

Rethinking rights and regulation:  
Options for changes to the *Child  
Protection Act 1999*

Submission to the Department of Child  
Safety, Youth and Women

26 September 2019

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# About knowmore

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## Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our mission is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). knowmore was established by and operates as a program of the National Association of Community Legal Centres (NACLC), with funding from the Australian Government, represented by the Attorney-General's Department. knowmore also receives some funding from the Financial Counselling Foundation.

From 1 July 2018, NACLC has been funded to operate knowmore to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme.

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane and Perth. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

## Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 August 2019, knowmore has received 21,365 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 4,948 clients. A quarter (25%) of knowmore's clients identify as Aboriginal and/or Torres Strait Islander peoples. Just over a fifth (21%) of clients are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

### Our clients in Queensland

knowmore has a significant client base in Queensland — 28 per cent of our current clients reside in the state. Many of these clients were sexually abused as children living in out-of-home care. We therefore have a strong interest in reforms to Queensland's child protection legislation.

# knowmore's submission

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This section outlines knowmore's overall position on the proposed reforms to the *Child Protection Act 1999*, and details knowmore's comments on several specific options outlined in the discussion paper.

In considering the proposed reforms, knowmore has reflected closely on key findings and recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), in addition to its own work with survivors of child sexual abuse.

## knowmore's overall position

knowmore welcomes the Queensland Government's commitment to reforming the state's child protection and family support system. We are particularly pleased to see the recommendations of the Royal Commission being considered as part of this work, given the importance of these recommendations to our client group and our commitment to seeing them implemented.

Relevant to the current reforms, we want all state and territory governments to:

- Implement the Royal Commission's Child Safe Standards,<sup>1</sup> as incorporated in the National Principles for Child Safe Organisations endorsed by the Council of Australian Governments in February 2019.<sup>2</sup> The Child Safe Standards reflect key tenets of the United Nations Convention on the Rights of the Child, and include a focus on children being involved in decisions that affect them.
- Improve the regulation of out-of-home care, by strengthening authorisation processes for out-of-home carers and introducing an accreditation scheme for out-of-home care service providers.<sup>3</sup>

The Queensland Government's proposals to reinforce human rights in the Child Protection Act, strengthen children and young people's voices in decision-making and reshape the regulation of out-of-home care are all broadly consistent with this, and knowmore supports the overall intent of the proposed reforms. In our view, some of the specific options for change outlined in the discussion paper will help to deliver on key recommendations of the Royal Commission and should be pursued as priorities. knowmore also recommends that the government use this opportunity to consider legislative changes to implement the Child Safe Standards/National Principles in Queensland, given they are a critical foundation for other work in response to the Royal Commission's recommendations (see discussion on pages 4 to 7).

## Reinforcing human rights in the legislative framework

### Options outlined in the discussion paper

As noted in the discussion paper, the importance of recognising and protecting children's rights was a key theme of the Royal Commission. This is particularly reflected in Recommendation 6.4 from the Royal Commission's Final Report.<sup>4</sup>

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1 Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Volume 6, Making Institutions Child Safe*, 2017, Recommendations 6.4 to 6.11, pp. 24–29.

2 Australian Human Rights Commission, *National Principles for Child Safe Organisations*, AHRC, Canberra, 2018, <[https://chidsafe.humanrights.gov.au/sites/default/files/2019-02/National Principles for Child Safe Organisations2019.pdf](https://chidsafe.humanrights.gov.au/sites/default/files/2019-02/National%20Principles%20for%20Child%20Safe%20Organisations2019.pdf)>.

3 Royal Commission, *Final Report: Volume 12, Contemporary Out-of-Home Care*, 2017, Recommendations 12.4 to 12.8, pp. 25–26.

4 Royal Commission, *Final Report: Volume 6*, p. 211.

#### **Recommendation 6.4 (Royal Commission Final Report)**

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

With reference to this recommendation, knowmore considers that efforts to increase the recognition of children's rights in the Child Protection Act should particularly focus on giving effect to Article 3 of the United Nations Convention on the Rights of the Child (UNCRC). In this regard, knowmore notes its specific support for Options 1B and 1C as outlined in the discussion paper.

