



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 TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Peter Cain MLA on 25 July 2023: Tara Cheyne MLA took on notice the following question(s):

[Ref: Uncorrected Proof Hansard Transcript 25 July 2023 p 53]

In relation to: Child safe standards – other jurisdictions

MR CAIN: Yes, sorry. I was distracted. Where are the states and the Northern Territory at with implementing the standards, and how do we sit on the ranking at what stage we are at?

Ms Cheyne: I am not privy to that, Mr Cain.

MR CAIN: Is there someone who can take that on notice to inform the committee where the other states and territory are up to?

Ms Cheyne: I am sure we can take that on notice, yes.

Emma Davidson MLA: The answer to the Member's question is as follows: –

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) recommended that all institutions in Australia that engage in child-related work be required to implement ten child safe standards, which have been incorporated into the National Principles for Child Safe Organisations (the National Principles). Australian jurisdictions have taken different approaches to the implementation of the National Principles.

In the 2023-24 Budget, the ACT Government has committed \$3.3 million over four years to establish a Child Safe Standards Scheme. This funding will be allocated to the ACT Human Rights Commission to support organisations working with children and young people to use the Standards to make continuous improvements to child safety. Support for organisations can commence separately to legislation being progressed given the standards are agreed nationally. Consideration is being given to legislative models to implement that aspect of the commitment, along with options for timing that will give organisations the certainty they need and time to prepare.

The status of work on the implementation of the National Principles across other Australian States and Territories are summarised below.

New South Wales

In mid-2020, the NSW Office of the Children's Guardian released the NSW Child Safe Standards, which align closely with the National Principles. From February 2022, the Standards were embedded in the *Children's Guardian Act 2019* as the primary framework guiding child safe practices in NSW. The NSW legislation requires a broad range of organisations who work with or

provide services to children to implement the NSW Child Safe Standards, and gives the Children's Guardian powers to monitor their implementation. Compliance and enforcement measures relating to the Child Safe Standards under the Act commenced from 1 February 2023.

Victoria

New Child Safe Standards came into force on 1 July 2022, and closely align with the National Principles. However, there is one additional Standard (Standard 1) concerning cultural safety for Aboriginal children and young people, and two additional indicators in Standard 3 regarding empowering children and young people. The Commission for Children and Young People (CCYP) works with co-regulators to regulate all organisations that must comply with the Standards. They have stated that their focus initially will be on informing and educating organisations about their obligations under the new Standards. From January 2023, the CCYP will expect organisations to have more comprehensively implemented the new Standards.

South Australia

The National Principles have replaced the former South Australian Principles of Good Practice. The updated requirements began on 1 July 2021, and require all organisations to develop child safe policies and procedures to align with the National Principles and reflect the South Australian legislative context. Organisations were previously required to lodge a compliance statement against the South Australian Principles of Good Practice. The Department of Human Services South Australia is responsible for the implementation of the National Principles and the monitoring of organisations' compliance statements.

Queensland

In December 2019, the Queensland Government began initial consultations in relation to the establishment of a child safe framework. Since then, the Department of Children, Youth Justice and Multicultural Affairs has aligned their policies and procedures with the National Principles. Their fourth annual progress report responding to the Royal Commission outlines that the actions for aligning their policies and procedures with the National Principles were planned for delivery or completion during 2022. There have been no further updates on the implementation and regulation of the National Principles in Queensland.

Western Australia

Western Australia currently has a voluntary approach to the implementation of the National Principles, focused on capacity building, led by the Commissioner for Children and Young People (CCYP), while options for legally requiring implementation are developed. The Department of Communities is working with other government agencies, the community services sector, peak bodies and other jurisdictions to drive the implementation of the National Principles through administrative and legislative levers and existing regulatory mechanisms. The Department of the Premier and Cabinet is leading the policy work to develop an independent oversight system, which includes the monitoring and enforcement of the National Principles. There have been no further updates on a specific timeline for implementation of the National Principles in Western Australia.

Northern Territory

There are no general child safety standards currently in force in the Northern Territory. Territory Families operates the Quality Assurance Program, however this applies specifically to children in out of home care. The National Principles have been endorsed by the Northern Territory Government, but compliance is not monitored. The Northern Territory has not yet indicated a timeframe for implementing the National Principles.

Tasmania

Compliance with the Child and Youth Safe Organisations Framework will be required from 2024 onwards. The Child and Youth Safe Organisations Framework is a legislatively mandated framework comprised of child safe standards and a reportable conduct scheme. Tasmania's child safe standards will closely align with the National Principles, but will be adapted to the Tasmanian context where required.

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

Signature: 

Date: 3 August 2023

By Acting Minister for Human Rights, Emma Davidson MLA