

Oversight of the Commission for Children and Young People and Child Guardian

Report No. 24

Health and Community Services Committee

July 2013

Health and Community Services Committee

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Abbreviations

the ACCGG	Australian Children’s Commissioners and Guardians Group
CCYPCG	Commission for Children and Young People and Child Guardian
the CCYPCG Act	<i>Commission for Children and Young People and Child Guardian Act 2000</i>
the CDCRC	Child Death Case Review Committee
the Commission of Inquiry	Queensland Child Protection Commission of Inquiry
the committee	Health and Community Services Committee
the Child Protection Act	<i>Child Protection Act 1999</i>
the department	Department of Communities, Child Safety and Disability Services

Chair's foreword

The Health and Community Services Committee was established in May 2012 as one of seven portfolio committees. It has responsibility for oversight of the Commission for Children and Young People and Child Guardian (the Commission) under the Standing Rules and Orders of the Legislative Assembly. Between July 2011 and April 2012, this responsibility was undertaken by the former Health and Disabilities Committee.

This is the first report by this committee on oversight of the Commission under Standing Order 194A, which requires the committee to monitor and report on the Commission's performance of its functions.

I thank the former Commissioner for Children and Young People and Child Guardian, Ms Elizabeth Fraser, who retired in January 2013, Mr Barry Salmon, and senior staff for their participation in the committee's oversight of the Commission.

I would also like to recognise the work undertaken in 2012 with respect to oversight of the Commission by the former chair of the committee, Mr Peter Dowling MP, Member for Redlands, and former members of the committee, Mr Aaron Dillaway MP, Member for Bulimba, Mrs Desley Scott MP, Member for Woodridge, and Mr Michael Trout MP, Member for Barron River.

Thanks also to my committee colleagues and to the secretariat and Hansard staff for assisting the committee in its work.

A handwritten signature in black ink, appearing to read 'T. Ruthenberg', with a stylized flourish at the end.

Trevor Ruthenberg MP

Chair

1 Introduction

1.1 Role of the committee

The Health and Community Services Committee (the committee) has oversight responsibility for the Commission for Children and Young People and Child Guardian (the Commission) under the *Parliament of Queensland Act 2001*¹ and the Standing Rules and Orders of the Legislative Assembly. Standing Order 194A describes the committee's functions:

If a portfolio committee is allocated oversight responsibility for an entity under Schedule 6, and there are no statutory provisions outlining the committee's oversight of the entity, the portfolio committee will have the following functions with respect to that entity -

- (a) to monitor and review the performance by the entity of the entity's functions;
- (b) to report to the Legislative Assembly on any matter concerning the entity, the entity's functions or the performance of the entity's functions that the committee considers should be drawn to the Legislative Assembly's attention;
- (c) to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and
- (d) to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the Act which establishes the entity.²

1.2 Committee oversight of the Commission

This is the committee's first report on its oversight of the Commission. The former Community Affairs Committee last reported to the Legislative Assembly on its oversight of the Commission in October 2011.³

This report provides an overview of the Commission and its performance and comments on the Commission's Annual Report for 2011–12.⁴ The report also discusses the role of the Commission within the child protection system.

Many of the Commission's functions were within the scope of the Queensland Child Protection Commission of Inquiry terms of reference. The outcomes of the Commission of Inquiry are expected to have significant impacts on the Commission's functions in the future.

The report is informed by evidence given by representatives of the Commission at a public hearing on 22 August 2012 and at a Budget Estimates hearing on 17 October 2012, the Commission's 25 July 2012 response to pre-hearing questions on notice,⁵ the Commission's 2011–12 Annual Report, and other publications provided by the Commission.

In light of the broad remit of the Commission of Inquiry, the committee's report focuses on the Commission's performance of its key functions.

1 *Parliament of Queensland Act 2001*, available at

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/ParliaQA01.pdf>

2 Legislative Assembly of Queensland, *Standing Rules and Orders of the Legislative Assembly*, SO 194A, available at

<http://www.parliament.qld.gov.au/documents/Assembly/Procedures/StandingRules&Orders.pdf>

3 Community Affairs Committee, *Meeting with the Commissioner for Children and Young People and Child Guardian -*

Held on 26 October 2011, 1 December 2011, available at <http://www.parliament.qld.gov.au/documents/committees/CAC/2011/CCYPCG-oversight/rpt-009-CCYPCG-01Dec2011.pdf>

4 Commission for Children and Young People and Child Guardian (CCYPCG), *Annual Report 2011–12*, accessed 15 May 2013 from <http://www.ccypcg.qld.gov.au/resources/publications/annual/annual12.html>

5 All are available on the Health and Community Services Committee's website, available at <http://www.parliament.qld.gov.au/work-of-committees/committees/H CSC>

1.3 The child protection system

1.3.1 Queensland system

Child protection in Queensland is provided for through the *Child Protection Act 1999* (the Child Protection Act).⁶ The Department of Communities, Child Safety and Disability Services (the department) is responsible for administering this Act. The Director-General of the department is the chief executive under the Child Protection Act.⁷

The child protection system includes government and non-government organisations that provide child protection services, and care and support services provided by organisations and individuals. Services include direct care delivery as well as coordination and information exchange.⁸

The Commission provides external oversight of the child safety system by undertaking a number of functions under the *Commission for Children and Young People and Child Guardian Act 2000* (the CCYPCG Act).⁹ These include the administration of a community visitors program, complaints investigation, monitoring and reporting activities, strategic policy, and research and employment screening.¹⁰ The Commissioner's functions continue to apply if a child has left the child safety system. The functions of the Commission are summarised in section 2.1.

1.4 Queensland Child Protection Commission of Inquiry

A number of the Commission's functions were within the scope of the Queensland Child Protection Commission of Inquiry, which was established on 1 July 2012, and concluded on 1 July 2013. The full terms of reference for the Inquiry are provided at Appendix A. Areas relevant to the Commission included:

3a) reviewing the progress of implementation of the recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry) and Protecting Children: An Inquiry into the Abuse of Children in Foster Care (Crime and Misconduct Commission Inquiry),

3b) reviewing Queensland legislation about the protection of children, including the Child Protection Act 1999 and relevant parts of the Commission for Children and Young People and Child Guardian Act 2000, and

*3d) reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system.*¹¹

The terms of reference required the Commission of Inquiry to report to the Premier by 30 June 2013 and to make recommendations that "... chart a new road map for Queensland's child protection system over the next decade" and include:

- a) any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families;*
- b) strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children at all stages of the child protection system, particularly out-of-home care;*

6 *Child Protection Act 1999*, available at <http://www.legislation.qld.gov.au/legisln/current/c/childprotecta99.pdf>

7 Queensland Child Protection Commission of Inquiry (Commission of Inquiry), *Discussion Paper*, p.227, available at http://www.childprotectioninquiry.qld.gov.au/data/assets/pdf_file/0009/175248/QCPCI_Discussion_paper.pdf