#### **Option 1B — Developing a broader purpose for the Act than 'the protection of children'**

Article 3 of the UNCRC references the "protection", "care" and "well-being" of children. Broadening the purpose of the Child Protection Act to also recognise the government's role in promoting children and young people's wellbeing, supporting families to safely care for and protect their children, and focusing decisions and services on the needs of children and young people would be consistent with this. Such a change would also increase consistency between the purpose of the Act and the principles for the administration of the Act as currently articulated.<sup>5</sup>

#### **Option 1C — Introducing specific matters to be considered when determining what is in a child's best interests**

The emphasis in Article 3 on institutions acting with the best interests of the child as a primary consideration is appropriately reflected in the current Act,<sup>6</sup> but there is little specific guidance to help decision-makers determine what is in a child's best interests. Given the paramount importance of this principle, developing a list of matters that decision-makers must consider when determining what is in a child's best interests is likely to be useful in ensuring that the principle is achieved in practice. knowmore suggests that the list of matters included in section 8(1) of Western Australia's *Children and Community Services Act 2004* provides a useful model for consideration.<sup>7</sup>

#### **Other recommended changes to the legislation**

Consistent with Recommendation 6.4, knowmore considers it essential for Queensland's legislative framework to reflect the Child Safe Standards detailed by the Royal Commission in Recommendation 6.5.<sup>8</sup>

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5 Sections 5A and 5B, *Child Protection Act 1999*.

6 Section 5A, *Child Protection Act 1999*.

7 Matters that are required to be considered under section 8(1) include the need to protect the child from harm, the capacity of the child's parents or other person to provide for the child's needs, the nature of the child's family relationships, and the child's age, maturity and other personal characteristics.

8 Royal Commission, *Final Report: Volume 6*, p. 212.

### **Recommendation 6.5 (Royal Commission Final Report)**

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the institution is child safe

The Child Safe Standards are designed to ensure that institutions act in the best interests of children by creating institutional cultures that focus on child safety. Importantly, they were developed by the Royal Commission following a rigorous, evidence-based process that involved extensive consultations with experts and stakeholders.<sup>9</sup> In knowmore's view, any attempt to reinforce children's rights in the Child Protection Act must be supported by the implementation of the Child Safe Standards.

The Royal Commission's stance was that compliance with the Child Safe Standards must be made mandatory, with each state and territory to establish clear legislative requirements for all institutions engaged in child-related work. This was formalised in Recommendations 6.8 and 6.9.<sup>10</sup> There was strong support for this approach among institutions, with the Royal Commission hearing that "institutions want government to set clear standards on institutions' responsibilities to protect children, and guidance on how they can meet their responsibilities".<sup>11</sup>

### **Recommendation 6.8 (Royal Commission Final Report)**

State and territory governments should require all institutions in their jurisdictions that engage in child-related work to meet the Child Safe Standards identified by the Royal Commission at Recommendation 6.5.

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9 Royal Commission, *Final Report: Volume 6*.

10 Royal Commission, *Final Report: Volume 6*, p. 292.

11 Royal Commission, *Final Report: Volume 6*, p. 258.

### **Recommendation 6.9 (Royal Commission Final Report)**

Legislative requirements to comply with the Child Safe Standards should cover institutions that provide:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services
- d. child protection services, including out-of-home care
- e. activities or services where clubs and associations have a significant membership of, or involvement by, children
- f. coaching or tuition services for children
- g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
- h. services for children with disability
- i. education services for children
- j. health services for children
- k. justice and detention services for children, including immigration detention facilities
- l. transport services for children, including school crossing services.

knowmore understands that the Queensland Government is currently focused on amendments to the Child Protection Act in only a limited number of areas. However, the Child Safe Standards are intended to apply to all sectors and institutions engaged in child-related activities, and they are a critical foundation for other work in response to the Royal Commission's recommendations. knowmore's view, therefore, is that the current work on the Child Protection Act reforms is an ideal opportunity for the Queensland Government to consider how it will implement the Royal Commission's Child Safe Standards both in the child protection sector and for child-related institutions more generally. Noting that the Child Safe Standards have been incorporated into the new National Principles for Child Safe Organisations,<sup>12</sup> which were endorsed by all Australian governments in February 2019,<sup>13</sup> knowmore considers that now is the time for the Queensland Government to act on these key recommendations of the Royal Commission.

