



Oversight of the Queensland Family and Child Commission

Report No. 75, 56th Parliament
Legal Affairs and Community Safety Committee
September 2020

Legal Affairs and Community Safety Committee

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Contents

Abbreviations	ii
Chair's foreword	iii
Recommendation	iv
1 Introduction	5
1.1 This report	5
1.2 Role of the committee	5
1.3 Purpose and functions of the QFCC	5
1.4 Committee's responsibilities regarding the QFCC	6
1.5 Commissioners	6
1.6 The committee's process	7
2 Review of Annual Report 2018-2019	8
2.1 Overview	8
2.2 Principal Commissioner's Report	8
2.3 QFCC performance	8
2.4 Child protection reforms	9
2.5 Systems reviews	9
2.6 Community connections	11
2.7 Education	12
2.8 Policy and advocacy	13
3 QFCC public hearing	14
4 Committee comment	15

Abbreviations

Act	<i>Family and Child Commission Act 2014</i>
Annual Report	Queensland Family and Child Commission Annual Report 2018-19
committee	Legal Affairs and Community Safety Committee
Principal Commissioner	Ms Cheryl Vardon
public hearing	Public oversight hearing held with the QFCC via telephone conference on 30 March 2020
QFCC	Queensland Family and Child Commission
Standing Order/SO	Standing Rules and Orders of the Legislative Assembly.

Chair's foreword

The Legal Affairs and Community Safety Committee has oversight responsibilities for the Queensland Family and Child Commission (QFCC). This report provides information regarding the performance by the QFCC of its functions under the *Family and Child Commission Act 2014*.

The committee held a public hearing with Ms Cheryl Vardon, the Principal Commissioner of the QFCC, via teleconference on 30 March 2020. The committee also reviewed the QFCC's Annual Report 2018-19 which was tabled on 30 September 2019.

On behalf of the committee, I thank the staff of the QFCC who assisted the committee throughout the course of its oversight for the 2018-19 financial year period. I also thank the Parliamentary Service staff.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a long horizontal stroke extending to the right.

Peter Russo MP
Chair

Recommendation

Recommendation

15

The committee recommends that the House notes the contents of this report.

1 Introduction

1.1 This report

The Legal Affairs and Community Safety Committee (committee) prepared this report as part of its statutory oversight responsibility for the Queensland Family and Child Commission (QFCC), with primary focus on the 2018-19 financial year.

1.2 Role of the committee

The committee is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly (Standing Orders).¹

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services
- Aboriginal and Torres Strait Islander Partnerships.

In addition to the QFCC, the committee also has oversight responsibilities for the:

- Electoral Commissioner
- Information Commissioner
- Ombudsman
- Family Responsibilities Commission.²

1.3 Purpose and functions of the QFCC

The *Family and Child Commission Act 2014* (the Act) established the QFCC on 1 July 2014.

The purpose of the QFCC is to promote the safety, wellbeing and best interests of children and young people and improve the child protection system. The Act sets out the functions of the QFCC which include:

- oversight of the child protection system
- promotion and advocacy regarding the responsibilities of families to protect and care for, and the safety and wellbeing of, children and young people, particularly those in the child protection or youth justice system
- to provide research, assistance, capacity building and leadership for agencies involved in the child protection system
- to review, analyse and evaluate systemic policies and practices relevant to the child protection system
- to inform and educate the community
- to report to the Minister about matters relating to its functions.³

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

² Standing Orders, Schedule 6.

³ *Family and Child Commission Act 2014*, s 9.

