ausDANCE QLD

Submission to Department of Child Safety, Seniors and Disability Services in response to the Consultation Regulatory Impact Statement 'Growing Child Safe Organisations in Queensland' 2023.

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Introduction and Executive Summary

A Royal Commission into Institutional Responses to Child Sexual Abuse began in 2012 and reported on in 2017. The Royal Commission concluded that many organisations entrusted with the care of children and young people failed to protect them and keep them safe.

In 2017 it was recommended that state and territory governments implement a framework for organisations to follow, including 10 Child Safe Standards (CSS) and nationally consistent Reportable Conduct Schemes (RCS).

The **Child Safe Standards (CSS)** act as a blueprint for organisations to become child safe and establish organisational cultures that value children, respect their rights and prevent institutional child abuse.

Reportable conduct schemes (RCS) provide oversight and guidance to organisations to support their response to allegations of child abuse and misconduct (*'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.

Ausdance QLD broadly supports the Queensland Government implementing the recommendations, with a specific caveat on 'how' the processes to comply with and administrate the CSS and RCS are designed.

It is not possible to overstate the urgency expressed by Ausdance QLD members to address this issue promptly. The overwhelming response of the dance sector following substantial consultation over more than two years is **the sector must be regulated immediately so the safety of children in organisations is improved**. Regulation is overdue and would ensure Australia meets its moral, ethical, physical and legal commitments to ensure the safety of all children in this country.

In the Queensland context, Ausdance QLD role is to work in partnership with government to ensure the safety of children in all dance organisations through education, training and member services.

1. Who does Ausdance QLD represent?

The Australian Dance Council, Ausdance (QLD) Inc. is a registered non-profit membership organisation serving all dance in the State; members are individuals, companies, organisations and community groups across all styles and cultures from First Nations' Cultures to ballet, contemporary dance, and multicultural dance.

Our role is to increase the capability, creativity, diversity, equity, safety and sustainability of the dance sector. We do this through member services (advisory, resources, templates) and professional development programs.

Membership is not compulsory, no accreditation is required and Ausdance QLD has no regulatory oversight.

Nearly 1700 members work with communities in major cities, towns in metropolitan, regional, rural and remote areas. 840 subscribed members represent dance studios teaching approximately 42,000 children for an average of three classes per week.

In reference to Table 4 (page 15 of the CRIS[1]);

- **73,694 children under the age of 15 participate in organised dance activities in Queensland each week[2].**

Ausdance QLD's membership participated in consultation sessions held during 2021 focused on a response to the 'Growing Childsafe Organisations in Queensland' Consultation Paper[3]. Representatives from First Nations Communities, including those in remote locations also participated in the leadership consultation and provided significant Cultural input as to the specific practical challenges and opportunities for First Nations dance practitioners and teachers.

Since 2021, Ausdance QLD's membership has increased by 41% and organisational membership has expanded to include all major companies and industry organisations, as well as key Traditional Owner dance companies in Gimuy Barra (Cairns), Thul Garrie Waja (Townsville) and Magandjin (Brisbane).

Ausdance QLD members participated in in-person, online and survey consultations to inform this submission over September and October 2023. Input from members gathered since 2021 has also been incorporated into this submission.

[1] https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/growing-child-safe-organisations

[2] https://www.clearinghouseforsport.gov.au/__data/assets/pdf_file/0008/762092/State_of_Play_Report_-_Dancing.pdf

[3] https://ausdanceqld.org.au/child-safety-consultation-paper Department of Children, Youth Justice and Multicultural Affairs 2021

2. Ausdance QLD's objectives

Ausdance QLD's objectives are the same as the government's objective in relation to dance activities of our members – that is to;

1) Ensure the safety and wellbeing of children accessing services or facilities.

Ausdance QLD's policy and program and services design strategy prioritises the values, needs and concerns, as well as the Cultural safety of First Nations People and Communities.

