



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2023-2024

Mr Mark Parton MLA (Chair), Ms Jo Clay MLA (Deputy Chair),
Mr Michael Pettersson MLA

ANSWER TO QUESTION ON NOTICE

Ms Jo Clay MLA : To ask the Minister for Families and Community Services

Hearing Date: 28 July 2023

In relation to: Corporal punishment of children in the care of child protective services

Corporal punishment is prohibited in all school sectors in the ACT but I understand that child protection legislation prohibiting corporal punishment of children in the care of child protective services has not been adopted in the ACT.

- (1) What protections do Canberra's children in care receive?
- (2) Are the protections the same protections that children in QLD (via their Child Protection Act) and in NSW (via their Child and Young Persons (Care and Protection) Regulation) have?
- (3) Are there any plans to introduce equivalent or additional protective legislation in the ACT?

MINISTER STEPHEN-SMITH: The answer to the Member's question is as follows: –

- (1) The ACT Reportable Conduct Scheme requires designated entities to report allegations of abuse by an employee to the ACT Ombudsman, including physical abuse and ill-treatment of a child. The Ombudsman assesses the entity's response and supports the investigation of such allegations. Employees of a designated entity are defined to include out of home carers, residential care workers and volunteers, as well as Child and Youth Protective Services staff. Reportable Conduct guidance identifies "inappropriate discipline" as conduct that is reportable.

Further information on what constitutes Reportable Conduct and how abuse in care allegations are managed is available here: <https://www.communityservices.act.gov.au/children-and-families/adoption-kinship-and-foster-care/carer-handbook/legal>.

- (2) Protections are not constituted in the same manner as Queensland or NSW.
- (3) Inclusion of provisions similar to the NSW regulation or Queensland legislation will be considered as part of legislative reform to modernise the *Children and Young People Act 2008*.

Approved for circulation to the Select Committee on Estimates 2023-2024

Signature:

A handwritten signature in blue ink, appearing to be "R. Stephen-Smith".

Date:

17/8/23

By the Minister for Families and Community Services, Rachel Stephen-Smith MLA