

Explanatory Notes

Family and Child Commission Bill 2014

The short title of the Bill is the Family and Child Commission Bill 2014

Policy objectives and the reasons for them

On 1 July 2012, the Queensland Government established the Queensland Child Protection Commission of Inquiry (QCPCOI), led by the Honourable Tim Carmody QC. The QCPCOI was tasked with reviewing the entire child protection system and to chart a new roadmap for child protection for the next decade.

On 1 July 2013, the Commission released its report – *Taking Responsibility: A Road Map for Queensland Child Protection*. The QCPCOI confirmed that the child protection system is under immense stress and made 121 recommendations aimed at addressing the risk of systemic failure and making Queensland the safest place to raise children.

The QCPCOI found that the current layers of oversight were at the expense of delivering services to the public and reforms were needed which take into account and manage risk in new and different ways. The QCPCOI recommended that it was time to place appropriate levels of responsibility on each department responsible for child protection so as to avoid duplication and to use resources efficiently.

The QCPCOI identified that the Commission for Children Young People and Child Guardian (CCYPCG) which carries out a range of functions including individual advocacy for children, working with children checks, investigations and monitoring of complaints, and review of child deaths, is no longer required in its current form and that some functions should be performed by other entities.

The QCPCOI recommended that the Premier establish the Family and Child Council to:

- monitor, review and report on the performance of the child protection system in line with the *National Framework for Protecting Australia's Children 2009–2020*
- provide cross-sectoral leadership and advice for the protection and care of children and young people to drive achievement of the child protection system
- provide an authoritative view and advice on current research and child protection practice to support the delivery of services and the performance of Queensland's child protection system
- build the capacity of the non-government sector and the child protection workforce.

On 16 December 2013, the Queensland Government released its response to the QCPCOI report, accepting this recommendation and related recommendations in relation to the role of the Family and Child Council. However, the Government response stated that the name of the organisation will be the Queensland Family and Child Commission (QFCC). This aligns Queensland with other Australian jurisdictions (with the exception of South Australia) which have a 'Commissioner' for children and ensures that issues pertaining to children and young people are accorded significant and equal status to that demonstrated across the rest of the country.

The Family and Child Commission Bill 2014 gives effect to the government's response to the accepted recommendations of the QCPCOI. The policy objectives of the Bill are to establish the QFCC as a new statutory body to:

- provide systemic oversight of the child protection system delivered by public sector and publicly funded non-government organisations providing child safety services or support services to families to improve the safety and well being of children and young people, including those in need of protection
- drive best practice in the provision of services to this cohort, including by developing a workforce development strategy, coordinating a research program, and by evaluating the performance at a systemic level
- promote and advocate to families and communities their responsibility for protecting and caring for their children including through education and providing information to enhance community awareness.

The Bill establishes the QFCC with the objective of promoting the safety, wellbeing and best interests of children and young people and advocating the responsibility of family and communities to protect and care for children and young people. The QFCC will be responsible for providing oversight of the child protection system and evaluating performance in delivering child protection and family support services, including achievement against State and National goals. The QFCC will coordinate a multidisciplinary research program, provide leadership and expert advice about evidence-based policy and programs and will develop cross-sectoral partnerships to increase collaboration and build capacity of the government and non-government sectors.

Achievement of policy objectives

The Bill achieves its objective by establishing the QFCC as a statutory body to provide systemic oversight of the child protection system, including both tertiary services to children in need of protection and preventative and support services to strengthen and support families and to prevent harm to children and young people.

Governance

The QFCC will have two commissioners with at least one being an Aboriginal person or Torres Strait Islander. One of the commissioners will be a principal commissioner for the purpose of overall management. To achieve its wide-reaching reform goals, the QFCC will need to operate transparently, accountably and in close cooperation with a range of partner agencies and bodies. To this end, the Bill puts in place a range of rigorous and transparent governance measures. These include, for example, provisions relating to the appointment, responsibilities, powers and removal of the commissioners. The commissioners of the QFCC will be appointed by the Governor in Council on the recommendation of the administering Minister (the Premier). The Bill outlines the commissioners' powers and requires a review of the QFCC's functions and performance after 5 years.

