system.

Based on the data available, this impact analysis cannot accurately cost the expected benefits of regulatory changes that aim to reduce risks to children in organisations and, in the long-term, lower the prevalence and impacts of institutional child abuse. Data and information currently available to support the limited quantitative analysis in this Part are focused on cost impacts for organisations and government and are based largely on what is known from previous targeted consultations, experiences in other jurisdictions, independent actuarial analysis, and the extensive research of the Royal Commission.

The figures presented in this document are indicative only. The quantitative analysis is supported by qualitative discussion and comparative analysis which is also informed by these sources.

The following analysis examines the comparative risks, costs (where possible to estimate) and benefits of each option. This informs the recommended option proposed in Part 6, Conclusion.

It is important that the benefits and impacts of implementing the chosen options are monitored and evaluated, to inform future best practice and continuous improvement.

The impact analysis is delivered with respect to four key stakeholder groups:

- **Children and young people** – as the intended beneficiaries of regulatory reform.
- **Community at large** – including wider social impacts arising from reforms.
- **Government** – in its capacity as central oversight body/regulator and also being subject to compliance requirements.
- **Organisations and the sector** – as being subject to compliance requirements.

Methodology

To quantify the estimated financial impact of costs and benefits that could be realised by implementing the various options, a financial analysis was performed on the options (aside from the status quo) to evaluate the required impact for each option to be cost-neutral.

This impact was quantified as a reduction in the annual prevalence of child maltreatment in Queensland institutions, which is estimated to be approximately 12,148 cases per year at baseline, as

established on page 23. The estimated value of the lifetime costs of a single case of child maltreatment to an individual, as established in McCarthy et al (2016), is approximately $614,309.16, adjusted to December 2022 dollars.[72] Based on this estimate, total annual cashflow 'benefits' can be estimated as the savings accrued to society by reducing the prevalence of child maltreatment. For example, a 5% reduction in annual prevalence is equal to a reduction of approximately 607 cases per year, which results in an annual equivalent savings of approximately $373 million. These savings were used to develop a 'benefits' cash flow.

It is expected that as CSS and RCS models are implemented in Queensland, two impacts will occur: a reduction in annual prevalence of child maltreatment in Queensland institutions, and a reduction of the average harm incurred in cases of child maltreatment that continue to take place. Theoretically, for the purposes of the analysis in this CRIS, the latter effect would also impact the estimated 'benefits' cash flow by increasing the effective savings for society realised by preventing one case. In the absence of reliable data to estimate what the value of the reduction in average harm from implementing the options is, we have not incorporated this into the analysis, and only use 'avoided incidents' as the measure. However, it is reasonable to expect that the actual number of 'avoided incidents' required for an option to be cost-effective is lower, as benefits accrue more broadly from reduced harm to all children who experience maltreatment.

To develop a costs cash flow, this impact analysis draws on independent modelling developed by Finity Consulting as contracted by DCSSDS, which produced cost estimates for both an oversight body regulating CSS and/or RCS, and cost estimates for organisations complying with the two policies. Please note the key assumptions and limitations which were involved in the modelling performed by Finity Consulting, and the additional impact analysis which informed this part of the CRIS, are summarised below in Tables 17, 18, 19A, 19B and 20.. For establishing the oversight body, approximate annual cost estimates were provided for both the set-up period (spanning the first five years of implementation), and an ongoing annual cost once the option was fully implemented (year six onwards). For organisations, costs were distinguished as the initial set-up costs, and ongoing costs once the organisation has fully complied with either CSS, RCS or both. The following tables summarise these costs:

Table 17 Annual average costs to establish oversight body

Option		Cost (M) per Year					
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6+
CSS	Option 2	N/A					
	Option 3(a)	$3.96	$4.40	$3.79	$3.46	$3.56	$3.50
	Option 3(b)	$3.96	$4.04	$3.48	$3.19	$3.41	$3.40
RCS	Option 2	$3.47	$5.68	$5.10	$5.27	$5.42	$5.40
Integrated Model[73]		$7.43	$6.61	$7.02	$8.12	$8.83	$8.83

[72] Consumer Price Index, Australia, March Quarter 2023 | Australian Bureau of Statistics (abs.gov.au) - All groups CPI, Australia, quarterly and annual movement (%)

[73] See Page 68 for further detail on the assumptions and options selected to represent an integrated model of CSS and RCS co-located within the same oversight body

Table 18 Estimated average annual total costs for organisations in scope to comply with CSS and RCS

	Annual Costs to Organisations							
	Large School		Religious Organisation		Foster Care Provider		Small Organisation	
	Set-up	Ongoing	Set-up	Ongoing	Set-up	Ongoing	Set-up	Ongoing
CSS	$23,333	$8,750	$15,000	$7,222	$10,000	$5,972	$1,167	$1,027
RCS	$23,333	$23,333	$15,000	$98,898	$10,000	$66,806	$1,167	$793
Integrated Model[74]	$24,333	$26,667	$16,000	$101,620	$11,000	$69,028	$1,353	$1,391

The costs summarised in Tables 17 and 18 are indicative only. The cost estimates for organisations are based on estimates of the labour needed to perform the administrative duties of complying with CSS and RCS, as detailed in the obligations in Part 3, which were modelled by Finity Consulting.

The tables below summarise the costs used to estimate the total cost for organisations to comply with CSS and RCS, as used in the quantitative impact analysis tables (Tables 19A and 19B). These estimates have been used to calculate the average cost for organisations participating in the CSS and/or RCS. This average cost was then used to estimate a total cost across Queensland organisations, which is identified in the cost-effectiveness analysis in this Part. Each specific cost should not be taken as an accurate prediction for an individual organisation.

Key assumptions for cost estimates for organisations

- Average annual remuneration for staff used in the Finity Consulting modelling (including superannuation) was taken to be $125,000 for larger organisations and $70,000 for smaller organisations, for the purpose of deriving equivalent hourly costs from time requirements.
- Several activities are identified as applying only to large organisations or having different costs for different sizes of organisation (small vs large).

Key limitations for cost estimates for organisations

- Actual costs will likely vary significantly depending on the size, structure, operational practices, workforce profile and risk factors for each organisation.
- Individual and total organisational costs will be subject to the final model adopted for both CSS and RCS, and policy positions on matters such as the regulatory toolset available to the oversight body and the scope of organisations subject to each model.
- Organisational costs also do not consider potential offsets from existing obligations under current regulation – e.g. organisations may experience a lower actual cost in setting up policies and systems to comply with CSS and RCS if they are already obliged to comply with existing obligations that align (see Table 20).

[74] See Page 68 for further detail on the assumptions and options selected to represent an integrated model of CSS and RCS co-located within the same oversight body

Table 19A Estimated costs for organisational compliance with CSS

Activity	Time requirement	Cost (small – large)	Frequency of activity
Participate in initial capacity building run by regulator	2–6 people, 5 hours each	$467 – $2,500	Year 1 only
Participate in ongoing capacity building by regulator	2–6 people, 5 hours each	$467 – $2,500	Every second year
Set up/revise policies and systems	15–50 hours	$700 – $4,167	Year 1 only
Maintain policies and systems	5–20 hours	$233 – $1,667	Annually
Annual self-assessment	10 hours	$467 – $833	Annually
Participate in responsive capacity building if required	2–5 people, 10 hours	$933 – $4167	As required
Large organisations only			
Run internal capacity building – initial cost	50 people, 2 hours each	$8,333	Year 1 only
Run internal capacity building – ongoing cost	25 people, 2 hours each	$4,167	Every second year

Table 19B Estimated costs for organisational compliance with RCS

Activity	Time requirement	Cost	Frequency of activity
Participate in initial capacity building run by regulator	2–6 people, 5 hours each	$467 – $2,500	Year 1 only
Participate in ongoing capacity building by regulator	2–6 people, 5 hours each	$467 – $2,500	Every second year
Set up/revise policies and systems	15–50 hours	$700 – $4,167	Year 1 only
Maintain policies and systems	5–20 hours	$233 – $1,667	Annually
Report incidents	2 people, 5 hours each	$233 – $833	Dependent on external factors
Investigate incidents	2 people, 20 hours each or outsourced (for larger organisations)	$1,867 – $30,000	Dependent on external factors
Participate in responsive capacity building if required	2–5 people, 10 hours	$933 – $4,167	Where required
Large organisations only			
Run internal capacity building – initial cost	50 people, 2 hours each	$8,333	Year 1 only
Run internal capacity building – ongoing cost	25 people, 2 hours each	$4,167	Every second year

The actual costs for an organisation will be highly dependent on its size, complexity and existing operational and reporting practices, as well as factors such as how many RCIs occur. For example, the significant increase of cost between set-up and ongoing phases for organisations complying with the RCS is based on an estimated number of RCIs for the relevant sector that will need to be processed once the RCS is established. However, the actual number of RCIs in each sector and organisation will vary and fluctuate year to year. It is also noted that the costs for an organisation to comply with CSS are not differentiated between Options 2, 3(a), and 3(b). This is because the key difference between Options 2, 3(a) and 3(b) relates to the number of organisations in scope, and the relationship between the oversight body and existing regulators. Therefore, the total costs to all organisations in scope will vary, but the costs for each organisation in scope should not differ significantly between these options.

Costs for organisations may also be offset by integrated implementation of CSS and RCS, as demonstrated in Table 20, as well as by existing regulatory obligations. Table 20 provides examples of some of the existing obligations and activities an organisation may be undertaking that could reduce the real cost of engaging in activities to comply with the CSS and RCS:

Table 20 Cost offsets for organisations complying with CSS and RCS

Activity	Offset – examples of existing obligations and activities
Participate in capacity building with oversight body	• Blue card system, including requirements to develop and implement Child and Youth Risk Management Strategies – policies on handling disclosures or suspicions of harm. • Registered NDIS providers supported by NDIS Quality and Safeguards Commission to prevent and respond to incidents of harm. • Queensland Public Service Code of Conduct – training and development. • Department of Education – mandatory annual student protection training for staff who have contact with students or children.
Run internal capacity building for staff (large organisations only)	• Blue card Child and Youth Risk Management Strategy – policies on handling disclosures or suspicions of harm. • Queensland Public Service Code of Conduct – training and development.
Set up/revise and maintain policies and systems for preventing, detecting and responding to reportable allegations	• Blue card Child and Youth Risk Management Strategy – policies on handling disclosures or suspicions of harm. • HSQF requirements to have processes to prevent, identify, and respond to harm • Reportable incidents management obligations of registered NDIS providers. • Early childhood services under the National Quality Framework must have policies and procedures for responding to complaints. • Department of Education – allegations against employees in the area of student protection procedure (including failure to report and protect offences).
Report incidents to the oversight body (within a prescribed period)	• Build on processes for mandatory reporting obligations for certain professions including school staff members, teachers, doctors, registered nurses, police officers with child protection responsibilities, and early childhood education and care professionals. • Reportable incidents management obligations of registered NDIS providers. • Criminal Code offence of failure to report sexual offences against children. • Employing authority for school must notify Queensland College of Teachers of allegations of harm.

Activity	Offset – examples of existing obligations and activities
Investigate, or arrange for investigation of, incidents and report findings to the oversight body	• Registered NDIS providers may be required to carry out an internal investigation of reportable incidents, or engage an independent expert to investigate. • Queensland College of Teachers investigations into professional conduct of teachers. • Australian Health Practitioner Regulation Agency and the Office of the Health Ombudsman manage complaints about conduct of individual health practitioners. • Civil liability legislative requirements to take all reasonable steps to prevent the abuse of a child by a person associated with the organisation under their care, supervision etc.
Participate in responsive capacity building if required (liaising with oversight body to implement improvements/recommendations if issues arise)	• HSQF requirements to have processes to prevent, identify, and respond to harm. • Registered NDIS providers supported by NDIS Quality and Safeguards Commission to prevent and respond to incidents of harm, including being directed to take specific remedial action.

The other cost considered was additional costs to government faced by agencies in working with the oversight body, which was included in the total costs cash flow. These costs to agencies were estimated to arise from an associated increased need for staff to oversee and manage required activities for complying, reporting and communicating with the oversight body/ies and meeting relevant obligations (see Part 3). By deducting the costs from the benefits cash flow, an estimate of the net annual cash flow can be produced. The chosen timeframe to analyse these forecasted cash flows was 10 years, which allows sufficient time for implementation of each option to reach maturity. Expanding the forecast beyond 10 years increases the risk that estimated costs and benefits are significantly different from the actual costs and benefits following a decade of economic change, policy reform and technological advancement.

Over this total cash flow, a net present value (see glossary) of the total cash flow of implementation was estimated. In line with the Australian Government Office of Best Practice Regulation,[75] a discount rate (see glossary) of 7% was used to estimate what percentage of the existing annual prevalence of child maltreatment in Queensland institutions would have to be reduced for each option to be cost effective. As can be seen in Tables 23, 25, 27 and 31, the key outcome of this analysis is that all options assessed are expected to have a positive net impact if they achieve a relatively low impact toward the objectives of this regulation. It is expected that all assessed models will likely produce outcomes beyond the cost-neutral level (see 'expected effectiveness', page 76).

It is important to note that financial outcomes for government are not the ultimate objective of proposed regulation – the safety and wellbeing of all children who receive care or services from institutions in Queensland is paramount and any regulation that improves this is inherently worthwhile. Nonetheless, the analysis demonstrates that, CSS Options 2, 3(a) and 3(b) and RCS Option 2, and an integrated implementation of CSS and RCS, are overall highly likely to be beneficial and cost-effective. This analysis must be considered holistically with the qualitative assessments of the impact of both options on various stakeholder groups, chief among them children and young people. To further test the reliability of these findings, key assumptions were adjusted to evaluate the impact they had on the result, including the discount rate and the number of organisations in scope. The results of this sensitivity analysis demonstrated that even if assumptions about certain costs and benefits are somewhat inaccurate, the options continue to be highly cost effective (see **Appendix A).**

[75] Australian Government, *Best Practice Regulation Handbook,* 2007, Australian Government guidance.

Expected effectiveness

Forecasting the specific impact a given option will have on the prevalence of maltreatment is not possible with existing available data. For this reason, the cost-effectiveness analysis used for the impact analysis establishes a minimum break-even impact required for each option to have a net benefit for Queensland. It is then possible to make broad assumptions as to whether it is likely for the options to exceed that minimum level.

The key evidence to the effectiveness of the CSS Option 3(a) and Option 3(b) and RCS Option 2 is established in the Final Report of the Royal Commission, particularly Volumes 6 and 7 which recommend implementation of CSS and RCS.[76] Building on the work of many previous inquiries, and drawing on insights from over 8000 private sessions, 338 written accounts and 12 community forums with people who had been affected by child sexual abuse, the Royal Commission was able to establish for the first time a fulsome and informed view of the key risk factors and drivers of child sexual abuse in institutions.

This evidence was supported by the Royal Commission's comprehensive policy and research agenda which produced 33 policy and research papers, that informed its final recommendations. One example of the many sources drawn on to inform the Final Report was a scoping review on evaluations of employment screening practices to prevent child sexual abuse, which summarised the findings of 25 evaluations with evidence that criminal-history checks are more effective when paired with other human resources checks.[77]

There is also evidence from the implementation of CSS and RCS in other jurisdictions that can be drawn on to estimate the potential impact of CSS and RCS on prevalence of child maltreatment in Queensland institutions. By applying data on RCIs from other jurisdictions to Queensland population data, it is estimated there will be approximately 1200 total RCIs every year across all in-scope organisations (see Table 30). If we estimate that of 1200 reports, only 240 (20%) result in the prevention of a future incident of child maltreatment, we can estimate an impact of a reduction of approximately 2% (of the estimated 12,000 total annual cases of child maltreatment in Queensland institutions) (see Part 1). This value provides an approximate benchmark for impact to use in this impact analysis for the RCS.

Acknowledging the evidence base of the Royal Commission balanced against evidence from other jurisdictions, 2% is also used as the conservative estimate of reduced prevalence of child maltreatment in Queensland institutions as a result of fully implementing CSS Option 3(a) or 3(b). Therefore, the expected impact for implementing an integrated child safe organisations model which combines CSS Option 3(a) and RCS Option (2) is taken to be 4%. Given the significantly reduced scope compared to other jurisdictions and the Royal Commission recommendations, for CSS Option 2 the expected effectiveness is taken to be substantially less, with approximately a quarter of the impact at 0.5%.

It is noted that these estimates for effectiveness at reducing prevalence of child maltreatment are intended for use in comparing and evaluating the options considered in this impact analysis and are intentionally conservative to provide confidence in the outcomes of the cost-effectiveness analysis. Clearly, it is the intention that government action reduce the prevalence of child maltreatment in institutions substantially more than a 0.5–4% reduction, and our ultimate goal is to prevent child maltreatment in institutions altogether. However, these estimates allow the evaluation of each option and give an indication of whether it is likely to provide a net benefit for Queensland.

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[76] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017 and Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 7: Improving institutional responding and reporting,* Sydney, 2017.

[77] South S, Shlonsky A, & Mildon R, *Scoping Review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse*, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2012.