8 Child Protection Act, Chapter 5A

9 *Commission for Children and Young People and Child Guardian Act 2000* (CCYPCG Act), available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/COMMISChildA00.pdf>

10 Commission of Inquiry, *Discussion Paper*, pp.232–3

11 Commission of Inquiry, *Order in Council containing terms of reference*, accessed 8 May 2013 from <http://www.childprotectioninquiry.qld.gov.au/about/terms-of-reference>

- c) *any legislative reforms required; and*
- d) *any reforms to improve the current oversight, monitoring and complaints mechanisms of the child protection system.*¹²

The former Commissioner for Children and Young People and Child Guardian, Ms Elizabeth Fraser, told the committee during a public hearing in August 2012 that the Commission "... welcomes the establishment of the Queensland Child Protection Commission of Inquiry and (was) already assisting by providing the Commission's evidence base about the safety and wellbeing of children and young people in the child protection system".¹³

Ms Fraser tabled a copy of an affidavit she had provided to the Commission of Inquiry and advised that she had given oral evidence.¹⁴ Ms Fraser also advised the committee that the Commission had responded to requests for documents, provided staff to assist with the Commission of Inquiry and would make detailed submissions.¹⁵

Ms Fraser noted that any recommendations made by the Commission of Inquiry "... may affect the current scope of my commission's operations",¹⁶ and said the Commission expects it would be involved in the development of an implementation plan, if the recommendations relate to the work of the Commission.¹⁷

The committee notes that the report of the Queensland Child Protection Commission of Inquiry was presented to the Attorney-General and the Minister for Communities, Child Safety and Disability Services on 1 July 2013.

12 *ibid.*

13 Elizabeth Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, 22 August 2012, p.2, available at <http://www.parliament.qld.gov.au/documents/committees/HCSC/2012/CCYPCG/HT-CCYPCG22Aug2012.pdf>

14 *ibid.*

15 *ibid.*

16 Elizabeth Fraser, *Transcript – CCYPCG section of Health and Community Services Committee's Estimates Hearing held on 17 October 2012*, 17 October 2012, p.83, available at <http://www.parliament.qld.gov.au/documents/committees/HCSC/2012/CCYPCG/trns-ph17Oct2012-hqcc.pdf>

17 Elizabeth Fraser, *Public Hearing Transcript*, p.2

2 The Commission

The Commission is an independent statutory body, established under the *Commission for Children and Young People and Child Guardian Act 2000* (the CCYPCG Act).¹⁸ The Commission's main objective is to promote and protect the rights, interests and wellbeing of children in Queensland, particularly those who are in care or detention, have no one to act on their behalf, are not able to protect themselves or are disadvantaged because of a disability, geographic isolation, homelessness or poverty.¹⁹

The Commission consists of a Commissioner, Assistant Commissioner and staff.²⁰ The Commissioner is the principal office holder and is appointed by the Governor in Council.²¹ The Commissioner has a broad range of functions and powers under the CCYPCG Act,²² which are summarised in section 2.1. The Commissioner is not under the control or direction of the Minister and "... must act independently and in a way that promotes and protects the rights, interests and wellbeing of children".²³ The Assistant Commissioner is also appointed by the Governor in Council,²⁴ and "... is responsible, to the Commissioner for the proper performance of the Commissioner's child guardian functions".²⁵

2.1 Functions and powers

Section 17 (1) of the CCYPCG Act defines the Commissioner's functions as:

- resolving, monitoring and investigating complaints about services provided to certain children by service providers and monitoring and reviewing the way in which providers respond to these complaints
- advocating for children. The Commissioner's functions include seeking assistance from related entities, facilitating and supporting the development and co-ordination of advocacy and other support services for children, and promoting awareness among children about these services
- promoting the establishment, by service providers, of appropriate and accessible mechanisms for the participation of children in matters that may affect them
- monitoring and reviewing laws, policies and practices that relate to the delivery of services to children or otherwise impact on children and promoting laws, policies and practices that uphold the principles of the CCYPCG Act
- promoting public understanding of the rights, interests and wellbeing of children
- conducting, co-ordinating and promoting research about the rights, interests and wellbeing of children
- administering a Community Visitors Program (the functions of community visitors are described in section 3.4)
- screening persons employed in or carrying on certain child-related businesses and auditing or monitoring these persons to ensure compliance with the requirements set out in Chapter 8 of the CCYPCG Act
- recording, analysing and reporting on information about child deaths

18 CCYPCG Act, s.16

19 *ibid.*, s.15

20 *ibid.*, s.14

21 *ibid.*, ss.26–27

22 *ibid.*, ss.17–18

23 *ibid.*, s.22

24 *ibid.*, s.34

25 *ibid.*, s.19

- reporting and making recommendations on matters relating to the Commissioner's functions, and
- other functions conferred on the Commissioner, under the CCYPCG or another Act.²⁶

Section 17 (2) of the CCYPCG Act defines the Commissioner's child guardian functions. These include the monitoring functions in section 18 of the CCYPCG Act, investigating matters relating to services provided to children in the child safety system, working with the chief executive of the department to resolve disputes about reviewable decisions under the Child Protection Act and other conferred functions, so far as they relate to children in the child safety system.²⁷

The monitoring functions in section 18 of the CCYPCG Act include:

- monitoring, auditing and reviewing the systems, policies and practices of the department and other service providers that affect children in the child safety system
- monitoring, auditing and reviewing the handling of individual cases of children in the child safety system by the department and licensees under the Child Protection Act, and
- monitoring the chief executive of the department's compliance with section 83 of the Child Protection Act.²⁸

2.2 Reporting against functions

The Commission publishes a large number of documents in the course of fulfilling its legislative functions. An overview of key documents released by the Commission in 2011 and 2012 is at Appendix B. All documents are available on the Commission's website at <http://www.ccypcg.qld.gov.au/resources/publications/reports.html>. The committee has considered a number of these documents.

2.3 Structure

The Commission includes two key structural groups:

- **the Policy, Advocacy and Reporting Group** – responsible for overseeing and resolving issues for children and young people in the child protection and youth justice systems and for advocating on behalf of all Queensland children by providing evidence-based advice to inform policy development and improve service delivery, and
- **the Regulated Employment and Corporate Capability Group** – responsible for administering the blue card system, implementing strategies to achieve stronger outcomes for children and young people, building a workforce to enable skilled and effective service delivery to children and young people and sustainable and accountable corporate governance frameworks.²⁹

2.4 Staffing

Commission staff are employed under the *Public Service Act 2008*,³⁰ and subject to criminal history and suitability screening prior to employment. Both the Commissioner and Assistant Commissioner are also subject to these checks.³¹

26 *ibid.*, s.17(1)

27 *ibid.*, s.17

28 *ibid.*, s.18

29 CCYPCG, *Organisational structure*, accessed 29 April 2013 from <http://www.ccypcg.qld.gov.au/about/rti/about-org-structure.html>

