

Child Safe Organisations Act

2026 Update – ACC Churches

Presented by Jessica Lipsett (Director)

History



Royal Commission into Institutional Responses to Child Sexual Abuse

5-year inquiry, final report submitted 15 December 2017

“The allegations that have come to light recently about child sexual abuse have been heartbreaking. These are insidious, evil acts to which no child should be subject. The individuals concerned deserve the most thorough of investigations into the wrongs that have been committed against them. They deserve to have their voices heard and their claims investigated”.

- **Julia Gillard, when announcing the Royal Commission**

Recommendations:

- Rec 6.8 - require relevant organisations to comply with 10 Child Safe Standards (CSS) as a best-practice approach to keep children safe;
- Rec 7.9-7.12 - establish nationally consistent Reportable Conduct Schemes (RCS) to provide independent oversight of organisational responses to allegations of child abuse across all sectors.

The QLD Government has accepted or accepted in-principle all CSS and RCS recommendations.

Child Safe Organisations Act 2024 (Qld)

(“the Act”)



Establishes an integrated child safe organisations system in Queensland, including by:

1. Introducing 10 **child safe standards** that every ‘child safe entity’ must embody.
2. Requiring that when implementing and complying with the child safe standards, a ‘child safe entity’ provide an environment that promotes and upholds the right to cultural safety of children who are Aboriginal persons or Torres Strait Islander persons – this is known as the **universal principle**.
2. Introducing a nationally consistent **reportable conduct scheme** that ‘child safe reporting entities’ must comply with.

Compliance with the Act is monitored and overseen by the Queensland Family and Child Commission.

Child Safe Organisations Act 2024 (Qld)

(“the Act”)



Schedule 1 of the Act – defines child safe entities to include ‘religious bodies’

A religious body that provides the following services is a child safe entity:

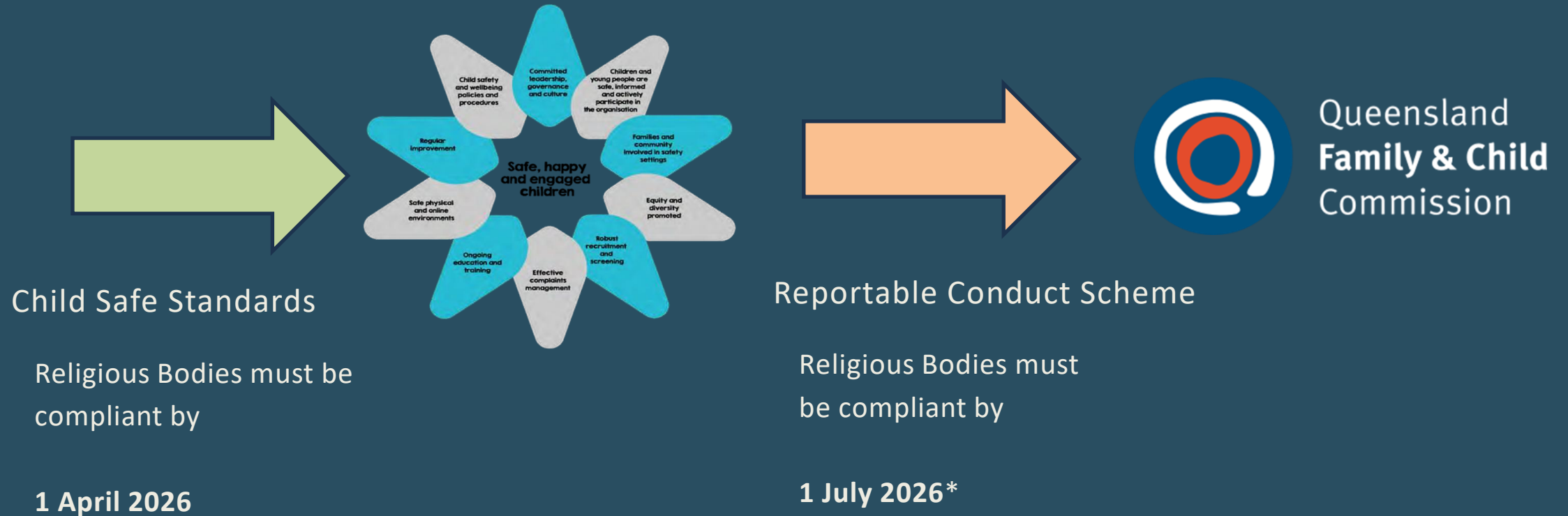
- (a) a community or support service, including, for example, a chaplaincy service or children’s recreational service.
- (b) activities or services of any kind, including, for example, church services or youth groups.

