



Oversight of the Queensland Family and Child Commission

Report No. 66, 57th Parliament
Legal Affairs and Safety Committee
January 2024

Legal Affairs and Safety Committee

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Chair's foreword

The Legal Affairs and 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*.

Helping young people is one of the most complex areas of social policy. An effective child protection system needs to identify the child's unique needs and help improve the child's situation. Knowing what tools are appropriate and what resources to use is one of the most challenging and difficult questions for a child protection agency.

The 'one size fits all' approach does not work. Queensland is the most decentralised state in Australia and no two children are the same. The child protection system needs to be more open-minded when it comes to helping children and finding solutions that take their circumstances into account.

There are two clear opportunities to make improvements to the current system.

Addressing kinship issues for Aboriginal and Torres Strait Islanders must be a government priority. There are no social or economic advantages to keeping families from their community or requiring blue card certification, especially when there are already checks in place for kinship carers to ensure the child's welfare.

Our committee made a thorough examination of the blue card system and kinship carers during our inquiry into the Working with Children (Indigenous Communities) Amendment Bill 2021, a private members bill proposed by the Katter Party.

The inquiry received multiple submissions outlining how the blue card system puts up barriers to kinship care arrangements; how it prevents the exercise of cultural rights enshrined under the *Human Rights Act 2019*; how potential carers must choose between kinship care of a child or evicting a member of the carer's family; and how the current system is contributing to the ongoing removal of Aboriginal and Torres Strait Islander children.

This is a haunting echo of times long past. We cannot say we are serious about Closing the Gap for First Nations people unless there is urgent reform of the *Child Protection Act 1999* that allows Aboriginal and Torres Strait Islander children to be placed with kin. It is not just the *Child Protection Act*, it is also the *Working With Children (Risk Management and Screening) Act 2000* that will require minimal amendments to achieve significant, long overdue improvements.

The second issue is reforming the *Family and Child Commission Act 2014* (Act). In March 2023, the QFCC published its response to a discussion paper on the *Family and Child Commission Act 2014*, recommending multiple amendments.

I understand that nationally there is a commitment to the establishment of independent Commissioners for Aboriginal and Torres Strait Islander children. This is an opportunity for Queensland to show leadership and demonstrate our commitment to Reframing the Relationship with our First Nations people. Children and young people, particularly those from disadvantaged or abusive backgrounds, are some of the most vulnerable people in our society. If neglected, they can fall into an adult life of hardship or even crime. But with the right tools, we can ensure these children grow up and live long, healthy, happy lives full of opportunity, as every Queenslanders should.

On behalf of the committee, I thank Parliamentary Service staff and the staff of the QFCC who assisted the committee throughout the course of its oversight for the 2021-22 financial year.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a stylized flourish extending from the end.

Peter Russo MP

Chair

Recommendation

Recommendation 1 **20**

The committee recommends that the Legislative Assembly notes the contents of this report.

Recommendation 2 **20**

The committee recommends that the Queensland Government considers amending section 13 of the *Family and Child Commission Act 2014* to provide that commissioners are appointed for a term of 5 years and may be reappointed.

Recommendation 3 **21**

The committee recommends that the Queensland Government considers implementing the amendments to the *Family and Child Commission Act 2014* suggested by the Queensland Family and Child Commission in its submission titled 'Legislative Review – Family and Child Commission Act 2014' dated March 2023 in response to the discussion paper concerning a legislative review of the *Family and Child Commission Act 2014*.

1 Introduction

1.1 Role of the committee

The Legal Affairs and Safety Committee (committee) prepared this report as part of its statutory oversight of the Queensland Family and Child Commission (QFCC), with primary focus on the work of the QFCC in the 2021-22 financial year.

The committee is a portfolio committee of the Legislative Assembly which commenced on 26 November 2020 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:²



The committee also has oversight responsibilities for:³



1.2 Purpose and functions of the Queensland Family and Child Commission

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

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

² Standing Orders, s 194 and schedule 6.

³ Standing Orders, s 194 and schedule 6.

- to report to the Minister about matters relating to its functions.⁴

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

- engaging with, and taking into consideration, the views of children, young people and their families
- ensuring the interests of Aboriginal and Torres Strait Islander peoples are adequately and appropriately represented
- 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
- being sensitive to the ethnic or cultural identity and values of children, young people and their families
- consulting with relevant agencies and advocacy entities
- working cooperatively with relevant agencies and helping build their capacity to meet the needs of children, young people and their families.⁵

1.3 The committee's responsibilities regarding the Queensland Family and Child Commission

The committee has the following oversight jurisdiction conferred by the Legislative Assembly in relation to the QFCC:

Committee's oversight jurisdiction under Standing Order 194A
(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.