Key assumptions in cost-effectiveness analysis

- To account for the required time for implementation, benefits were estimated to begin after the first year. In reality, it is likely there will be a more incremental realisation of benefits as more organisations reach full compliance beginning from initial implementation.
- Costs for organisations in scope were based on scaling up from approximately one third of the cost in Year 1, two thirds of the cost in Year 2 and full costing in Year 3. This represents the expected use of a phased approach to implementation, rather than incorporating all organisations in scope immediately.
- The estimated number of organisations in scope was based on estimates produced by the Victorian Government in developing its CSS and RCS schemes, and data about specific types of Queensland organisations, with adjustments made to reflect the difference in population between Victoria and Queensland. The estimated Victorian numbers were 50,000 organisations subject to CSS and 12,000 organisations subject to RCS.[78]
- The estimates used for 'additional costs to government' for CSS Option 3(a) and 3(b), RCS Option 2 and a co-located integrated child safe organisations model are the same, noting that it is expected the costs for agencies to collaborate with an oversight body are likely to be generally consistent whether the oversight body is solely administering either of the schemes, or both. Furthermore, the sensitivity analysis demonstrates that significant shifts in the estimated total cost to government have a limited effect on the results of the impact analysis.
- For Option 2 of the CSS model, estimated costs for organisations in scope are taken to equal approximately 10% of total costs for all organisations in scope of Options 3(a) and 3(b), noting that Option 2 would have a significantly reduced scope of organisations mandated to comply.

Variables not costed in cost-effectiveness analysis

- Separate analysis was not performed to estimate the specific impact on costs for different parties resulting from a decision on the use of the framework of 'child safe standards' or 'National Principles'– it is highly unlikely that the associated impact on costs would be significant as the major costs for implementing CSS are not sensitive to which framework is adopted in Queensland.
- There may be some Queensland organisations that have already implemented a form of CSS and/or RCS, such as those that operate across multiple jurisdictions that already have the CSS and/or RCS, Queensland Government departments which have begun implementing the CSS since 2019, and other organisations that may have voluntarily implemented additional measures aligned with the CSS. This will impact the actual cost-effectiveness of implementing the schemes in Queensland, because there may already be an existing level of compliance in some sectors. Additionally, some organisations may have already voluntarily implemented additional measures aligned with the CSS and RCS, which means that the costs and benefits for the non-status quo options would be lower compared to the status quo.

Target questions

14. Are the costs detailed in Tables 18, 19A and 19B regarding costs for organisations, relatively accurate approximations of the costs your organisation may face in complying with CSS and RCS? If not, is the actual cost likely to be substantially higher or lower, and why?
15. Will there be any other costs associated with the implementation of CSS or RCS from activities not sufficiently captured by the estimates in Tables 19A and 19B (page 73)? Examples of possible CSS compliance activities are included in Table 12 in Part 3 of the CRIS (page 46).

[78] Victorian Department of Families, Fairness and Housing, *Review of Victoria's Reportable Conduct Scheme*, 2022.

Child safe standards

Option 1 – No action and maintain status quo

If no further action is taken by the Queensland Government to implement the CSS, existing protections for children in organisations would continue via the current regulatory safeguards in Queensland, such as the blue card system, sector-specific regulation and quality frameworks (e.g. early learning regulatory frameworks or non-state schools accreditation processes). An ad hoc and inconsistent approach to CSS implementation across the sectors providing services to children and young people may be the result. As the status quo option, Option 1 represents the base case against which the other options are compared. As this option entails no further government action, it has no cost, produces no additional benefit and does not respond to risks currently experienced by children in Queensland. Table 21 demonstrates the strengths and weaknesses of continuing to take no action, however for the purposes of the cost-effectiveness analysis, the costs and benefits are nil.

Costs and benefits are broken down by impacted stakeholders below:

Table 21 CSS Option 1 – Costs and benefits of maintaining status quo on stakeholder groups

Stakeholder	Risks from inaction	Benefits from inaction
Children and young people	• Children and young people in Queensland will not be afforded the same level of safety in organisational environments that their peers in other jurisdictions with the CSS receive.	• None specific to children and young people.
Organisations	• Continued uncertainty for organisations in how to best apply the CSS in their context. • This option is unlikely to be effective in driving cultural change in organisations to prioritise the safety and wellbeing of children and young people.	• This option incurs no regulatory burden as it implements no additional regulation.
Government	• Government organisations delivering services to children will continue to have limited independent oversight of child safe practice – risks of liabilities relating to child abuse continuing to grow. • The CSS were intended by the Royal Commission to complement other reforms. By taking no further action to embed the CSS in Queensland, the vision of the Royal Commission to reduce child abuse and ensure effective institutional responses is only partially achieved. • This may mean investment in other reforms is less valuable and effective.	• Cost savings will accrue to government in terms of the limited compliance and monitoring responsibility associated with the current, ad hoc approach to CSS compliance in funded and non-funded sectors.
Wider community	• Not an approach that supports national consistency, one of the key aims of which is to build a baseline understanding of what minimum expectations are for organisations to be ‘child safe’. • Loss of opportunity to build community awareness. • Continuation of costs of institutional child abuse accruing to wider community.	• Government expenditure on establishing a system to implement CSS in Qld could be redirected elsewhere in the community.

Conclusion for Option 1

This option does not meet the intent of the core objective (in Part 2) of government action to seek to minimise the risks and impacts of child abuse in organisations working with children and young people in Queensland. While there are some existing measures to protect children in Queensland institutions, there is a clear case for exploring additional measures that cut across all sectors working with children to support a consistent approach to child safe practice. Further, as safeguarding strengthens through the implementation of the CSS and RCS in a growing number of other states and territories, the risk to Queensland children may increase as perpetrators seek organisations with less safeguards compared to other states and territories. It is not recommended to pursue this option further.

Target questions

16. Do you support the Queensland Government taking no further action to implement the CSS in Queensland, with organisations able to choose whether to adopt the CSS? Why or why not?
17. What are the current challenges for your organisation/sector in supporting the safety and wellbeing of children in organisations? Do you think adopting the CSS in Queensland could help address these?

Option 2 – Non-legislative approach to implementing the child safe standards

This option involves no central oversight body for CSS. CSS obligations would largely be passed on via contracts to funded non-government organisations and could be incorporated into existing regulatory frameworks. Compliance would be voluntary for non-funded organisations or organisations that have minimal government regulation (e.g. sport and recreation organisations and religious organisations).

Table 22 Impacts on stakeholder groups – CSS Option 2 – non-legislative approach

Stakeholder	Costs and risks (compared to status quo)	Benefits
Children and young people	• Inconsistent implementation of CSS within and across sectors will mean that only some children will obtain the benefits of this model. • Potential for organisations in scope to pass on additional costs of complying with CSS through membership fees.	• Children who receive services from relevant funded organisations that are required to embed CSS via contracts or regulatory frameworks will experience benefits to their safety and wellbeing as the organisations work to embed the CSS into organisational culture and practices.
Organisations	• Any introduction of new regulatory measures will mean organisations need resources to meet new requirements. This may result in organisations needing to redirect resources from other parts of the service. • Competition impacts – unequal application of CSS regulatory requirements depending on whether an organisation is funded or regulated by government may lead to adverse competition impacts for organisations required to be child safe. For example, some organisations provide multiple services, and while only some of an organisation's service delivery streams	• This option has a comparatively low level of regulatory burden for organisations, given obligations will be incorporated into existing regulatory frameworks and contracts. It also does not feature the same level of oversight that a legislative regulatory system would involve. • Additionally the total regulatory burden for organisations will be lower than other non-status quo options, as the number of organisations subject to mandatory compliance is lower than Options 3(a) or 3(b).

Stakeholder	Costs and risks (compared to status quo)	Benefits
	may require CSS compliance, costs may still increase for embedding CSS in the organisation even across the service delivery streams that do not require CSS implementation. An organisation may need to increase its fees for service delivery across all streams to cover these costs. This may in turn make it less competitive than organisations delivering the same out-of-scope services that are not required to become child safe. • Organisations out-of-scope that wish to implement the CSS will be doing so without centralised supports and capability building activities. • While out-of-scope organisations may save money by not being required to comply with CSS and may be able to offer cheaper services, there is a risk especially for smaller, volunteer-run organisations that may not have the capacity to implement the CSS themselves, their service offering may in time be seen as less valuable as they will not be considered a child safe organisation.	• For organisations in scope of CSS regulation, they may be able to tap into existing relationships with their funders/regulators to access tailored capacity building support to become a child safe organisation. • Organisations in scope of the CSS regulation will be able to hold themselves out to be child safe organisations, over time potentially gaining a competitive edge as community awareness and expectations regarding the CSS increase.
Government	• Consultation with agencies to date has demonstrated that agencies will experience cost impacts associated with this proposal. Using contracts to mandate compliance would have impacts on contract manager workloads. • Using contracts as an oversight mechanism may lead to adverse outcomes for communities with limited access to services (i.e. should funding be affected). • Over the long term, unlikely to be the most cost-effective option for government, given the resource-intense nature of capacity building by individual agencies who would likely be duplicating work across sectors. This is in comparison to having a centralised repository of CSS resources and dedicated subject matter experts who have a focus on delivering training and capacity building (as for Option 3).	• Compared to legislatively mandating compliance with the CSS and establishing an oversight body, some cost savings may accrue to government in terms of the limited compliance and monitoring responsibility. However, these savings would be balanced by the flow on effects from the increased workloads of contract management and related program support staff.
Wider community	• Given the limited application to only certain organisations of this option, there is a loss of some opportunity for building wider community awareness of institutional child abuse and child safe practices in organisations. • The limited scope of this option is likely to mean some continuation of costs of institutional child abuse passing to the wider community.	• Government expenditure on establishing a system to implement CSS in Queensland could be redirected elsewhere in the community.

Table 23 Cost-effectiveness analysis – CSS Option 2 – non-legislative approach

Option costs	Cost effectiveness	Evidence for effectiveness
Costs to oversight body Nil. **Organisations in scope** Net present value of total cost to organisations to comply with CSS over 10 years is **$63.46M.** **Additional Costs to government** Net present value of additional costs for government agencies to comply and administrate compliance with CSS over 10 years is **$9.09M.**	Total net present value of cost for Option 2 over 10 years is **$72.55M.** **To be cost effective this model would need to reduce annual prevalence of child maltreatment in Queensland institutions by approximately 19 cases.**	The non-legislative approach will have a smaller scope of organisations who are mandated to adopt the CSS, with other organisations able to participate voluntarily, and therefore likely have a smaller impact than Options 3(a) and 3(b). However, it is highly probably this option can reduce the number of cases of maltreatment by 19 each year, only 0.16% of total annual prevalence, based on the 0.5% reduction estimated for effectiveness of this option (see page 76).

Conclusion for Option 2 – non-legislative approach

Under this approach, children and young people accessing services from organisations in-scope may experience improved safety and wellbeing as the organisations work to embed the CSS. There would also be some cost savings to government and lower regulatory burden for the organisations in scope, compared to Option 3 involving establishing the oversight and regulation of the CSS. However, without a legislative mandate to oversee and regulate the CSS, this option can apply only to those organisations and sectors funded or regulated by government. This leaves key sectors that provide services to children out-of-scope. Organisations out-of-scope would comply with the CSS on a voluntary basis only, likely without the same level of support provided to funded and regulated services. This does not meet stakeholder feedback or achieve the objectives set out earlier in this document. This option is unlikely to be the most effective (including cost-effective) for government and organisations in terms of achieving long term cultural change and reduction in risks of harm to children in organisations.

Target questions

18. Do you support the Queensland Government using contractual/funding arrangements to require compliance with the CSS, supported by a policy framework, instead of legislation?
19. To what degree will this option contribute to the objectives for government action, i.e. to ensure the safety and wellbeing of children accessing services or facilities in Queensland institutions? (See Part 2 – Objectives of government action.)
20. Do you consider there are additional potential impacts or benefits of this option?
21. What support would organisations in scope of this option need to effectively implement the CSS?
22. What is the level of readiness in your organisation to implement Option 2?
23. Are there any other issues about this option you wish to raise for your sector/organisation?

Option 3(a) – Collaborative regulatory approach

This option involves government establishing an independent oversight body that will have responsibility to regulate and oversee the mandatory implementation of the CSS by relevant organisations in Queensland, supported by legislation. This body would take a *collaborative regulatory approach* (as distinct from a formal *co-regulatory approach*, in Option 3(b) below) to

support, monitor and oversee compliance with the CSS, in collaboration with existing regulators and funding bodies. These existing bodies would collaborate with the CSS oversight body by advising it of issues they become aware of that indicate organisations are experiencing challenges with CSS compliance.

Table 24 Impacts on stakeholder groups – CSS Option 3(a) – collaborative regulatory approach

Stakeholder	Costs and Risks	Benefits
Children and young people	• No direct costs. May result in increased costs of service delivery if organisations pass on administrative costs to clients (if applicable).	• Organisations become safer spaces for children and young people, with benefits to their safety and wellbeing. • Children and young people benefit from improved: - participation in organisational decisions and activities that affect them; - cultural safety, with respect for difference and diversity promoted in the organisation; and - overall quality of services, with a renewed focus on child safety and wellbeing. • The improvements above are likely to extend across a wider range of settings compared with Options 1 and 2. • Children and young people in Queensland enjoy equal protections in relation to the CSS as children in other jurisdictions with CSS regulation.
Organisations	• Any introduction of new regulatory measures will mean organisations need resources to meet new requirements. This may result in organisations needing to redirect resources from other parts of the service. • It is anticipated that organisations may experience increased costs associated with the following activities: - participating in capacity building activities run by oversight body; - conducting internal capacity building; - establishing/revising policies and systems; - maintaining policies and systems; and - undertaking self-assessment of CSS. • There is limited available data to indicate how many organisations exist in each tier, noting that the	• Clear CSS compliance obligations for organisations, providing certainty of their responsibilities, and how they should be met, in relation to child safety and wellbeing. • Organisations will benefit from access to a central repository of child safe resources to improve child safe practice. This will reduce the burden on organisations seeking to become child safe. • CSS implementation may help to reduce insurance premiums and reduce the risk of civil liability/payouts over the longer term.[79] • The proposed focus on capacity building in organisations of the CSS oversight body will promote positive cultural change and increased awareness amongst in-scope organisations. • Organisations will be able to hold themselves out to be a child safe organisation, increasing services' marketability as a preferred provider, as community awareness and expectations regarding the CSS increase.

[79] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, pages 258-259.

Stakeholder	Costs and Risks	Benefits
	forecast costings are highly dependent on the size and structure of the organisation. For subsequent cost-effectiveness analysis purposes, data from Victoria was applied to the costs for small organisations to provide an approximation of the total cost, noting that Victoria has a larger economy and population compared to Queensland, and that some organisations' costs will be under-estimated by the expected cost for small organisations. • These costs are associated with staff and volunteers taking time to participate in training/awareness activities, ensure policies and procedures are appropriately maintained, conducting self-assessments of compliance, etc.	• Compared to Options 2 and 3(b), this Option has the most streamlined approach to regulatory compliance for organisations already subject to regulation and quality frameworks that feature CSS alignment. By leveraging existing frameworks and collaborating with regulators, the risks of regulatory duplication are minimised. This lowers the overall regulatory impacts for organisations. • Costs may be partially offset for some organisations by existing regulatory obligations that align with the CSS.
Government	• There will be costs for government associated with establishing and operating the CSS system from an independent oversight body – including the following key activities: - referrals and notifications; - responsive capacity building; - audits; - enforcement and penalties; - information sharing; - reporting; - self-assessments; - industry compliance plans; - advice and communications; and - capacity building. • Preliminary indications of the types of costs for other government agencies include the following considerations, which will be relevant for some core agencies: - collaboration with the CSS oversight body, including reporting matters to the oversight body; - information sharing arrangements; and - enabling the new system, including where agencies may not be directly participating in the CSS system, but which administer systems that could be leveraged to enable collaborative regulation. • Compliance costs for government agencies being subject to oversight	• This option provides a scalable and flexible model of regulation which minimises regulatory burden on government as well as organisations. The range of tools available to the oversight body to regulate compliance with CSS can be expanded and reduced to fit within available resources and established priorities. • Leveraging existing regulatory arrangements would capitalise on existing relationships between sectors and regulators, and existing functions and strengths of sector regulators, including sharing information about risk that regulators are already collecting. This also provides opportunities to boost oversight capacity. Cost efficiencies are produced from leveraging existing systems to target oversight activities • Related regulatory systems could either introduce CSS compliance into their own frameworks; and/or refer issues arising in compliance assessments at a particular threshold, to boost oversight capacity for the CSS oversight body. • Compared to Option 3(b), it is assumed that the government regulators and funding bodies that collaborate with the CSS oversight body will likely experience lower costs, as they will not be absorbing costs associated with the devolved functions and powers of CSS oversight. The intention with this option is to leverage these existing regulatory relationships, while centrally maintaining CSS powers in the oversight body, thus allowing existing regulators to largely continue their usual functions.

Stakeholder	Costs and Risks	Benefits
	of their child safe obligations in their service delivery to children. This includes costs associated with ensuring they meet the CSS, any impacts flowing from additional awareness and reporting of abuse matters, and any system/capacity issues that may arise in existing regulatory/quality systems as a result of collaborating with the CSS oversight body. • Compliance costs for local governments/councils to be subject to oversight of their child safe obligations in the delivery of services to children. For smaller local councils that operate in rural or remote communities, there is a risk that compliance costs may be greater as they often provide a diversity of services, including last resort services, to their community relating to working with children, while also having fewer resources than larger, metro councils.	• The Royal Commission identified that CSS implementation may help to reduce insurance premiums and protection against civil liability/reduced payouts over the longer term.[80] • Some of the costs to government agencies will be offset by existing work to embed the CSS into policies and processes. • Implementation of a CSS system that specifically embeds and requires consideration of cultural safety for Aboriginal and Torres Strait Islander children supports and aligns to the Queensland Government's commitments and obligations regarding reframing the relationship with Aboriginal and Torres Strait Islander peoples and the Queensland Government. It may also help strengthen implementation of related government policies, action plans, strategies and legislative requirements (e.g. the *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017-2037* and its *Breaking Cycles 2023-2031* action plan.).
Wider community	• No direct costs. May result in increased costs of service delivery if organisations pass on administrative costs to clients (if applicable).	Increased awareness of child safe practice and how to select a child safe organisation for consumers. Expected that over the long term, the prevalence of child abuse and poor institutional responses to abuse, will be lowered. This would result in a net benefit for the community not only in terms of the improved safety and wellbeing of children and the adults they become, but also the costs to the community associated with the impacts of abuse.