The QFCC will be responsible for the control and expenditure of public funding and the public discharge of its statutory functions. To ensure that the operations of the QFCC are publicly accountable, the Bill provides that:

- the QFCC is a statutory body for the purposes of the *Financial Accountability Act 2009* and *Statutory Bodies Financial Arrangements Act 1982*
- the QFCC is a unit of public administration under the *Crime and Misconduct Act 2001*.

The Bill provides that the QFCC, through the principal commissioner, is subject to the directions of the Minister. To ensure public accountability regarding direction given to the QFCC, the Bill requires the following matters to be reported to Parliament through the agency's annual report prepared under the *Financial Accountability Act 2009*:

- information required by the Minister
- each direction given to the commissioner by the Minister during the financial year to which the report relates
- details of any action taken by the commission as a result of the direction during the financial year for which the report is prepared.

The QFCC must report annually on the commission's functions. In preparing an annual report, the commission may consult with relevant agencies it considers may be significantly affected by the report.

The primary mechanism through which stakeholders will be involved in the strategic work of the QFCC will be through the establishment under the legislation of one or more Advisory Councils. The Bill provides that the role of the Advisory Council is to advise the commissioners on any matters relating to the QFCC's functions.

Systemic oversight

The QFCC is intended to provide systemic oversight of the child protection system, which includes preventative and support services to strengthen families. This will involve analysis of systemic issues and evaluating the effectiveness and efficiency of reforms, in response to the QCPCOI. The QFCC will have a leadership role in supporting a coordinated, whole-of-Government response to improve outcomes for service users and preventing harm to children and young people through the strategic orientation and integration of evidence-based services.

The Bill therefore includes a number of measures which, taken together, provide the QFCC with sufficient capacity to provide the required systemic oversight and strategic leadership. These include:

- requiring the QFCC to analyse, evaluate and report to the Minister on Queensland's performance in relation to achieving State and national goals relating to child protection
- developing partnerships across all sectors to facilitate and lead strategies to improve outcomes for children young people and families
- increasing collaboration and building capacity across sectors through the development of a workforce planning and development strategy.

Research and knowledge sharing

The sharing of knowledge, experience and research is critical to the delivery of high quality, evidence-based services. Key to achievement of the fundamental reform objective of the QFCC is therefore the inclusion of provisions in the Bill that will enable the QFCC to develop and coordinate a multidisciplinary research program in consultation with relevant stakeholders. The QFCC will have a key role in promoting a culture of evidence-based service delivery among government, non-government and private sector service providers and to facilitate the ready exchange of experience, knowledge and evidence.

Consumer, carer and family focus

Participation by consumers, carers, families and support persons is an essential component of effective support services to children and young people. The primary mechanism through which stakeholders will be involved in the strategic work of the QFCC will be through the establishment of one or more Advisory Councils.

Prevention and early intervention

A key finding of the QCPCOI is that the State invests the majority of its funding for child protection services into the tertiary part of the child protection system, with less funding provided to the secondary support services that could assist families before reaching crisis point. The QCPCOI recommends a refocus on the prevention and early intervention for families. The Bill therefore includes functions for the QFCC to focus on promoting the responsibility of families and communities to protect and care for children and young people; educating the community about services available to strengthen and support families; educating the sector, encouraging best practice in the provision of services, supporting knowledge sharing, research, innovation and evidence-based policy and practice.