The Act also sets out the ways in which commissioners are to perform functions, including:

- (a) engaging with, and taking into consideration, the views of children, young people and their families
- (b) ensuring the interests of Aboriginal people and Torres Strait Islanders are adequately and appropriately represented
- (c) respecting and promoting the role of Aboriginal and Torres Strait Islander service providers in supporting Aboriginal and Torres Strait Islander families and communities to protect and care for their children and young people
- (d) being sensitive to the ethnic or cultural identity and values of children, young people and their families
- (e) consulting with relevant agencies and advocacy entities
- (f) working cooperatively with relevant agencies and helping build their capacity to meet the needs of children, young people and their families.⁴

1.4 Committee's responsibilities regarding the QFCC

Schedule 6 of the Standing Orders provides that the committee has oversight responsibility for the QFCC. Under Standing Order 194A, the committee's oversight responsibilities with respect to the QFCC are to:

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

1.5 Commissioners

The Act provides that there are to be two commissioners for the QFCC. One of the commissioners is to be appointed as the Principal Commissioner (currently Ms Cheryl Vardon) and at least one person who acts as a commissioner must be an Aboriginal person or a Torres Strait Islander.⁵ The Act provides that a commissioner may hold office for a term of no more than three years.⁶

The Commissioners are subject to the direction of the Minister.⁷ Their functions include:

- ensuring the QFCC performs its functions effectively and efficiently
- making recommendations to the Minister about the performance or functions of the QFCC or the commissioners or that assist the Minister in the administration of the Act.⁸

The Principal Commissioner has additional functions to control the QFCC, and to record, analyse, research and report on information about child deaths.⁹

⁴ *Family and Child Commission Act 2014*, s 23.

⁵ *Family and Child Commission Act 2014*, s 11.

⁶ *Family and Child Commission Act 2014*, s 13.

⁷ *Family and Child Commission Act 2014*, s 22.

⁸ *Family and Child Commission Act 2014*, s 18.

⁹ *Family and Child Commission Act 2014*, s 19.

1.6 The committee's process

In conducting its oversight functions of the QFCC, the committee adopted the following process:

- examined the QFCC Annual Report 2018-19 (Annual Report)(see section 2)
- held a public hearing with the Principal Commissioner via teleconference on 30 March 2020 (public hearing)(see section 3).

The transcript of the public hearing is available on the committee's webpage.

2 Review of Annual Report 2018-2019

This section highlights the key aspects of the Annual Report examined by the committee.

2.1 Overview

The Annual Report was tabled on 30 September 2019.

The Annual Report meets reporting obligations under the Act and the *Financial Accountability Act 2009* and highlights key achievements of the QFCC.¹⁰

The Annual Report assessed the QFCC's performance in relation to its strategic objectives, its financial position and its compliance with legislative requirements.¹¹

2.2 Principal Commissioner's Report

The Annual Report commenced with the Principal Commissioner's report which noted, among other things, that:

- the *Our Growing up in Queensland* project has provided the QFCC with deep insight and led to advocacy work with Volunteering Queensland
- the Youth Advisory Council which consists of young people aged 14 to 25 has provided advice on a range of QFCC initiatives, including the *Youth Participation Plan*
- the *Talking Families* community education initiative, designed to support parents, carers and families, was delivered into Queensland schools during 2018-19
- the *Families are First* movement was launched to give Aboriginal and Torres Strait Islander peoples the opportunity to share their positive parenting practices
- the QFCC provides oversight of Queensland's child and family support system and as part of this role, the QFCC completed a comprehensive review of the blue card and foster care systems which resulted in numerous recommendations that are in the process of implementation
- the QFCC maintains the Queensland Child Death Register and shares data with researchers and government agencies
- the Child Death Review Panel will transfer to the QFCC in 2020.¹²

2.3 QFCC performance

Under the Queensland State Budget 2018-19, the QFCC had one service area objective which was 'to promote the safety and wellbeing of children and young people and the role of families and communities in protecting and caring for them'.¹³ The performance of this objective is measured through the percentage increase in the use of the *oneplace* Community Services Directory. The QFCC performance for 2018-19 exceeded the target of a 5% increase in the use of the *oneplace* Community Services Directory, with an actual percentage increase of 11% for 2018-19.¹⁴

¹⁰ Queensland Family and Child Commission, *Annual Report 2018-19*, p 3.

¹¹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 2.

¹² Queensland Family and Child Commission, *Annual Report 2018-19*, pp 6-7.

¹³ Queensland Family and Child Commission, *Annual Report 2018-19*, p 11.