Schedule 2 of the Act – defines ‘reporting entities’, that is, entities who must comply with the reportable conduct scheme – includes religious bodies.

A religious body that provides activities, facilities, programs or services in which adults interact with children is a reporting entity.



Timeline for commencement



*This has been brought forward. Originally, the scheme was to commence for religious bodies in 2027.

Child Safe Standards



Child Safe Standards

1. Child safety and wellbeing is **embedded** in organisational leadership, governance and culture.
2. Children are **informed** about their rights, **participate in decisions** affecting them and are taken seriously.
3. Families and communities are **informed and involved** in promoting child safety and wellbeing.
4. **Equity** is upheld and diverse needs respected in policy and practice.
5. People working with children are **suitable and supported** to reflect child safety and wellbeing in practice.
6. **Processes** to respond to complaints of child abuse are child focused.
7. Staff and volunteers are **equipped** with the knowledge, skills and awareness to keep children safe through ongoing education and training.
8. Physical and online **environments** promote safety and wellbeing and minimise the opportunity for children to be harmed.
9. Implementation of the Child Safe Standards is regularly **reviewed** and **improved**.
10. Policies and procedures **document** how the organisation is safe for children.



Principle-based regime



**No 'one size fits
all' approach**

- Principles should be applied at a broad, organisational level and flow down to specific services or activities
- Organisations should reflect and consider how the Standards apply to them
- Ensure a culture of continuous improvement to respond to challenges and continue to hold child safety as a core priority



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Compliance with the Act is monitored and overseen by the Queensland Family and Child Commission



What does the Commission do?

The Commission acts to promote the safety of children and prevent child abuse by (among other things) –

- promoting, monitoring, and **enforcing the implementation of, and compliance with, the child safe standards** and universal principles by child safe entities
- collaborating with sector regulators to do this
- otherwise promoting continuous improvement and best practice by child safe entities to ensure the safety of children

This might look like – creating resources for child safe entities, providing oversight/guidance/training/education to child safe entities, facilitating the exchange of information between sector regulators

Takeaway: expect the Commission to be involved



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Monitoring and Enforcement by the Commission

The Commission may monitor the operation of a child safe entity to ensure the entity is implementing and complying with the child safe standards and universal principle (s15).

- The Commission can issue a direction to the Church to conduct a self-assessment as to its compliance with the child safe standards and universal principles (s 16)
- The Commission can issue an assessment report to the Church to provide guidance or make recommendations about compliance to be done within a specified time frame (s17)
- If the Commission believes the Church is failing to implement or comply with the standards or universal principle, it can issue a compliance notice, which includes setting out the actions the Church must take – it is an offence not to comply with the notice, punishable by significant fine.



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Enforceable Undertakings

The Commission may accept a written undertaking from the Church which sets out the action it will take to ensure implementation and compliance with the standards and universal principle (s19).

If it accepts the undertaking, then it will be registered with the Commission and becomes an *enforceable undertaking*.

A child safe entity that gives an enforceable undertaking must comply with the undertaking, unless it has a reasonable excuse (s21). Maximum penalty - 100 penalty units (about \$16,600)



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Other enforcement action which can be taken by the Commission

s 23 - Application to Court

Available where the Commission is satisfied that a child safe entity has failed to comply with a compliance notice or enforceable undertaking.