Aboriginal and Torres Strait Islander peoples

The number of Aboriginal and Torres Strait Islander children in Queensland's child protection system is concerning; an estimated fifty per cent of Indigenous children are known to Child Safety. Aboriginal and Torres Strait Islander children are over-represented at all stages of the child protection system. They are five times more likely than non-Indigenous children to be the subject of a child safety notification, six times more likely to be substantiated for harm and nine times more likely to be in out-of-home care. While these children account for less than seven per cent of the state's population they account for almost thirty eight per cent of children in care

Given the over representation of Aboriginal and Torres Strait Islander children and families in the child protection system, the broader reform agenda will need to be tailored to address their specific needs.

In exercising its functions the QFCC will be required to ensure the interests of Aboriginal and Torres Strait Islanders are adequately and appropriately represented. Accordingly, at least one of the QFCC commissioners will be an Aboriginal person or Torres Strait Islander and at least one person on each Advisory Committee must be an Aboriginal person or Torres Strait Islander. The QFCC is to take into account the particular views and needs of Aboriginal and Torres Strait Islander communities, and will be required to report on the outcomes in reducing overrepresentation and improving outcomes for Aboriginal and Torres Strait Islander families, children and young people.

Child death register

The QFCC will maintain the functions of keeping a register of information relating to child deaths in Queensland. The child death register is for the purpose of helping to reduce the likelihood of child deaths by classifying and analysing information to identify patterns or trends and conducting research, alone or in cooperation with other entities. This function is consistent with that of other jurisdictions in Australia and New Zealand.

Alternative ways of achieving policy objectives

The proposed legislation is essential to commence implementation of key recommendations made by the QCPCOI. There are no alternative ways of achieving the reforms.

Estimated cost for government implementation

Full implementation of the Bill is expected to result in the following costs accruing to Government recurrently:

- salaries, on-costs and accommodation for the commissioners and a its staff employed as public service employees under the terms and conditions of the Queensland Public Service Award State 2012
- corporate services to enable the QFCC to operate as a separate public service office and to comply with applicable whole-of-Government requirements. These services will include information and communications technology, human resources, finance, internal audit, legal, right to information, record keeping and conduct and integrity services.

The State Government will not incur an additional cost in the implementation and support of the QFCC. Costs will be met from the existing budget of the Commission for Children, Young People and Child Guardian (CCYPCG) which will cease operation from 1 July 2014 when the QFCC will commence operations.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Whether legislation has sufficient regard to rights and liberties of individuals—Legislative Standards Act 1992, section 4(3)

The Bill includes a provision empowering the principal commissioner of the QFCC to obtain confidential information from government agencies and publicly funded non-government agencies for the purposes of keeping a child death register and performing research and other functions relating to child deaths (*Clause 26*). The Bill will also permit the disclosure of confidential information if approved by the principal commissioner for research purposes or to prevent or minimise the risk of harm to a person (*Clause 36*). The disclosure of an individual's personal information without their consent is potentially inconsistent with their right to privacy.

These functions relating to child deaths are currently performed by the commissioner under the *Commission for Children and Young People and Child Guardian Act 2000* under provisions that allow the disclosure of confidential information under arrangements made between the commissioner and other government entities or to another person for genuine research purposes with the consent of the commissioner. Those provisions will be repealed by the *Child Protection Reform Amendment Bill 2014*.

The provisions are justified to ensure the principal commissioner and others can perform research and other functions aimed at reducing the likelihood of child deaths. Also, a number of restrictions apply to the use of the powers or disclosure by the principal commissioner, including the following—

- the principal commissioner may only access confidential information if it is necessary to perform the functions in relation to child deaths
- the privacy of a person must be protected to the extent possible
- agencies will not be required to disclose the confidential information if they consider it would endanger a person's life or safety or prejudice an investigation of a contravention of the law
- the principal commissioner will only be able to disclose confidential information for genuine research purposes or if the public interest in preventing or minimising harm to a person outweighs the need to protect a person's privacy.