In considering how to implement the Royal Commission's recommendations in Queensland, knowmore recommends that the government give particular consideration to the approach in Victoria. The regulation of Victoria's Child Safe Standards, which were first introduced in 2015,<sup>14</sup> is set-out in Part 6 of the *Child Wellbeing and Safety Act 2005* (Vic). Under that legislation:

- All organisations in Victoria that provide services or facilities to children, including out-of-home care services, are required to comply with the Child Safe Standards.<sup>15</sup> This is consistent with Recommendations 6.8 and 6.9 (see above).

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12 This is consistent with Recommendation 6.7 from the Royal Commission (*Final Report: Volume 6*, p. 292).

13 Australian Human Rights Commission, *National Principles for Child Safe Organisations*.

14 Victoria's seven Child Safe Standards were introduced as part of the Victorian Government's response to the Betrayal of Trust Inquiry (the 2013 Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations). They are closely aligned with the National Principles for Child Safe Organisations, but three of the principles have no direct equivalent in the Victorian framework (Department of Health and Human Services, *Review of Victoria's Child Safe Standards: Issues Paper*, Victorian Government, Melbourne, 2018).

15 Sections 19 to 23, *Child Wellbeing and Safety Act 2005*.

- Victoria’s Commission for Children and Young People is responsible for overseeing and enforcing institutions’ compliance with the Child Safe Standards.<sup>16</sup> This is consistent with Recommendation 6.10.<sup>17</sup>

#### **Recommendation 6.10 (Royal Commission Final Report)**

State and territory governments should ensure that

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.
- b. the independent oversight body is able to delegate responsibility for monitoring and enforcing the Child Safe Standards to another state or territory government body, such as a sector regulator.
- c. regulators take a responsive and risk-based approach when monitoring compliance with the Child Safe Standards and, where possible, utilise existing regulatory frameworks to monitor and enforce the Child Safe Standards.

It is noted that the Victorian Child Safe Standards are currently being reviewed, with a report due to be published later in the year. The Queensland Government should consider how it can draw on the Victorian experience to ensure its implementation of the Royal Commission’s recommendations delivers the best possible outcomes for Queensland children.

## **Strengthening children and young people’s voices in decision-making**

### **Options outlined in the discussion paper**

The Royal Commission found that a lack of participation by children is one factor that contributes to an environment that enables institutional child sexual abuse to occur. It noted that “where children do not feel listened to, they are less likely to report abuse and to have their reports taken seriously”.<sup>18</sup> Having no voice, and the consequent lack of safety, was a common experience for many of the clients we assisted during the Royal Commission who were abused in out-of-home care:

*Many of our clients suffered abuse in out-of-home care settings where any attempt by them to report such abuse led to either no action, punishment or, not uncommonly, further sexual abuse at the hands of those receiving such a complaint. Faced with such responses, some children understandably took matters into their own hands and ran away, usually to be apprehended by police and/or child welfare officers... Rarely was such a child ever questioned by anyone in authority about the reasons for their action, in circumstances where such an approach would readily have elicited information from the child about the abuse sustained by them and the practices in the institution.<sup>19</sup>*

Conversely, participation is a key protective measure for children in institutional settings. Child-safe institutions value children’s participation — they seek children’s views, involve them in decision-making and empower them to speak up.<sup>20</sup> The safety, wellbeing and best interests of children clearly cannot be ensured without their involvement.

For these reasons, knowmore strongly supports any reforms that will ensure children and young people are able to meaningfully contribute to and participate in decision-making about their lives. We note our

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16 Sections 24 and 25, *Child Wellbeing and Safety Act 2005*.

17 Royal Commission, *Final Report: Volume 6*, p. 293.

18 Royal Commission, *Final Report: Volume 12*, p. 292.

19 knowmore, *Royal Commission — Submission about Issues Paper 4: Preventing Sexual Abuse of Children in Out-of-Home Care*, 2013, p. 4.