Table 25 Cost-effectiveness analysis – CSS Option 3(a) – Collaborative regulation

Option costs	Cost effectiveness	Evidence for effectiveness
Costs to oversight body The estimated cost to establish and maintain the oversight body is **$26.05M.** **Organisations in scope** Net present value of total cost to organisations to comply with CSS over 10 years is **$281.39M.**	Total net present value of Cost for Option 3(a) is **$325.61M.** **To be cost effective this model would need to reduce annual prevalence of child maltreatment in Queensland institutions by approximately 87 cases.**	It is highly probably this option can reduce the number of cases of child maltreatment by 87 each year, only 0.72% of total incidence, based on the 2% reduction estimated for effectiveness of this option (see page 76).

[80] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, pages 258-259.

Additional costs to government Net present value of additional costs for government agencies to comply and administrate compliance with CSS and RCS (see assumptions on page 77) over 10 years is **$18.18M.**		

Option 3 (b) – Co-regulatory approach

Like Option 3(a), this option involves setting up an oversight body that would regulate and oversee the mandatory implementation of the CSS by relevant organisations, supported by legislation. Under Option 3(b), the oversight body would use a formal co-regulation approach with existing sector regulators. This involves existing government regulators and funding bodies having responsibilities and powers relating to CSS for their sectors, with the CSS oversight body only having responsibility for organisations for which there is no appropriate co-regulator (e.g. religious and sporting organisations).

Table 26 analyses the impacts of this option, many of which are the same for Option 3(a), with a few key differences.

Table 26 Impacts on stakeholder groups – CSS Option 3(b) – co-regulatory approach to CSS

Stakeholder	Costs and risks	Benefits
Children and young people	As for Option 3(a), no direct costs. Additional regulatory burden on organisations that serve children and young people may impact service delivery.	As for Option 3(a).
Organisations	As for Option 3(a), with the following additional considerations: • Based on lessons from Victoria's review of the operation of its CSS regime (which features a co-regulatory approach), an inherent risk in this type of regulation is that organisations may experience some confusion and duplication in regulation/oversight of CSS implementation by multiple regulators. • There is also a potential for regulatory tools to be applied for non-compliance with CSS under multiple frameworks. • These risks carry potential increased costs as regulatory burden increases.	• Clear CSS compliance obligations for organisations, providing certainty in what organisations' responsibilities are, and how they should be met, in relation to child safety and wellbeing. • With the oversight body becoming a central repository for child safe resources developed by experts, organisations will benefit from access to these resources to improve child safe practice. This will reduce the burden on organisations seeking to become child safe. • The benefits of increased clarity in obligations and availability of tailored capacity building resources regarding child safe practice in organisations is particularly important in the context of increased institutional accountability for child abuse, as a result of civil litigation and criminal justice reforms in recent years. The Royal Commission identified that CSS implementation may help reduce insurance premiums and

Stakeholder	Costs and risks	Benefits
		protection against civil liability/reduced payouts over the longer term.[81] • The proposed focus on capacity building in organisations as the core function of the CSS oversight body will promote positive cultural change and increased awareness among in-scope organisations. • Organisations will be able to hold themselves out to be child safe , increasing services' marketability as a preferred provider, as community awareness and expectations regarding the CSS increase.
Government	• Largely as for Option 3(a), noting the key difference in impacts for government relates to costs for: - the oversight body; and - the existing regulators who will have CSS regulatory functions and powers devolved to them. • Costs to existing regulators and funding bodies of the additional devolved CSS functions have not been independently costed. However, preliminary indications of the types of costs for these entities have been considered in the cost-effectiveness analysis.	• Like Option 3(a), this option is a scalable model of regulation which aims to minimise regulatory burden on government and organisations. • In terms of costs to set up and operate the oversight body, there will be cost efficiencies produced from leveraging existing systems and devolving CSS powers to other existing regulatory bodies. However, this will mean the other bodies will absorb any additional costs associated with these new CSS functions.
Wider community	As for Option 3(a), no direct costs. May result in increased costs of service delivery if organisations pass on administrative costs to clients (if applicable).	As for Option 3(a)

Table 27 Cost-effectiveness analysis – CSS Option 3(b) – collaborative regulation

Option costs	Cost effectiveness	Evidence for effectiveness
Costs to oversight body The estimated cost to establish and maintain the oversight body is **$24.87M.** **Organisations in scope** Net present value of total cost to organisations to comply with CSS over 10 years is **$281.39M.**	Total net present value of Cost for Option 2 over 10 years is **$324.44M.**	It is highly probably this option can reduce the number of cases of child maltreatment by 86 each year, only 0.71% of total annual prevalence, based on the 2% reduction estimated for effectiveness

[81] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, pages 258-259.

Additional costs to government Net present value of additional costs for government agencies to comply and administrate compliance with CSS and RCS (see **assumptions on page 77**) over 10 years is **$18.18M.**	**To be cost effective this model would need to reduce annual prevalence of child maltreatment in Queensland institutions by approximately 86 cases.**	of this option (see page 76).

Target questions for Options 3(a) and 3(b)

Legislative mandate to implement the CSS:

24. Do you support the Queensland Government legislating a system for mandatory compliance with the CSS? Why or why not?
25. Do you consider there are any additional potential impacts or benefits of a legislative approach?
26. Has your organisation already implemented measures that align with the CSS that may reduce the costs for compliance and/or the potential benefits from complying?

How the CSS oversight body should work with existing bodies to reduce regulatory burden and duplication: Questions for organisations and sector regulators

27. If an independent CSS oversight body was established, which approach do you support:
    - **Option 3(a)**: Existing sector regulators should work collaboratively with the CSS oversight body to maximise effectiveness of the scheme for their sectors, with the main regulation and enforcement of the CSS resting with the CSS oversight body? or
    - **Option 3(b)**: Existing sector regulators should have a formal role in regulating and enforcing compliance with the CSS, with potential powers and functions delegated to them in legislation?
28. Do you see any likely barriers or challenges to either approach in regulating the CSS?
29. What do you estimate the costs or other impacts would be for your organisation to comply with the CSS under either option?
30. For existing sector regulators, what are the estimated costs or other impacts to you for either option?
31. Do you have suggestions as to how the CSS oversight body could collaborate (or co-regulate) with sector regulators, to streamline and support the operation of the CSS?

Oversight body working effectively with organisations to support CSS compliance:

32. How should the CSS oversight body work with organisations to support, monitor and oversee compliance with the CSS? Does this change based on factors such as existing sector regulation and peak bodies, an organisation's size and resources, and the risk profiles of particular sectors and organisations?
33. What sorts of powers and functions should the CSS oversight body have to be most effective in supporting CSS compliance? Are some powers and functions more important than others?
34. What support would organisations need to effectively implement the CSS under Option 3?
35. What is the level of readiness in your organisation to implement Options 3(a) or 3(b)?

Driving cultural change and raising awareness in organisations and communities:

36. How can the CSS oversight body best help create cultural change to prioritise the safety and wellbeing of children and young people in organisations as well as the community?
37. How should the CSS oversight body best support families and communities to build their child safe knowledge and help drive organisations to be child safe?

Conclusion for Option 3 (a) and 3(b)

In considering how to implement the CSS in a way that will achieve the greatest net benefit for Queenslanders, the balance of risks, cost impacts and benefits of the proposed options indicate a legislative, regulatory system would be preferred (Options 3(a) or 3(b)). This is consistent with stakeholder feedback from targeted consultations in 2021 that showed strong support for a mandatory approach to CSS. A mandatory approach has regard to national consistency as well as the unique needs of the Queensland context. Constraints of this kind of model include additional cost to government through the establishment of a CSS oversight body, and to existing regulators and the non-government sector to realign with CSS. However, it is expected that in the longer-term, a robust system of CSS regulation supported by a legislative mandate, as set out in Options 3 (a) and 3(b) will contribute to mitigating the very costly impacts of child sexual abuse. The Royal Commission identified benefits to organisations required to comply with CSS, including: potentially reduced insurance premiums, protection against civil liability/reduced payouts over the longer term, increased business reflecting the organisation's child safe approach and status as a preferred provider, and a fairer competitive environment.[82] It is challenging to quantify the anticipated benefits noting they may not be fully realised for a number of years. However, given the evidence base contributing to the development of CSS and what we know about the devastating and life-long impacts of child sexual abuse and other forms of harm, it is reasonable to anticipate that embedding child safe practices on a broad scale will have a positive impact on the lives of Queenslanders into the future.

Having established that a regulatory system would be preferred for CSS implementation, the key question is whether Option 3(a) (collaborative regulation) or Option 3(b) (formal co-regulation) would work best for the Queensland context and achieve the greatest net benefit.

The key difference between Option 3(a) (collaborative) and Option 3(b) (formal co-regulatory) is whether the central oversight body takes a collaborative approach to regulating the CSS with existing regulators or uses formal co-regulation arrangements with sector regulators. Both types of approaches exist in the jurisdictions that have CSS regulation. Victoria's CSS system features a formal co-regulatory approach, which has recently been amended following a review of its operation in 2022, to address some of the challenges and regulatory duplication experienced in the original system. NSW, on the other hand, has a CSS regulatory system more akin to the collaborative approach proposed in Option 3(a).

Estimated costs for government to establish the CSS oversight body under Options 3(a) and 3(b) are comparable, with Option 3(a) potentially costing marginally more in total over a five-year period (reflecting that the oversight body would be devolving much of its regulatory activities to existing sector regulators under the co-regulatory Option 3(b)). However, the cost-effectiveness analysis demonstrates that the difference in costs is negligible and both options generate net benefits if they achieve approximately 84 or 85 fewer cases of child maltreatment per year in Queensland institutions. Compared to Option 3(b), the collaborative regulatory approach of Option (3)(a) makes it more flexible, scalable, and responsive to risk, and more responsive to significant stakeholder feedback to avoid duplication in regulation. It is also considered that Option 3(a) has the capacity to more reliably address some of the identified challenges with formal co-regulation due to assurance of consistency in regulatory approaches and responses to non-compliance (as this power rests with the oversight body, rather than being decentralised to other existing regulators); and increased clarity for organisations about roles and responsibilities (particularly for those that work across sectors).

[82] Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report Volume 6: Making institutions child safe,* Sydney, 2017, page 259.

Reportable conduct scheme

Option 1 – Maintain status quo (no action)

If the Queensland Government does not take any action to implement an RCS, existing systems and obligations will continue to apply to protect children against harm in institutional settings. As the base case, this option presents the lowest cost as no changes will be required. This option also offers no potential to improve child safe practices that may lead to a reduction in incidence of harm. Further, it is possible that harm may increase if Queensland is considered to have lower safeguards in place for child-related work compared with a growing number of other states and territories that have or are implementing the CSS and RCS.

This option also presents key risks, as existing frameworks vary in scope and the extent of oversight provided, which results in an ad-hoc and inconsistent approach to how organisations respond to allegations of harm towards children by their employees. This presents key limitations in regulation, particularly:

- Some sectors that work with children have minimal regulation, such as religious groups, non-state schools, and accommodation and residential services for children, with limited or no independent oversight over how they respond to allegations of harm. This lack of independent oversight is also associated with a lack of external support for organisations to implement child safe practices.
- Regulated sectors are subject to different oversight powers and treatment. For example, there are limited powers in the non-state schooling sector to take action in respect of apparent instances of unsafe practice, and unregistered providers under the NDIS (which can provide services to children) are not subject to the same oversight or screening obligations as registered NDIS providers (although unregistered NDIS providers are still subject to the blue card system in undertaking work with children with disability to which the WWC Act applies).
- Funding agreements with organisations offer a broad tool to enforce compliance with quality frameworks where funding can be withdrawn for non-compliance, resulting in a reduction of services for vulnerable children and young people.

The RCS will focus on employees in child-related organisations and capture a wider range of concerning behaviour than other reforms or frameworks, that serve another purpose, and have different thresholds and scope of conduct to the RCS. For example:

- The child protection framework focuses on child abuse within family settings and is unlikely to be useful in institutional contexts. Mandatory reporting obligations under the *Child Protection Act 1999* are triggered when a parent is not able and willing to protect a child from harm.
- Mandatory reporting under the *Child Protection Act 1999* relates to significant harm caused by physical or sexual abuse while reportable conduct captures other concerning behaviour, such as sexual misconduct, neglect, ill-treatment and emotional and psychological abuse.
- Distinct mandatory reporting obligations for all Queensland schools under the *Education (General Provisions) Act 2006*, and criminal responses such as the failure to report and protect offences under the Criminal Code are also limited to sexual abuse.
- Current reporting continues to place the onus on reporting on the individual (e.g. mandatory reporting, failure to report offence) instead of the head of an organisation, and does not trigger oversight of how the organisation responds to reports of harm.
- The Working with Children Check (blue card) assesses a person's eligibility to work at a point in time based on a person's criminal and disciplinary history. Even though blue card holders are subject to criminal history monitoring, the check does not gather and monitor intelligence to identify patterns of behaviour that may indicate risks of future harm.

- Child and Youth Risk Management Strategy obligations under the blue sard system, while intended to help identify potential risks of harm to children and young people, are not supported by capacity building with the sector or an active monitoring and enforcement framework.
- Accreditation and licensing requirements and quality frameworks vary depending on sectors and roles and do not provide insight or consistency of standards into how organisations across different sectors respond to reports of abuse.

Table 28 Impacts of RCS Option 1 (maintain the status quo)

Stakeholder	Costs and risks	Benefits
Children and young people	• Subject to current levels and risks of institutional child abuse, including inconsistent protection depending on sector and organisation. • Concerns that do not meet the threshold for criminal conduct may go unreported to an external body/authority. • Subject to lesser degree of safety in organisations than those in jurisdictions with an RCS.	• Current service levels and costs likely to remain.
Organisations	• Subject to current fragmented and inconsistent regulation across sectors. • Exposed to greater risks and liabilities associated with child abuse, including financial liabilities and challenges to sustainability of operations through increased insurance premiums and payouts, and reputational damage. • No dedicated, independent oversight body providing support and guidance on child safe practices and ways to prevent or respond to reportable conduct. • May not be alerted to live risks posed by employees, unless the employee has a criminal record. • Lack of national consistency creates confusion and complexity for national organisations.	• No additional costs of compliance with RCS obligations, which varies according to current level of regulation that applies in that sector – those with minimal regulation will maintain a lower compliance burden. • No reduction in current levels of service provision.
Government	• Limited or no oversight into how organisations handle reports of abuse, particularly where it does not reach criminal conduct threshold. • Lack of transparency and access to data/information on rates of abuse and responses to reports. • The ongoing (and at times, lifelong) impacts of institutional child abuse will continue to place high economic demand on government through provision of health and welfare support services. • Risks of liabilities relating to child abuse may continue to grow.	• Does not require up front funding for an independent oversight body and no new compliance requirements for government agencies that deliver services to children.

Stakeholder	Costs and risks	Benefits
Wider community	• Costs of institutional child abuse will continue to affect wider society such as potential reduced social participation and employment of victims/survivors, and greater demand for housing services, public health services etc. • Greater distrust of particular organisations or sectors that deliver services to children leading to reduced opportunities for families to access social connection and support services.	• Government expenditure on establishing a system to implement RCS in Queensland could be redirected elsewhere in the community.

Target questions

Feedback on Option 1 (RCS) (no action):

38. Do you support this option? Why or why not?
39. What are the strengths and benefits of the current system?
40. What are the challenges of the current system?

Current impacts on your organisation:

41. What are your current costs relating to preventing, detecting and responding to allegations of child abuse/maltreatment by staff? (If possible, please set out a breakdown of these costs, such as the costs for an activity like maintaining a complaints policy or conducting an investigation.)
42. Do you consider the current requirements that apply to you/your organisation or sector, to keep children safe and report harm in organisations, are adequate? This includes, for example, the blue card system, mandatory reporting and other measures listed on pages 25 to 27.

Option 2 – Nationally consistent reportable conduct scheme (requires direct government regulation)

This option will introduce obligations across sectors for the reporting and investigation of complaints of misconduct and abuse involving children in institutional environments. This will be supported by an independent oversight body which will provide capacity building support and monitor investigations in response to allegations of abuse.

Organisations will be supported by a dedicated, independent oversight body to improve institutional responses to reports of harm to children and drive cultural change that will benefit the organisations themselves, their employees and children. In the longer term, it is expected that there will be earlier detection of risks and incidents, which will have positive impacts on children, organisations, government, and the wider community including potentially fewer cases of harm to children. Community confidence in child-related services is likely to grow, which may enhance demand for services.

The key impact for organisations is the costs associated with compliance.

Impacts of core model

Table 29 sets out the expected impact of the core model for RCS, for different stakeholders. The core model includes costs estimates for government to operate an independent oversight body and for non-government organisations, based on independent cost modelling from Finity Consulting. These

costs estimates are also based on estimates of the average number of RCIs that will be reported to the oversight body, across different sectors.

While several Queensland Government agencies have provided estimates of the resourcing impacts to fulfil their obligations under the RCS (and CSS), this consultation provides an opportunity to test these cost estimates for non-government organisations. This includes the cost of key activities that organisations will need to undertake. Anecdotal experience from other jurisdictions suggests there is no evidence of significant adverse impacts on organisations in complying with the RCS.