Whether legislation authorises the amendment of an Act only by another Act— Legislative Standards Act 1992, section 4(4)(c)

The Bill includes a transitional regulation-making power to enable any unforeseen matters relating to the transition from the *Commission for Children and Young People Act 2000* to this Bill to be addressed as they arise. While this will ensure a smooth transition of all relevant powers and functions, a provision of an Act which enables an Act to be amended by regulation raises fundamental legislative principle issues. This regulation is considered reasonable as its limited application is to affect only transitional matters and it expires 6 months after commencement.

Consultation

The QCPCOI during its deliberations consulted with a broad range of stakeholders on a range of issues including the systemic oversight of the child protection system, and the partnerships across sectors.

Consultation on the Bill has occurred within Government.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and reforms arise from the recommendations made by the QCPCOI.

While the Bill is not intended to achieve uniformity with laws in other jurisdictions, the QCPCOI in making its recommendations considered the operation of child protection systems in Australia and international jurisdictions.

Notes on Provisions

Part 1 Preliminary

Division 1 Introduction

Clause 1 establishes the short title of the Act as the *Family and Child Commission Act 2014*

Clause 2 states that the Act commences on 1 July 2014.

Clause 3 states that the Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

Division 2 Object of Act

Clause 4 provides that the object of this Act is to establish the QFCC to promote the safety and wellbeing of children, young people and families; to promote and advocate the responsibility of families and communities to protect and care for children and young people; and to improve the child protection system.

Division 3 Interpretation

Clause 5 states that the dictionary is provided at schedule 2.

Part 2 Queensland Family and Child Commission

Division 1 Establishment

Clause 6 provides for the establishment of the QFCC.

Clause 7 states that the QFCC represents the State and has the status, privileges and immunities of the State.

Clause 8 provides that the QFCC is a statutory body subject to the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*. It also provides that *the QFCC* is a unit of public administration under the *Crime and Misconduct Act 2001*.

Division 2 Functions and powers

Clause 9 outlines the Commission's functions for the purposes of promoting the safety, wellbeing and best interests of children and young people and improving the child protection system which are:

- a) to provide oversight level of the child protection system
- b) to promote and advocate
 - (i) the responsibility of families and communities to protect and care for their children and young people
 - (ii) the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system

- c) to develop and review workforce planning and development strategies for the child protection by collaboration with relevant agencies, the private sector and education providers
- d) to educate, and provide information to, the community about—
 - (i) services available across the State to assist families to access those services
 - (ii) the way in which the child protection system operates
 - (iii) research relevant to the child protection system
- e) to develop and coordinate a multidisciplinary research program in consultation with relevant stakeholders and relevant agencies
- f) to assist relevant agencies evaluate the efficacy of their programs and identify the most effective service models
- g) to provide leadership and give expert advice to relevant agencies about laws, policies, practice and services
- h) to increase collaboration and build capacity across different sectors to improve the delivery of services to improve the ability of parents or guardians to protect and care for their children and young people
- i) to analyse and evaluate, at a systemic level, policies and practices relevant to the child protection system and the performance by relevant agencies in delivering services.

Clause 9 also states that it is not a function of the commission to investigate the circumstances of a particular child, young person or family and advocate on their behalf.

Clause 10 states that, without limiting the powers of the QFCC given to it under the Act or another Act, the QFCC has all the powers of an individual, and may, for example:

- enter into contracts
- acquire, hold, deal with and dispose of property
- appoint agents and attorneys
- engage consultants or contractors
- do anything else necessary or convenient to be done in the performance of its functions.

Division 3 Commissioners

Subdivision 1 Appointment and conditions of employment

Clause 11 provides that the QFCC is headed by two commissioners appointed by the Governor in Council on the recommendation of the Minister. In order to have clear leadership in the QFCC, one of the commissioners will be appointed as the principal commissioner.

Prior to recommending a commissioner, the Minister must be satisfied the commissioner is appropriately qualified to perform the role effectively and efficiently.

At least one of the commissioners will be an Aboriginal person or a Torres Strait Islander.