30 CCYPCG Act, s.35; *Public Service Act 2008*, available at <http://www.legislation.qld.gov.au/LEGISLTN/ACTS/2008/08AC038.pdf>

31 CCYPCG Act, ss.26 & 36

At 30 June 2013, the Commission employed the equivalent of 246 full-time staff and 165 community visitors,³² who were casual staff engaged to visit children in care. The combined staffing cost in 2011–12 was \$32.050 million,³³ and the estimated actual expenditure in 2012–13 was \$31.068 million.³⁴

2.5 Resourcing

Total operational funds for the Commission in 2011–12 were \$49.712 million,³⁵ and estimated operational funds for 2012–13 were \$46.652 million.³⁶

32 State Budget 2013–14, *Service Delivery Statements, Department of Communities, Child Safety and Disability Services*, p.32, available at <http://www.budget.qld.gov.au/budget-papers/2013-14/bp5-doccsds-2013-14.pdf>

33 CCYPCG, *Annual Report 2011–12*, p.69

34 State Budget 2013–14, *op. cit.*, p.34

35 CCYPCG, *op. cit.*, pp.20 & 79

36 State Budget 2013–14, *op. cit.*, p.34

3 Performance against key functions in 2011–12

Many of the Commission's functions were under review, as part of the Commission of Inquiry. The committee has focused its oversight of the Commission on key functions, namely:

- resolving complaints and investigating service delivery
- monitoring, auditing and reviewing systems, policies and practices
- employment screening
- the Community Visitors Program
- analysing and reporting on child deaths, and
- advocacy, research and promotion.

The committee has not made recommendations in this report as many of the key functions of the Commission were being examined by the Commission of Inquiry and likely to be affected by any recommended reforms to Queensland's child protection system.³⁷

3.1 Resolving complaints and investigating service delivery

Chapter 4 of the CCYPCG Act provides a process for making, resolving complaints and investigating complaints and other matters relating to a service provided, or required to be provided, to a child in the child safety system.³⁸

3.1.1 Resolving complaints

Complaints can relate to any service provided, or required to be provided, to children in the child safety system, children subject to particular types of orders under the *Youth Justice Act 1992*,³⁹ children in detention under the *Youth Justice Act 1992* or *Bail Act 1980*,⁴⁰ or a program or service established under section 302 of the *Youth Justice Act 1992*.⁴¹

Complaints may be made by the child to whom the complaint relates or any person acting on their behalf.⁴² Complaints can be anonymous and may be lodged by telephone, email, letter, fax, SMS or via an online form.⁴³

In 2011–12, the Commission resolved 4,561 complaint issues. Forty per cent (1,841) of these related to harm or risk of harm, 10 per cent (460) concerned placement arrangements and seven per cent (325) were associated with contact with family or child safety officers.⁴⁴ Eighty-four per cent of complaint issues were resolved within 90 days. This is one per cent less than the 2011–12 target set by the Commission.⁴⁵

The Commission also reported it raised awareness of the complaints service by direct engagement with key stakeholders in the child safety system, promoting the service at community engagement activities, providing promotional material to residential facilities and detention centres and ensuring that the professional development program for community visitors included information on the complaints service.⁴⁶

37 Commission of Inquiry, *Order in Council containing terms of reference*

38 CCYPCG Act, Chapter 4

39 *Youth Justice Act 1992*, available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/Y/YouthJustA92.pdf>

40 *Bail Act 1980*, available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BailA80.pdf>

41 CCYPCG Act, s.54

42 *ibid.*, s.55

43 *ibid.*, ss.57–58

44 CCYPCG, *Annual Report 2011–12*, p.48

45 *ibid.*, pp.90 & 92

46 *ibid.*, p.48

3.1.2 Investigating service delivery

Section 64 of the CCYPCG Act enables the Commissioner to investigate any matter relating to a service provided, or required to be provided, to a child in the child safety system if the Commissioner believes:

- *the rights, interests or wellbeing of a child or children may be seriously affected if the investigation is not conducted, or*
- *the matter raises issues of a public interest, or*
- *the matter raises a significant issue about a law, policy or practice underlying the service, or about the need for a law, policy or practice to underlie the service.*⁴⁷

The Commissioner must provide a written report to the chief executive of the department at the conclusion of the investigation. Reports may also be provided to the responsible Minister and/ or service provider, where the service is provided by someone other than the department. Recommendations may be included in the report.⁴⁸

During 2011–12, the Commission progressed 19 new investigations about departmental service delivery to children and young people, including:

- reviewing individual cases – for example, reviewing the level of transition planning, support and service delivery provided to an individual who was exhibiting high risk behaviours and was seriously injured while in out-of-home care, and
- undertaking systemic activities – for example, surveying foster carers to assess the department's compliance with requirements to provide certain information to assist carers to provide quality care and support to children placed in their care.⁴⁹

The Commission reported that 100 per cent of the investigation recommendations made by the Commission in 2010–11 and 2011–12 were accepted by government.⁵⁰

3.2 Monitoring, auditing and reviewing – child guardian functions

The Commission's child guardian functions, which are outlined in section 2.1, require it to monitor, investigate and report on the safety and wellbeing of individual children and to provide independent, evidence-based reporting on the performance of the child protection and youth justice systems.⁵¹

The Commission reported it has focused, from 2011 to 2013, on refining child protection reporting and developing outcome indicators for the youth justice system.⁵²

3.2.1 Key elements of child guardian functions

The Commission identifies the following as key elements in fulfilling its child guardian functions:

- community visitors, who verify and report on the safety and wellbeing of children and young people in foster care, residential care and detention
- complaints resolution teams, which advocate on behalf of children and young people who have a complaint about the child protection or youth justice systems
- the *Views Surveys*,⁵³ which report the experiences of children and young people in foster care, residential care, and detention centres (see section 3.2.3 for more detail)

47 CCYPCG Act, s.64

48 *ibid.*, s.80

49 CCYPCG, *Annual Report 2011–12*, p.52

50 *ibid.*, p.92

51 *ibid.*, p.42

52 *ibid.*, pp.42–3

53 CCYPCG, *Views of children and young people* (various 'Views' reports), available at: <http://www.ccypcg.qld.gov.au/resources/views/Views-of-children-and-young-people.html>

- the blue card system, which reduces the risk of harm to children in care by monitoring the criminal history of foster and kinship carers and staff of residential care
- conducting audits, investigations and reviews and making recommendations to government on issues affecting the performance of the child protection and youth justice systems, and
- collecting, analysing and reporting on data through the annual *Child Guardian Report*.⁵⁴

3.2.2 *Child Guardian report and key outcome indicators update*

Since 2006, the Commission has published an annual *Child Guardian Report*, which analyses the performance of Queensland's child protection system against ten key outcome indicators:

- effective assessment and appropriate interventions
- safe out-of-home care, best health possible, best education possible, stable out-of-home care, special needs of Aboriginal and Torres Strait Islander children and individual needs met, and
- successful reunifications and successful transitions to independence.⁵⁵

In 2011–12, the Commission released its first interactive online publication on the performance of Queensland's child protection system – the *Queensland Child Guardian Key Outcome Indicators Update: Queensland Child Protection System 2008–2011*.⁵⁶ The update includes three years of trend data and an analysis of how the child protection system is performing according to the ten key outcome indicators.