3. Current child safety processes in the dance sector

The current regulatory framework for the dance sector is the **Blue Card system**. This requires regular assessment and implementation of a risk management strategy.

The unanimous opinion of participants in consultations is that the Blue Card system is not effective. It does not require mandatory training, regular compliance checks or ongoing professional development. It does not require organisations to develop meaningful policies and procedures which ensure ongoing compliance with the child safe standards.

Among consultation participants only two have ever been audited for Blue Card compliance. First Nations' organisations reported that some members of First Nations Communities are unable to acquire a Blue Card because they don't have official identification. They don't have identification because they don't have a birth certificate.

The current oversight and regulatory model used in the dance sector is the **Voluntary Compliance Model.** Whilst Ausdance QLD is an active peak body, it does not yet represent *all* members of the sector. It is not presently resourced to be able to provide comprehensive training and regulatory oversight. The current voluntary system relies on the goodwill and commitment by organisations to comply, as well as capability in a diverse range of business and dance group situations.

Ausdance QLD's consultations since 2021 have determined the Voluntary Compliance Model is neither appropriate nor effective in ensuring the safety of children who participate in dance. A lack of consistent messaging, accountability, training, and leadership in this area also means there is no consistent evidence-based approach.

Greater community awareness is creating a community (parent/carer) expectation that organisations comply with the Child Safe Standards and there is a system of regulation providing parents and carers with clear information and processes as well as a safe and effective reporting mechanism. None of this exists as a matter of course in the dance sector.

4. Cultural Safety in Child Safe Organisations

Ausdance QLD recommends 'Cultural (First Nations) safety' needs to be defined and better understood in the child safe context and in any developing regulation, including implementation of Child Safe Standards. It is understood that 'Cultural safety' should be embedded in all organisations working with children, however the term 'Cultural safety' is not understood by most people, and most dance organisations in QLD do not understand what it means to provide a Culturally safe environment for First Nations' children. There is a lot of work required to properly resource, guide and maintain Cultural safety both by government and organisations.

Ausdance QLD strongly recommends the adoption of an additional *first* Child Safe Standard as per the Victorian government's 'Standard One';

"Organisations establish a Culturally safe environment in which the diverse and unique identities and experiences of Aboriginal and/or Torres Strait Island[4] children and young people are respected and valued."

5. Child Safe Standards and the recommended changes

- 50% of Ausdance QLD members describe themselves as 'slightly familiar' with the concept of the Child Safe Standards.
- 67% of Ausdance QLD members believe implementation of and compliance with the Child Safety Standards will enhance child safety in the dance sector.
- 75% of Ausdance QLD members believe compliance with the Child Safe Standards should be mandatory.

The government's proposal is to establish a single, independent body responsible for supporting organisations to implement the Child Safe Standards and that compliance is mandatory.

Ausdance QLD and its members agree that all dance organisations working with children should apply the Child Safe Standards and compliance should be mandatory.

In the context of the dance sector, there is no existing regulatory authority, therefore the newly established body would be responsible for supporting an estimated 2,000 dance organisations to implement the Child Safe Standards. This includes independent dance businesses/studios, school holiday activities, professional companies, schools and community organisations.

Ausdance QLD recommends this support be shared between the newly established body and Ausdance QLD for the dance sector.

[4] In the Victorian Child Safe Standards, Torres Strait Island children & young people are not included.

6. Barriers to implementing the system of Child Safe Standards

It is important to ensure there are no Cultural, cultural, geographic, social, or economic barriers to complying with child safe standards.

- 82% of Ausdance QLD members are concerned about the administration, accessibility, bureaucracy, and practicality of managing compliance processes. Concern has been expressed about the availability of skilled and qualified professionals to undertake the required work in all areas of the state. Members are also concerned that additional business operating costs would be passed on to parents/families and have an immediate impact on enrolments/engagement in dance activities.

