ausDANCE QLD

Submission to Department of Children, Youth Justice and Multicultural Affairs

'Growing Child Safe Organisations in Queensland'

Australian Dance Council, Ausdance (QLD) Inc. [Ausdance QLD]

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Introduction and Executive Summary

Thirty-one years ago, Australia signed the United Nations Convention for the Rights of the Child.[1]

Five years ago, Case Study No.37 of Australia's Royal Commission into Institutional Responses to Child Sexual Abuse[2] detailed catastrophic incidents of child sexual abuse at RG Studios, a dance studio in Sydney.

In that same year, the Royal Commission published the elements required to achieve child-safe organisations and a response paper 'Implementation Best Practice: a Rapid Evidence Assessment'.[3] Allegations of child safety incidents continue today.[4]

Despite Australia's legal global commitment, a comprehensive Royal Commission and the availability of best practice recommendations including legislative and regulatory frameworks for the better part of a decade, the dance sector remains almost entirely unregulated.[5] This is inconsistent with the highly regulated sector of childcare and yet impacts the safety of the very same children.

The care of children in the field of dance, is less regulated than the care of animals.[6]

It is not possible to overstate the urgency expressed by the Australian Dance Council, Ausdance (QLD) Inc. [Ausdance QLD] members and participants in consultation sessions to address this issue promptly.

The overwhelming response of the dance sector following substantial consultation is that **the sector must be regulated immediately.** It may take time and the engaged collaboration of a diverse sector, however it is very important. 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.

It was the view of participants in the consultation process that cost of regulation should not be a barrier to introducing frameworks to better protect children.

In the Queensland context, Ausdance QLD is well-positioned (if not resourced) to develop and oversee compliance with regulations in partnership with government to ensure the safety of children in all dance organisations.

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1 https://www.unicef.org/child-rights-convention/convention-text: UNICEF, 1990, Article Three (3) states; Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision. Article 34 states;Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

2 https://www.childabuseroyalcommission.gov.au/case-studies/case-study-37-centres-performing-arts

3 https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Research%20Report%20-%20Implementation%20best%20practice%20a%20rapid%20evidence%20assessment%20-%20Ensuring%20a%20positive%20impact.pdf Parenting Research Centre, Biana Albers, Robyn Mildon, 2016

4 Consultation participants cited parent/carer allegations occurring on a regular basis

5 The dance sector's child-safe framework in Queensland is the Blue Card system.

6 In 1992, the ACT became the first place in the world to make the keeping of animals in circuses a criminal offence. In 2001, the Animal Care and Protection Act legislated the transport of live animals in trade. The same Act legislates monitoring and reporting obligations related to the treatment of animals.

Recommendations

1. The Queensland dance sector should be regulated immediately to ensure compliance with the Child Safe Standards and the National Principles for Child Safe Organisations as well as to meet moral and international legal obligations.

2. The regulation of this sector is many years overdue.

3. The sector should be co-regulated with the peak body for dance (Ausdance QLD) to ensure appropriate processes are applied and to maximise effectiveness.

4. Implementation of regulation for the whole sector can be achieved within two years, providing First Nations' Peoples are prioritised and there is ongoing comprehensive training, capability building and public awareness campaigns.

5. Regulation should not be onerous or a 'box-ticking' exercise. It must achieve the outcome of the safety of children who are participating in dance in QLD as simply as possible.

6. A regulatory system must be flexible enough to be used by small and large organisations, and there should be no Cultural, social, geographic or economic barriers to access.

Ausdance QLD representation and consultation

Ausdance QLD 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. Ausdance QLD is primarily funded by Arts Queensland, Department of Communities, Housing and Digital Economy.

Nearly 1200 members work with communities in major cities, towns in metropolitan, regional and rural areas. 420 subscribed Ausdance QLD members represent dance studios teaching approximately 16,500 children for an average of three classes per week.

During 2020, Ausdance QLD developed, published and serviced the Dance and Physical Performing Arts Industry COVID safe plan[1] which was downloaded over 8000 times.