The analysis identified that while the system is performing well overall (with satisfactory or above ratings in seven of the ten indicators), there were areas where performance was below the expected standard. Areas of concern include effective assessment, special needs of Aboriginal and Torres Strait Islander children and successful transitions to independence.⁵⁷

3.2.3 *Transition from care*

The department is required, under the Child Protection Act, to assist children who are or have been in care to transition to independence.⁵⁸ Schedule 1 of the Act provides a charter of rights for a child in care, which includes the right “to receive appropriate help with the transition from being a child in care to independence, including, for example, help about housing, access to income support and training and education”.⁵⁹

The Commissioner advised that the Queensland government has stated it will ensure that all children in care aged 15 years and over have a transition from care plan that offers personal support for them up to 21 years of age.⁶⁰

The Commission monitors transition from care issues via a number of mechanisms, including:

- community visitors, who collect data, monitor services and provide advice and support about transition
- the *Views Surveys*,⁶¹ which include questions about leaving care, and

54 CCYPCG, *Annual Report 2011–12*, p.43

55 *ibid.*, pp.54–5

56 CCYPCG, *Queensland Child Guardian Key Outcome Indicators Update: Queensland Child Protection System 2008–2011*, available at <http://www.cypcg.qld.gov.au/reportsCP/index.aspx>

57 CCYPCG, *Annual Report 2011–12*, pp.54–7

58 Child Protection Act, s.75

59 *ibid.*, Schedule 1, s.74k

60 Elizabeth Fraser, *Response to HCSC Question on Notice No. Three (3) Asked on 12 July 2012*, available at <http://www.parliament.qld.gov.au/documents/committees/HCSC/2012/CCYPCG/que-25Jul2012.pdf>

61 Each year the Commission surveys and reports on the views of children and young people in foster care, residential care, and detention centres.

- the *Child Guardian Report*, which includes ‘Successful transitions to independence’ as one of the ten key outcome indicators for the child protection system.⁶²

In 2011–12, community visitors identified 416 transition from care issues. In comparison, in 2010–11 and 2009–10 there were 388 and 113 issues respectively. Most issues related to developing a transition from care plan or wanting to discuss the details in a care plan, particularly around accommodation and support.⁶³

The *Views of Children and Young People in Foster Care* surveys reveal an increase over time in the number of young people who report having a transition from care plan – from 22 per cent in 2006 to 55 per cent in 2011.⁶⁴ Despite this, 65 per cent of respondents stated they would prefer to stay with their foster family after they turn 18. Many of these individuals also thought they would need help to transition to independence – financial assistance, help finding somewhere to live, help with life skills (such as handling money) and help finding a job were all identified.⁶⁵

The *Views of Young People in Detention Centres 2011* survey also highlighted areas for improvement in transition care planning.⁶⁶ Ninety-four per cent of respondents thought they would need one or more supports to ‘stay out of trouble’ once they had left detention care. The average number of supports was five and the most commonly nominated supports included getting a job or job training, playing a sport, doing more school and making new friends.⁶⁷

The *2008–11 Queensland Child Guardian Key Outcome Indicators Update* also stated that while there has been an increase of just over eight per cent in transition care planning since 2009–10, “... more needs to be done to ensure that all children ready to transition out of care have an adequate plan and supports in place”.⁶⁸ The Commission has advised the committee that the report highlighted ‘... that the system has been performing below the expected standard in the area of successful transitions to independence.’⁶⁹ The Commissioner advised it is monitoring the work of the department in this area and provided information on a number of relevant departmental initiatives, including:

- incorporating transition from care planning in ongoing case planning for all children who turn 15 years of age while in departmental care
- working with state and territory governments to foster a national approach to transition from care issues, under the *National Framework for Protecting Australia’s Children 2009–2020*,⁷⁰ and
- funding a number of programs which provide practical assistance to young people.⁷¹

The Commission reported it is developing an exit study to investigate the experiences of young people as they prepare to ‘age out of care’ and the supports that are in place to assist them with

62 Elizabeth Fraser, *Response to HCSC Question on Notice No. Three (3) Asked on 12 July 2012*

63 CCYPCG, *Submission to the Inquiry into Queensland’s Child Protection System by the Honourable Timothy Carmody SC*, 21 September 2012, p.89, available at http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0018/163242/Commission_for_Children_and_Young_People_and_Child_Guardian_Elizabeth_Fraser_Submission.PDF

64 Elizabeth Fraser, *Affidavit to Queensland Child Protection Commission of Inquiry*, 8 August 2012, tabled at HCSC public hearing held on 22 August 2012, available at <http://www.parliament.qld.gov.au/documents/committees/HCSC/2012/CCYPCG/tp-22Aug2012-a.pdf>

65 CCYPCG, *Views of Young People in Foster Care 2011*, p.22–3, available at <http://www.ccypcg.qld.gov.au/resources/publications/views/Views-of-Children-and-Young-People-in-Foster-Care-Survey-2011.html>

66 CCYPCG, *Annual Report 2011–12*, p.50

67 CCYPCG, *Views of Young People in Detention Centres 2011*, pp.50–2, available at http://www.ccypcg.qld.gov.au/pdf/publications/reports/Views-of-Young-People-in-Detention-Centres-Queensland_2011/Full-Report.pdf

68 CCYPCG, *Annual Report 2011–12*, p.57

69 Elizabeth Fraser, *Response to HCSC Question on Notice No. Three (3) Asked on 12 July 2012*

70 Department of Families, Housing, Community Services and Indigenous Affairs, *National Framework for Protecting Australia’s Children 2009–2020*, available at <http://www.fahcsia.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

71 Elizabeth Fraser, *ibid.*

their transition. The Commission hopes the study will become a longer term study, identifying young people's trajectories once they have left care and the factors which result in the best outcomes for care leavers.⁷²

The Commission has also recommended to the Commission of Inquiry that Queensland extend its support for young people 'ageing out of care' to at least 21 years, as is the case in most Australian jurisdictions.⁷³

3.3 Employment screening – blue cards

Chapter 8 of the CCYPCG Act prescribes a screening process for persons employed in particular employment or operating particular businesses under the Act. The paramount consideration is to ensure that children are cared for in a way that protects them from harm and promotes their wellbeing.⁷⁴ Schedule 1 of the CCYPCG Act defines the types of employment and business to which the screening process applies.⁷⁵ The screening process is commonly known as the blue card system.