Cultural (First Nations) barriers

First Nations People should be prioritised in the development, education, management of and compliance with the Child Safe Standards. This means a genuine consultation must take place, including with remote Communities, groups working with children who have understandable concern with reporting and governmental systems. Design of processes must be simple, practical and accessible.

Whilst we realise a costing estimate has been completed, this does not reflect practical understanding of how grassroots First Nations Communities work.

- Who is qualified to develop appropriate and accessible administrative processes?
- What administrative processes work in a place without regular access to a computer or the internet?
- Who will train and educate the community so child safety is embedded in the organisation and not just additional bureaucracy? Who will continue this training?
- Who is Culturally capable of navigating Community and Cultural requirements?
- Who speaks the languages of the People with whom Child Safe Standards are being socialised?
- Who has the Cultural authority to do all of this in each of the diverse First Nations Communities, Cultures and Countries?
- Who can Culturally appropriately, and pragmatically manage specific Cultural behaviours, practices or traditions which may impact children?
- How do *you* know who has the Cultural authority?
- Who will pay for the compliance and administration?

Cultural (culturally and linguistically diverse) barriers

Education about, implementation of and compliance with the Child Safety Standards must be practical, accessible, and simple. Development of associated processes needs to incorporate an understanding of limited English and limited knowledge of governance and compliance systems in community organisations.

Whilst we realise a costing estimate has been completed, this does not reflect practical understanding of how culturally and linguistically diverse communities work.

- Who is qualified, speaks the language and is available to work the limited hours estimated in the costings?
- Who will train and educate the staff so child safety is embedded in the organisation and not just additional bureaucracy? Who will continue this training?
- Who will pay for this compliance administration?
- Who can practically manage specific cultural behaviours, activities or traditions which may impact children?

Geographic barriers

Education about, implementation of and compliance with the Child Safety Standards must be practical, accessible and simple regardless of location. If communities do not have regular access to the internet (remote communities), an online system may not be practical.

Practical compliance and administration of processes must be achievable. It must be designed to suit the skills available in the area.

- Who, in a remote geographic area, is qualified to administrate effective child safety compliance processes?
- Is there reliable internet or access to resources or reporting mechanisms?
- Who will train and educate the staff so child safety is embedded in the organisation and not just additional bureaucracy? Who will continue this training?
- Who is able to work the estimated hours?
- Who will pay for that?

Social barriers

The overwhelming practical concern is the management of compliance administration. In small businesses, where a director is teaching and administrating, there is very limited capacity – if any – to add more administrative tasks.

In the 'Growing Child Safe Organisations' CRIS document, page 45[5] , a proposed new body would help influence the organisations' practices such as

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- *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)."*

In the majority of the dance sector, many of these practices do not exist at all.

[5] https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/growing-child-safe-organisations

Finding skilled administration staff who can do the required work, but who might only be required for 2-3 hours per month, will be extremely difficult. This difficulty is greater in regional, rural, remote communities.

Economic barriers

Related to the social barriers, most small dance organisations operate on a profit for purpose or non-profit basis. The commercial studios profit margins are typically less than 10% of revenue.

Additional funding is required to train staff, educate communities, build compliance systems and child safety policies and processes. It is required to pay for ongoing compliance administration.

Supporting case:

Ausdance QLD has spent two years developing 'Safedance for Kids', a child safety education program for 8-10 year olds specifically addressing a number of the Victorian Child Safe Standards. The development of training materials for this education program to suit a sector with little or no child safety consistency is projected to be over $400,000. The training of a single teacher will take approximately 18 hours. To effectively embed a culture of child safety into a small business requires all staff, families and children to be educated, inspired and engaged. The compliance administration would require a skilled professional for 3-6 hours per month.

We conservatively estimate the increased cost to a typical small dance organisation with four teachers and one administrator *without* Cultural, cultural, social, or geographic barriers to be $13,460 in Year 1. This is 1153% higher than described in Table 3. Estimated annual average costs for organisations in scope to comply with CSS.