20 Royal Commission, *Final Report: Volume 12*.

specific support for the three options outlined in the discussion paper (2A, 2B and 2C). They are consistent with Child Safe Standard 2 (see page 5) and, with appropriate practical implementation, each one is likely to be a useful mechanism for helping to increase children and young people’s participation in decision-making under the Child Protection Act. We are particularly supportive of Option 2A (Ensuring the relevant principles and provisions encourage and empower children and young people to meaningfully participate in decisions that affect them), and recommend that the Queensland provisions draw on those in the New South Wales *Children and Young Persons (Care and Protection) Act 1998*. In that Act:

- The participation of children and young people in decision-making is separately and explicitly incorporated into the general principles for administering the Act.<sup>21</sup> This compares to the current approach in Queensland, where a child affected by a decision is merely one of several “relevant persons” whose views are to be sought in the process.<sup>22</sup>
- There is a special emphasis on the principle of participation.<sup>23</sup> knowmore considers that these provisions are more comprehensive and place stronger obligations on decision-makers than existing provisions in the Queensland legislation.<sup>24</sup>

Legislative changes to strengthen children and young people’s voices in decision-making should also have regard to the Royal Commission’s Child Safe Standards, as discussed in the previous section. In particular, knowmore recommends that special consideration be given to how especially vulnerable children — including Aboriginal and Torres Strait Islander children and children with disability — are given a role in decision-making. This is consistent with Standard 4: Equity is upheld and diverse needs are taken into account. The Royal Commission’s guidance for implementing the Child Safe Standards may be helpful in this respect.<sup>25</sup>

## Reshaping the regulation of care

### Options outlined in the discussion paper

As noted in the discussion paper, the Royal Commission made a number of recommendations aimed at improving the regulation of out-of-home care. In short, the Royal Commission recommended:

- Improved processes for authorising out-of-home carers (see Recommendations 12.6 to 12.8).<sup>26</sup>
- Closer monitoring of out-of-home care service providers via an accreditation scheme that incorporates compliance with the Child Safe Standards (see Recommendations 12.4 and 12.5).<sup>27</sup>

Consistent with its commitment to seeing the Royal Commission’s recommendations implemented, knowmore broadly supports three options identified in the discussion paper to reshape the regulation of care in Queensland:

- Option 3A — Clarifying the regulation of approved carers to ensure a robust, safe and transparent framework.
- Option 3D — Ensuring the system for approving and monitoring care service providers is robust, providing safe outcomes for children and young people.

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21 Section 9(2)(a), *Children and Young Persons (Care and Protection) Act 1998*.

22 Section 5D(1)(b), *Child Protection Act 1999*.

23 Section 10, *Children and Young Persons (Care and Protection) Act 1998*.

24 Section 5E, *Child Protection Act 1999*.

25 See Recommendation 6.6, which outlines core components for implementing the Child Safe Standards, and pages 169 to 178 of Volume 6 of the Royal Commission’s Final Report, which discusses Standard 4 in detail.

26 Royal Commission, *Final Report: Volume 12*, pp. 269, 271, 274.

27 Royal Commission, *Final Report: Volume 12*, pp. 262–263.

- Option 3E — Adopting an accreditation model for regulating care.

In our view, these options should be implemented as a matter of priority and in such a way as to deliver on the Royal Commission’s recommendations. What we consider to be the key elements of these changes are highlighted below.

**Recommendation 12.6 (Royal Commission Final Report)**

In addition to a National Police Check, Working With Children Check and referee checks, authorisation of all foster and kinship/relative carers and all residential care staff should include:

- a. community services checks of the prospective carer and any adult household members of home-based carers
- b. documented risk management plans to address any risks identified through community services checks
- c. at least annual review of risk management plans as part of carer reviews and more frequently as required.

**Recommendation 12.7 (Royal Commission Final Report)**

All out-of-home care service providers should conduct annual reviews of authorised carers that include interviews with all children in the placement with the carer under review, in the absence of the carer.

**Recommendation 12.8 (Royal Commission Final Report)**

Each state and territory government should adopt a model of assessment appropriately tailored for kinship/relative care. This type of assessment should be designed to:

- a. better identify the strengths as well as the support and training needs of kinship/relative carers
- b. ensure holistic approaches to supporting placements that are culturally safe
- c. include appropriately resourced support plans.

**Recommendation 12.4 (Royal Commission Final Report)**

Each state and territory government should revise existing mandatory accreditation schemes to:

- a. incorporate compliance with the Child Safe Standards identified by the Royal Commission
- b. extend accreditation requirements to both government and non-government out-of-home care service providers.