Table 29 Impacts of RCS Option 2 (nationally consistent scheme) model

Stakeholder	Costs and risks	Benefits
Children and young people	• No direct costs. May result in increased costs of service delivery if organisations decide to pass on administrative costs to customers (if applicable).	• Safer environments when engaging with organisations and sectors where children spend a substantial time away from parental care and supervision. • Reduced risk of harm in an institutional context due to earlier detection of risks, which may reduce the impact of the abuse and prevent abuse of other children by the identified perpetrator, greater transparency in reporting allegations of abuse, and improved institutional investigations and appropriate responses to actual, or potential risk of harm from employees or volunteers.
Organisations	• Resourcing implications for undertaking activities to fulfil RCS obligations which includes new tasks as well as existing tasks for organisations already subject to other reporting/investigation requirements • Costs vary depending on the size of an organisation. Costs may be partially offset by existing regulatory obligations that align with RCS (see Table 20).	• Organisations will receive dedicated expert source of information, support and guidance about how to handle complaints and investigations of child abuse by employees and volunteers. • Improved understanding of institutional child safety and a framework that supports reporting of concerns, such as clearer pathways, obligations and protections for reporters. • Earlier identification of risks of harm and more complete reporting of, and responses to, incidents of abuse (through education, capacity building and penalties for serious non-compliance). • Increased national consistency in way organisations in scope respond to reports of abuse which helps minimise compliance costs for organisations that operate across jurisdictions with RCS. • Strong compliance will yield benefits of improved community confidence and reputation of organisations. This may lead to stronger ability to attract grants and funding. • May reduce liabilities associated with civil litigation claims regarding child abuse. • Improved organisational culture, which may lead to greater staff retention and ability to attract high quality staff.

Stakeholder	Costs and risks	Benefits
Government	• Queensland Government will need to fund an oversight body to administer an RCS. • Independent modelling provided cost estimates (see cost-effectiveness analysis), for an oversight body to conduct the following key tasks: - review incidents and investigations; - oversee investigations; - perform investigations; - review findings; - responsive capacity building; - enforcement actions; - monitor systems; - information sharing; - reporting; and - advice and communications. • Administrative costs to government entities participating (collaborating) in the system by making referrals and notifications to the oversight body. • Compliance costs for government agencies that are in-scope (deliver services to children). • Increased awareness of child maltreatment may have potential flow-on effects of increased reporting to DCSSDS. There may be increased reports to the Queensland Police Service by the RCS body.	• Improved oversight of child safe practice in organisations and ability for regulators and government agencies to identify risks. • Greater collaboration between oversight body and sector regulators to harness their skills and experience in complying with RCS. • Improved information sharing between oversight body, organisations and regulators will improve data identifying trends in child abuse and complement existing mechanisms to protect children from harm. • Increased national consistency for jurisdictions with an RCS, and associated improvements to intelligence sharing across jurisdictions. • Reduced financial liabilities associated with child abuse, such as lower insurance premiums and civil litigation liabilities.
Wider community	• No direct costs associated with the establishment of an RCS.	• Reduced annual prevalence of institutional child abuse which may have long term impact of reducing demand on support and welfare services that are attributed to this abuse. • Improved community confidence in organisations that deliver services to children. • Increased national consistency in the RCS will result in increased efficiency and effectiveness of regulation which benefits the wider community.

Estimates of reportable conduct incidents (RCIs)

Table 30 provides estimates for minimum RCIs across different sectors per year, based on Finity Consulting's analysis. This was based on benchmarking against the Victorian RCS, using the number of RCIs for each sector published in Victoria between 2015 - 16 and 2019 - 20. This was adjusted by the relative size of the child population in the equivalent sector in Queensland. This does not include estimates for RCIs from government departments and entities.

The majority of estimated RCIs are within the child protection, childcare and education sectors. The child protection and justice and detention services sectors are likely to experience the highest

volumes of RCIs relative to the size of the population they serve. It is expected the impact of the RCS on highly regulated sectors will be moderated by existing obligations. Sectors already subject to regulatory frameworks that align with the obligations imposed by the RCS will experience less impact than those with minimal existing regulation. For example, they should already have appropriate systems in place to report and investigate allegations of abuse or misconduct, which may be leveraged to capture a wider range of abuse or misconduct, and to make reports to a separate independent oversight body. A single investigation could meet obligations under existing frameworks and the RCS (noting that the thresholds that trigger an investigation may differ). In these cases, the RCS will provide a new level of oversight to ensure organisations are fulfilling these obligations.

Sectors that have less existing regulatory obligations aligned with the RCS will mean new obligations for organisations. However, it is expected that the number of reportable incidents in these sectors may be lower than heavily regulated sectors. These sectors may include accommodation and residential services, including providers of overnight camps, health services for children and religious organisations.

While volumes of notifications have remained relatively stable during the life of existing RCSs, the experience in NSW suggests that the nature of reported incidents has changed over time. These changes appear to be at least in part impacted by preventative strategies and systems in place under the RCS but have occurred alongside other environmental and social factors such as changes to technology and the impacts of the COVID-19 pandemic.

Table 30 Estimated annual number of reportable conduct incidents (RCIs) by sector in Queensland

Sector	Reportable conduct incidents (RCIs) estimate per year*		
	Number	Percentage of total RCIs (%)	Percentage of client population**
Accommodation and residential services for children	2	0	0.04%
Activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	60	5	N/A
Childcare services	255	21	0.91%
Child protection services, including providers of family based care (foster and kinship care) and residential care, as well as family support/secondary services	519	44	5.16%
Disability services and supports for children with disability	20	2	0.07%
Education services for children	223	19	0.03%
Health services for children	7	1	N/A
Justice and detention services for children	95	8	4.9%

** These estimates were produced by Finity Consulting using data from the Victorian Government, adjusted to Queensland population statistics*

*** This figure represents the number of RCIs proportionate to the number of children accessing that service or sector. For example, from 1939 children involved in the justice and detention system as at 2021, 95 notifications represents 4.9% of this population. Where data was not available – N/A*

Table 31 sets out a cost-effective analysis of Option 2 for an RCS. The total net present value (see glossary) of cost is based on the total projected costs to the oversight body, organisations in scope and additional costs to government over a period of 10 years. The benefits are based on the saved lifetime costs of a single case of child maltreatment referenced in the methodology, with a reduction of 1% representing 121 less cases annually, based on the above annual estimate of 12,148 cases of child maltreatment in Queensland.

Table 31 Cost-effectiveness analysis – RCS Option 2 – nationally consistent RCS

RCS Option 2 costs	Cost effectiveness	Evidence for effectiveness
Costs to oversight body The estimated net present value of cost to establish and maintain the oversight body over 10 years is **$36.04M.** **Organisations in scope** Net present value of total cost to organisations to comply with RCS over 10 years is **$166.85M.** **Additional costs to government** Net present value of additional costs for government agencies to comply and administrate compliance with CSS and RCS (see **assumptions on page 77**) over 10 years is **$18.18M.**	Total net present value of Cost for Option 2 over 10 years is **$221.07M.** **To be cost effective this model would need to reduce annual prevalence of child maltreatment in Queensland institutions by approximately 59 cases. (0.49% of total incidence).**	It is highly probable this option can reduce the number of cases of child maltreatment by 59 each year based on the 2% reduction estimated for effectiveness of this option (see page 76).

Noting the likelihood that Option 2 would achieve outcomes beyond a 0.49% reduction in annual prevalence, it is reasonable to conclude the net benefits of implementing Option 2 will be greater than those realised by maintaining the status quo in Option 1. Continuing the status quo would result in an ongoing high cost to government and to individuals who have experienced child maltreatment, with no expected reduction in annual prevalence.

Target questions

43. Do you support Option 2, to introduce an RCS for Queensland? Why or why not?
44. What are your views on the core elements of the RCS, as set out on pages 59-60? For example, do you consider that the following is appropriate or should be modified: scope of sectors; definition of reportable conduct; capturing cumulative harm; and including third party employers?
45. Do you expect the RCS to change your organisation or sector's culture, or individual employee behaviour, regarding responses to allegations of child abuse? Why or why not? Alternatively, if you have experience of an RCS in another jurisdiction/s, what changes in behaviour and culture have you observed with the introduction/presence of the reportable conduct scheme?
46. Have the potential impacts of an RCS been accurately captured? (see Table 29) Please also consider (and if applicable, as part of your experience of an RCS in another jurisdiction/s):
    a) If there are any other benefits to the RCS?
    b) What are the challenges that exist for you/your organisation or sector to comply with the RCS?
    c) How could organisations be supported to address these challenges?
47. Has your organisation already implemented measures that align with the RCS that may reduce the costs for compliance and/or the potential benefits from complying?

For sector regulators:

48. How does the scope of your existing functions as a sector regulator align with the obligations under the RCS?
49. Do you have suggestions as to how the oversight body could collaborate with sector regulators, to streamline and support the implementation of the RCS?

Integrated child safe organisations model

To understand the net impact of implementing both CSS and RCS in Queensland, below is a cost-effectiveness analysis for a joint implementation of CSS, assuming that for CSS, Option 3(a) is selected, and for RCS, Option 2 is selected. The timing model used takes the following form, with CSS acting as a foundation. The organisations which fall under each phase could be based on a number of factors, including sector readiness (e.g. education may be included under phase 1 and sports and recreation (including the arts sector) could be included under phase 2 or 3, noting there is no government decision regarding how sectors would be phased in at this stage). Further detail on implementation, timing and phasing is provided in Part 8, page 109.

Table 32 Example for staged approach to implementing CSS and RCS in an integrated model

Period	Implementation milestones
Year 1	Implementation set-up, initial capacity building.
Year 2	CSS implementation commences, rolling out to phase 1 and phase 2 sectors.
Year 3	RCS implementation commences, rolling out to phase 1 sectors. CSS rolls out to remaining phase 3 sectors and reaches maturity.
Year 4	RCS roles out to phase 2 and 3 sectors. CSS fully operational.
Year 5+	CSS and RCS fully operational.

It is noted this timing option is indicative only and does not reflect a government position. The cost-effectiveness analysis built from this implementation approach also makes assumptions on the proportion of costs associated with different phase sectors. The real distribution of costs will be subject to the number, size and complexity of organisations that fall under each sector.

Table 33 Cost-effectiveness analysis – integrated child safe organisations example model

Option costs	Cost effectiveness	Evidence for effectiveness
Costs to oversight body The estimated net present value of cost to establish and maintain the oversight body over 10 years is **$56.76M.** **Organisations in scope** Net present value of total cost to organisations to comply with CSS and RCS over 10 years is **$407.58M.** **Additional costs to government** Net present value of additional costs for government agencies to comply and administrate compliance with CSS and RCS over 10 years is **$18.18M.**	Total net present value of Cost for a co-located Integrated Child Safe Organisations model over 10 years is **$482.52M.** Cashflow benefits per case prevented are estimated to be $614,309.16 (inflation adjusted[83]). **To be cost effective this model would need to reduce annual prevalence of child maltreatment in Queensland institutions by approximately 129 cases (1.06% of total incidence).**	It is highly probable this option can reduce the number of cases of child maltreatment by 129 each year based on the 4% reduction estimated for effectiveness of this option (see page 76).

[83] McCarthy MM, Taylor P, Norman RE, Pezzullo L, Tucci J, Goddard C, *The lifetime economic and social costs of child maltreatment in Australia,* Children and Youth Services Review, 2016, volume 71.

Noting the expected impact, it is likely that an integrated child safe organisations model as described above would achieve outcomes beyond a 1.06% reduction in annual prevalence, and it is reasonable to conclude the net benefits of implementing an integrated child safe organisations model will be greater than those realised by maintaining the status quo. Continuing the status quo would result in an ongoing high cost to government and to individuals who have experienced child maltreatment, with no expected reduction in annual prevalence. Implementing a child safe organisations system will strengthen safeguards for children in line with the majority of other states and territories in Australia.

PART 5 – Consultation

Consultation to date

The Royal Commission's recommendations for CSS and RCSs were supported by an extensive consultation process over five years, which included over 8,000 private sessions with people with lived experience of institutional child sexual abuse. Targeted consultation on CSS and an RCS led by DCSSDS and DJAG commenced in March 2021. It focused on peak bodies and other representative organisations in sectors identified for potential oversight and regulation by the Royal Commission.

The consultation paper, *Growing Child Safe Organisations in Queensland*, was sent to more than 170 stakeholders across more than 10 sectors in early March 2021 with 29 written submissions received. A series of information sessions were also held for key stakeholders, attended by more than 60 representatives, between 12 and 26 March 2021.

A consultation report outlining the results of this targeted consultation, *Growing Child Safe Organisations in Queensland: child safe standards and a reportable conduct scheme*, has been published alongside this document. Overall, the consultation process heard strong support for the implementation of the CSS and an RCS in Queensland. While organisational readiness for implementation varied, consultation indicated a solid foundation to build on to create safer organisations for children.

Throughout 2021 - 2022, consultation was undertaken with government stakeholders via a dedicated cross-government working group, established in June 2021, as well as direct consultation with relevant Queensland government agencies to understand the impacts of CSS and RCS. During development of CSS and RCS options, DCSSDS and DJAG also consulted with the NSW Office of the Children's Guardian and Victoria's Commission for Children and Young People, regarding learnings from their established CSS and RCSs. Further cross-jurisdictional consultation will be conducted to inform Queensland's approach.

During this time, proposals for CSS and an RCS were also brought to the Truth, Healing and Reconciliation Taskforce. The Taskforce was established to provide the views of those who have experienced institutional child abuse, support services and organisations to the Queensland Government on implementing the reforms arising from the Royal Commission.

Further consultation

This CRIS is intended to seek the views of impacted organisations and members of the public on the regulatory impact of options for CSS and an RCS. Consultation on the CRIS will be open until **Friday, 22 September 2023 at 5:00pm**. The primary method for collecting feedback will be via written submissions. Online information sessions will be held during the consultation period to present the key elements of the CRIS to assist stakeholders to understand the issues involved. If particular issues emerge for specific sectors or organisations, we welcome further engagement with you on these issues.

To enhance the accessibility of this process, supplementary materials have been developed. These summarise the detailed information in this document to assist the community to access this consultation process. We also welcome additional activities to further explore aspects of the CRIS such as cultural safety in implementing the CSS and RCS.

Further consultation will depend on the outcomes of the consultation process and whether the recommended options for CSS and an RCS (see Part 6) are supported.

Any legislative amendments required to implement CSS and an RCS will be introduced in a Bill tabled in Parliament. In Queensland, Bills are referred to a Parliamentary Committee for consideration, and

the relevant Committee will call for submissions in this process. This will form a further opportunity for organisations and individuals to be consulted on proposals for CSS and an RCS.

Should a non-regulatory option for CSS be supported, additional targeted consultation may be conducted with peak bodies and impacted government agencies.

PART 6 – Conclusion and recommended option

Recommended options

The recommended proposal is to establish an integrated child safe organisation system which includes:

1. a collaborative regulatory model to implement mandatory child safe standards and ensure compliance by in-scope organisations (CSS Option 3(a)); and
2. oversight of institutional child abuse complaints and allegations through a nationally consistent reportable conduct scheme (RCS Option 2).

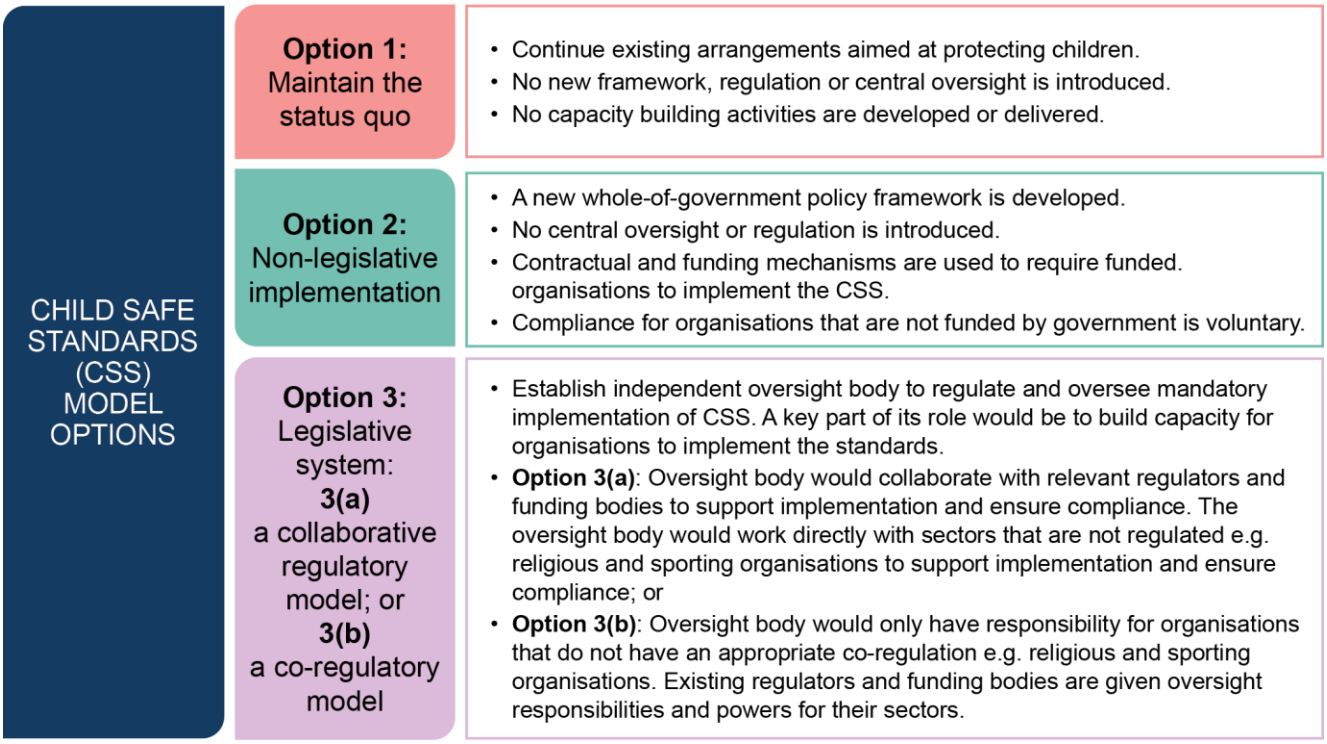
It is recommended that both functions are integrated into the role of a single oversight body.