- Staff training @ 18 hours x $70 per hour x 5 staff = $6,300
- Community engagement program $5,000 (marketing, communications, and face to face events – not including the development of the community engagement program resources)
- Compliance administration @$60 per hour, 3 hours per month = $2,160 p/a
- Total cost Year 1, assuming no turnover of staff = $13,460

This estimate assumes resources have already been created and training systems are in place. It assumes there is a skilled administrator available in the location for 3 hours per month.

7. Reportable Conduct Scheme

Ausdance QLD members have considered the impact of a Reportable Conduct Scheme.

The Royal Commission recommended a minimum scope of organisations to be included in the RCS and that an RCS only cover organisations that exercise a high degree of responsibility for children' 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'[6]

Child abuse cases relating to two performing arts institutions were reviewed in the Royal Commission, one of them was a community dance studio. Despite this, **dance organisations are not included in the broad categories likely to fall within this scope**.

When a child goes into a dance studio, they walk into a completely unregulated environment. From the earliest ages they are often in a class with other children and a single teaching adult, the dressing rooms are open to change into and out of their clothes in full view of everyone.*

Inappropriate lyrics and sexually suggestive moves are performed by children wearing tiny bikini tops and hot pants from as young as age four. Toilet facilities are sometimes separated from the studios, and many studios are in isolated or industrial areas.

Traditional dance teaching includes physically moving and adjusting bodies, pushing children to stretch to the point of pain. Young girls are encouraged to diet to achieve 'better bodies' and questions about how, why, and where are not encouraged in the dance studio. Parents are discouraged from complaining by implications of impacting their children's success.

The nature of dance is silent, and the culture in most traditional western forms of dance is to accept instruction without question. There is no nationally accredited 'safe dance' teaching course. No formal qualifications are required to teach dance (Cultural authority is required to teach First Nations Cultural dance).

** there are many studios who actively practice child safety, albeit inconsistently and with no accountability. It is primarily voluntary.*

The majority of Ausdance QLD members strongly believe all organisations working with children should be operating under a nationally consistent Reportable Conduct Scheme, but that scheme be simple, accessible, appropriate, and effective. There must be no Cultural (First Nations), cultural, social, geographic or economic barriers to compliance.

A nationally consistent scheme is important because many organisations work nationally, teach nationally, and perform nationally. This national reach of organisations working with children is not limited to the dance sector.

[6] https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf

There is no reason why children participating in dance activities should be any less protected than in a school setting.

Reportable Conduct Schemes are a red flag for many First Nations People. Historically, reporting anything to government institutions has resulted in children being removed from their parents, young people being incarcerated and physical and mental violence in institutions.

Any Reportable Conduct Scheme is designed must be designed for First Nations People first. The reporting body for First Nations People must be First Nations led and/or a strong and trusted ally of First Nations People.

- 65% of Ausdance QLD members agree the government's preferred reform, including a Reportable Conduct Scheme will improve child safety in their dance community
- 92% of Ausdance QLD members see a role for Ausdance QLD in the oversight, education, regulation or compliance with child safety legislation for dance organisations.

To successfully implement a Reportable Conduct Scheme, Ausdance QLD recommends sharing responsibilities for education, training and advice for the dance sector as this maximises the strengths of both an existing industry group and a completely independent child safe oversight body (government) whilst not over-burdening the two.

This recommendation has been amended from our recommendation of co-regulation in 2021 following the government's view it is not suitable because "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."[7]

8. Existing bodies and mechanisms supporting a 'shared responsibility' model

There are elements of existing frameworks (Childcare, Community Services) which can be used for dance, and plenty of training resources presently exist which are sector-specific and relate directly to the Child Safe Standards. Some dance organisations are currently overseen by the National Quality Framework (Department of Education), Australian Institute of Sport and Child Safety Licensing. Feedback suggests a practical balance between the inaccessible bureaucratic requirements of the National Quality Framework and a hands-off approach needs to be achieved.