1.4 Commissioners

The Act provides for the QFCC to have 2 commissioners. One of the commissioners is to be appointed as the Principal Commissioner and at least one person who acts as a commissioner must be an Aboriginal or Torres Strait Islander person.⁶

Cheryl Vardon's appointment as the Principal Commissioner ended on 24 December 2021. Luke Twyford is the current Chief Executive and Principal Commissioner, appointed in January 2022 (Principal Commissioner).⁷

⁴ *Family and Child Commission Act 2014*, s 9.

⁵ *Family and Child Commission Act 2014*, s 23.

⁶ *Family and Child Commission Act 2014*, s 11.

⁷ QFCC, 'Our Executive', <https://www.qfcc.qld.gov.au/our-people/our-executive>.

Natalie Lewis is a descendant of the Gamilaraay Nation and was appointed Commissioner of the QFCC in May 2020.⁸



The Act provides that a commissioner may hold office for a term of no more than 3 years⁹ and commissioners are subject to the direction of the Minister.¹⁰ 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.¹¹

The Principal Commissioner has additional functions to control the QFCC, and to record, analyse, research and report on information about child deaths.¹²

1.5 The committee's oversight process

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

 <p>Examined the QFCC's 2021-22 Annual Report (see section 2 of this report)</p>	 <p>Held a public hearing on 1 June 2023 (see section 3 of this report)</p>
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The following representatives participated in the public hearing:

<p>Mr Luke Twyford Principal Commissioner, QFCC & Chair, Child Death Review Board</p>	<p>Ms Natalie Lewis Commissioner, QFCC</p>
<p>Ms Jaime Blackburn Executive Director, Government Relations and Corporate Services</p>	<p>Ms Penny Creamer Executive Director, First Nations and Child Rights Advocacy</p>

The broadcast and the transcript of the public hearing are available on the committee's webpage.

2 Examination of Annual Report 2021-22

This section highlights the key aspects of the annual report examined by the committee.

The QFCC tabled its annual report for the 2021-22 financial year period on 26 September 2022, pursuant to section 40 of the Act. It is prepared in accordance with the *Financial Accountability Act 2009* and the annual report requirements for Queensland Government agencies.¹³ Section 40 of the Act requires the QFCC to report on:

- the performance of Queensland's child protection system in achieving state and national goals

⁸ QFCC, 'Our Executive', <https://www.qfcc.qld.gov.au/our-people/our-executive>.

⁹ *Family and Child Commission Act 2014*, s 13.

¹⁰ *Family and Child Commission Act 2014*, s 22.

¹¹ *Family and Child Commission Act 2014*, s 18.

¹² *Family and Child Commission Act 2014*, s 19.

¹³ QFCC, Annual Report, p i.

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

The annual report provides information about:

- how the QFCC is helping to address some of the main challenges affecting Queensland children and families
- its forward plans and financial position
- compliance with legislative requirements.¹⁴

The annual report advises that the 2021-22 financial year has been a 'transformational year for the commission'.¹⁵ In addition to undertaking an extensive review of its strategic direction, two reviews of the effectiveness of the QFCC were conducted.¹⁶ These reviews being:

- the ACIL Allen Independent Review of the QFCC required pursuant to section 41 of the Act
- an independent review of the 208 QFCC recommendations accepted by the Queensland Government since 2016.¹⁷

The annual report advises on the QFCC's performance in relation to its strategic objectives which are identified as follows:¹⁸

QFCC's Strategic Objectives

- 1** Ensure systems are accountable for the impact they have on children and families
- 2** Raise awareness and advocate for children and their families
- 3** Empower children and their families to influence decisions that affect their lives
- 4** Support, connect and collaborate with organisations that advance the rights, safety and wellbeing of children
- 5** Build our capacity, capability and culture to achieve our vision.

The performance of the QFCC against each of these objectives is summarised below.

¹⁴ QFCC, Annual Report, inside cover page.

¹⁵ QFCC, Annual Report, p 3.

¹⁶ QFCC, Annual Report, p 3.

¹⁷ QFCC, Annual Report, p 47 and discussed below under Objective 5.

¹⁸ QFCC, Annual Report, p 6.