Management Committee (Board) members of Ausdance QLD representing membership participated in consultation sessions held during April 2021 focused on the 'Growing Childsafe Organisations in Queensland' Consultation Paper.[2] Members were provided with several ways to respond to this paper. ***Consultation sessions were held via Zoom and attendees represented over 1000 dance and arts institutions/organisations in Queensland.***

Representatives for First Nations' Cultures participated in the leadership consultation and provided significant input as to the specific practical challenges and opportunities for First Nations dance practitioners and teachers. Leaders and Board Members of the following major organisations participated in a dedicated consultation in consideration of their broad membership, stakeholder groups and social influence;

- Arts Queensland
- Australia Council for the Arts
- Australian Ballet School
- Australian Teachers of Dancing
- Comdance
- DanceSport QLD
- Queensland Ballet
- Royal Academy of Dance
- The Pryce Centre for Culture and Arts

These organisations alone represent over 40,000 direct students (children aged under 18 years of age), 896 Queensland-based teachers, and audiences of over 100,000 Queenslanders annually.

1 https://www.covid19.qld.gov.au/__data/assets/pdf_file/0021/134715/covid-safe-industry-plan-dance-physical-performing-arts.pdf?nocache-v9#:~:text=The%20DPPA%20Plan%20was%20developed,whilst%20meeting%20occupant%20density%20requirements. Stephen Stewart, Julie Englefield, Dr Jordin Steele, Ausdance QLD, 2020

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

Consultation Paper Response

1. National Principles for Child Safe Organisations

In considering whether the national principles cover all principles required for the Queensland context, it was agreed that 'Cultural Safety' needs to be defined and better understood in the child safe context and in developing regulation. It is understood that 'Cultural Safety' should be embedded in all principles. 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.

The term 'safety' also should be clearly defined. Dance (as with any trained physical activity) incorporates the physical risk taken with the objective of excellence or perfection. An example is a child who works very hard to execute a particular 'move' and encouraged by their teacher, may be – in fact – practising unsafely and is at high physical risk.

2. Organisations that should apply the child safe standards

All dance organisations working with children should apply the child safe standards. This includes independent dance businesses/studios, school holiday activities, professional companies, schools, community organisations.

It is important to ensure there are no Cultural, social, geographic or economic barriers to complying with child safe standards. First Nations organisations have unique barriers to overcome including;

- Language barriers (English is not the first language for many First Nations' Peoples)
- Cultural barriers (Kinship Lore affects communication within communities and outside communities)
- Physical barriers (remote communities often have no internet, no digital communication or in some cases three-phase power. The cost of transport (flight costing ~$900) to a location which provides these amenities is prohibitive

3. Regulatory Response

All members of the dance sector should be subject to regulation. Some additional regulatory oversight may be required for full-time institutions.

The current regulatory framework used in the dance sector is the **Blue Card system.** This requires all workers to hold Blue Cards, implementation of a risk management strategy to address the eight mandatory requirements, and a mandatory annual review of this strategy.

The unanimous opinion of participants in consultations is that the Blue Card system is not effective. Whilst it is mandatory, there is little evidence of oversight of and accountability to these processes. The current system does not require organisations to develop policies and procedures which ensure ongoing compliance with the child safe standards. Among all participants, only one had 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 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, training and leadership in this area also means there is no consistent evidence-based approach.

Broader community awareness is creating an 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.

4. Recommended regulatory framework and considerations

Following consultation, Ausdance QLD recommends the **Co-Regulation Model – sharing regulatory responsibilities** as this maximises the strengths of both an existing industry group and a child safe oversight body (government) whilst not over-burdening the two.

5. Existing bodies or regulatory mechanisms for a Co-Regulation 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 and National Principles. Ausdance QLD, as the peak body for dance, is well-placed organisationally and within the sector to jointly oversee the implementation and maintenance of child safe regulation with a comprehensive understanding of the diversity, challenges and capabilities of members.

Some organisations are currently overseen by the National Quality Framework (Department of Education), Australian Institute of Sport and Child Safety Licensing. Feedback suggests a balance between the substantial and bureaucratic requirements of the National Quality Framework and a hands-off approach needs to be achieved. This takes into account there is no government involvement in the majority of dance activities (funding, subsidies, curriculum) so no direct commercial incentive.