Organisationally, Ausdance QLD is best-placed within the sector to share the sector education, training and advice to support the Child Safe Standards with an independent oversight body. These are core services to our sector, and we are expected to deliver them.

Currently Ausdance QLD is not adequately financially resourced to deliver additional services (education, training and advice) and would need additional funding to deliver on this.

[7] https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/growing-child-safe-organisations

9. Staged approach

Ausdance QLD recommends a staged approach;

1) Immediate development and implementation of the Child Safe Standards (including the First Nations Cultural Child Safety Standard) combined with training, education and resources for members of the dance sector as well as public awareness campaigns.
2) Upon establishment of a government regulatory body (with which Ausdance QLD can partner and support training, education and resource delivery for the sector) mandatory compliance with regulation, monitoring and compliance powers under a Reportable Conduct Scheme can be introduced.

10. Actions required to implement Child Safe Standards

If properly resourced, Ausdance QLD can support the implementation of the Child Safe Standards for the dance sector. Recognising that education, training, policies and procedures must be as consistent across the country as possible (no doubling up of work) the following key actions are required;

- Meaningful and comprehensive consultation with First Nations Communities working with children to inform training materials and processes
- Shared delivery of training materials, templates and educational resources
- Shared delivery of training courses for staff (teaching, management, board and administration)
- Shared delivery and rollout of public and community awareness campaign
- Provision of expert child safe advice specific to dance sector

11. Timeline

If the dance sector began to implement and administrate the Child Safe Standards today, it is estimated the project would take two to three years.

12. Targeting of monitoring and compliance

The dance sector is defined as 'moderate risk' (eg: where adult/child contact is regular and not always supervised). Full-time organisations, programs and schools currently self-assess at a higher risk level and should be targeted as a priority for the Reportable Conduct Scheme.

13. Monitoring and compliance powers

Whilst unanimously supportive of immediate and mandatory regulation, most consultation participants were opposed to the application of financial penalties for non-compliance or publication of a register for non-compliance (at this stage).

It was agreed that consequences for non-compliance are vital to increase education and awareness, encouraging cultural/social change. Some compliance methods such as a 'breach notice' also serves to communicate the urgency of a breach to a service/business.

It was recommended the following powers be the responsibility of Ausdance QLD;

- Responding to member questions with general advice, triaging to the oversight body if required
- Working with members following up oversight body's recommendations for improvement

- Requiring member organisations to publish information about compliance with child safe standards.
- Contributing to public reporting (eg: to parliament about compliance actions taken)

The monitoring and enforcement options to be undertaken by the oversight body would include;

- Undertaking investigations
- Undertaking audits
- Issuing breach (compliance) notices
- Powers to instigate criminal or civil proceedings or court orders for serious failures.
- Referral to relevant government funding bodies to inform about non-compliance.

Summary and Recommendations

1. The Queensland dance sector should be regulated to ensure compliance with the Child Safe Standards, with the addition of a Standard 1. "Organisations establish a Culturally safe environment in which the diverse and unique identities and experiences of Aboriginal and/or Torres Strait Islander children and young people are respected and valued."
2. If a Reportable Conduct Scheme is introduced, dance organisations working with children should be within the scope of the scheme.
3. Models of training, administration, compliance and reporting should be designed for First Nations People first.
4. Responsibility to support regulation of the sector should be shared with Ausdance QLD to maximise effectiveness/efficiency in relation to existing relationships, services, and expectations. Ausdance QLD would require additional resourcing to do this.
5. Implementation of the Child Safety Standards for the whole sector can be achieved within three years, providing First Nations' Peoples are prioritised and there is ongoing comprehensive training, capability building and publicity.
6. Regulation must not be onerous or a 'box-ticking' exercise. It must achieve the outcome of the safety of children who are participating in dance in Queensland with no Cultural, cultural, social, geographic, or economic barriers to compliance.