2.1 Objective 1: Ensure systems are accountable for the impact they have on children and families

In relation to objective 1, the annual report states:

Our work assures the community that government agencies fulfil their responsibilities. The QFCC raises accountability by overseeing and publicly reporting on the child protection system's performance through data collection and analysis and through our reviews and evaluations. Using our child death register we improve our own and others' understanding of risk factors and support the development of new policies and practices. By bringing together evidence, the experiences of children and young people, and the insights of stakeholders, we produce high-impact analysis and evaluations of system performance.¹⁹

During 2021–22, the QFCC undertook and published a range of audits, reviews and evaluations designed to hold systems accountable for the impact they have on children, including the following:

- *Principle focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland's First Nations children*, released in August 2021
- *Rights, Voices, Stories: Identifying what matters to children and young people involved with the Queensland child protection system*, released in November 2021
- *Living through COVID: Growing up in Queensland 2021*, released in December 2021
- *Measuring what matters: Evaluation of outcomes achieved through the Queensland Child Protection Reform Environment (2014–20)*, published in January 2022
- *2020–21 Annual Report on Deaths of Children and Young People in Queensland*, released in February 2022
- *2019–20 Australia and New Zealand Child Death Statistics*, produced in June 2022
- *Taking Lives: A Queensland study on parents who kill their children* and corresponding paper
- *Final Report – A study of indicators of red flags for fatal child assault and neglect in Queensland*, released in June 2022.²⁰

The annual report assessed Queensland's performance in 2021–22 against:

- state goals in the *Supporting Families Changing Futures 2019–2023* whole-of-government strategy
- national goals (focus areas) in *Safe and Supported: The national framework for protecting Australia's children 2021–2031*
- key indicators from the *Family Matters* and *Closing the Gap* reports (improving outcomes for Aboriginal and Torres Strait Islander children and young people).²¹

The annual report identified the following 5 common themes addressed by both state and national goals and reported against these themes:²²

¹⁹ QFCC, Annual Report, p 11.

²⁰ QFCC, Annual Report, pp 11–12.

²¹ QFCC, Annual Report, p 12.

²² QFCC, Annual Report, p 12.

National and State Goals – five common themes

- 1** Is the Queensland child protection and family support system supporting families earlier?
- 2** Are there sufficient resources to provide quality support services to Queensland children and families when needed?
- 3** Are Queensland out-of-home care and youth justice systems upholding the rights of the children and young people they serve?
- 4** Are Queensland's out-of-home care and youth justice systems meeting the needs and upholding the rights of Aboriginal and Torres Strait Islander children, families and communities?
- 5** Is the Queensland child protection and family support system a collaborative and accountable system?

Theme 1 - Is the Queensland child protection and family support system supporting families earlier?

Key points from the annual report relating to this theme include:

- Compared to children in most other states, more Queensland children receive family support services; however, the spend per child is lower
- Queensland's spend per child is among the lowest in the country. Queensland spent an average of \$6,982 per child on intensive family support services – lower than all other jurisdictions except Western Australia and Tasmania
- In 2020-21, 15.3 per 1,000 Queensland children received intensive family support services
- There is evidence that services are improving outcomes for children and families
- Despite increases in the number of families receiving family support service delivery, the demand on the statutory child protection system has also increased and the capacity of the family support system is limited
- The frontline workforce lacks confidence that early intervention services can reduce demand for tertiary services.²³

Theme 2 - Are there sufficient resources to provide quality support services to Queensland children and families when needed?

Key points from the annual report relating to this theme include:

- During 2020–21, more than 178,800 Australian children, including 36,060 Queensland children, received child protection services
- The Queensland rate was 30.3 children per 1,000 compared with a national average of 31.6 per 1,000 children. Queensland's rate per 1,000 children remains slightly behind the national

²³ QFCC, Annual Report, pp 15-16.

average for the proportion of children who were the subject of an investigation of a notification; on care and protection orders; and in out-of-home care

- The number of families volunteering to care for children in care is increasing. In 2020–21 there were 5,868 carer families, a 4.6 per cent increase from 2019–20
- However, while the number of kinship and foster carer families has increased, these increases have not kept pace with the number of children and young people entering out-of-home care
- There is increased investment in the Queensland statutory systems recognising the demand as well as the need to improve the quality of services
- The effectiveness of child safety interventions is improving
- Frontline workers see value in the work they do and feel that they receive support from their peers
- The average caseload of a child safety officer in Queensland has decreased
- The rate of entry into statutory systems is decreasing. There has also been a 12 per cent increase in the number of children exiting out-of-home care
- Data collection and reporting around the child protection and family support workforce could be improved
- The child protection and family support workforce feels strained due to the increasing complexity families are facing, and the new processes and systems being implemented
- There are ongoing delays between commencing an investigation and sighting a child.²⁴

Theme 3 - Are Queensland out-of-home care and youth justice systems upholding the rights of the children and young people they serve?