Clause 12 provides that the two commissioners are employed under this Act and not under the *Public Service Act 2008*.

Clause 13 states that the commissioner holds office for the term of three years. Nothing in this clause is intended to prevent a commissioner's reappointment at the expiration of a term of appointment.

Clause 14 provides that the conditions of appointment for the commissioners, where not provided by the Act, are determined by the Governor in Council.

Clause 15 identifies that:

- (1) the office of a commissioner becomes vacant
 - a) if the commissioner:
 - (i) resigns office by signed notice to the Minister giving at least 1 month's notice; or
 - (ii) is convicted of an indictable offence; or
 - (iii) is a person who is an insolvent under administration under the Corporations Act, section 9; or
 - (iv) is removed from office by the Governor in Council under subsection (2); or
 - b) if the commissioner is suspended by the Minister under subsection (4).
- (2) that the Governor in Council may, at any time, remove a commissioner from office on the recommendation of the Minister.
- (3) The Minister may recommend the commissioner's removal only if the Minister is satisfied the commissioner—
 - a) has been guilty of misconduct; or
 - b) is incapable of performing his or her duties; or
 - c) has neglected his or her duties or performed them incompetently.
- (4) The Minister may suspend the commissioner for up to 60 days by signed notice to the member if—
 - a) there is an allegation of misconduct against the member; or
 - b) the Minister is satisfied a matter has arisen in relation to the member that may be grounds for removal under this section.

Clause 16 provides that if a public service officer is appointed as a commissioner, the person retains all accrued employment rights and entitlements. The person's service as commissioner is to be regarded as service of a like nature in the public service for deciding the person's rights as a public service officer.

Clause 17 provides that the Minister may appoint a person to act in the office of a commissioner during—

- a) a vacancy in the office of a commissioner; or
- b) any period, or all periods, when a commissioner is absent from duty, or cannot, for another reason, perform the functions of the office.

A person can only be appointed to act as a commissioner if the Minister could recommend the person to be appointed as a commissioner under *Clause 11*.

Subdivision 2 Functions and powers

Clause 18 provides the functions of a commissioner are to—

- a) ensure the commission performs its functions under the Act effectively and efficiently
- b) to make recommendations to the Minister about any matter that—
 - (i) relates to the performance or exercise of the functions or powers of the commission or commissioner
 - (ii) help the Minister in the proper administration of this Act
- c) to perform any other function given to a commissioner under this Act or another Act.

Clause 19 states that the additional functions of the principal commissioner are also to

- a) to control the commission performs
- b) to record, analyse, research and report on information about child deaths

Clause 20 states the main functions of the commissioner, who is not the principal commissioner, also include ensuring the commission adequately and appropriately performs its functions mentioned in section 9 (1) (b) (i) and (c).

Clause 21 states that a commissioner may exercise the powers of the commission and any other powers given to a commissioner under this Act or another Act.

Clause 22 states that a commissioner is subject to the directions of the Minister in performing the commissioner's functions under this Act, and must comply with a direction given by the Minister.

Clause 23 outlines the ways in which commissioners are to perform functions.

(1) In performing a commissioner's functions, the commissioner must do the following—

- a) engage with, and take account of, the views of children and young people and their families
- b) ensure the interests of Aboriginal and Torres Strait Islanders are adequately and appropriately represented
- c) respect and promote the role of Aboriginal and Torres Strait Islander service providers in supporting Aboriginal and Torres Strait Islander families and communities to care for their children and young people
- d) be sensitive to the ethnic or cultural identity and values of children and young people and their families;
- e) consult with relevant agencies and advocacy entities about the work of the commission
- f) work cooperatively with relevant agencies and help build their capacity to meet the needs of families, children and young people.

Division 4 Other staff

Clause 24 states that the Commission may employ the staff it considers appropriate to perform the commission's functions and staff are to be employed under the *Public Service Act 2008*.