If the Court is satisfied of non-compliance, it may make 1 or more of the following orders:

- An order directing the child safe entity to comply with the compliance notice or enforceable undertaking;
- An order that the child safe entity pay the State a civil penalty (up to 100 penalty units);
- Any other order the Court considers appropriate.

s 24 - The Commission may **publish the name of a child safe entity, and details of its failure to comply**, if an entity does not comply with a compliance notice or enforceable undertaking.

Reportable Conduct Scheme



1. What is the reportable conduct scheme?

All workers of a child safe entity must report certain conduct and criminal convictions to the Church or to the Commission.

2. What is Reportable Conduct? Conduct that must be reported under the Act is –

- a) a child sexual offence;
- b) sexual misconduct
- c) ill-treatment of a child
- d) significant neglect of a child
- e) physical violence committed in relation to, or in the presence of, a child
- f) behaviour that causes significant emotional or psychological harm to a child.

Note:

- It makes no difference whether a criminal proceeding in relation to the conduct has commenced or concluded.
- Conduct can be reportable conduct if it is a single act or omission, or if it is a series of acts or omissions - even if each act or omission does not, of itself, amount to reportable conduct.
- However, reportable conduct does not include conduct that is reasonable for the discipline, management or care of a child having regard to—
 - (a) the characteristics of the child, including their age, developmental stage and health; and
 - (b) any code of conduct or professional standard applying to the conduct.

Reportable Conduct Scheme



Conduct type	What does this mean?
A child sexual offence	This includes child sexual abuse in all its forms, including grooming and child sexual exploitation material.
Sexual misconduct committed in relation to, or in the presence of, a child	Conduct that is sexual in nature, including: <ul style="list-style-type: none">• inappropriate touching• voyeurism• use of sexual language or conversations that violate boundaries.
Ill-treatment of a child	Cruel, humiliating or inhuman conduct, including verbal abuse, making excessive or degrading demands or using inappropriate forms of behaviour management.
Significant neglect of a child	Deliberate or reckless failure to meet the basic needs of the child. It can be a single serious failure to meet a child's basic needs, or from an ongoing pattern of repeated failure to meet a child's needs.
Physical violence committed in relation to, or in the presence of, a child	Physical harm or force that causes or risks injury. This includes physical intimidation where a child or young person is scared that they will be harmed. A reckless application of physical force means the worker or volunteer may have not intended to use physical force but was reckless about the impact their actions could have on a child.
Behaviour that causes significant emotional or psychological harm to a child	Conduct that has serious, ongoing effects on a child's emotional wellbeing and/or development. This includes harm that is serious in nature (not trivial) and is observed or professionally assessed through changes in behaviour distress, anxiety, withdrawal or a diagnoses.

Reportable Conduct Scheme



3. What is a Reportable Conviction?

A reportable conviction, of a worker of a reporting entity, is a conviction for an offence committed by the worker against a law of a State or the Commonwealth that may involve reportable conduct.

'A conviction' includes the following—

- (a) a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded;
- (b) a spent conviction, or a conviction that has become spent under a law of another State or the Commonwealth.

A spent conviction is generally defined as a criminal conviction that, after a specified 'rehabilitation period', is no longer a part a person's official criminal record. Once a conviction is spent, it generally does not appear on police checks and in most cases would not normally have to be disclosed to an employer (unless you are a teacher or a blue card applicant). The length of the rehabilitation period depends on which court a person was convicted in, and their age at the time of the conviction: e.g., Supreme or District Court QLD (Adult) 10 years from the date of conviction.

Some offences are excluded from the Spent Convictions Scheme, but they are limited, e.g., the sentence involved imprisonment for more than 30 months.

Reportable Conduct Scheme



What is a reportable allegation?

A reportable allegation is an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed—

(a) reportable conduct

- *child sexual offence*
- *sexual misconduct in relation to or in the presence of a child*
- *ill-treatment of a child*
- *significant neglect of a child*
- *physical violence in relation to or in the presence of a child*
- *behaviour that causes significant emotional or psychological harm to a child*

or

(b) misconduct that may involve reportable conduct.



