2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Children, Youth and Family Services)

Human Rights Commission (Child Safe Standards) Amendment Bill 2024

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THE LEGISLATIVE ASSEMBLY
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(Minister for Children, Youth and Family Services)

Human Rights Commission (Child Safe Standards) Amendment Bill 2024

A Bill for

An Act to amend the [Human Rights Commission Act 2005](http://www.legislation.act.gov.au/a/2005-40) and the [Human Rights Commission Regulation 2023](http://www.legislation.act.gov.au/sl/2023-16), and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Human Rights Commission (Child Safe Standards) Amendment Act 2024*.

2 Commencement

This Act commences on the later of—

 (a) 1 August 2024; and

 (b) the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Human Rights Commission Act 2005](http://www.legislation.act.gov.au/a/2005-40) and the [Human Rights Commission Regulation 2023](http://www.legislation.act.gov.au/sl/2023-16).

Note This Act also amends the [Education Regulation 2005](http://www.legislation.act.gov.au/sl/2005-1) (see sch 1).

Part 2 Human Rights Commission Act 2005

4 Main objects of Act
New section 6 (2) (fa)

insert

 (fa) promote environments that are safe for children and young people by—

 (i) promoting the child safe standards prescribed under section 94V; and

 (ii) encouraging providers of services for children and young people to uphold the standards; and

5 Children and young people commissioner’s functions
New section 19B (1) (aa)

insert

 (aa) to promote the implementation of the child safe standards by providers of services for children and young people, and encourage providers to uphold the standards;

6 When may someone complain about a service for children and young people?
New section 40A (b) (ia)

insert

 (ia) the child safe standards prescribed under section 94V;

7 New part 5A

insert

Part 5A Child safe standards

94V Child safe standards

A regulation may prescribe standards (the child safe standards) in relation to the provision of a service by providers of services for children and young people.

94W Implementing child safe standards

A provider of a service for children and young people must implement the child safe standards.

94X Review of child safe standards

 (1) The Minister must review the operation of this part as soon as practicable after the end of its 5th year of operation.

 (2) The Minister must present a report of the review to the Legislative Assembly within 12 months after the day the review is started.

 (3) This section expires 7 years after the day it commences.

8 Dictionary, new definition of child safe standards

insert

child safe standards—see section 94V.

Part 3 Human Rights Commission Regulation 2023

9 New part 3

insert

Part 3 Child safe standards

25 Child safe standards—Act, s 94V

The following standards are prescribed:

 (a) child safety and wellbeing is embedded in organisational leadership, governance and culture;

 (b) children and young people are informed about their rights, participate in decisions affecting them and are taken seriously;

 (c) families and communities are informed and involved in promoting child safety and wellbeing;

 (d) equity is upheld and diverse needs are respected in policy and practice;

 (e) people working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice;

 (f) processes to respond to complaints and concerns are child focused;

 (g) staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training;

 (h) physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed;

 (i) an organisation’s implementation of the child safe standards is regularly reviewed and improved;

 (j) an organisation’s policies and procedures document how the organisation is safe for children and young people.

10 Dictionary, note 2

insert

 child safe standards

Schedule 1 Education Regulation 2005—Consequential amendment

(see s 3)

[1.1] Schedule 2, section 2.15 and note

substitute

2.15 Child safe standards

The proprietor of a registered school must ensure that the school complies with the child safe standards under the [Human Rights Commission Act 2005](http://www.legislation.act.gov.au/a/2005-40), part 5A.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 19 March 2024.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2024.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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