3.3.1 The blue card system

The system includes:

- employment screening, which uses known police and disciplinary information to determine whether a person is eligible to work with children and young people in regulated service environments. Eligible people receive a blue card
- daily monitoring, through an electronic interface with the Queensland Police Service, of all blue card holders and applicants to ensure the Commission is able to take action to protect children and young people if a blue card holder or applicant is charged with a concerning offence, and
- risk mitigation strategies, including a legislative requirement for organisations providing child related services to have policies and procedures to identify and minimise the risk of harm to children. These strategies are monitored by the Commission.⁷⁶

3.3.2 Processing times

In 2011–12, the Commission processed 280,524 blue and exemption card⁷⁷ applications and authorisations, monitored 517,796 blue and exemption card holders and identified and prevented 868 'high risk' individuals from working with children.

The operational efficiency of the system was also improved through increased automation and processing enhancements, contributing to a nine per cent increase in the percentage of applications with no police information processed within 28 days, i.e. 83 per cent in 2009–10,⁷⁸ compared to 92 per cent in 2011–12. The proportion of applications with police information processed within four months remained the same, i.e. 89 per cent in both 2009–10 and 2011–12.

In addition, the average processing time for applications with no police information dropped from 35 days in 2010–11 to 17 days in 2011–12.⁷⁹

72 CCYPCG, *Annual Report 2011–12*, p.89

73 CCYPCG, *Submission to the Child Protection Inquiry*, p.89

74 CCYPCG Act, ss.154 & 155

75 *ibid.*, Schedule 1

76 CCYPCG, *Annual Report 2011–12*, p.20

77 Registered teachers and police officers apply for an exemption card when providing regulated services to children which are outside their professional duties (CCYPCG, *About the blue card system*, accessed 2 May 2013 from <http://www.ccypcg.qld.gov.au/bluecard/about.html>)

78 The Commission cautions against direct comparisons with blue card performance data from 2010–11 as processing timeframes in this year were affected by the introduction of new processes to manage legislative change.

79 CCYPCG, *Annual Report 2011–12*, pp.22, 92, 93 & 95

3.3.3 *Improvements to increase efficiency*

The Commission has implemented a number of database and web-based improvements to reduce blue card processing times and increase operational efficiency. These include:

- a *Fill & Print Service* which allows applicants to complete and print a web-based application form. The objective is to reduce the delays caused by the Commission receiving incomplete, incorrect or unreadable applications. The service is being piloted in two organisations and will be rolled out to other organisations, if successful
- a web-based service that allows applicants and card holders to update their contact details
- automatic conversion of faxed applications to an electronic document
- automatic electronic notifications to advise applicants that their application has been received and is being processed, and
- enhancements to the record-keeping function of the blue card database which will enable longer term improvements in the keeping and retrieval of records.⁸⁰

3.3.4 *Risk management and stakeholder feedback*

In 2011–12, the Commission sought feedback from blue card community information and education session participants to “... drive continuous improvement in the administration of the blue card system”.⁸¹ Ninety-six per cent of participants reported that the sessions had increased their knowledge of the system and how to apply it to their organisation and assisted them to understand the importance of continuously improving risk management strategies. Seventy-eight per cent of participants also stated that the sessions had provided them with ideas about how to improve their policies.

The Commission also surveyed 73 organisations that it had provided with written feedback on risk management strategies. Seventy per cent of these organisations said the feedback had assisted them to develop or amend their child protection policies. In addition, 81 per cent of organisations which said they accessed risk management strategy resources on the Commission’s website found those resources helpful in improving their policies.⁸²

3.3.5 *Community engagement*

In 2011–12, the Commission conducted 155 community engagement activities with a diverse range of stakeholders, including Aboriginal and Torres Strait Islander communities, sporting peak bodies, government departments, universities and local organisations. Aboriginal and Torres Strait Islander communities were a key focus. The Commission has established an Aboriginal and Torres Strait Islander blue card reference group to identify strategies to increase these communities’ access to and participation in the system.⁸³

3.3.6 *Reporting framework*

In 2011–12, the Commission developed a reporting framework to measure “... the value and contribution of the blue card system to increasing the safety of children in regulated service environments”. Reporting was planned to commence in 2012–13.⁸⁴

80 CCYPCG, *Recent improvements to the blue card system for applicants*, accessed 26 May 2013 from <http://www.ccypcg.qld.gov.au/about/news/2012/april/Recent-improvements-to-the-blue-card-system-for-applicants.html>

81 CCYPCG, *Annual Report 2011–12*, p.25

82 *ibid.*

83 *ibid.*, p.26

84 *ibid.*, p.28

3.3.7 National consistency

The Commission has been working, through the National Operators Forum, on the creation of consistent national exemptions for workers and volunteers participating in short term national events and interstate activities.⁸⁵ The former Commissioner said in August 2012:

*I am seeking amendment to the commission's 2011 Regulation ... to introduce by late 2012 national exemptions to working with children checks for volunteers and paid employees who are required to cross state or territory borders for work related purposes. These exemptions are to enable paid employees and volunteers working or volunteering in regulated child related duties to participate in national and interjurisdictional activities on a short-term basis.*⁸⁶

The Commissioner also advised the committee that she would be seeking amendments to the CCYPCG Act to "... update the blue card offence schedules to incorporate changes made to the Commonwealth child sex related offences such as for child sex tourism". Ms Fraser said the amendments to the Act would provide consistency for how child related offences are treated under the blue card system.⁸⁷

3.4 The community visitor program

Chapter 5 of the CCYPCG Act provides for community visitors to promote and protect the rights, interests and wellbeing of children in out-of-home care.⁸⁸ The program commenced in 2001 with visits to children in detention and residential sites and was expanded to include children in foster care in October 2004 after a Crime and Misconduct Commission Inquiry identified the need for regular and independent assessment of the safety and wellbeing of children in foster homes.⁸⁹

Community visitors are appointed by the Commissioner,⁹⁰ and have a number of functions under the CCYPCG Act. These include:

- advocating for children and assisting in the resolution of their concerns and grievances
- facilitating access to appropriate support services
- assessing the adequacy of the information provided to children
- assessing the physical and emotional wellbeing of children
- assessing the appropriateness of accommodation
- observing the treatment of children, and
- providing advice and reports to the Commissioner about anything relating to their functions.⁹¹

3.4.1 Number of visitors, visits and issues

The Commission employed 153 community visitors in 2011–12. Seven per cent of visitors identified as Aboriginal or Torres Strait Islander.⁹²

During 2011–12, community visitors visited 7,911 children and young people in out-of-home care and detention, generating 44,356 individual child reports and approximately 4,007 site reports.⁹³ The three most common issues raised by children during these visits were contact with family or child safety officers (3,663 or 21 per cent of issues), placement arrangements (2,536 or 14 per cent) and

⁸⁵ *ibid.*

⁸⁶ Elizabeth Fraser, *Public Hearing Transcript*, p.1–2; Commission for Children and Young People and Child Guardian Regulation 2011, available at <http://www.legislation.qld.gov.au/LEGISLTN/SLS/2011/11SL148.pdf>