Consideration of options

Child safe standards

Three options were considered for implementation and regulation of CSS as described below:

Figure 10 CSS model options[84]



[84] Note this figure is identical to Figure 2 but is duplicated here for ease of reference.

Table 34 summarises the comparative evaluation of the options for implementing CSS:

Table 34 Comparative analysis of the CSS model options

Option	Required reduction in annual prevalence for cost-effectiveness	Overall analysis
1	0%	This option would impose no additional regulatory burden for organisations. However, this approach would fail to meet the objectives of government action, in particular by having negligible impact on preventing child maltreatment in Queensland institutions.
2	0.16%	Limited additional regulatory burden for organisations (only government funded organisations) and substantially lower cost to implement. This approach has limited alignment with the objectives of government action, by having a significantly restricted scope of influence on organisations, meaning the net benefit for child wellbeing is likely to be reduced compared to broader scoped options.
3(a)	**0.72%**	**The highest cost option, however, it offers a greater scope of influence on Queensland organisations, consistent with objectives of government action, and therefore is likely to generate the greatest net benefit for Queensland. This option also limits burden on sectors with existing regulators/regulation compared to co-regulatory approaches.**
3(b)	0.71%	Equal highest cost option. It offers a greater scope of influence on Queensland organisations than Option 2, consistent with the objectives of government action, and is likely to generate a higher net benefit for Queensland. However, there is a risk of duplicating and complicating regulatory burden for organisations in scope with existing regulators/regulation.

Option 3(a), a collaborative regulatory model supported by legislation, is the recommended option because it will establish a consistent and coordinated approach to building child safe organisations and will best streamline compliance for organisations already subject to regulation. While it presents a high cost for implementation, it is only marginally greater than Option 3(b), while enabling a more consistent approach which limits potential duplication of regulatory burden on organisations. Where there are no existing relevant regulatory arrangements, the oversight body will adopt the role of regulator. Implementation of the CSS will be flexible and tailored to the nature and characteristic of each organisation; and proportionate to the level of organisational risk. Finally, Option 3(a) provides the most effective means for achieving the primary objectives of government action and contributing to the overall goal of preventing maltreatment and reducing harm to children in Queensland. While it is the highest cost option, its broad scope means it will have significantly greater impact on the total population of children in Queensland who are accessing services and facilities in Queensland organisations, reducing the lifelong effects of trauma and harm resulting from maltreatment.

Reportable Conduct Scheme

Two options were considered for a Queensland reportable conduct scheme as described below:

Figure 11 RCS model options[85]

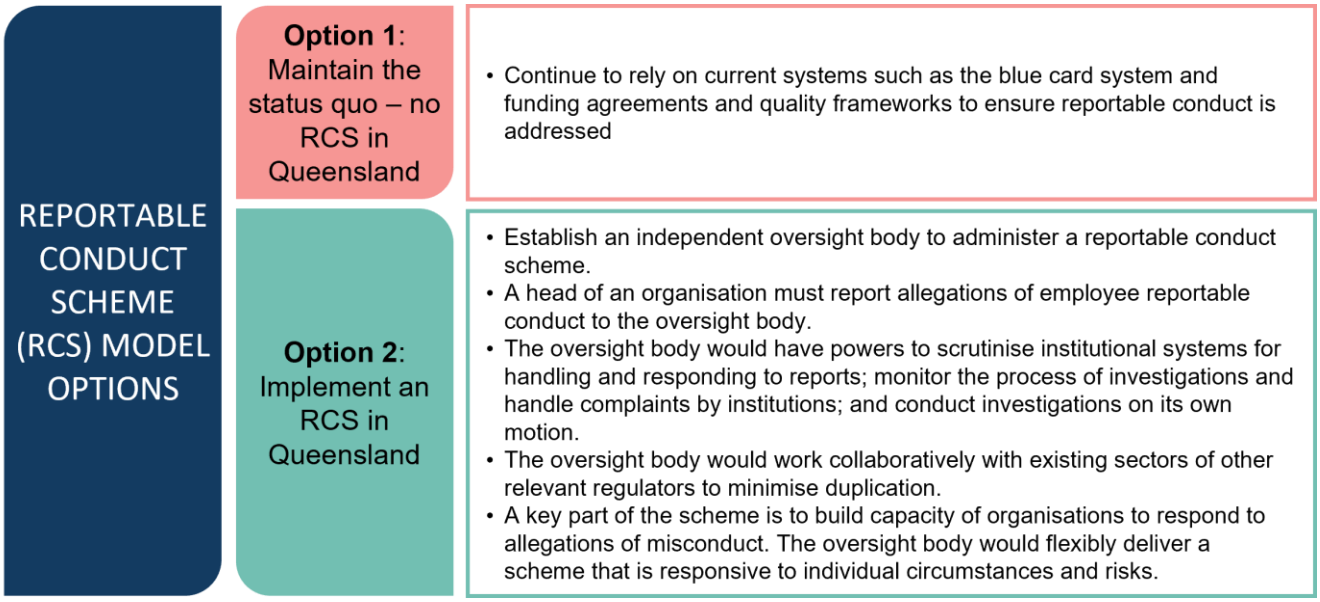


Table 35 summarises the comparative evaluation the options for implementing RCS:

Table 35 Comparative analysis of the RCS options

Option	Required reduction in annual prevalence for cost-effectiveness	Overall analysis
1	0%	This option would impose no additional regulatory burden for organisations. However, this approach would fail to align with the objectives of government action, and have no additional impact on identifying, reporting and responding to child maltreatment in Queensland institutions.
2	**0.49%**	**The highest cost option, however, it offers a greater scope of influence on Queensland organisations, consistent with the objectives of government action, and therefore is likely to generate the greatest net benefit for Queensland. This option also enables capacity-building and supports readiness for sectors in scope.**

Option 2, a nationally consistent reportable conduct scheme, is the recommended option. Over time, it is expected that there will be earlier detection of risks and incidents of child abuse, which will have positive impacts on children, organisations, government and the wider community. This option will produce the greatest benefits for children and young people and their families by creating safer environments. Direct government regulation is the only feasible approach for a nationally consistent RCS which delivers against the objectives of government action. The Royal Commission noted that, in Australia, an RCS is the only model for independent oversight of institutional responses to complaints of child abuse and neglect across multiple sectors.

[85] Note this figure is identical to Figure 3 but is duplicated here for ease of reference.

Impact analysis and recommendation

The analysis of all available information provides three main conclusions. Firstly, given the devastating and lifelong impacts of institutional child abuse (including poor institutional responses) for survivors, and the ripple effects to their family, friends and wider society, there is a clear case for government to take further action to better prevent, respond and detect institutional child abuse.

Secondly, in quantitative terms, the recommended options for both CSS and RCS will need to deliver a relatively small impact on the total annual prevalence of child maltreatment in Queensland institutions in order to be cost neutral. An integrated model of both recommended options under a single oversight body would need to reduce the annual prevalence of child maltreatment in Queensland institutions by only 1.06% (approximately 126 cases) to be cost effective. Based on the expert recommendations of the Royal Commission and the reporting on implementation of CSS and RCS in other jurisdictions, it is reasonable to expect that implementation of the recommended options in Queensland would surpass a 1% impact.

Thirdly, the analysis demonstrates that both recommended options have the greatest net benefit for Queenslanders when compared to alternative options.

Alternative options with reduced scope for influence will mean there is a limited potential to significantly reduce child maltreatment and prevent the lifelong effects of harm and trauma. The significant individual and societal costs of institutional child abuse will persist, representing a failure to meet the objectives of government action. The Royal Commission identified many problems with institutional responses to child sexual abuse by employees, and these problems are likely to remain unless organisations are subject to external oversight.

While there will be new obligations for organisations, the impacts for highly regulated sectors, such as early childhood education and care, child protection and youth justice services, education and services for children with disability, will be moderated by existing obligations. Sectors that have fewer existing regulatory obligations may need to undergo more significant changes to their practices, however, this will be mitigated by the support functions of the oversight body. Legislative regulatory models of CSS and RCS have been implemented successfully in other jurisdictions without substantial negative impacts on organisations in scope. The NSW Office of the Children's Guardian reported that independent oversight promotes ongoing improvement and the maintenance of good practice, and is important, even for more experienced organisations.

The recommended options will enable government, organisations, communities, and families to have greater awareness of the practices of organisations which provide services to Queensland children, and improved confidence that their children will be safe and well supported. Most importantly, the CSS and RCS will contribute to preventing children from experiencing harm and help to ensure that where they are exposed to maltreatment, that they are supported in a trauma-informed and wellbeing-focused way.

Consistency with objectives for government action

Implementing the recommended options would be consistent with the key government objective to prevent and reduce the severity and frequency of the maltreatment of children in Queensland institutions by:

- increasing the identification and reporting of institutional child abuse;
- strengthening organisations' capacity, accountability, and transparency in accordance with best practice complaint handling;
- supporting organisation and institutional practices that facilitate safer environments for children receiving services or using facilities;
- raising community awareness for the nature and risks of child maltreatment in institutional settings;

- encouraging national consistency in approaches to supporting child wellbeing in institutional settings;
- providing direct and independent support to organisations, with the greatest benefits to smaller organisations – assisting smaller organisations with limited resources to handle complex and serious allegations, and managing conflicts of interest;
- providing cross-sectoral oversight of employee-related complaints of, and responses to, child abuse, across sectors that largely operate in isolation (in the current environment), promoting more consistent standards and rigor of complaint handling; and improving the ability to detect and respond to risks;
- providing an avenue for any person to notify the oversight body directly of a reportable allegation against an employee (compared to reporting directly to the organisation, which may be the only option in the current environment);
- detecting a wider range of concerning employee behaviour than other mechanisms that have the threshold of a criminal offence, which may lead to earlier detection and a reduction in the severity of the harm perpetrated on an individual child and the prevention of harm occurring to multiple other children;
- reducing the risk of potential offenders moving between sectors to evade detection, or travelling to jurisdictions that do not have RCSs, thus contributing to the equal protection of children regardless of their circumstances or geographical location;
- sharing intelligence with other regulators, authorities and jurisdictions, which will have flow on benefits for other regulatory systems, e.g. worker screening processes, as the RCS may provide access to additional information; and
- allowing for and contributing to collection and analysis of local and national data on institutional child abuse and neglect.

PART 7 – Consistency with Fundamental Legislative Principles and Human Rights

Fundamental legislative principles

The fundamental legislative principles (FLPs) under the *Legislative Standards Act 1992* (LS Act) were considered as part of the development of the proposed regulatory options. This requires legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

It is considered that the preferred regulatory approaches to CSS and an RCS have sufficient regard to the rights and liberties of individuals and the institution of Parliament. Potential departures are identified and considered below.

Expansion of information sharing (child safe standards and reportable conduct scheme)

Section 4(2)(a) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals. The establishment of a collaborative regulatory model for the CSS (Option 3(a)) and nationally consistent RCS (Option 2) may affect this FLP as both CSS and RCS will require the expansion of information sharing powers between the oversight body, sector regulators, heads of entities and relevant agencies, to assist with investigations and minimise duplication in reporting and investigations. This will enable personal information about individuals to be shared between relevant entities. This is justified as broad information sharing, for the purposes of administering the CSS and RCS, is critical to ensure the safety and wellbeing of children, and their protection from harm. This justification is also based on the principle that the protection and care needs of children takes precedence over the protection of an individual's privacy.

Powers to enter premises, search for or seize documents (child safe standards and reportable conduct scheme)

Section 4(3)(e) of the LS Act provides that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether it confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer. To administer the CSS and RCS effectively, the oversight body must have appropriate investigative powers such as the power to request information or documents from an entity and enter and inspect or search premises. The exact details of how this will operate is yet to be determined, however, for RCS, this will apply to the investigation of allegations of reportable conduct, and for CSS, this includes the ability to administer audits of organisations in scope. For RCS, this is justified as investigation by an oversight body will only apply where it is in the public interest, or an organisation is unable or unwilling to conduct the investigation. Any use of investigative powers, particularly where a warrant is not required, must be commensurate to the seriousness of the reportable allegation and/or conviction. For CSS, this is justified as the oversight body will be able to administer audits for entities in-scope, with discretion to be informed by the existing regulatory framework and burden faced by organisations and the scope of the oversight body's regulatory tools. Ultimately, these powers are justified based on the purpose of investigations and audits to protect children from harm and promote their safety and wellbeing.

Requirement for head of entity to report reportable conduct to the oversight body (reportable conduct scheme)

Section 4(2)(a) of the LS Act provides that legislation must have sufficient regard to the rights and liberties of individuals. Under a nationally consistent RCS (Option 2), this FLP may be affected as legislation will require the head of an entity, and enable any other persons, to notify the oversight body of an allegation of reportable conduct. However, this is considered justified for matters of child protection based on the object of an RCS which includes the paramount principle to protect children from harm. There are also proposed safeguards surrounding this obligation including: an ability for the

head of an entity to provide a reasonable excuse for not reporting to the oversight body, if it is believed another person has reported the allegation; and protection from criminal or civil liability, reprisal or detrimental action for reports made in good faith.

Reportable conduct to include historical conduct (reportable conduct scheme)

Section 4(3)(g) of the LS Act provides that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether it does not adversely affect rights and liberties, or impose obligations, retrospectively. For the RCS, this FLP may be affected as the proposed definition of reportable conduct includes the historical conduct of a current employee. This will affect an individual's liability to be investigated and a report made regarding conduct that occurred prior to the commencement of the RCS, particularly for conduct that does not meet the threshold for criminal conduct. This is justified for matters of child protection based on the object of an RCS which includes the paramount principle to protect children from harm. Also, a reportable allegation can only be reported to the oversight body when an entity and worker is covered by the scheme, so historical conduct will only be captured if an allegation is made or re-made during the operation of the scheme.

The Office of the Queensland Parliamentary Council will be consulted as part of the legislative drafting process to establish a regulatory scheme for CSS and an RCS in Queensland to ensure any proposed primary or subordinate legislation is consistent with FLPs.

Human rights assessment

A regulatory approach to CSS and the establishment of a nationally consistent RCS are both likely to have human rights implications. Queensland's *Human Rights Act 2019* (HR Act) protects 23 human rights in law. Queensland Government departments and agencies are required to act and make decisions which are compatible with human rights. This includes considering human rights implications in the development of policy and legislative proposals. While human rights may be limited, the limitations must be reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

Human rights impacts have been considered as part of the development of options for CSS and an RCS. Should a regulatory approach for CSS and a nationally consistent RCS be supported, a further Human Rights Statement of Compatibility will be developed and released to support the introduction of a Bill to implement the CSS and an RCS.

Overall, the preferred options promote and support human rights, primarily through the right to protection of families and children (HR Act, section 26). Both CSS and an RCS will promote and protect the rights of children in Queensland. At the core, these proposals are about preventing harm to children by improving organisational practices. They promote the right for children to have the protection they need, and is in their best interests, because of being a child (section 26(2)). The CSS and RCS may also promote the following rights:

- ***Right to recognition and equality before the law*** **(section 15)** – this is promoted through the CSS standard that equity is upheld and diverse needs are taken into account for all children.
- ***Right to protection from torture and cruel, inhuman or degrading treatment*** **(section 17)** – the RCS and CSS are intended to prevent and protect children from harm, particularly in institutional settings.
- ***Cultural rights of Aboriginal peoples and Torres Strait Islander peoples*** **(section 28)** – CSS will be implemented in a way that embeds cultural safety for Aboriginal and Torres Strait Islander children, either through a dedicated CSS or as a guiding principle across all standards.
- ***Right to liberty and security of person*** **(section 29)** – the RCS and CSS place positive obligations on entities to ensure their services are safe settings, to ensure not only the physical and emotional safety of children.

However, a regulatory CSS and RCS may also limit the following human rights. These limitations are considered reasonable and demonstrably justifiable, as these are essential mechanisms to achieve the overarching policy purposes of the CSS and RCS. This includes ensuring organisations take a best practice approach to keeping children safe, and preventing and reducing harm to children, within institutional settings.

- ***Right to freedom of thought, conscience, religion and belief*** **(section 20)** – under an RCS, heads of religious institutions will be required to notify the oversight body of reportable allegations or conduct, even where it is obtained during religious confession and religious practice would require that to remain confidential.
- ***Property rights*** **(section 24)** – for both CSS and an RCS, the oversight body will have the ability to conduct own-motion investigations into a reportable allegation, or conduct audits of organisations in scope, which must be supported by investigative powers, such as the ability to compel documents and information and enter and search premises. This may deprive a person of their right to exclusive possession of their property.
- ***Right to privacy and reputation*** **(section 25)** – for both CSS and RCS, this right will be limited by the oversight body's ability to collect and share information about an individual with relevant entities such as other government bodies or sector regulators. For the RCS, this may include facilitating investigations, or for CSS, this may be for a screening check during recruitment. This may also be for a broad purpose such as ensuring the safety, wellbeing and welfare of a child under these proposals.