Common risk areas

Common risks areas for reportable conduct within Church communities include:

- Transition of young people from being members of youth group to leading their peers
- Desperate need for children's/youth ministry leaders can lead to less rigorous recruitment
- Reliance on a volunteer workforce creates gaps in training and consistent expectations
- Interpersonal relationships in faith communities extend beyond the boundaries of Church programs/activities which can blur lines (e.g. family friendships, baby-sitting children)
- Adopting a pastoral approach to child safety concerns, rather than a child safety-focused approach
- Treating disclosures of abuse as purely historic, and not current risks
- Faith communities that are independent or associated (rather than hierarchical) have much more autonomy about whether they continue to engage a person who poses a risk to children

Reportable Conduct Scheme



4. So 'workers' have to report certain conduct – how does it work?

If any person becomes aware of either of the following—

- (a) a reportable allegation about a worker of a reporting entity;
- (b) a reportable conviction of a worker of a reporting entity,

they must, as soon as practicable,

- (a) report the matter to the head of the reporting entity; or
- (b) if the matter relates to the head of the reporting entity—report the matter to the Commission.

However, the person does not have to make a report if they reasonably believe the matter has already been reported by another person.

Note: any person may notify the commission of a reportable allegation or reportable conviction about a person at any time.

Reportable Conduct Scheme



5. So, the conduct or conviction must be done/held by a 'worker' at the Church – who is a 'worker'?

A worker of a child safe entity or reporting entity is an individual who performs work of any kind for Church, and includes, for example, the following—

- employees
- volunteers
- an approved carer under the Child Protection Act 1999 or a member of an approved carer's household
- a contractor, subcontractor or consultant to the Church
- an individual supplied by a provider of labour hire services under the Labour Hire Licensing Act 2017
- executive and board members
- a trainee or person undertaking work experience
- a minister of religion, religious leader or officer of a religious body



Takeaway: a worker is pretty much anyone doing any kind of work (paid or unpaid) to support the Church.

Reportable Conduct Scheme



NOTE: for the reportable conduct scheme, **worker includes a former worker** of the reporting entity if –

- (a) for a reportable allegation—the alleged conduct the subject of the allegation was engaged in during the period when the worker was performing work for the entity; or
- (b) for a reportable conviction—the worker was convicted during a period when the worker was performing work for the entity.

Takeaway: a worker is pretty much anyone currently doing any kind of work (paid or unpaid) to support the Church or at the Church.

Anyone who used to work for the Church may also be covered by the definition.

Reportable Conduct Scheme



In summary –

If you become aware of information that causes you to form a reasonable belief that a worker at the Church has –

- engaged in reportable conduct
- engaged in misconduct that may involve reportable conduct
- has a reportable conviction

then report it as soon as practicable (unless it has already been reported).

6. How does a worker make a report?

The head of the reporting entity must ensure there are systems in place.

Religious bodies must update policies to clarify reporting arrangements for staff before the Scheme's commencement on 1 July 2026.

- Seek guidance from local Safer Churches Officer.



Requirement for Systems

Section 30 - Head of Reporting Entity must ensure systems in place

- A system for preventing the commission of reportable conduct by a worker of the entity in the course of performing work for the entity (ie. Code of Conduct, supervision); and
- A system for enabling any person, including a worker of the entity, to notify the head of the entity of a reportable allegation or reportable conviction relating to a worker of the entity of which the person becomes aware (ie. Child Protection Risk of Harm Reporting Form); and
- A system for enabling any person, including a worker of the entity, to notify the commission of a reportable allegation or reportable conviction involving the head of the entity of which the person becomes aware (ie. Guideline 8 - Child Protection Reporting Procedure); and
- A system for investigating and responding to a reportable allegation or reportable conviction relating to a worker of the entity (ie. Procedure for responding to concerns).

Head of an entity = The Chief Executive Officer for the entity (however described).



Notifications

What happens after a report is made by a worker?