⁸⁷ Fraser, *Public Hearing Transcript*, p.2

⁸⁸ CCYPCG Act, s.86

⁸⁹ Commission of Inquiry, *Discussion Paper*, p.233

⁹⁰ CCYPCG Act, s.107

⁹¹ *ibid.*, s.93

⁹² CCYPCG, *Annual Report 2011–12*, p.69

⁹³ Elizabeth Fraser, *Estimates Transcript*, p.84

therapeutic care needs (1,521 or nine per cent). Community visitors were able to resolve 91 per cent (more than 17,000) of these issues at the local level, with the service provider.⁹⁴ Additionally, 99 per cent of all serious issues were referred to relevant agencies within 24 hours.⁹⁵

Internal performance measures also reveal an increase in both the percentage of children visited in accordance with their visiting schedule (91 per cent in 2010–11 to 95 per cent in 2011–12) and the percentage of indigenous children visited in accordance with their visiting schedule (89 per cent in 2010–11 to 93 per cent in 2011–12).⁹⁶

3.4.2 Visits to 17 year olds in correctional facilities

In October 2011, community visitors began visits to 17 year olds in adult correctional facilities. Two centres, the Brisbane Correctional Centre and Brisbane Women’s Correctional Centre, were visited between mid-October 2011 and mid-July 2012. The Commission also held introductory meetings with managers of the Townsville Correctional Centre and states plans were in place to “... make initial contact with the General Managers Townsville Women’s, Lotus Glen, Maryborough and Capricornia Correctional Centres by the end of July 2012”.⁹⁷

Forty one issues were raised by 17 year olds during these visits. Approximately one third (13) of issues related to programs and services and five related to alleged harm or risk of harm.⁹⁸

In 2012–13, the Commission will finalise an administrative agreement to facilitate community visitors visiting 17 year olds in adult correctional facilities and commence a related monthly visiting program.⁹⁹

The Commission reported that it continues to advocate for the removal of 17 year olds from the adult justice system into the youth justice system.¹⁰⁰

3.5 Child deaths

Chapter 6 of the CCYPCG Act outlines the Commission’s functions and responsibilities in relation to child deaths. This includes keeping a register of child deaths in Queensland,¹⁰¹ establishing a Child Death Care Review Committee (CDCRC) to review and report on all reviews carried out under the Child Protection Act,¹⁰² and reporting annually to the Minister on matters relating to the child death register and the performance of the CDCRC.¹⁰³

3.5.1 Child Death Register

The Commission’s Child Death Register contains data on over 4,000 child deaths in Queensland, from 2004 to date. Data is available free of charge to researchers with a genuine interest in developing evidence-based strategies to address risks associated with preventable deaths.¹⁰⁴

During 2011–12, the Commission responded to 58 requests from researchers for tailored Child Death Register data. This is an increase of 25 per cent from 2010–11.¹⁰⁵ The Commission also completed a number of policy submissions and introduced a trends and issues series of papers to raise awareness

94 CCYPCG, *Annual Report 2011–12*, pp.44 & 46

95 *ibid.*, p.93

96 *ibid.*

97 Elizabeth Fraser, *Response to HCSC Question on Notice No. Six (6) Asked on 12 July 2012*

98 *ibid.*

99 CCYPCG, *op. cit.*, p.41

100 *ibid.*, p.46; & Elizabeth Fraser, *Response to HCSC Question on Notice No. Five (5) Asked on 12 July 2012*

101 CCYPCG Act, ss.120 & 143

102 *ibid.*, ss.120, 116 & 134

103 *ibid.*, ss.141 & 146

104 CCYPCG, *Annual Report 2011–12*, p.16

105 *ibid.*

of current child death and injury prevention issues impacting on the safety and wellbeing of vulnerable children and young people.¹⁰⁶

The Commission is currently working on an information technology project to support its child death data collection and review functions.¹⁰⁷

3.5.2 *Annual Report: Deaths of children and young people in Queensland 2011–12*

In 2011–12, the Commission published its eighth annual report on child deaths. The report provides a detailed analysis of the 486 deaths registered in the year. Key findings include:

- almost 57 per cent of deaths were male
- approximately 71 per cent of deaths were due to disease and morbid conditions
- almost 22 per cent of deaths were due to external causes (transport, drowning, suicide, fatal assault or other non-intentional injury)
- approximately 60 per cent of deaths were children under one year of age
- Aboriginal and Torres Strait Islander children accounted for approximately 14 per cent of deaths. The death rate in this group was 2.4 times higher than that of non-indigenous children, and
- children known to the child protection system died at a rate of 54.0 deaths per 100,000, compared with 44.7 deaths per 100,000 for all Queensland children.¹⁰⁸

3.5.3 *Child Death Case Review Committee*

The CDCRC is chaired by the Commissioner and includes experts from relevant fields (including paediatrics, forensic pathology, investigations and child protection) as well as the Assistant Commissioner and at least one Aboriginal and one Torres Strait Islander representative.¹⁰⁹

The CDCRC must review and report on reviews carried out under the Child Protection Act within three months.¹¹⁰ Reports may include recommendations to the chief executive about:

- improving policies related to delivering services to children in the child safety system
- improving relationships with other entities involved in the child safety system, and
- whether any disciplinary action should be taken against departmental staff in relation to their involvement with a child in the child safety system.¹¹¹

The CDCRC is required to report annually to the Minister on its performance.¹¹²

3.5.4 *Child Death Case Review Committee Annual Report 2011–12*

In 2011–12, the CDCRC reported that it had considered 73 child death reviews undertaken by the Department. Of these:

- fifty-one per cent (37) related to the death of a male
- sixty-five per cent (47) were associated with children aged zero to four
- twenty-six per cent (19) involved children who identified as Aboriginal and eight per cent (6) involved children who identified as both Aboriginal and Torres Strait Islander
- forty-five per cent (33) involved children with a medical condition, intellectual impairment, developmental delay and/or mental health condition

106 CCYPCG, *Annual Report: Deaths of children and young people, Queensland, 2011–12*, p.95, available at http://www.ccypcg.qld.gov.au/pdf/publications/reports/annual_report_dcyp_2011-2012/Annual_Report-Deaths_of_Children_and_Young_People_Qld_2011-12.pdf

107 CCYPCG, *Annual Report 2011–12*, p.16

108 CCYPCG, *Annual Report: Deaths of children and young people, Queensland, 2011–12*, pp.5 & 8

109 CCYPCG Act, ss.120 & 127

110 *ibid.*, s.135

111 *ibid.*, s.117

112 *ibid.*, ss.120 & 141

- fifty-nine per cent (42) involved children and young people from families where parental criminal history was an issue, and
- forty-six per cent (33) involved children and young people from families where domestic violence and parental substance abuse co-existed.¹¹³

The CDCRC completed all reviews within the prescribed three month timeframe.¹¹⁴

The CDCRC endorsed all recommendations made by the department in its reviews and made an additional 46 recommendations, 38 of which had been implemented prior to the publication of the CDCRC's 2011–12 annual report.¹¹⁵