**Recommendation 12.5 (Royal Commission Final Report)**

In each state and territory, an existing statutory body or office that is independent of the relevant child protection agency and out-of-home care service providers, for example a children’s guardian, should have responsibility for:

- a. receiving, assessing and processing applications for accreditation of out-of-home care service providers
- b. conducting audits of accredited out-of-home care service providers to ensure ongoing compliance with accreditation standards and conditions.

**Option 3A — Clarifying the regulation of approved carers to ensure a robust, safe and transparent framework**

Consistent with Recommendations 12.6 and 12.7, provisions for the regulation of carers should ensure that:

- Appropriate and effective authorisation processes apply to all carers, including residential care staff.<sup>28</sup>
- Processes to assess prospective carers include values-based interviews, structured reference checking and community services checks.<sup>29</sup>
- Authorisation agreements between carers and out-of-home care service providers include the service provider's code of conduct. As the Royal Commission noted, this would help "strengthen... the framework within which the carer's ongoing performance is assessed and managed".<sup>30</sup>
- All carers are subject to annual reviews. This is an important mechanism for ensuring that it is appropriate for a person to continue to be authorised to care for children.<sup>31</sup>
- Interviews with children in care form part of a carer's annual review. This not only strengthens the review process, but it is also consistent with Child Safe Standard 2 and the Queensland Government's commitment to ensuring that children and young people have a voice in decisions about their placements. The following comments from the Royal Commission indicate how this could be achieved in practice for children in residential care settings:

*Clearly the interviews need to be conducted taking into account the age and capacity of the child, by someone the child trusts from the out-of-home care service provider (most likely the caseworker), and should not be conducted in the presence of the carer. Children should be told that they will be given this opportunity as it will provide them with a relatively formal and regular opportunity to provide feedback on the placement and the carer or carers. Should concerns be raised about the child's safety or the safety of other children in the placement, appropriate action in line with organisational procedures will need to be taken.*

*Children's views, in their entirety, should be documented and included in the review documents on the carer's file – including action taken on concerns raised. A copy should also be held on the child's file and made available if the child requests their file at any time, including when they leave care.<sup>32</sup>*

### **Options 3D and 3E — Ensuring the system for approving and monitoring care service providers is robust, providing safe outcomes for children and young people, and Adopting an accreditation model for regulating care**

The experiences of our clients who suffered sexual abuse in out-of-home care have shown that in the absence of regular supervision, and particularly any external supervision, it was possible for abuse to start and continue without any questions being asked.<sup>33</sup> This highlights the importance of out-of-home care service providers being subject to robust, independent scrutiny. knowmore particularly supports the adoption of an accreditation model, which the Royal Commission recommended as "an important mechanism for ensuring that out-of-home care service providers are performing to a high standard in all aspects of their operations".<sup>34</sup>

In introducing an accreditation model in Queensland, it is essential that:

- Accreditation requirements apply to both government and non-government service providers. The inclusion of government service providers is important given the number of survivors of child sexual

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28 Royal Commission, *Final Report: Volume 12*, pp. 268–269.

29 Royal Commission, *Final Report: Volume 12*, pp. 267–268.

30 Royal Commission, *Final Report: Volume 12*, p. 271.

31 Royal Commission, *Final Report: Volume 12*, pp. 270–271.

32 Royal Commission, *Final Report: Volume 12*, p. 270.

33 knowmore, *Royal Commission — Submission about Issues Paper 4*.

34 Royal Commission, *Final Report: Volume 12*, p. 261.

abuse in contemporary out-of-home care — at least 25 per cent of those who spoke to the Royal Commission — who were abused in government-run services.<sup>35</sup>

- Accreditation is managed by an agency independent of the Department of Child Safety, Youth and Women.<sup>36</sup> knowmore suggests that the Queensland Family and Child Commission would be most suitable, noting that the Office of the Children’s Guardian manages the New South Wales scheme. This is consistent with Recommendation 12.5 (see page 9).
- Service providers are required to comply with the Child Safe Standards/National Principles for Child Safe Organisations as part of the accreditation scheme.<sup>37</sup> This is consistent with one of the specific components of Option 3D outlined in the discussion paper. It further highlights the value of the Queensland Government prioritising the implementation of the Royal Commission’s Child Safe Standards at this time (see discussion on page 6).