¹⁴ Queensland Family and Child Commission, *Annual Report 2018-19*, p 11.

2.4 Child protection reforms

Under the Act, the QFCC is required to provide oversight of the child protection system.¹⁵ The Annual Report provided a detailed update on the status of the following child protection reforms:

- The QFCC has delivered all recommendations it received from the *Taking Responsibility: A Road Map for Queensland Child Protection* report.¹⁶
- The QFCC is a leader for one of the actions stemming from the Queensland Government's report titled *Changing Tracks: An action plan for Aboriginal and Torres Strait Islander children and families* which is the first action plan created to realise the *Our Way 2017-37 Generational Strategy for Aboriginal and Torres Strait Islander children and families*.¹⁷
- The QFCC has been assisting with the implementation of the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse by:
 - promoting the recently developed excellence framework for child safe organisations
 - working with lead agencies to provide advice about a model for child safe standards and a reportable conduct scheme
 - participating in relevant national roundtables.¹⁸
- The QFCC has also participated in the development of Queensland's first youth justice strategy, *Working Together Changing the Story: Youth Justice Strategy 2019-2023*.¹⁹

2.5 Systems reviews

Under the Act, the QFCC is required 'to analyse and evaluate, at a systemic level, policies and practices relevant to the child protection system and the performance of relevant agencies in delivering services'.²⁰

The Annual Report also noted that one of the QFCC's objectives is to 'identify improvements in the child protection and family support system to ensure those who are most vulnerable are well cared for and able to thrive'.²¹

The Annual Report noted that during 2018-19, the QFCC progressed or completed the following systems reviews:

- Keeping Queensland's children more than safe: Review of the blue card system
- Keeping Queensland's children more than safe: Review of the foster care system
- Blue card and foster care systems review – Report on Term of Reference 5: Strengthening capacity across Queensland's child protection system
- Post-implementation review of *When a child is missing: Remembering Tiahleigh— A report into Queensland's children missing from out-of-home care*
- Recommendation 28 Supplementary Review: A report on information sharing to enhance the safety of children in regulated home-based services

¹⁵ *Family and Child Commission Act 2014*, s 9(1)(a).

¹⁶ Queensland Family and Child Commission, *Annual Report 2018-19*, p 12.

¹⁷ Queensland Family and Child Commission, *Annual Report 2018-19*, p 12.

¹⁸ Queensland Family and Child Commission, *Annual Report 2018-19*, p 13.

¹⁹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 13.

²⁰ *Family and Child Commission Act 2014*, s 9(1)(i).

²¹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 14.

- A systems review of individual agency findings following the death of a child
- Health Check II - follow-up health check review
- Systemic review of responses to 5 and 10 day notifications
- Three new whole-of-system reviews as requested by the Attorney-General and Minister for Justice.²²

The QFCC has also:

- developed its draft *Oversight Strategy 2019-2022* in collaboration with key stakeholders
- commenced the *Vulnerability project* to capture how Queensland's most vulnerable children experience the child and family support sector.²³

The QFCC also chairs the following groups which meet quarterly:

- the Review Strategic Oversight Group
- the Strategic Cross-Agency Oversight Group.²⁴

Appendix D of the Annual Report provided an overview of Queensland's performance in relation to achieving state and national goals relating to the child protection system and compared it to other jurisdictions as required by s 40 of the Act.²⁵

The following outcomes are of note:

- Queensland was assessed as having a 'satisfactory' performance record in terms of the real recurrent expenditure on all child protection services. Queensland had the third highest proportional expenditure on voluntary intervention services and the third lowest proportional expenditure on statutory intervention services of the states and territories.
- Queensland was assessed as 'requires improvement' in terms of the proportion of children on guardianship/custody orders achieving the national reading and numeracy benchmarks, Year 5 level.
- Queensland was assessed as having a 'satisfactory' performance record in terms of the estimated percentage of children and young people who report feeling safe and secure in their current placement.
- Queensland was assessed as 'requires improvement' in terms of Aboriginal and Torres Strait Islander children in out-of-home care in a home-based placement as at 30 June 2018.
- Queensland was assessed as having a 'good' performance record in terms of the number of Aboriginal and Torres Strait Islander children in Queensland accessing Intensive Family Support services with the number rising by 98.5% between 2014-15 and 2017-18, being the highest increase in Intensive Family Support service access of all states and territories involved in the comparison.²⁶

²² Queensland Family and Child Commission, *Annual Report 2018-19*, pp 16-17.