3.6 Advocacy, research and promotion

The Commission is required to promote and protect the rights, interests and wellbeing of all children and young people in Queensland.¹¹⁶ One way the Commission fulfils this responsibility is the provision of evidence-based advice on legislation, policies and practices that impact on children and young people and by advocating for approaches that promotes their best interests.¹¹⁷

3.6.1 Targeted activities

Targeted advocacy activities undertaken by the Commission in 2011–12 included:

- supporting the new National Classification Scheme for video games, which includes protections for children and advice for parents and carers¹¹⁸
- publishing material on child quad bike deaths, to raise awareness that quad bikes are the leading cause of preventable machinery-related death on Australian farms and to promote safety messages about this issue¹¹⁹
- advocating for offenders under the age of 18 to receive more intervention and rehabilitation activities, rather than be included in a standard non-parole period sentencing scheme,¹²⁰ and
- proposing that the Queensland Mental Health Commission have a focus on increasing regional mental health services for children and young people.¹²¹

The Commission also participated in the Youth Justice (Boot Camp) and other Legislation Amendment Bill 2012 inquiry, which amended the *Youth Justice Act 1992* to allow the Commission's community visitors to visit and take complaints from children in boot camps,¹²² and the Criminal Law (Child Exploitation and Dangerous Drugs) Amendment Bill 2012 inquiry, which strengthened penalties for adults who supply dangerous drugs to children.¹²³

113 Queensland Child Death Case Review Committee, *Queensland Child Death Case Review Committee Annual Report 2011–12*, pp.4, 5 & 8, available at http://www.cdcrc.qld.gov.au/pdf/reports/annual_report_2011-2012/2011-12-CDCRC-annual-report.pdf

114 CCYPCG, *Annual Report 2011–12*, p.64

115 Queensland Child Death Case Review Committee, *op. cit.*, pp.31, 37 & 38

116 CCYPCG Act, s.5

117 CCYPCG, *Annual Report 2011–12*, p.18

118 *ibid.*

119 CCYPCG, *Quad bikes leading cause of machinery-related deaths on farms*, Media Release, 16 August 2012, available at <http://www.ccypcg.qld.gov.au/pdf/media/2012/Media-release-quad-bikes-Final-August-2012.pdf>

120 CCYPCG, *Annual Report 2011–12*, p.34

121 *ibid.*

122 *Youth Justice Act 1992*, s.282J (as inserted by s.40 of the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012, available at <http://www.legislation.qld.gov.au/Bills/54PDF/2012/YouthJBootAB12.pdf>)

123 Barry Salmon, Assistant Commissioner, Commission for Children and Young People and Child Guardian, *Presentation to Griffith University Bachelor of Education & Graduate Diploma*, 8 March 2013, available at http://www.ccypcg.qld.gov.au/pdf/publications/speeches/speeches_13/Griffith-Uni-for-080313-FINAL.pdf

3.6.2 *National issues*

The Commission participates in the Australian Children's Commissioners and Guardians Group (the ACCGG). In 2011–12, the ACCGG supported the establishment of a National Children's Commissioner, with responsibility for Commonwealth legislation, policies and practices, and developed policy positions on a number of national issues.¹²⁴

3.7 Conclusion

The committee considers the Commission has effectively exercised its oversight responsibilities for the Queensland child protection system.

The Commission has continued to promote and protect the rights, interests and wellbeing of children in Queensland by fulfilling a range of key functions identified in the CCYPCG Act. Functions considered by the committee in this report included:

- resolving complaints and investigating service delivery
- monitoring, auditing and reviewing systems, policies and practices
- employment screening
- the Community Visitors Program
- analysing and reporting on child deaths, and
- advocacy, research and promotion.

As noted earlier, the Commission has been contributing to the work of the Queensland Child Protection Commission of Inquiry. The committee notes that the future functions of the Commissioner for Children and Young People and Child Guardian may change as a result of the Commission of Inquiry.

124 CCYPCG, *Annual Report 2011–12*, pp.18 & 34

4 Performance Reporting

4.1 Commission for Children and Young People and Child Guardian 2011–12 Annual Report

The Commission's Annual Report for 2011–12 was tabled in Parliament 28 September 2012. The report is published on the Commission's website, together with a compliance checklist which identifies legislative and reporting requirements and the sections of the report which provide information in relation to each of these requirements.¹²⁵ The committee considers the Commission's annual report complies with the Queensland Government's Annual report requirements for Queensland Government agencies.

¹²⁵ CCYPCG, *Annual Report 2011–12*

Appendices

Appendix A – Queensland Child Protection Commission of Inquiry Terms of Reference

Commissions of Inquiry Order (No. 1) 2012

Short title

1. This Order in Council may be cited as the *Commissions of Inquiry Order (No. 1) 2012*.

Commencement

2. This Order in Council commences on 1 July 2012.

Appointment of Commission

3. UNDER the provisions of the *Commissions of Inquiry Act 1950* the Governor in Council hereby appoints the Honourable Timothy Francis Carmody SC, from 1 July 2012, to make full and careful inquiry in an open and independent manner of Queensland's child protection system, with respect to:

- a) reviewing the progress of implementation of the recommendations of the [Commission of Inquiry into Abuse of Children in Queensland Institutions](#) (the Forde Inquiry) and [Protecting Children: An Inquiry into the Abuse of Children in Foster Care](#) (Crime and Misconduct Commission Inquiry);
- b) reviewing Queensland legislation about the protection of children, including the [Child Protection Act 1999](#) and relevant parts of the [Commission for Children and Young People and Child Guardian Act 2000](#);
- c) reviewing the effectiveness of Queensland's current child protection system in the following areas:
 - i whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently;
 - ii the current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, front line staffing;
 - iii tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court and tribunal processes; and
 - iv the transition of children through, and exiting the child protection system;
- d) reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system; and
- e) reviewing the adequacy or appropriateness of (including whether any criminal conduct was associated with) any response of, or action taken by, the executive government between 1 January 1988 and 31 December 1990 in relation to:
 - (i) allegations of child sexual abuse; and/or
 - (ii) industrial disputes;
 in youth detention centres, or like facilities ([Commissions of Inquiry Amendment Order \(No.2\) 2013](#))

4. EXCEPT that the inquiry is not to have regard to the following matters:

- a) Recommendation 39 of the Forde Inquiry;
- b) any matter that is currently the subject of a judicial proceeding, or a proceeding before an administrative tribunal or commission (including, but not limited to, a tribunal or commission established under Commonwealth law), or is, as of the date of these terms of reference, the subject of police, coronial, misconduct or disciplinary investigation or disciplinary action;

c) the appropriateness or adequacy of:

- i any settlement to a claim arising from any event or omission; or
- ii the rights to damages or compensation by any individual or group arising from any event or omission, or any decision made by any court, tribunal or commission in relation to a matter that was previously the subject of a judicial proceeding, or a proceeding before a tribunal or commission; or
- iii any Queensland Government redress scheme including its scope, eligibility criteria, claims and/or payments of any kind made to any individual or group arising from any event or omission;

for any past event that, as of the date of these terms of reference, is settled, compromised or resolved by the State of Queensland or any of its agencies or instrumentalities; and

d) the operation generally of youth detention centres (other than those matters relating to historic child sexual abuse in youth detention centres identified at paragraph 3(e) of these terms of reference), including but not limited to the progress of implementation of Recommendations 5 to 15 (inclusive) of the Forde Inquiry relating to the operation of youth detention centres.