1. **Initial Report** – the Head of a reporting entity must (unless they have a reasonable excuse) **give the Commission a written report** about the allegation or conviction (an *initial report*) **within 3 business days** after they become aware of the allegation or conviction.

Reports to the Commission must include certain information – see ss 35 and 37 of the Act.

2. **Investigation**

- A head of a reporting entity must commence an investigation as soon as practicable (unless there is a permitted reason not to, for example, the police are investigating).
- They must notify the commission that the investigation is being conducted (or if not, why not) and provide contact details for a person the commission may contact in relation to the investigation.
- Before the investigation ends they must give the worker a written notice stating -
 - any proposed findings for the investigation that may be adverse to the worker; and
 - that the worker may, within a reasonable stated period, give written submissions to the person conducting the investigation about the proposed findings.)

(e) As soon as practicable after the investigation is completed, the head of the reporting entity must prepare a ***final report*** for the Commission. Failure to do so incurs a penalty of 100 penalty units.

Process Overview



Overview

Stage 1 – Document, assess and notify

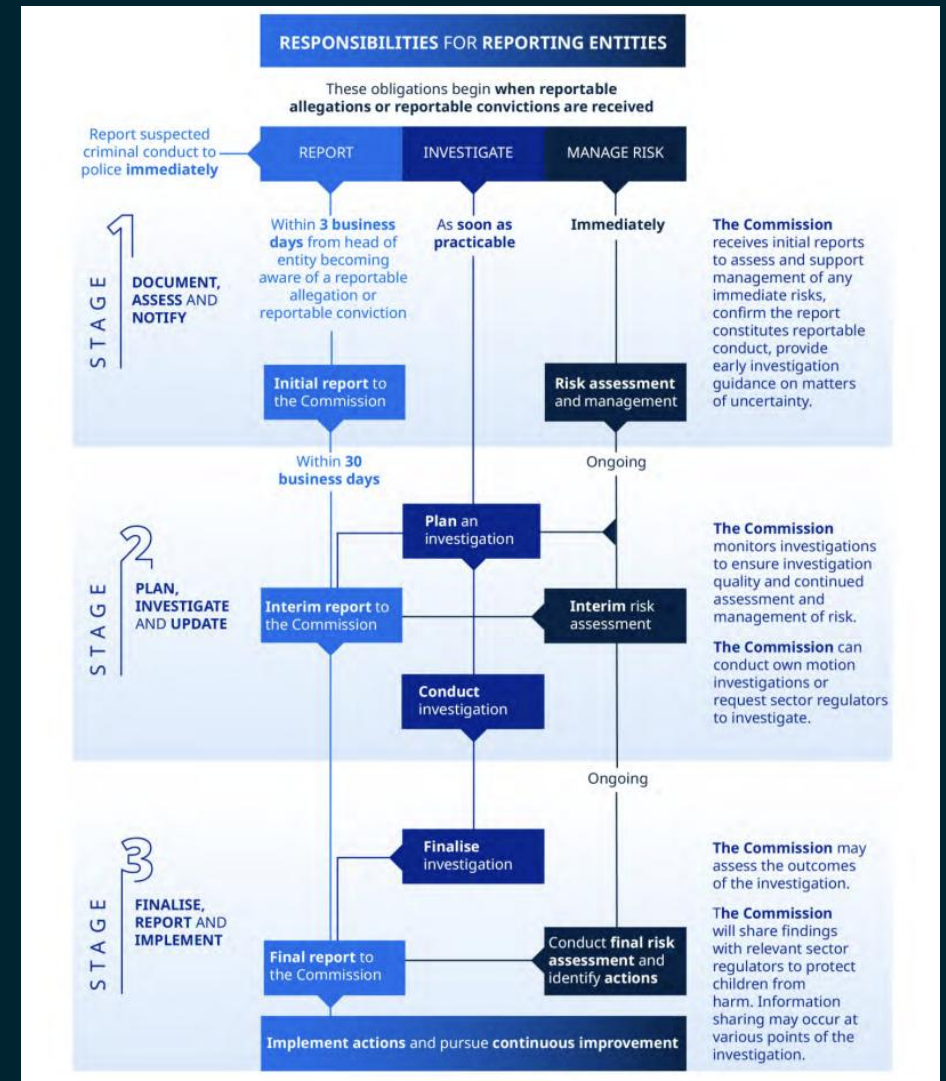
- Receive the allegations
- Immediate risk assessment and action
- Reach out to local Safer Churches team
- Notify the Commission (3 business days)
- **Notify QPS of criminal conduct**