PART 8 – Implementation and evaluation

Implementation of an integrated child safe organisations model

As noted earlier in this document (pages 68 to 69), it is recommended CSS and RCS preferred options are established in the same independent oversight body as an integrated child safe organisations system. This would be consistent with the Royal Commission's view that the same oversight body for an RCS should also be responsible for monitoring and enforcing the CSS (as in Victoria and NSW, and planned for Tasmania).

An integrated system of CSS and RCS located in the one oversight body aims to deliver:

- a clear and coordinated way for organisations to engage with their child safe obligations;
- a system which is preventive, responsive and has the capacity to identify risks of abuse;
- holistic child safe capacity building and education activities for organisations, that is responsive to identified issues and risks and provides targeted support and guidance;
- shared expertise and intelligence to enable targeted and efficient oversight activities from the two schemes; and
- cost efficiencies for government arising from shared leadership resources, administrative staff, information sharing, reporting, capacity building, ICT and other operating costs.

An integrated child safe organisations system, including establishment of an oversight body would commence through legislative amendment.

Staggering child safe standards and reportable conduct scheme vs concurrent implementation

If the Queensland Government takes a legislative approach to the CSS (under Options 3(a) or 3(b)) and decides to establish an RCS, there is potential to stagger introduction of the CSS and RCS, or to introduce the CSS and RCS to sectors simultaneously. A staggered commencement could involve the CSS providing the 'foundational phase' of building child safe environments, with RCS introduced at a later stage. This would allow organisations to embed the standards into their leadership, governance, and culture, which may improve their capacity to comply with an RCS by establishing processes and cultures targeting child safety. Alternatively, a concurrent implementation of CSS and RCS may be simpler and clearer to communicate to sectors that are within scope.

Various approaches to timing RCS and CSS have occurred in other jurisdictions. For example, the RCS was established ahead of the CSS in NSW (because the RCS existed in NSW before the Royal Commission conceived the CSS). Victoria established the CSS slightly ahead of the RCS. WA is establishing an RCS ahead of a CSS, and Tasmania is proceeding with a concurrent implementation of CSS and RCS.

Establishment period and capacity building

The Royal Commission noted that an RCS has administrative and cost implications for institutions and governments, and it will take time for governments to mobilise the necessary machinery for implementing their schemes. The Royal Commission noted that institutions will need time to understand what is required and how they can implement the RCS in their context, and should be provided with training and education in this regard.

Targeted stakeholder consultation showed there is substantial support for implementation of the RCS to involve a capacity building or awareness-raising phase prior to the commencement of mandatory compliance, with support targeting smaller or less regulated sectors to assist them to prepare for the scheme.

Phasing of sectors

The Royal Commission recommended a staged approach for introducing CSS and RCS to sectors to assist both government and organisations to prepare.

This acknowledges that some sectors will be more ready to comply with CSS and RCS, while others may require more time and support. This is the approach that was taken in Victoria, which introduced sectors to their RCS in three phases over an 18-month period from July 2017 to January 2019.

A phased implementation has a number of advantages:

- provide the oversight body with time to establish necessary processes and resources to implement the schemes and build its capacity over time;
- provide more time to those sectors that have less well-developed child protection policies and complaints handling processes to prepare;
- enable the oversight body to provide more targeted support to sectors as they are brought into the scheme; and
- distribute the costs to government over a longer period of time.

Sector phasing would attempt to balance the following factors:

- the level of risk inherent in the activities provided by the sector and the vulnerabilities of the population it serves, indicated in part by the number of reportable allegations for sectors in the Victorian scheme;
- the approximate number of children receiving services, and the overall volume of services received by children, by each sector;
- the complexity and degree of existing regulation which applies to each sector;
- the anticipated length of time needed by sectors to prepare; and
- staggering the sectors (giving consideration to size of sectors and the support/intervention required) to enable the oversight body to provide more focused support to sectors as they are introduced at each phase.

As identified in Part 1, different sectors may be subject to relatively more or less risk factors that contribute to the overall risk of child maltreatment occurring. There is very limited data on the exact number of organisations in each sector, the number of organisations within different service types, and the exact number of children who interact with that organisation, so it is not possible to accurately estimate the how different phasing approaches will have different impacts on overall cost-effectiveness. Accordingly, phasing has not been evaluated extensively in the impact analysis, though the costing approach does assume that there is some degree of phasing with not all organisations commencing in year 1. However, there are broad elements of the various sectors that can be used to develop an approximate schedule for a phased approach, and these matters would be carefully considered during ongoing implementation. Feedback is welcome on the options for timing and phasing approaches.

Table 36 provides an example of how a potential phased approach may occur. Note that the phases below do not represent overall timing – as discussed in Part 4, under a foundational CSS timing approach, Phase 1 of the CSS would be implemented before Phase 1 of the RCS is implemented. In this example, the schemes commence with more mature sectors that are expected to require less time to prepare for compliance, with sectors that will require more support included at a later stage. This approach also addresses sectors that are expected to have a greater number of RCIs based on comparative data drawn from Victoria's implementation of RCS. Please note Table 36 does not indicate a government position on sector phasing, and is provided as an example only. The key principle behind considering a phased approach is to ensure that sectors are properly supported to be ready for compliance.

Table 36 Example of sector phasing

Phase	Sector phasing CSS	Sector phasing RCS
1	• Education • Child protection • Childcare • Justice/detention	• Education • Child protection
2	• Religious organisations • Health • Disability • Accommodation (e.g. housing and homelessness services)	• Childcare • Justice/detention • Disability
3	• Clubs and associations • Coaching • Commercial • Transport • Other	• Religious organisations • Health • Accommodation (e.g. housing and homelessness services) • Other

Additional considerations for implementation

There are potential negative impacts resulting from implementation, beyond the costs identified in this CRIS. It is possible that when costs of delivering a service or part of a service are increased, some organisations may need to manage increased costs which could lead to non-compliance, undermining the effectiveness of the regulations. Alternatively, organisations may need to exit the market or stop delivering services if the costs to comply are too great. In both circumstances there is a risk that children are exposed to more harm either due to hidden non-compliance or reduced availability and quality of services.

For these reasons, it is critical that, should the recommended options be adopted, the oversight body has the necessary flexibility to work with different sectors and organisations in applying the CSS and RCS. The intention of the Royal Commission recommendations is that the implementation of CSS and RCS can be adapted to the needs, resources and nature of every organisation's unique circumstances. As there is no evidence of significant rates of non-compliance or organisations exiting the market in other jurisdictions where CSS and RCS are fully implemented, we think it is unlikely these risks are significant. However, it will be important to continue to monitor the impacts of compliance on organisations when implementation commences and as it matures over time.

Target questions

50. Are there any factors specific to your organisation and/or sector that should be considered as part of implementation of an integrated child safe organisations scheme? (RCS and CSS)
51. Do you support an approach that staggers the introduction of CSS and RCS (such that CSS is introduced ahead of the RCS) or should the CSS and RCS be introduced to sectors at the same time? Why or why not?
52. Do you support a phased approach to introducing sectors to the CSS and RCS, or should the schemes apply to all organisations in scope at the same time? Why or why not?
53. Do you have suggestions for any supports or measures that could help with successful implementation of CSS and RCS in Queensland and/or which might minimise any unintended outcomes?

Monitoring and evaluation

It is proposed the Queensland RCS and CSS be evaluated to:

- establish a baseline of information to measure and assess changes over time;
- determine the effects/impacts of the schemes to assess whether the expected benefits are being delivered; and
- improve the design and performance of the schemes.

Evaluation activities will need to occur at different stages:

- Collection of baseline data prior to the commencement of the scheme. This may occur during the education and establishment phase. Such data may include levels of confidence in existing child safe systems within the organisation, data on support needs emerging from different sectors and the impacts of complying with the new schemes.
- Ongoing data collection during the operation of the scheme that can be used for continuous improvement and annual reporting. ICT systems should be built to capture data such as:
  - number of notifications of reportable allegations and convictions received;
  - the circumstances of a reportable allegation or conviction;
  - information about the subject of the allegation or conviction (both victim and alleged perpetrator), such as age, gender identity, Aboriginal and/or Torres Strait Islander identity, cultural and linguistic identity, religion and disability status;
  - the findings (substantiated, unsubstantiated, unfounded, outside scope of scheme) and reasons;
  - any disciplinary or other action the entity has taken, or proposed to be taken, in relation to the employee and reasons; and
  - if no action is proposed and reasons.
- Ongoing engagement with organisations through training and capacity building activities will also provide the oversight body with valuable information on the effectiveness of the schemes. Reviewing such information can identify trends, including sectors and organisations that might not be meeting their obligations under the schemes. This can guide the oversight body to target its capacity building efforts. It will also contribute to public reporting on the schemes, through annual reports, and recommendations for changes to the scope or operation of the schemes over time.
- Evaluation after the schemes have been in operation for some time. The Royal Commission recommended that governments periodically review the operation of RCS', including to determine whether the schemes should cover additional institutions and to adapt to changing dynamics and new challenges relevant to employee-related child abuse. The NSW and Victorian legislation for the RCS requires statutory reviews after two and five years from commencement (respectively). It is proposed that in addition to statutory review requirements, the Queensland child safe organisations system undergo periodic operational review.

There is also an opportunity to undertake data collection as part of the monitoring and evaluation of the CSS and RCS policies. This could include data on various cohorts and how they are impacted, including systemic data on:

- Aboriginal and/or Torres Strait Islander identity;
- gender and sexuality diversity;
- cultural and linguistic diversity; and
- religion and diversity of belief.

Measures

The final monitoring and evaluation strategy will be subject to the eventual selection of one or more options for implementing CSS and RCS and government's decision on the mode of oversight (co-located in one oversight body or otherwise) as well as other policy issues raised in this document.

Table 37 provides a summary of possible measures which could be used to evaluate performance against the primary and secondary objectives outlined in Part 2.

Table 37 Possible measures

Primary Objective	Secondary Objective	Measures	Expected/intended outcomes
1,2	1.1, 1.2, 1.3, 2.1	Number of organisations compliant with CSS.	Expect to see steady increase of up-take across sectors as capacity building and rollout continues. Expect no reduction in services and facilities.
1,2	1.1, 1.2, 2.1, 2.2, 2.3, 3.1	Downloads of online CSS and RCS guidance material.	
1,2	1.1, 1.2, 2.1, 2.2, 2.3, 3.1	Level of participation in training opportunities (seminars etc.) across organisations and sectors.	
1,2	1.1, 1.2, 1.3, 2.1	Number of organisations seeking exemptions from CSS/RCS requirements, reducing scope of operations or exiting the market.	
Short term (6 months – 5 years)			
2	1.4, 2.1, 2.4	Reports of child-related misconduct.	Aim to see an increase in reports of child-related misconduct during the early years of rollout of the RCS, which demonstrates the system is effectively working to detect and report these incidents (which have previously been underreported).
2	1.3, 1.4, 2.1, 2.2	Types of reportable conduct incidents and sectors in which they occur.	Expect to see different trends in types of incidents across sectors, which reflects the experience in other jurisdictions that this can be influenced by changing environmental and social factors.
2	1.1, 1.3, 1.4, 2.2, 2.3	Time for organisations to respond to allegations.	Expect response times to trend downwards as organisations understand obligations and are supported to respond to reported incidents.
2	1.3, 1.4, 2.3, 2.4, 3.3	Intervention by the oversight body, e.g. number of times the body has taken over or conducted a direct investigation; provided advice, resources, research; or provided recommendations following an organisation's investigation.	Aim for more highly regulated, well-resourced organisations to conduct thorough investigations; oversight body will still need to monitor to ensure compliance across all organisations and provide greater support to new, less regulated or smaller organisations.
Long term (5 years+)			
1, 2	1.2, 1.2, 1.4, 1.5, 2.1, 2.4	Severity of reports of child-related misconduct, e.g. number of reports made against a single perpetrator; ratio of incidents vs perpetrators.	Aim for a long-term reduction in the severity of reports, e.g. the ratio of reportable incidents to alleged perpetrators will reduce so there is less reporting of repeat offenders (i.e. a single perpetrator being responsible for multiple reportable incidents). Once implementation of CSS

Primary Objective	Secondary Objective	Measures	Expected/intended outcomes
			and RCS has reached maturity and expanded to all organisations within scope, this will improve practices and systems to reduce opportunities for misconduct, and ensure reports are made earlier to prevent the occurrence, or escalation, of abuse.
1, 2, 3	1.2, 3.1, 3.2	Community trust in organisations.	Expect communities to report greater trust and understanding of child safe organisations and standards through government feedback pathways to the oversight body, collaborators, community surveys, related public discussion papers and consultation papers.
1, 2, 3	1.2, 3.2, 3.3, 3.4	Level of understanding of organisations.	Organisations report greater understanding of what it means to be a child safe organisation. This includes regulators, agencies, peak bodies and the oversight body hearing from organisations that they understand their obligations as a child safe organisation by: • understanding the role, purpose and how to comply with CSS; and • develop confidence in preventing, detecting and responding to allegations of misconduct.

Glossary

ABS	Australian Bureau of Statistics
ACMS	Australian Child Maltreatment Study
Blue card / blue card system	The blue card system is Queensland's Working With Children Check-It regulates child-related services under the Working with Children (Risk Management and Screening) Act 2000 and the Working with Children (Risk Management and Screening) Regulation 2011.
CCC	Crime and Corruption Commission
Children / children and young people	A person under the age of 18. Although this document references 'children and young people' throughout the document, the term 'children' is generally made in reference to children and young people.
Child abuse and child maltreatment	The terms 'child abuse' and 'child maltreatment' are used interchangeably throughout this document to refer to all forms of abuse including physical abuse, sexual abuse, emotional or psychological abuse, and neglect, experienced by children and young people under 18 years of age. In different academic and government documents, child abuse and child maltreatment can sometimes be defined in different ways to include a more or less conservative measure of the different forms of abuse.
Child safe standards (CSS)	Throughout this document, CSS refers generally to organisational child safe principles, examples of which include the Royal Commission's CSS and the National Principles for Child Safe Organisations. See **Appendix D** for the full text of the Royal Commission's CSS and the National Principles for Child Safe Organisations.
Consultation Regulatory Impact Statement (CRIS)	A Consultation Regulatory Impact Statement (CRIS) is used to assist government decision-making where government proposals for regulation will impact organisations or the community. The CRIS assists government to gather feedback from stakeholders about these impacts and hear their views on the proposals under consideration. For more information, see the Queensland Government Guide to Better Regulation.
DCSSDS	Department of Child Safety, Seniors and Disability Services
Discount rate	A discount rate is applied to costs and benefits, or cash inflows and cash outflows, that are expected to occur in the future. The discount rate (for example 7% used in this CRIS' impact analysis) is used to adjust these future cash flows to estimate their value in the present day.
DJAG	Department of Justice and Attorney-General
HSQF	Human Services Quality Framework
Institution / organisation	Any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), however described, and: • includes, for example, an entity or group of entities that provides activities, facilities, programs or services of any kind that provide the

	means through which adults have contact with children, including through their families; • includes an individual who is carrying on a business or entity as above; and • does not include the family.
Lifetime prevalence and annual prevalence	Lifetime prevalence is the proportion of a particular population with a specific characteristic or condition (in this CRIS, experience of child maltreatment) at any point in their life. This means the lifetime prevalence of institutional child maltreatment in Queensland is the total proportion of Queenslanders of any age who at any point in their life experienced child maltreatment in an institutional setting. In contrast, annual prevalence is a type of period prevalence figure. This means that the annual prevalence is the proportion of a population with a specific characteristic or condition within a given year. In this CRIS, annual prevalence of institutional child maltreatment in Queensland means the total proportion of Queenslanders who are experiencing or experienced child maltreatment in a given year.
Misconduct	Reportable conduct committed against, with or in the presence of a child, that does not necessarily constitute a criminal offence. Includes sexual misconduct, which may include crossing professional boundaries and sexually explicit comments or other overtly sexual behaviour with or towards a child.
National Principles	The National Principles for Child Safe Organisations
NDIS	National Disability Insurance Scheme
Net present value (NPV)	NPV is a tool used in investment planning and cost benefit analysis to compare the current values of different possible investment or funding decisions. It is equal to the sum of the cash inflows and cash outflows over a period of time, which are discounted by a 'discount rate'. This is to represent that costs and benefits are less valuable if they will only be received after a long time period. In general, investments with a higher or positive NPV are better investments than those with a lower or negative NPV.
Oversight Body	The body is proposed to provide independent overisght of the CSS (subject to selection of options) and RCS. The oversight body would have powers prescribed under the associated legislation which allow it to coordinate with other sector regulators, and interact directly with organisations. The type of regulatory powers, degree of oversight and scope of organisations it regulates are subject to outcomes of this CRIS and further government consideration.
QCPCOI	Queensland Child Protection Commission of Inquiry
Reportable conduct scheme (RCS)	A scheme that provides independent oversight of institutional responses to complaints of child abuse and child-related misconduct across sectors. It requires reporting of misconduct and abuse of children by employees of designated organisations that provide services to children, to an external oversight body. References to RCS may apply to the schemes in other jurisdictions or more specifically to the model proposed for Queensland.