Commission to report

5. AND directs that the Commissioner make full and faithful report and recommendations on the aforesaid subject matter of inquiry, and transmit the same to the Honourable the Premier by 30 June 2013 ([Commissions of Inquiry Amendment Order \(No.1\) 2013](#))

Commission to make recommendations

6. IN making recommendations the Commissioner will chart a new road map for Queensland's child protection system over the next decade. The recommendations should take into consideration the Interim Report of the Queensland Commission of Audit and the fiscal position of the State, and should be affordable, deliverable and provide effective and efficient outcomes. The recommendations should include:

- a) any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families;
- b) strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children at all stages of the child protection system, particularly out-of-home care;
- c) any legislative reforms required; and
- d) any reforms to improve the current oversight, monitoring and complaints mechanisms of the child protection system.

Application of Act

7. THE provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry except for section 19C – Authority to use listening devices.

Conduct of Inquiry

8. THE Commissioner may hold public and private hearings in such a manner and in such locations as may be necessary and convenient.

Endnotes

1. Made by the Governor in Council on 28 June 2012.
2. Notified in the Gazette on 29 June 2012.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Justice and Attorney-General.¹²⁶

¹²⁶ Commission of Inquiry, *Order in Council containing terms of reference*

Appendix B – Publications released by the Commission in 2011 and 2012

This table lists key documents released by the Commission in 2011 and 2012, all of which are published on the Commission's website at <http://www.cypcg.qld.gov.au/resources/publications/reports.html>

Year	Name	Description
2012	<i>2011 Views of Children and Young People in Foster Care Survey</i>	Outlines findings of Commission's fourth survey (conducted in October 2011) of children and young people in foster care
	<i>2011 Views of Young People in Residential Care Survey</i>	Outlines findings of Commission's third survey (conducted in October 2011) of young people in residential care.
	<i>Annual Report: Child Death Case Review Committee 2011–12</i>	Annual report required under section 141 of CCYPCG Act. Eighth report in the series. Provides an overview of reviews undertaken by the CDCRC.
	<i>Annual Report: Deaths of children and young people Queensland 2011–12</i>	Annual report required under section 146 of CCYPCG Act. Eighth report in the series. Analyses the deaths of children and young people in Queensland, with a particular focus on the circumstances and risk factors surrounding these deaths.
	<i>Child Guardian Report: Investigation into the Use of Force in Queensland youth detention centres</i>	Report on Commission's investigation into the use of force by departmental officers in Queensland's two youth detention facilities.
	<i>Child Guardian Report: Review of Cultural Support Plans from the Indigenous Child Placement Principle Audit 2010–11 sample group</i>	Outlines the results of a review of Cultural Support Plans included in the case plans of the Indigenous Child Placement Principle Audit 2010–11 sample group. Preliminary findings will inform the methodology of the Indigenous Child Placement Principle Audit in 2012–13.
	<i>Child Guardian Report: Youth Justice System 2010–11</i>	First report in the series. Assesses the extent to which the Queensland Youth Justice System meets the needs of young people.
	<i>Indigenous Child Placement Principle Audit Report 2010/11</i>	Outlines the findings of the Commission's second audit of the department's compliance with section 83 of the Child Protection Act.
	<i>Queensland Child Guardian Key Outcome Indicators Update, Queensland Child Protection System 2008–2011</i>	Presents the Commission's latest analysis of the performance of the outcomes achieved for Queensland children and young people in need of protection.
	<i>Snapshot 2012</i>	Tenth report in the series. Provides a comprehensive and contemporary illustration of the health, safety and wellbeing of Queensland's children and young people. Considers issues and areas of importance over time to ensure policies, programs and practices aimed at improving the wellbeing of Queensland's children and young people are based on reliable information.
	<i>The Chroming Report</i>	Examines the quality of service delivery to children-in-care who are chroming. Initiated by a CMC referral about service delivery by the department to two children-in-care.

2011	<i>Annual Report: Child Death Case Review Committee 2010–11</i>	Seventh report in the series.
	<i>Annual Report: Deaths of children and young people Queensland 2010–11</i>	Seventh report in the series.
	<i>Audit of the Administration of s.263(4) of the Youth Justice Act 1992</i>	Report on the Commission's audit of the June 2007–December 2009 inspections of Queensland Youth Detention Centres. Audit associated with sections 17(1)(i) and 23(e)(i) of CCYPCG Act and conducted in accordance with Chapter 3 of the CCYPCG Act.
	<i>Child Guardian Report: Child Protection System 2009–10</i>	Assesses the extent to which the Queensland child protection system meets the needs of the children and young people reliant upon its services. Assessment is against 10 Key Outcome Indicators, which were agreed with service providers in 2006.
	<i>Child Guardian: Consultation Report Youth Justice System</i>	Outlines and seeks feedback on the Commission's intent to establish a monitoring framework to support its oversight and advocacy functions and to report about service delivery to young people in contact with the youth justice system.
	<i>Keeping Country Kids Safe Final Report</i>	Report of self-initiated research prepared under section 145 of the CCYPCG Act. Examines the accidental deaths of children in Queensland's rural and country communities, using data from the Commission's Child Death Register between 2004 and 2008.
	<i>Reducing Youth Suicide in Queensland Final Report</i>	Report of self-initiated research prepared under section 145 of the CCYPCG Act. Analyses information in the Commission's Child Death Register and provides a detailed review of the lives and deaths of children and young people who suicided between 2004 and 2007. Seeks to improve understanding of the factors that increase suicide risk among children and young people.
	<i>Review into the quality of service delivery provided by 'X' Child Safety Service Centre to a sample group of seven families – Report</i>	Report of a review by the Commission and the Department into the quality of service delivery provided by a service provider to a sample group of seven families during 2008 and 2009.
	<i>Snapshot 2011</i>	Ninth report in the series.
	<i>Summary Report: The adequacy of the actions of certain government agencies in relation to service provision to a subject child</i>	Report of investigation conducted under section 64 of the CCYPCG Act – report prepared under section 80 of the CCYPCG Act. Reports of an investigation by the Commission about the adequacy of the actions of the department and Queensland health in relation to service provision to a subject child.
	<i>Views of Young People in Detention Centres Queensland 2011</i>	Outlines findings of Commission's third survey (conducted in October 2010) of young people in Queensland's two youth detention centres.

Appendix C – Publications referred to in this report

- Bail Act 1980*, available at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BailA80.pdf>
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