²³ Queensland Family and Child Commission, *Annual Report 2018-19*, p 18.

²⁴ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 18-19.

²⁵ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 19, 96-121.

²⁶ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 110-111.

The Annual Report also noted that despite a number of major reforms and ongoing intervention since 1997, ‘the number of Aboriginal and Torres Strait Islander children and young people entering the child protection system continues to increase’.²⁷

The Annual Report explained that ‘Queensland’s child protection system goals are captured in the *Supporting Families Changing Futures* reform agenda, which followed on from the Queensland Child Protection Commission of Inquiry’.²⁸ Of the 121 recommendations making up the *Supporting Families Changing Futures* reform agenda, as at 30 June 2019, 107 had been implemented and a further 14 had been commenced.²⁹

In terms of education, the Annual Report noted:

- That enrolments for Aboriginal and Torres Strait Islander students are significantly lower than for the general population.
- The data shows a trend of decreasing retention as Aboriginal and Torres Strait Islander students progress to higher grade levels, particularly as the students reach high school age.³⁰

In terms of youth justice, the Annual Report noted that ‘Aboriginal and Torres Strait Islander young people are disproportionately represented in the youth justice system, particularly in detention’.³¹ The Annual Report also discussed the *Working Together to Change the Story 2019-2023* strategy being implemented to reduce the over-representation of Aboriginal and Torres Strait Islander children and young people in the youth justice system.³² The Annual Report noted that the *Working Together to Change the Story 2019-2023* strategy involves:

... empowering Aboriginal and Torres Strait Islander people to prevent and deal with crime in their communities and to help design effectively community-led initiatives to address youth justice issues.³³

2.6 Community connections

Another objective of the QFCC is to ‘work closely with all Queenslanders to build safe, caring and connected communities that are well supported by quality frontline child protection and family support services’.³⁴

In this regard, the Annual Report noted that the QFCC had partnered with the Advisory Council, the Community Partnerships Group, the Youth Advisory Council, the Strategic Cross-Agency Oversight Group, the Reviews Strategic Oversight Group and the Joint Agency Protocol Reference Group and Working Group.³⁵

The QFCC is implementing the *Young, Black and Proud* scholarships program in partnership with the Aboriginal and Torres Strait Islander Community Health Service Brisbane.³⁶

²⁷ Queensland Family and Child Commission, *Annual Report 2018-19*, p 98.

²⁸ Queensland Family and Child Commission, *Annual Report 2018-19*, p 112.

²⁹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 112.

³⁰ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 117-118.

³¹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 119.

³² Queensland Family and Child Commission, *Annual Report 2018-19*, p 119.

³³ Queensland Family and Child Commission, *Annual Report 2018-19*, p 119.

³⁴ Queensland Family and Child Commission, *Annual Report 2018-19*, p 22.

³⁵ Queensland Family and Child Commission, *Annual Report 2018-19*, p 22.

³⁶ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 22 and 27.

The QFCC is also facilitating the final implementation stages of the *Strengthening our Sector* strategy. It focuses on three outcome areas: strengthening the workforce, organisations and professional culture.³⁷

In 2018-19, the QFCC's key mechanisms for engaging with, and taking account of, the views of children, young people and their families included:

- *Growing Up in Queensland* project
- development of a *Youth Participation Plan*
- QFCC Youth Advisory Council
- *Real Skills for Real Life* online survey.³⁸

2.7 Education

The Act requires the QFCC to educate the community about services which support and strengthen families, the operation of the child protection system, and to provide relevant research.³⁹

The Annual Report noted that during 2018-19, the QFCC was involved with the following community education campaigns:

- concluding the third phase of the digital *Talking Families* campaign with an increase in online followers
- launching a *Talking Families Schools* initiative in six schools
- increasing usage of the *oneplace* Community Services Directory
- initiating the children's online safety *Out of the Dark* project which addresses internet-related sexual offending against children through educational resources, online reporting tools, media and research
- preventing child death especially in relation to low-speed vehicle run-overs, particularly the *Seconds Count* and *Don't go if you don't know* campaigns
- changing the narrative on Aboriginal and Torres Strait Islander parenting practices through the *Families are First* movement.⁴⁰

The QFCC 'is responsible for developing a research agenda used to inform policy and best practice across priority areas requiring development within the child protection system'.⁴¹ The research program includes:

- conducting Research in the Round forums
- conducting Regional Research Roundtables
- producing and distributing monthly research scans
- providing research summaries
- publishing a Knowledge and Resource Hub on the QFCC website
- promoting QFCC's *Research Agenda 2016-19* and developing *Research Agenda 2019-22*.⁴²

³⁷ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 28-31.

³⁸ Queensland Family and Child Commission, *Annual Report 2018-19*, p 32.

³⁹ *Family and Child Commission Act 2014*, s 9(1)(d).

⁴⁰ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 37-40.

⁴¹ Queensland Family and Child Commission, *Annual Report 2018-19*, p 41.

⁴² Queensland Family and Child Commission, *Annual Report 2018-19*, p 41.

The QFCC also produced several resources during 2018-19 including various research summaries and fact sheets available on the QFCC website.⁴³

As noted above, the QFCC is responsible for maintaining the *Queensland Child Death Register*. The Annual Report noted that the QFCC's *Annual Report on Deaths of Children and Young People in Queensland, 2017-18* was tabled in parliament on 7 December 2018.⁴⁴

The QFCC supports child death prevention efforts by providing free access to genuine researchers to the child death register data compiled by the QFCC. Additionally, QFCC child death prevention staff participate on several advisory bodies. From 2020, the QFCC will host a new and independent child death review panel.⁴⁵

The QFCC published four factsheets in 2018-19 relating to child death and also published 14-year data tables titled, *Analysis of deaths of children and young people, Queensland, 2004-05 to 2017-18*.⁴⁶

2.8 Policy and advocacy

The Act provides the QFCC with the function 'to provide leadership and give expert advice to relevant agencies about laws, policies, practices and services'.⁴⁷

The Annual Report described the variety of ways that the QFCC has delivered on its policy and advocacy functions during 2018-19 including:

- developing submissions to inform reviews and inquires
- making recommendations about relevant laws and policies
- preparing information papers
- advocating for change
- participating in reference and working groups
- building strong partnerships with relevant agencies
- providing data and policy advice
- leading the *Out of the Dark* online safety initiative
- developing of the Joint agency protocol to reduce preventable police call-outs to residential care services and the accompanying information papers
- reducing young people's involvement in the youth justice system
- contributing to 19 submissions, panels and roundtables.⁴⁸

⁴³ Queensland Family and Child Commission, *Annual Report 2018-19*, p 43.

⁴⁴ Queensland Family and Child Commission, *Annual Report 2018-19*, p 43.

⁴⁵ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 44-45.

⁴⁶ Queensland Family and Child Commission, *Annual Report 2018-19*, p 45.

⁴⁷ *Family and Child Commission Act 2014*, s 9(1)(g).

⁴⁸ Queensland Family and Child Commission, *Annual Report 2018-19*, pp 46-48.

3 QFCC public hearing

In her opening statement at the public hearing, the Principal Commissioner explained the impact of COVID-19 on the QFCC:

I will commence by explaining how the QFCC is going about its work in these quite unusual times. We certainly have a business continuity plan, which means we are continuing. It is not quite business as usual, because we obviously have to do a range of things in virtual and remote ways, but I am happy to say that all of our functions and responsibilities are continuing. We have a business continuity plan. We had a COVID-19 plan coming from that, which explained how we need to continue business in these unusual times, and we have legal documents like a telecommute assessment, an agreement around working from home with all members of the agency and many directives, specifically and importantly a directive on pandemic leave.