Stage 2: Plan, investigation and update

- Plan an investigation
- Conduct an investigation
- Risk assess and provide update (interim report)

Stage 3: Finalise, report and implement

- Finalise investigation and conduct risk assessment
- Report to the Commission (final report)



Risk Management



Head of Reporting Entity must identify, assess and manage risks

Initial Risk Assessment (immediate)

After receiving a notification of reportable conduct, the primary consideration must be the protection of children from harm and prioritisation of their wellbeing and best interests.

Consider:

- Nature and seriousness of the allegation;
- Worker's access to children, whether physical, online or relational
- Whether there is a pattern of behaviour with any previous concerns or grooming indicators
- Environmental factors (supervision levels, environment or staffing model)
- The child's vulnerability (disability, age, cultural considerations, trauma history)
- Any advice from QPS (e.g. evidence preservation)

Immediate risk management may include:

- Increased supervision
- Modified duties or relocation
- Removal of access to digital systems, personal information, CCTV or case notes
- Restricting contact with staff, witnesses or families
- Suspension (when proportionate to risk)
- Securing evidence
- Notifying QPS
- Mandatory Reporting to Department of Child Safety

Investigations



Planning an Investigation

- Determine a suitable investigator – consider:
 - Separating 'investigator' role and 'decision maker' role where possible;
 - Manage actual or perceived conflicts of interest

When to outsource?

- The alleged conduct is serious or complex and requires expertise to properly investigate
- The internal investigator does not have capacity to properly investigate in a reasonable timeframe
- Real or perceived conflicts of interest must be appropriately managed

The head of the reporting entity remains responsible for ensuring that investigations are conducted appropriately, regardless of whether they are undertaken internally or outsourced to an external investigator.

Investigations



Planning an Investigation

- Make an investigation plan:
 - Define the allegation(s) of reportable conduct
 - Determine the scope of the investigation
 - Identify relevant witnesses, documents and other sources of evidence
 - Identify the questions that need to be answered, the evidence needed to answer the questions, and the best way to obtain this evidence
 - Set timeframes for the investigation
 - Record interim risk management measures and review points
 - Establish a communication plan, including when affected parties (including children and parents) may be informed
 - Identify any special needs for involved parties and how these will be addressed
 - Identify how information will be recorded and stored
 - Document the details and management of any real or perceived conflicts of interest

Investigations



Conducting an Investigation

- Gather evidence:
 - Physical - documents, photos, records, phones, computers
 - Site inspections - photographs, diagrams or descriptions of locations
 - Expert advice - medical, psychological or technical expertise
 - Direct evidence – information from the child, parents/carers, witnesses or the alleged perpetrator

Consider the order of interviews – source of the allegations first, worker subject to the allegations last

Plan child interviews carefully – safety and wellbeing as primary consideration

- Procedural fairness
 - Ensure clear record keeping processes
 - Ensure confidentiality – information only shared with those who need it (including to keep children safe)
 - Present clear allegations to alleged perpetrator and provide opportunity for submissions/response (including response regarding proposed outcome)
 - Communicate well with all stakeholders



Notifications

Contents of Final Report

The final report must include (s 37 the Act):