Part 3 Child deaths

Clause 25 states that the principal commissioner must keep a register of child deaths in Queensland. This register includes all deaths, not only children who are known to Child Safety services.

Clause 26 provides detail about other functions that the principal commissioner has in relation to helping reduce the likelihood of child deaths. The principal commissioner will classify deaths recorded on the register according to the cause of death, demographic information and other relevant factors; and will analyse the information to identify patterns or trends. The principal commissioner will conduct research, alone or in cooperation with other entities and will identify areas for further research by the commission or other entities. The principal commissioner will make recommendations, arising from keeping the register and conducting research under this part, about laws, policies and practices.

Clause 27 allows for requests by the principal commissioner for information relevant to functions under Part 3 of the Act. A public entity must comply with the request unless the entity considers the disclosure of information—

- a) would prejudice the investigation of a contravention, or possible contravention, of the law; or
- b) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
- c) would endanger a person's life or physical safety.

Further, *Clause 27* allows the principal commissioner and a public entity to enter into an arrangement to facilitate the provision of information.

Clause 28 provides for access to information in the child death register for research purposes. The clause applies if a person wants access to information from the register to undertake research to help reduce the likelihood of child deaths. The person may access the information only with the principal commissioner's consent. The principal commissioner may consent only if satisfied that the person is a genuine researcher and if the information is reasonably necessary for research to help reduce the likelihood of child deaths. The principal commissioner must not give the person access to identifying information unless the commissioner reasonably believes the identifying information is necessary for the research to be effective and the opportunity for increased knowledge that may result from the research outweighs the need to protect the privacy of any living or dead person. The principal commissioner may impose conditions on the consent that the commissioner considers appropriate, for example, a condition that the person must not disclose identifying information to anyone else or use the information other than for a stated purpose. A penalty of 100 penalty units applies where the person requesting the information does not comply with any condition imposed on the consent, without a reasonable excuse.

In this clause, a ***genuine researcher*** means a person for whom an application for health information has been granted under the *Public Health Act 2005*, chapter 6, part 4; or a member of a quality assurance committee established under the *Hospital and Health Boards Act 2011*, section 82; or another person who the principal commissioner considers is conducting genuine research.

Clause 29 provides that by 31 October in each year, the principal commissioner must prepare, and give to the Minister, a report about the previous financial year. This report will include an analysis of the information included in the child death register, the commission's activities relating to research about child deaths, the people who have been given access to information in the register for research purposes and recommendations the commissioner has made about laws, policies or practices, and the extent to which previous recommendations of the commissioner have been implemented.

Further, the principal commissioner may also prepare, and give to the Minister, other reports arising from the performance of the commissioner's functions under *Clause 26*. The principal commissioner must not include in a report any comments adverse to an entity identifiable from the report, unless the entity has been given a copy of the comments and given a reasonable opportunity to respond to them. If the entity gives the principal commissioner a written statement in response to the comments and asks that the statement be included in the report, the commissioner must include the statement in the report. However, the principal commissioner is not required by subsection (4) to include a statement so far as it contains information that the commissioner considers should not be publicly disclosed on the ground that— disclosure of the information may adversely affect the outcome of an inquiry or investigation by a complaints agency or the Queensland Police Service, or an investigatory body established under a law of the Commonwealth; or the information concerns a matter before a court. It is a lawful excuse for the publication of any defamatory statement made in a report that the publication is made in good faith and is, or purports to be, made for this Act. Within 14 sitting days after receiving a report under this section, the Minister must table it in the Legislative Assembly.

Part 4 Advisory council

Clause 30 provides that the principal commissioner may establish one or more advisory councils, as the commissioner considers appropriate, to advise on matters relating to the commission's functions.

Clause 31 provides that an advisory council has the membership decided by the principal commissioner. The principal commissioner may appoint a person to an advisory council only if the commissioner is satisfied the person is appropriately qualified.