As of today, most Queensland Family and Child Commission staff members are working from home. We did that by legally transferring the workplace from 53 Albert Street to people's homes. We had tested that previously with various teams to make sure that that transition was a safe and practical one. We do have a few essential people, in terms of information technology for example, and some general corporate work in the office and another very small group of people who for a range of reasons would prefer to work in the office. That is where we are at the moment. I thought it would be interesting for you to have that reassurance. We are planning to trial this new way of all staff working from home for a month and then review it again, but I am expecting the time to go on for at least six months.⁴⁹

The Principal Commissioner advised that her colleague, Mr Phillip Brooks, who was previously a QFCC commissioner had left the QFCC to become a deputy director-general at the Department of Youth Justice.⁵⁰ The Principal Commissioner also advised that the recruitment process for a new commissioner had been completed and that she expected to be able to make an announcement in due course. The Principal Commissioner reassured the committee that 'the QFCC will continue with its statutory officers employed under the Family and Child Commission Act'.⁵¹

The Principal Commissioner also noted that before the new external Child Death Review Board was to commence, a small team at the QFCC was dedicated to developing procedural guidelines and educational resources. Other agencies, if the children were known to them, would also be required to review the deaths.⁵²

The Principal Commissioner also advised that the following various work streams, were continuing, although in a manner slightly different to that originally contemplated:

- the further roll-out of the *Growing up in Queensland* survey
- the oversight and the monitoring by the QFCC of reforms in youth justice
- the evaluation of the efficiency and effectiveness of child safety work.⁵³

The Principal Commissioner raised some concerns about the impact of arrangements due to COVID-19 on vulnerable children:

We do have some concerns about the new arrangements, particularly for schools, and we are working with Child Safety to be very clear on how we monitor and take care of those children for whom school was a safe haven and where mandatory reporting from teachers may not

⁴⁹ Public oversight hearing transcript, Brisbane, 30 March 2020, p 1.

⁵⁰ Public oversight hearing transcript, Brisbane, 30 March 2020, p 1.

⁵¹ Public oversight hearing transcript, Brisbane, 30 March 2020, p 2.

⁵² Public oversight hearing transcript, Brisbane, 30 March 2020, p 2.

⁵³ Public oversight hearing transcript, Brisbane, 30 March 2020, p 2.

*happen, because children will not be at school and neither will most of the teachers. We are also concerned that we focus on children who may be at home with dysfunctional families. As you know from some of the tragedies that have happened, children are often collateral in domestic violence. We are monitoring all of that and keeping children first and foremost.*⁵⁴

Questions from the committee during the public hearing focused on the:

- child death review panel
- impact of COVID-19 on vulnerable children and whether there is a message that can be sent to the broader community to help protect children no longer protected by the school environment or other social groups
- *oneplace* Community Services Directory and the change in how its use will be measured from next financial year
- number and percentage of Aboriginal and Torres Strait Islander people and young people subject to ongoing intervention, particularly in the context of parental agreements
- role of the Indigenous recruitment champion and how that person is selected
- support provided to staff who deal with distressing issues involving child deaths and vulnerable children
- ways in which the *Human Rights Act 2019* has impacted on, or is expected to impact on, the functions of the QFCC
- minor structural changes to QFCC undertaken during the financial year.⁵⁵

4 Committee comment

The committee recognises the extremely challenging nature of many of the issues being examined by the QFCC and commends the QFCC for the professional and considered approach that it takes in the discharge of its varied functions.

The committee also recognises the QFCC's ongoing efforts to implement its reforms and to consider new strategies to assist vulnerable children especially in light of the impact of COVID-19.

The committee appreciates the assistance and information provided by the management and staff of the QFCC which has helped the committee in its oversight role.

Recommendation

The committee recommends that the House notes the contents of this report.

⁵⁴ Public oversight hearing transcript, Brisbane, 30 March 2020, p 2.

⁵⁵ Public oversight hearing transcript, Brisbane, 30 March 2020, pp 2-6.