- (a) information about the facts and circumstances of the reportable allegation or reportable conviction
- (b) the findings the head of the reporting entity has made about the reportable allegation or reportable conviction after completing the investigation, including whether or not the worker has engaged in reportable conduct
- (c) the reasons for the findings
- (d) copies of documents relied on by the head of the reporting entity in making the findings
 - *statements taken during the investigation*
 - *documents mentioned in the report*
- (e) if the matter involves any other entities—information about whether the matter has been referred to another entity, including details of the other entity
- (f) if the worker currently performs work for the entity—any action, including risk management action, taken in response to the reportable allegation or reportable conviction, including, for example—
 - (i) any immediate steps taken to prevent the worker from having contact with children
 - (ii) any disciplinary action taken or proposed to be taken against the worker
- (g) any action taken, or proposed to be taken, to improve the reporting entity's ability to identify reportable conduct and to report and investigate reportable allegations and reportable convictions
 - *reviewing systems or policies*
 - *improving the implementation of, and compliance with, the child safe standards and universal principle*
- (h) if no action mentioned in (f) or (g) is to be taken – the reasons why no action is to be taken.

Information Disclosure



Disclosure of information to persons affected by an investigation

The Head of a Reporting Entity may disclose the following information:

- The progress of an investigation in relation to reportable conduct
- The findings of the investigation;
- The reasons for the findings; and
- Any action that is to be taken in response to the findings;

To the following persons:

- A child who is the subject of conduct that forms the basis of an investigation of reportable conduct; and/or
- A parent, person with parental responsibility, or guardian of the child.

Exceptions?

- Information that would put the safety or wellbeing of the child or any other person at risk; or
- Information that would prejudice a proceeding or investigation.



Common pitfalls

Common pitfalls within Churches conducting investigations, to avoid:

- Alerting the person who is the subject of the allegations to the allegations before securing evidence or making necessary reports
- Taking an overly pastoral approach to risk management, rather than prioritising child safety
- Not properly managing conflicts of interest (ie. one individual trying to fulfil multiple roles as risk-manager, friend, pastoral carer, investigator and/or decision maker)
- Lack of communication with Police/Commission about proposed risk management while investigations are ongoing (including Police or Commission investigations)
- Making public statements to the faith community
- Not changing processes to make a report to Police where further allegations meeting the criminal threshold are made
- Incorrectly interpreting a lack of action by Police as evidence that the conduct did not occur as alleged
- Not putting the full details of the allegations to the person who is the subject of the allegations
- Failing to analyse the evidence against the relevant reportable conduct definition with a clear rationale for findings
- Failing to communicate for extended periods



Commission Response

S 38- the Commission may seek further information from the head of the reporting entity in relation to –

- the findings of the investigation into the reportable allegation/conviction, and/or
- the Church's response to the findings

S 41 – the Commission may monitor the Church's investigation if it considers that doing so is in "in the public interest".
This may include –

- observing interviews
- conferring with a person carrying out the investigation
- providing guidance and advice
- requesting information in relation to the investigation

S 43 – Commission may investigate where the Commission –

- the Commission believes it is in the public interest
- the Commission believes the head of the reporting entity has failed to investigate
- the investigation relates to the head of the reporting entity's handling or investigation of the reportable allegation/conviction
- the head of the reporting entity is the subject of the report



Reportable Conduct Scheme at a glance

Concern, allegation or conviction:

Workers **must** notify the head of the entity.

The head of the entity **must**:

As soon as practicable:

Commence internal investigation

- Allow worker to respond
- Provide Commission with information as requested
- Report any criminal conduct or allegations to police



Within **3** business days:

Notify the Queensland Family and Child Commission

- Notification is required whether or not there is proof of allegations
- Fine for not notifying: \$17,000

Within **30** business days of concern being raised:

Investigation incomplete?

Interim report to Commission

- Update on investigation's progress and actions taken so far
- Final report must be provided as soon as the investigation is complete

Investigation complete?

Final report to Commission

Must detail findings, actions taken, and improvement to child safeguarding systems

Data collection and information sharing

- Centralised database of reports will enable analysis of where risk of harm is highest
- Information shared with police, Blue Card, and other regulators



VOCARE

LAW

Questions?

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