A condition of project funding from many Government funding bodies, foundations, donors/supporters and organisational partners is compliance with legislated child safe frameworks.

6. Sectors with insufficient peak body representation

During 2020, Ausdance QLD took responsibility for the Physical Performing Arts (Circus) sector and the DanceSports QLD (ballroom, registered with the Australian Institute of Sport) by development and management of the Dance and Physical Performing Arts Industry COVID safe plan. These two sectors, represented in consultation, indicated they would be comfortable with the leadership and oversight of Ausdance QLD in child safe regulation.

7. Staged approach

Ausdance QLD recommends a staged approach which includes immediate development and implementation of a voluntary regulatory framework combined with structured and tailored training for members of the dance sector and public awareness campaigns. Upon establishment of a government oversight body with which Ausdance QLD can partner, mandatory compliance with regulation, monitoring and compliance powers can be introduced.

8. Preparedness

Larger organisations are better prepared than smaller businesses, with major companies self-assessing as 'very prepared'. Commercially focussed organisations teaching perceived high-risk activity such as circus and acrobatics also feel very prepared to commit to regulation of the sector. Umbrella organisations such as Comdance, Royal Academy of Dance, Australian Teachers of Dancing, Dancesport QLD have conditions of membership (which enable their members to submit students for exams or competitions) but there is no consistency of process.

Overall, the Queensland dance sector is somewhat prepared to implement childsafe standards. A significant area of concern, where organisations feel somewhat unprepared, is the management of online environments.

Challenges facing First Nations' Communities in implementing child safe standards and regulation include administrative gaps in identification, qualification and IT access as well as ingrained Cultural distrust of government departments and regulatory institutions.

9. Actions required to implement child safe standards

Ausdance QLD, and the QLD dance sector would be required to provide the following resources identified by the Department of Children, Youth Justice and Multicultural Affairs;

- Training of staff (teaching and administration)
- Training of program and policy staff
- Access to online training and resources
- Training of governance and compliance staff (boards, full time training facilities)
- Expert child safe advice, specific to dance sector

In addition, Ausdance QLD will assemble a Working Group to develop the process of regulation in continued consultation with the sector. Ausdance QLD will require additional staff for an initial period of two years to implement the project and build community awareness to ensure comprehensive rollout and a successful outcome. A total additional headcount of 2.5FTE is estimated, including a 0.5FTE First Nations' Cultural consultant to ensure all Cultural implications are considered.

10. Timeline

If Ausdance QLD commenced regulation of the dance sector to ensure compliance with child safe standards today with the appropriate resources and staff, it is estimated the project would take one to two years. The stages would include; formation and direction of a working group to develop and finalise a practical and scalable framework so all members of the dance community are able to comply with the child safe standards, training, voluntary compliance and ultimately mandatory compliance.

11. Targeting of monitoring and compliance

While generally speaking the breadth of the dance sector is moderate risk, the existence of many training programs (inclusive of full-time dance student enrolments), after school dance studio offerings, and engaging children's participation programs developed, managed and offered across the breadth of the industry, it is safe to say there is a raft of activities that are high risk.

Full-time organisations, programs and schools self-assess at a higher risk level and should be targeted for monitoring and compliance.

12. Monitoring and compliance powers

Whilst unanimously supportive of immediate and mandatory regulation, the majority of 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 and encourage cultural/social change. Some compliance methods such as issuance of a 'breach notice' also serve to communicate the urgency of a breach to a service/business.
It was recommended the following powers be the responsibility of Ausdance QLD:

- Requesting information
- Undertaking audits
- Making recommendations for improvement
- Requiring organisations to publish information about compliance with child safe standards
- Undertaking public reporting (eg: to parliament about compliance actions taken)
- Issue breach (compliance) notices

The monitoring and enforcement options to be undertaken by the 'co-regulator' would include:

- Undertaking investigations
- Powers to instigate criminal or civil proceedings or court orders for serious failures
- Referral to relevant government funding bodies to inform of non-compliance

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