Reportable conduct	Conduct which heads of relevant entities are required to report to an oversight body under a reportable conduct scheme . This includes a child sexual offence committed in relation to, or in the presence of, a child; sexual misconduct; ill-treatment of a child; neglect of a child; physical violence or assault, committed in relation to, or in the presence of a child; or behaviour that causes significant emotional or psychological harm to a child.
RCI/s	Reportable Conduct Incident/s – notification of conduct that is reportable under the scheme.
Royal Commission	Royal Commission into Institutional Responses to Child Sexual Abuse
Royal Commission Final Report	The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (2017, 17 volumes)
Sensitivity analysis	Where variables have been estimated or are based on assumptions, sensitivity analysis is used to evaluate whether the predicted net present value is impacted significantly if the 'real' value is different from the forecasted value used in the analysis. Undertaking sensitivity analysis helps us understand the risk of different options if the conditions of the real world are different from those predicted in the original analysis.
WWC Act	Working with Children (Risk Management and Screening) Act 2000

Appendix A – Sensitivity analysis

To test the strength of analysis used to determine the required reduction in cases of child maltreatment to generate a positive net present value for CSS options 2, 3(a) and 3(b) and RCS option 2 in Part 4 of this CRIS, a number of scenarios were considered. Detailed below are the results of this analysis, and the evaluation of its results.

For the purposes of the sensitivity analysis, a base scenario was developed below which also incorporates the 3% and 11% discount rates recommended for sensitivity analysis by the Australian Government guidelines.[86] To enable comparison between the impact of different scenarios, the respective number of cases and associated percentage of total annual prevalence was calculated for each option. It is noted that there is ongoing discussion about the appropriate discount rate for evaluating social impacts – e.g. a reduction in prevalence of child maltreatment in Queensland institutions, given the ethical implications of discounting the welfare of society in the future. However, this CRIS accepts the advice of the Australian Government Office of Impact Analysis, which is that the discount rate should not be adjusted as there is no acceptable means of adjusting the discount rate for the quantifying of the 'relative value of different generations' welfare'.[87]

It is also important to note that for the purposes of the cost-effectiveness analysis, estimated costs produced by Finity Consulting have been used to produce an estimate of total costs to government and organisations in-scope. However, this modelling is noted to include significant uncertainty and actual outcomes may deviate substantially. For this reason, the below sensitivity testing is important to understand of the potential risk if estimated costs, benefits and underlying assumptions are demonstrated to be inaccurate when implementing.

Table 38 Base case scenario (with 3% and 11% discount rates for risk analysis)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	24 (0.2%)	19 (0.16%)	16 (0.13%)	73 (0.6%)	59 (0.49%)	49 (0.4%)
Option 3(a)	107 (0.88%)	87 (0.72%)	72 (0.59%)			
Option 3(b)	106 (0.88%)	87 (0.71%)	72 (0.59%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				160 (1.31%)	129 (1.06%)	106 (0.87%)

[86] Department of Prime Minister and Cabinet Office of Best Practice Regulation, *Guidance Note: Cost-benefit analysis,* Australian Government, 2020.

[87] Department of Prime Minister and Cabinet Office of Best Practice Regulation, *Guidance Note: Cost-benefit analysis,* Australian Government, 2020.

Total cost of compliance for organisations in scope

This scenario evaluates the impact on the cost-effectiveness analysis if the total cost for all organisations in scope is greater than estimated in the core scenario. This could be because of several variables changing from the core assumptions used in Part 4 of this CRIS:

- there is a significantly different number of organisations that fall under the scope of either the CSS or RCS;
- the pool of organisations in scope has relatively more complex organisations for whom it is costlier to comply; and
- the expected average cost for organisations to comply is substantially different to the expected costings.

To represent these possible impacts, two scenarios were considered where the total cost of compliance for organisations in scope was either higher or lower by 50% than the expected value.

Table 39 Increased cost of compliance for organisations in scope (+50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	51 (0.42%)	41 (0.33%)	33 (0.27%)	101 (0.83%)	81 (0.67%)	67 (0.55%)
Option 3(a)	153 (1.26%)	125 (1.03%)	103 (0.85%)			
Option 3(b)	153 (1.26%)	124 (1.02%)	103 (0.85%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				227 (1.87%)	183 (1.51%)	151 (1.24%)

Table 40 Decreased cost of compliance for organisations in scope (-50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	8 (0.07%)	7 (0.05%)	6 (0.05%)	45 (0.37%)	37 (0.3%)	30 (0.25%)
Option 3(a)	60 (0.5%)	49 (0.41%)	41 (0.34%)			
Option 3(b)	60 (0.49%)	49 (0.4%)	41 (0.34%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				92 (0.76%)	75 (0.61%)	62 (0.51%)

Based on the above tables, it is clear the overall cost-effectiveness of the options analysed have a low level of sensitivity to the total cost of compliance for organisations in-scope, with only marginal changes to the required reduction in annual prevalence of child maltreatment for each option to break even. All values remain significantly below the expected 2% minimum impact for implementation of Option 3(a) for CSS and Option 2 for RCS or a 4% reduction predicted under an integrated model.

Average cost per incident of child maltreatment

This scenario evaluates the impact on the cost-effectiveness analysis if the average cost per incident of child maltreatment is different to the estimate in the core scenario. This could be because of several variables changing from the core assumptions used in Part 4 of this CRIS:

- the financial cost to government resulting from incidents of child maltreatment is significantly different, as a result of added costs or efficiencies not captured in the impact analysis; and
- the impact of harm is inaccurately captured through the method used to identify a monetary cost of said harm.

To represent these possible impacts, two scenarios were considered where the total cost per incident of child maltreatment was either higher or lower by 50% than the expected value.

Table 41 Increased cost per incident of child maltreatment (+50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	16 (0.13%)	13 (0.11%)	11 (0.09%)	49 (0.4%)	39 (0.32%)	32 (0.27%)
Option 3(a)	71 (0.59%)	58 (0.48%)	48 (0.4%)			
Option 3(b)	71 (0.58%)	58 (0.48%)	48 (0.39%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				106 (0.88%)	86 (0.71%)	71 (0.58%)

Table 42 Decreased cost per incident of child maltreatment (-50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	48 (0.4%)	39 (0.32%)	32 (0.26%)	146 (1.2%)	118 (0.97%)	97 (0.8%)
Option 3(a)	214 (1.76%)	174 (1.43%)	144 (1.19%)			
Option 3(b)	213 (1.75%)	173 (1.43%)	144 (1.18%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				319 (2.63%)	258 (2.12%)	212 (1.75%)

It is evident from Tables 41 and 42 that the break even point for all tested options are reasonably sensitive to the value used for cost per incident of child maltreatment. However, in all scenarios, the required reduction in annual prevalence of child maltreatment remains relatively low, in all cases below a 2% reduction which is expected to be achieved for implementation Option 3(a) for CSS and Option 2 for RCS or a 4% reduction predicted under an integrated model, even under a worst case scenario of a 50% decreased cost per incident and a 3% real discount rate.

Total cost to government (establishment of oversight bodies and agency compliance costs)

This scenario evaluates the impact on the cost-effectiveness analysis if the total cost to government for implementing the various options is different to the estimate in the core scenario. This could be because of several variables changing from the core assumptions used in Part 4 of this CRIS, including:

- the expected cost of establishing the oversight body is substantially different from the estimated cost; and
- the expected additional costs to government, for agencies to establish collaboration with the oversight body, is substantially different from the estimated cost.

To represent these possible impacts, two scenarios were considered where the total cost to government was either higher or lower by 50% than the expected value.

Table 43 Increased cost to government (oversight body and other agencies) (+50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	25 (0.21%)	21 (0.17%)	17 (0.14%)	82 (0.67%)	66 (0.55%)	55 (0.45%)
Option 3(a)	114 (0.94%)	93 (0.77%)	77 (0.64%)			
Option 3(b)	113 (0.93%)	92 (0.76%)	77 (0.63%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				176 (1.45%)	143 (1.17%)	118 (0.97%)

Table 44 Decreased cost to government (oversight body and other agencies) (-50%)

	CSS			RCS (Option 2)		
Discount rate	**3%**	**7%**	**11%**	**3%**	**7%**	**11%**
Option 2	23 (0.19%)	18 (0.15%)	15 (0.12%)	64 (0.53%)	52 (0.43%)	42 (0.35%)
Option 3(a)	100 (0.82%)	81 (0.67%)	67 (0.55%)			
Option 3(b)	100 (0.82%)	81 (0.67%)	67 (0.55%)			
Co-located integrated model (CSS Option 3(a) and RCS Option 2)				**3%**	**7%**	**11%**
				146 (1.2%)	118 (0.97%)	97 (0.79%)

Based on the Tables 43 and 44, it is clear that the overall cost-effectiveness of the options analysed have a low level of sensitivity to the total cost to government, with only marginal changes to the required reduction in annual prevalence of child maltreatment for each option to break even. All values remain significantly below a 2% minimum impact for implementation of Option 3(a) for CSS and Option 2 for RCS or a 4% reduction predicted under an integrated model.

Appendix B – Jurisdictional analysis

Implementation of child safe standards – interjurisdictional comparison

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Implementation of child safe standards (CSS)								
Key elements	**NSW**	**VIC**	**SA**	**CWTH**	**ACT**	**TAS**	**WA**	**NT**
Implementation of CSS	✓	✓	✓	✓	○	○	○	✗
Oversight body	*Office of the Children's Guardian (OCG)*	*Commission for Children and Young People (CCYP)*	*Department of Human Services (DHS)*	*National Office for Child Safety*	*ACT Human Rights Commission (HRC)*	*N/A*	*N/A*	*N/A*
CSS and RCS schemes co-located in oversight body	✓	✓	✗ *No RCS established yet*	*N/A*	✗	✓	*N/A* *Information not yet available*	*N/A*
Mode of regulation	*Single regulator*	*Co-regulatory*	*Single regulator*	*Non-regulated*	*Single regulator*	*Under development*	*Under development*	*Non-regulated*
Summary of regulatory approach	*OCG regulates the implementation of CSS in all organisations under the scope of the legislation in collaboration with govt agencies having existing regulatory or funding relationships with in-scope organisations*	*Organisations fall into categories which are prescribed a 'sector regulator or 'integrated sector regulator'. CCYP will be default regulator without a prescription.*	*DHS has oversight of child safe environment compliance, which represent the application of the National Principles. Primary oversight mechanism is compliance statements lodged by organisations.*	*The Commonwealth Child Safe Framework includes discretion for agencies to pass on the framework to funded organisations through contractual mechanisms.*	*Proposed model would engage the HRC to take a responsive regulatory approach, building capacity, and cooperatively monitoring compliance*	*A Child and Youth Safe Organisations framework is under development in consultation with stakeholders. The framework will comprise legislatively mandated CSS and RCS and is scheduled to commence on 1 January 2024.*	*CCYP has developed capacity building resources for organisations to embed the National Principles.* *Officer level advice indicates a mandatory CSS framework is under development.*	*Available information on proposed reform indicates CSS to be reflected in existing quality systems (child protection, sport and recreation agencies)*
Authorising Act	*Children's Guardian Act 2019*	*Child Wellbeing and Safety Act 2005; Commission for Children and Young People Act 2012*	*Children and Young People (Safety) Act 2017*	*N/A*	*Under development*	*Child and Youth Safe Organisations Act 2023*	*N/A*	*N/A*
Scope of Organisations to which CSS apply								
Designated government agencies or other public entities that exercise care, supervision or authority over children as part of its primary functions	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Accommodation and residential services for children	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Religious institutions providing activities or services of any kind, through which adults have contact with children	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Implementation of child safe standards (CSS)								
Key elements	**NSW**	**VIC**	**SA**	**CWTH**	**ACT**	**TAS**	**WA**	**NT**
Childcare services which include approved early childhood education and care (ECEC) services	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Disability services and supports for children with disability	✗	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Education services for children, including State and non-State schools; TAFES, and other registered institutions	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Health services for children, including government health departments, statutory bodies or affiliated health organisations	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Justice and detention services for children, including youth detention centres	✓	✓	✓	*	*Under development*	*Under development*	*N/A*	*N/A*
Other	*N/A*	*All organisations must comply with CSS if they: provide services specifically for children, provide facilities for use by children under supervision, engage child as employee or volunteer.*	*All organisations that require a WWCC* *Commercial services, such as recreational or entertainment services (play gym, bouncy castle hire)* *Coaching or tuition services*	**Commonwealth Govt agencies have discretion about passing on Child Safe obligations via contracts, so scope varies.*	*Under development*	*Under development*	*Child Safe Organisations WA guidelines are un-enforced but are intended to support all organisations to prioritise safety of children and young people*	*N/A*
Scope of regulator's powers and functions								
Capability building: • Training • Support for implementation	✓	✓	✓	*N/A*	✓	*Under development*	✓	*N/A*
Monitoring: • Access upon request to organisations facilities, systems, policies	✓	✓	✓	*N/A*	✓ *Non-coercive*	*Under development*	✗	*N/A*
Investigation • Review organisations records, systems, policies	✓	✓	✓	*N/A*	○ *Non-coercive*	*Under development*	✗	*N/A*
• Inspect organisation's premises	✓	✓	✓	*N/A*	✗	*Under development*	✗	*N/A*
• Require relevant authorities to answer questions/provide information	✓	✓	✓	*N/A*	✗*	*Under development*	✗	*N/A*
Enforcement	✓	✓	✗	*N/A*	○	*Under development*	✗	*N/A*

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Implementation of child safe standards (CSS)								
Key elements	**NSW**	**VIC**	**SA**	**CWTH**	**ACT**	**TAS**	**WA**	**NT**
• Issue a compliance notice to organisations deemed to not satisfactorily reflect CSS					Enforcement powers intended for use only in exceptional circumstances			
• Issue penalty units/fines	✓	✗	✓	*N/A*	○ Enforcement powers intended for use only in exceptional circumstances	*Under development*	✗	*N/A*
• Apply to the court for injunctions or issuing penalty units/fines	✗	✓	✓	*N/A*	○ Enforcement powers intended for use only in exceptional circumstances	*Under development*	✗	*N/A*
• Accept an enforceable undertaking to organisations to take action	✓	✓	✗	*N/A*	○ Enforcement powers intended for use only in exceptional circumstances	*Under development*	✗	*N/A*
• Publish information and report on non-compliant entities	✓	✓	✗	*N/A*	○ Enforcement powers intended for use only in exceptional circumstances	*Under development*	✗	*N/A*
• Other	*N/A*	*N/A*	*N/A*	*N/A*	*N/A*	*Under development*	*N/A*	*N/A*

Nationally consistent reportable conduct scheme – interjurisdictional comparison

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Nationally Consistent State and Territory Reportable Conduct Schemes (RCSs)[88]					
Key Elements	**NSW**	**VIC**	**ACT**	**WA**	**TAS**[89]
Independent Oversight Body	*Office of the Children's Guardian*	*Commission for Children and Young People*	*Ombudsman*	*Parliamentary Commissioner (Ombudsman)*	*To be confirmed – Governor will appoint an independent regulator*
Authorising Act	*Part 4, Children's Guardian Act 2019*	*Part 5A, Child Wellbeing and Safety Act 2005* *Child Wellbeing and Safety Regulations 2017*	*Part 2, Division 2A, Ombudsman Act 1989* *Ombudsman Regulation 1989*	*Division 3B, Parliamentary Commissioner Act 1971 (PCA)*	*Part 4, Child and Youth Safe Organisations Act 2023* *As introduced 22/11/22*
Scope of Organisations					
Public entities or functional public entities, that exercise care, supervision or authority over children as part of its primary functions	✓	✓	✓	✓	✓ *Includes Parliament of Tasmania*
Accommodation and residential service for children, including housing or homelessness services that provide overnight beds and some providers of overnight camps	✓	✓	○ *Includes residential care organisations. Providers of overnight camps and homelessness services not included*	✓	✓
Religious institutions providing activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	✓	✓	✓	✓	✓
Childcare services which include approved early childhood education and care (ECEC) services under the Education and Care Services National Law (such as kindergartens, long day care, family day care or outside school hours care)	✓	✓	✓	✓	✓ *Includes professional babysitting or au pair services*
Child protection services including child protection authorities and agencies; providers of foster care, kinship or relative care; providers of family group homes; providers of residential care (includes support entities/secondary services)	✓	✓	✓	✓	✓ *Includes community-based intake services, adoption and contact services*
Disability services and supports for children with disability, including state disability service providers and registered providers under the NDIS	✗	✓	✗	✓	✓
Education services for children, including State and non-State schools and may include TAFES, and other institutions registered to provide senior secondary education or training; courses for international students or student exchange programs	✓ *Includes TAFE. Other institutions registered to provide senior secondary education not included*	✓ *Includes organisations providing overseas student exchange program*	○ *Includes government and non-government schools. TAFE and other training not included*	✓	✓ *Includes tertiary education providers*

[88] South Australia and the Northern Territory do not have Reportable Conduct Schemes in place.
[89] Tasmania's Act is scheduled to commence from 1 January 2024.