Clause 32 provides that an advisory council's function is to help the commissioners to effectively and efficiently perform the commission's functions by advising on matters referred to it by the principal commissioner. It is not an advisory council's function to advise the principal commissioner on the day-to-day management of the commission.

Clause 33 provides that the principal commissioner may dissolve an advisory at any time.

Clause 34 provides that the principal commissioner may decide matters about an advisory council that are not provided for under this Act, including, but not limited to the terms on which the members of an advisory council hold office; and the way the advisory council must conduct meetings or report to the principal commissioner.

Part 5 Miscellaneous

Clause 35 provides that if the commission considers a department or relevant agency has information in the department or relevant agency's possession that the commission requires to perform its functions. The commission may request the department or agency to provide the commission with the information within a stated time. The department or agency must provide the information requested unless its disclosure is prohibited under an Act; or it is impracticable to provide the information. If the department or agency decides not to provide the information, the department or agency must advise the commission in writing of its reasons for not providing the information. This section does not apply to confidential information.

Clause 36 provides for the confidentiality of information gained through involvement in the administration of the Act.

Clause 37 provides for the confidentiality of information given by persons involved in the administration of the Act to other persons.

Clause 38 provides that the principal commissioner may delegate the principal commissioner's functions under this Act to the other commissioner. It also provides that a commissioner may delegate the commissioner's functions to an appropriately qualified staff member of the commission. This includes powers.

Clause 39 provides for the protection of officials from civil liability when:

- 1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- 2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.
- 3) 3. In this section—**official** means any of the following when performing a function or exercising a power under this Act—
 - (a) the Minister;
 - (b) a member of an advisory council.

Clause 40 provides that the commission must include in its annual report information required by the Minister; and details of any direction given to the commission by the Minister that relates to the financial year for which the report is prepared; and details of any action taken by the commission as a result of the direction during the financial year for which the report is prepared. Also, the commission must include in its annual report information about—

- (i) Queensland's performance in relation to progressing State and national goals relating to child protection

- (ii) Queensland's performance over time in comparison to other jurisdictions
- (iii) progress in reducing the number of and improving the outcomes for Aboriginal and Torres Strait Islander children and young people in the child protection system.

In preparing an annual report, the commission may consult with relevant agencies it considers may be significantly affected by the report.

Clause 41 provides that the Minister must arrange an independent review of the performance by the commission of its functions within 5 years after the commencement of this section.

Clause 42 provides that the Minister must review the effectiveness of this Act as soon as practicable after the end of 5 years after the commencement of this section.

Clause 43 provides that the Governor in Council may make regulations under this Act.

Part 6 Transitional provisions

Clause 44 provides definitions for Part 6.

Clause 45 provides for the immediate appointment of a principal commissioner. This section applies to the person who held the office of the former commissioner immediately before commencement. The person's appointment continues until the resignation of the person; the end of the term for which the person was appointed as the former commissioner or the appointment of a person as the principal commissioner under this Act.

Clause 46 provides that the former register becomes the register kept by the principal commissioner under this Act.

Clause 47 provides for a report under section 29 to be prepared by the commissioner by 31 October 2014.

Clause 48 provides for information arrangements to continue to have effect.

Clause 49 provides for transitional regulation-making power.

Part 7 Amendment of Public Service Act 2008

Clause 50 provides that part 7 amends the *Public Service Act 2008*.

Clause 51 amends schedule 1 of the *Public Service Act 2008*.

Part 8 Consequential amendments

Schedule 1 amends the Acts mentioned in it.

Schedule 1 Consequential Amendments

Schedule 1 outlines the consequential amendments required under the Act.

Schedule 2 Dictionary

Schedule 2 defines the terms used in the Act.

Schedule 2 (Dictionary) to the Act clarifies the scope by defining that the child protection system is the system of services provided by relevant agencies to children and young people in need of protection or at risk of harm; and includes preventative and support services to strength and support families and prevent harm to children and young people.