To ensure the effectiveness of regulation, knowmore further recommends that any accreditation model be subject to robust evaluation and a process of continuous improvement once it is implemented.

### Other recommended changes to the legislation

knowmore recommends that the Queensland Government also give further consideration to implementing the Royal Commission’s recommendations regarding carers registers in this round of changes to the Child Protection Act. The Royal Commission made seven such recommendations (Recommendations 8.17 to 8.23),<sup>38</sup> although Recommendations 8.17 and 8.19 are particularly relevant to this discussion.

#### **Recommendation 8.17 (Royal Commission Final Report)**

State and territory governments should introduce legislation to establish carers registers in their respective jurisdictions...

#### **Recommendation 8.19 (Royal Commission Final Report)**

State and territory governments should consider the need for carers registers to include, at a minimum, the following information (register information) about, or related to, applicant or authorised carers, and persons residing on the same property as applicant/authorised home-based carers (household members):

- a. lodgement or grant of applications for authorisation
- b. status of the minimum checks set out in Recommendation 12.6 as requirements for authorisation, indicating their outcomes as either satisfactory or unsatisfactory
- c. withdrawal or refusal of applications for authorisation in circumstances of concern (including in relation to child sexual abuse)
- d. cancellation or surrender of authorisation in circumstances of concern (including in relation to child sexual abuse)
- e. previous or current association with an out-of-home care agency, whether by application for authorisation, assessment, grant of authorisation, or supervision
- f. the date of reportable conduct allegations, and their status as either current, finalised with ongoing risk-related concerns, and/or requiring contact with the reportable conduct oversight body.

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35 Royal Commission, *Final Report: Volume 12*, p. 260.

36 Royal Commission, *Final Report: Volume 12*, p. 263.

37 Royal Commission, *Final Report: Volume 12*, pp. 260–262.

38 Royal Commission, *Final Report: Volume 8, Recordkeeping and Information Sharing*, 2017, pp. 328–354.

The recommendations regarding carers registers complement and support those regarding the authorisation of carers.<sup>39</sup> Introducing changes to approval and review processes as per Option 3A without also developing a robust carers register may undermine the effectiveness of these measures as protections for children in out-of-home care. It is important, therefore, that the government also prioritise the implementation of these recommendations as part of its reform program.

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<sup>39</sup> Royal Commission, *Final Report: Volume 12*, pp. 274–276.

# Conclusion

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knowmore welcomes the Queensland Government's commitment to reforming the state's child protection and family support system. Given the Royal Commission's findings regarding child sexual abuse in out-of-home care settings and the experiences of many of our clients, we support the intention of the government's proposed reforms in terms of reinforcing human rights in the Child Protection Act, strengthening the voices of children and young people in decision-making, and reshaping the regulation of out-of-home care. As noted above, we specifically support the following options outlined in the discussion paper:

- Option 1B — Developing a broader purpose for the Act than 'the protection of children'.
- Option 1C — Introducing specific matters to be considered when determining what is in a child's best interests.
- Option 2A — Ensuring the relevant principles and provisions encourage and empower children and young people to meaningfully participate in decisions that affect them.
- Option 2B — Including information about how children and young people can express their views.
- Option 2C — Including additional requirements to strengthen procedural fairness in the decision-making provisions.
- Option 3A — Clarifying the regulation of approved carers to ensure a robust, safe and transparent framework.
- Option 3D — Ensuring the system for approving and monitoring care service providers is robust, providing safe outcomes for children and young people.
- Option 3E — Adopting an accreditation model for regulating care.

In pursuing relevant legislative changes, knowmore urges the Queensland Government to take the opportunity to implement key recommendations from the Royal Commission's Final Report, specifically those related to:

- The Child Safe Standards (Recommendations 6.4 to 6.11).
- Carer authorisation (Recommendations 12.6 to 12.8).
- The accreditation of out-of-home care service providers (Recommendations 12.4 and 12.5).
- Carers registers (Recommendations 8.17 to 8.23).

This will ensure a more comprehensive approach to enhancing the safety and wellbeing of Queensland's children, and distinguish Queensland as a leader on these reforms.

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NACLC acknowledges the traditional owners of the lands across  
Australia upon which we live and work. We pay deep respect to  
Elders past and present.

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free legal help for survivors