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Nationally Consistent State and Territory Reportable Conduct Schemes (RCSs)[88]					
Key Elements	**NSW**	**VIC**	**ACT**	**WA**	**TAS**[89]
Health services for children, including government health departments and agencies, and statutory corporations; public and private hospitals; providers of mental health; and drug or alcohol treatment services that have inpatient beds for children and young people (excluding private practitioners)	✓ *Does not include private hospitals except in limited circumstances (an affiliated health organisation or as part of a Public Private Partnership)*	✓	✓ **Private providers of mental health and other services with in- patient beds not included*	✓	✓ *Includes counselling services*
Justice and detention services for children, including youth detention centres (excludes immigration detention facilities)	✓ *Limited to government departments*	✓ *Limited to government departments*	✓ *Limited to government entities*	✓ *Includes state-funded community justice services providers*	✓ *Includes youth justice services*
Other • Clubs and associations • Coaching or tuition services for children • Commercial services for children • Transport services for children	✗	✗	✗	✗	✓ *Includes a club, association or cadet organisation that has a significant membership of, or involvement by, children* *Includes an entity that provides a coaching or tuition service to children*
Scope of Reportable Conduct					
A child sexual offence committed in relation to or in the presence of a child	✓	✓	✓	✓	✓
Sexual misconduct (conduct in relation to or in the presence of a child that is sexual in nature but does not constitute a criminal offence)	✓	✓	✓	✓	✓ *(Also includes 'Grooming' category)*
Ill-treatment of a child	✓	✗	✓	✗	✗
Neglect/significant neglect of child	✓	✓	✓	✓	✓
Physical violence or assault committed in relation to, or in the presence of a child	✓	✓	✗	✓	✓
Any behaviour that causes significant emotional or psychological harm to a child	✓	✓	✓	✓	✓
Who and when is in scope					
Employees, volunteers and contractors are within scope	✓	✓	✓	✓	✓ *Includes a person elected to a role in an entity, such as alderman, councillor or member of Parliament*
Historical conduct, where a fresh allegation is made, is within scope	✓	✓	✓	✓	✓

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Nationally Consistent State and Territory Reportable Conduct Schemes (RCSs)[88]					
Key Elements	**NSW**	**VIC**	**ACT**	**WA**	**TAS**[89]
Reportable conduct, whether or not it occurs in the course of an employee's employment, is within scope	✓	✓	✓	✓	✓
Obligations of Organisations within scope					
Must have systems and procedures in place for preventing and detecting reportable conduct	✓	✓	✓	✓	○ *Not an explicit obligation, but is encompassed in the Child and Youth Safe standards*
Head of organisation must report initial notification of reportable conduct to the oversight body	✓	✓	✓	✓	✓
Must investigate, or arrange to investigate, allegations of reportable conduct	✓	✓	○ *Not an explicit obligation, however entities must have practices and policies in place for dealing with a reportable allegation or reportable conviction*	✓	✓
Head of organisation must provide a report of any investigation to the oversight body	✓	✓	✓	✓	✓
Protections for persons making reports					
Persons making reports are protected from civil, criminal and/or professional conduct obligations	✓ *Includes civil and criminal liability and disciplinary obligations*	✓ *Includes civil and criminal liability and disciplinary obligations*	✓ *Includes civil liability, authorisation to disclose applies despite any contrary law*	✓ *Includes civil and criminal liability and secrecy or duty of confidentiality obligations*	✓ *Includes civil and criminal liability and professional standards and ethics*
Persons making reports are protected from dismissal	✓	✗ *Not explicitly included in legislation*	✗ *Not explicitly included in legislation*	✓	✗ *Not explicitly included in legislation*
Functions and Powers of the Oversight Body					
Scrutinising institutional systems for preventing reportable conduct and for handling and responding to reportable allegations, or reportable convictions	✓	✓	✓	✓	✗ *Not explicitly included in legislation*
Monitoring the progress of investigations and the handling of complaints by institutions	✓	✓	✓	✓	✓
Conducting, on its own motion, investigations concerning any reportable conduct of which it has been notified or otherwise becomes aware	✓	✓	✓	✓	✓
Power to exempt any class or kind of conduct from being reportable conduct	✓	✓	✓	✓	✗
Capacity building and practice development, through the provision of training, education and/or guidance to institutions	✓	✓	○ *Not a legislative requirement*	✓	✓

Symbol	Represents
✓	Implemented / in-scope
○	Under development / unconfirmed / partially applicable
✗	Not implemented / not applicable

Nationally Consistent State and Territory Reportable Conduct Schemes (RCSs)[88]					
Key Elements	**NSW**	**VIC**	**ACT**	**WA**	**TAS**[89]
Public reporting, including annual reporting on the operation of the scheme and trends in reports and investigations, and/or the power to make special reports to parliaments	✓	✓	✓	✓	✓
Information sharing with other relevant agencies	✓	✓	✓	✓	✓

Appendix C – Intersection with existing regulation

- Note: Some organisations will sit across multiple categories.
- Existing regulators may have either regulatory or funding relationships with sector organisations.
- Other mechanisms and frameworks may apply – the following table is intended to illustrate, at a glance, the types of existing frameworks relevant to the CSS, to help indicate the level of existing relevant regulation in these sectors.
- Note: Categories and example service types do not represent a government position on the scope of organisations to which CSS will apply – this table is illustrative of the types of organisations working with children and their relevant regulation/regulators and is not intended to act as a comprehensive overview of scope.

Sector of organisations (as recommended by Royal Commission)	Example service types in this sector	Regulatory/quality framework relevant to child safe standards and reportable conduct scheme	Existing regulators
Accommodation and residential services, including overnight excursions or stays	Homelessness services.	Human Services Quality Framework (HSQF) (largely via self-assessment).	Department of Housing as funding agency.
	Community housing.	National Regulatory System for Community Housing (NRSCH) or Queensland State Regulatory System for Community Housing (QSRSCH).	Queensland Registrar and Department of Housing as funding agency.
	Domestic and family violence services (e.g. shelters).	HSQF.	DJAG as funding agency.
Activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children	Churches and other types of faith-based institutions.	Child and Youth Risk Management Strategy (CYRMS) obligations in the *Working with Children (Risk Management and Screening) Act 2000* (Qld).	DJAG (Blue Card Services) with limited oversight capacity. Individual faith bodies, such as the Australian Catholic Safeguarding/Professional Standards Office.
Childcare or childminding services	Early childhood education and care (registered under state or national law) – e.g. kindergarten, outside school hours care, standalone care services.	National Quality Framework for early childhood/ *Education and Education and Care Services Act 2013* (Qld.)	Department of Education (DoE) as regulator.
	Adjunct care services (e.g. care in shopping centres/holiday resorts	CYRMS.	DJAG (Blue Card Services) with limited oversight capacity

	Professionally organised child minding / babysitting.	CYRMS.	DJAG (Blue Card Services) with limited oversight capacity.
Child protection services, including providers of family based care (foster and kinship care) and residential care, as well as family support/secondary services	Tertiary child protection services.	HSQF. Statutory framework and internal controls.	DCSSD as funding agency.
	Secondary child protection services.	HSQF.	DCSSDS as funding agency.
	Advocacy services.	HSQF.	DCSSDS as funding agency.
Activities or services where clubs and associations have a significant membership of, or involvement by, children	Sporting and recreational clubs/organisations.	CYRMS. National Integrity Framework.	DJAG (Blue Card Services) with limited oversight capacity. Sporting Integrity Australia.
Coaching or tuition services for children	Private tutoring services.	CYRMS.	DJAG (Blue Card Services) with limited oversight capacity.
Commercial services for children	Entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions.	Nil.	N/A.
Services for children with a disability	NDIS registered services.	NDIS Quality and Safeguarding Framework.	NDIS Quality and Safeguards Commission.
	Unregistered providers.	CYRMS.	DJAG (Blue Card Services) with limited oversight capacity.
	Services for children with disability provided or funded by state Disability Services, including the respite services and disability advocacy services.	HSQF.	DCSSDS as funding and/or delivering agency.
Education services for children	State schools.	Statutory and internal controls.	DoE. Queensland College of Teachers.
	Non-state schools.	Non-State Schools Accreditation framework.	Non-State Schools Accreditation Board. Queensland College of Teachers.
Health services for children	Hospital and Health Services.	Statutory frameworks and internal controls. Australian Health Service Safety and Quality Accreditation.	Department of Health (Doha). Office of the Health Ombudsman. Australian Health Practitioner Regulation Agency (AHPRA).

	Private health services and hospitals.		Australian Commission on Safety and Quality in Health Care. Office of the Health Ombudsman. AHPRA.
	Limited funded health organisations.	HSQF.	Queensland Health as funding agency.
Justice and detention services for children	Youth detention centres.	Statutory and internal controls.[90]	Department of Youth Justice, Employment, Small Business and Training as administering agency, with independent oversight – including by: • Office of the Public Guardian • Queensland Ombudsman • Inspector of Detention Services • Queensland Family and Child Commission • Queensland Human Rights Commission
	Youth advocacy.	CYRMS.	DJAG (Blue Card Services) with limited oversight capacity.,
	Funded non-government services working in the youth justice sector.	CYRMS. Contractual requirements.	DJAG (Blue Card Services) with limited oversight capacity. Department of Youth Justice, Employment, Small Business and Training.
	Watch houses.	Statutory and internal controls[91]	Queensland Police Service Inspector of Detention Services Office of the Public Guardian Queensland Human Rights Commission
Transport services for children	Ride shares targeted towards children and families.	Nil relevant, except for school crossing supervisors (CYRMS).	N/A, except for school crossing supervisors (DJAG (Blue Card Services) with limited oversight capacity).

[90] Note *Inspector of Detention Services Act 2022* will commence in full on a date to be fixed by proclamation.
[91] As above

Appendix D – Child safe standards and the National Principles for Child Safe Organisations

The table below summarises the 10 Child Safe Standards as recommended by the Royal Commission, and the 10 National Principles for Child Safe Organisations, as endorsed by the Council of Australian Governments in 2019. Additionally, next to each standard and principle are the core components recommended to form the basis of implementation, which provides context for the general alignment, with minor differences, between the intent and scope of both sets of principles.[92] [93]

Child Safe Standards Royal Commission into Institutional Responses to Child Sexual Abuse		**National Principles for Child Safe Organisations** Community Services Ministers and Council of Australian Governments	
Standard 1: Child safety is embedded in institutional leadership, governance and culture	• The institution publicly commits to child safety and leaders champion a child safe culture. • Child safety is a shared responsibility at all levels of the institution. • Risk management strategies focus on preventing, identifying and mitigating risks to children. • Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children. • Staff and volunteers understand their obligations on information sharing and recordkeeping.	(1) Child safety and wellbeing is embedded in organisational leadership, governance and culture.	• The organisation makes a public commitment to child safety. • A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up. • Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels. • A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities. • Risk management strategies focus on preventing, identifying, and mitigating risks to children and young people. • Staff and volunteers understand their obligations on information sharing and recordkeeping.
Standard 2: Children participate in decisions	• Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.	(2) Children and young people are informed about their rights,	• Children and young people are informed about all of their rights, including to safety, information, and participation.

[92] Final Report - Recommendations (royalcommission.gov.au)
[93] National Principles for Child Safe Organisations (humanrights.gov.au)

Child Safe Standards Royal Commission into Institutional Responses to Child Sexual Abuse		National Principles for Child Safe Organisations Community Services Ministers and Council of Australian Governments	
affecting them and are taken seriously	• The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated. • Children can access sexual abuse prevention programs and information. • Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.	participate in decisions affecting them and are taken seriously.	• The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated. • Where relevant to the setting or context, children may be offered access to sexual abuse prevention programs and to relevant related information in an age-appropriate way. • Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns.
Standard 3: Families and communities are informed and involved	• Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child. • The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible. • Families and communities have a say in the institution's policies and practices. • Families and communities are informed about the institution's operations and governance.	(3) Families and communities are informed and involved in promoting child safety and wellbeing.	• Families participate in decisions affecting their child. • The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible. • Families and communities have a say in the development and review of the organisation's policies and practices. • Families, carers and the community are informed about the organisation's operations and governance.
Standard 4: Equity is upheld and diverse needs are taken into account	• The institution actively anticipates children's diverse circumstances and responds effectively to those with additional vulnerabilities. • All children have access to information, support and complaints processes. • The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.	(4) Equity is upheld and diverse needs respected in policy and practice.	• The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable. • Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand. • The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and

Child Safe Standards Royal Commission into Institutional Responses to Child Sexual Abuse		National Principles for Child Safe Organisations Community Services Ministers and Council of Australian Governments	
			lesbian, gay, bisexual, transgender and intersex children and young people.
Standard 5: People working with children are suitable and supported	• Recruitment, including advertising and screening, emphasises child safety. • Relevant staff and volunteers have Working with Children Checks. • All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations. • Supervision and people management have a child safety focus.	(5) People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	• Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing. • Relevant staff and volunteers have current working with children checks or equivalent background checks. • All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations. • Ongoing supervision and people management is focused on child safety and wellbeing.
Standard 6: Processes to respond to complaints of child sexual abuse are child focused	• The institution has a child-focused complaint-handling system that is understood by children, staff, volunteers and families. • The institution has an effective complaint-handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report. • Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.	(6) Processes to respond to complaints and concerns are child focused.	• The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report. • Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe. • Complaints are taken seriously, and responded to promptly and thoroughly. • The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement. • Reporting, privacy and employment law obligations are met.
Standard 7: Staff are equipped with the knowledge,	• Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.	(7) Staff and volunteers are equipped with the	• Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.

Child Safe Standards Royal Commission into Institutional Responses to Child Sexual Abuse		National Principles for Child Safe Organisations Community Services Ministers and Council of Australian Governments	
skills and awareness to keep children safe through continual education and training	• Staff and volunteers receive training on the institution's child safe practices and child protection. • Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.	knowledge, skills and awareness to keep children and young people safe through ongoing education and training.	• Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people. • Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm. • Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.
Standard 8: Physical and online environments minimise the opportunity for abuse to occur	• Risks in the online and physical environments are identified and mitigated without compromising a child's right to privacy and healthy development. • The online environment is used in accordance with the institution's code of conduct and relevant policies.	(8) Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.	• Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities. • The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices. • Risk management plans consider risks posed by organisational settings, activities, and the physical environment. • Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.
Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved	• The institution regularly reviews and improves child safe practices. • The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.	(9) Implementation of the national child safe principles is regularly reviewed and improved.	• The organisation regularly reviews, evaluates and improves child safe practices. • Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement. • The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.
Standard 10: Policies and procedures	• Policies and procedures address all Child Safe Standards.	(10) Policies and procedures document how the	• Policies and procedures address all national child safe principles.

Child Safe Standards Royal Commission into Institutional Responses to Child Sexual Abuse		National Principles for Child Safe Organisations Community Services Ministers and Council of Australian Governments	
document how the institution is child safe.	• Policies and procedures are accessible and easy to understand. • Best practice models and stakeholder consultation inform the development of policies and procedures. • Leaders champion and model compliance with policies and procedures. • Staff understand and implement the policies and procedures.	organisation is safe for children and young people.	• Policies and procedures are documented and easy to understand. • Best practice models and stakeholder consultation informs the development of policies and procedures. • Leaders champion and model compliance with policies and procedures. • Staff and volunteers understand and implement policies and procedures.

Appendix E – Potential risk factors by organisational type

Category of organisations	Potential risk factors Note: The risk factors identified below will not necessarily apply to all organisations and do not identify all possible risk factors – indicative only of risk					
	Access to children in isolated or unsupervised locations	Roles that enable opportunities for abuse	Children's lack of access to a trusted adult due to nature of placement	Overnight stays and residential settings	Less regulated recruitment and screening policies and practices	Focus of service delivery is to more vulnerable client population
Accommodation and residential services	✓	✓	✓	✓		✓
Religious organisations and services	✓	✓		✓ *Overnight camps*	✓	
Childcare or childminding services*	✓	✓				
Child protection services, including providers of family-based care (foster and kinship care) and residential care, as well as family support/secondary services	✓	✓	✓	✓		✓
Clubs and associations with a significant membership of, or involvement by, children *	✓	✓		✓ *Overnight camps*	✓	
Coaching or tuition services for children *	✓	✓		✓ *Overnight camps*	✓	

Category of organisations	Potential risk factors Note: The risk factors identified below will not necessarily apply to all organisations and do not identify all possible risk factors – indicative only of risk					
	Access to children in isolated or unsupervised locations	Roles that enable opportunities for abuse	Children's lack of access to a trusted adult due to nature of placement	Overnight stays and residential settings	Less regulated recruitment and screening policies and practices	Focus of service delivery is to more vulnerable client population
Commercial services for children*	✓	✓			✓	
Services for children with a disability	✓	✓	✓	✓		✓
Education services for children	✓	✓		✓ *Boarding schools/camps/ student exchange programs*		
Health services for children	✓	✓	✓	✓ *Inpatient services*		✓
Justice and detention services for children	✓	✓	✓	✓		✓
Transport services for children*	✓	✓			✓	

* Recommended by the Royal Commission for inclusion in the child safe standards only (not the reportable conduct scheme)

Appendix F – *Working with Children* – Regulated employment and business

***Working with Children (Risk Management and Screening) Act* 2000, Schedule 1 Regulated employment and business for employment screening**[94]

Part 1 – Regulated employment

1 Residential facilities

2 Schools – boarding facilities

3 Schools – employees other than teachers and parents

4 Education and care services and similar employment

4A Childcare and similar employment

5 Churches, clubs and associations involving children

6 Health, counselling and support services

6A Disability work

7 Private teaching, coaching and tutoring

8 Education programs conducted outside school

9 Child accommodation services including home stays

10 Religious representatives

11 Sport and active recreation

12 Emergency services cadet program

13 School crossing supervisors

14 Care of children under the *Child Protection Act 1999*

15 Regulation about usual functions of employment

Part 2 – Regulated Business

16 Health, Counselling and support services

16A Disability work

17 Private teaching, coaching and tuition

18 Education and care services and similar businesses

18A Child care services and similar businesses

19 Educational programs conducted outside of school

20 Religious representatives

[94] Queensland Government, *Working with Children (Risk Management and Screening) Act 2000.*

21 Child accommodation services including home stays

22 Sport and active recreation

23 Hostel for children other than residential facility

24 Business relating to licensed care and service under the *Child Protection Act 1999*

25 Non-State schools – directors of governing bodies and authorised persons