Key points from the annual report relating to this theme include:

- Queensland has a higher percentage of children in out-of-home care meeting national reading standards compared to other jurisdictions that reported data
- Queensland has the second highest rate of youth justice supervision among its children and young people
- Queensland has the third lowest rate of homelessness service access for children on orders
- Queensland has one of the highest rates of unsentenced detention for children with 88 per cent of children in Queensland detention centres being unsentenced in June 2021 compared to the average rate of unsentenced detention in Australia being 72 per cent. However, in 2020–21, the number of young people in unsentenced custody in Queensland decreased by 7.3 per cent
- Queensland has one of the lowest proportions of children living in home-based care
- Queensland children and young people in out-of-home care experience more placements than children in many other states
- The rate of youth offending in Queensland has been steadily decreasing since 2008
- There has been an increase in the use of diversionary practices in Queensland
- The number of children in care receiving NDIS support is increasing

²⁴ QFCC, Annual Report, pp 18-20.

- School suspension rates are markedly higher for children living in out-of-home care
- Academic performance is markedly lower for children living in out-of-home care
- Frontline child safety workers express concern that the system is not meeting the needs of children.²⁵

Theme 4 - Are Queensland's out-of-home care and youth justice systems meeting the needs and upholding the rights of Aboriginal and Torres Strait Islander children, families and communities?

Key points from the annual report relating to this theme include:

- Over the past 3 years, the extent to which Aboriginal and Torres Strait Islander children are over-represented in out-of-home care has worsened in every Australian state and territory. The disproportionality ratio for Aboriginal and Torres Strait Islander children in out-of-home care in Queensland in 2020–21 was 5.5. This means that there were 5.5 times more Aboriginal and Torres Strait Islander children in out-of-home care in Queensland than expected based on the proportion of First Nations children in the population
- On May 2022, the legal definition of kin was amended so that Aboriginal and Torres Strait Islander children can be placed with people who are regarded as kin if they have a legitimate cultural connection to the child
- There have been improvements in infant mortality, readiness for school, housing and the use of police diversions, but there is an ongoing and significant gap between Aboriginal and Torres Strait Islander and non-Indigenous children
- Within the Queensland child protection system, Aboriginal and Torres Strait Islander children and young people account for around 8.2 per cent of all children in Queensland but they constitute approximately 44 per cent of all children in care
- Within the Queensland youth justice system, the disproportionate representation of Aboriginal and Torres Strait Islander children and young people is ongoing with Aboriginal and Torres Strait Islander children accounting for 46 per cent of all child defendants who had a charge finalised in a Queensland court during 2020-21
- Disproportionate representation is highest for younger Aboriginal and Torres Strait Islander defendants. In 2020–21, 87 per cent of 10-year-olds, 85 per cent of 11-year-olds, 76 per cent of 12-year-olds and 60 per cent of 13-year-old defendants were Aboriginal and Torres Strait Islander children. Of children who spent time in detention, on average, Aboriginal and Torres Strait Islander children were detained for 88 nights versus 79 nights for non-Indigenous children.²⁶

Theme 5 – Is the Queensland child protection and family support system a collaborative and accountable system?

Key points from the annual report relating to this theme include:

- Queensland has a strong child and family support sector. There are many organisations operating to provide advocacy and frontline support to children and their families. Queensland led the Australian move towards collective impact through its delivery of the Logan Together model, and it is now continuing to demonstrate strong collaborative practice through emerging new models such as the Thriving Queensland Kids Partnership (TQKP)

²⁵ QFCC, Annual Report, pp 21-24.

²⁶ QFCC, Annual Report, pp 25-28.

- Queensland also has an active Prevention Alliance, focussed on the role that different sectors, communities and individuals have in keeping children safe and thriving. The Alliance brings together key government, non-government, community groups and the private sector across the community to focus on primary prevention strategies
- There is increasing transparency about the performance of the statutory child safety system
- There has been concerted effort to improve cross-portfolio coordination for individual children
- Queensland can improve its ownership of a robust, whole-of-government child and family policy agenda. In its *Measuring what matters* report, the QFCC noted a gap in central governance following the cessation of the Interdepartmental Committee in May 2021
- There are opportunities for Queensland to become more involved with cross-government and national data linkage initiatives.²⁷

2.2 Objective 2: Raise awareness and advocate for children and their families

Public advocacy

During 2021–22, the QFCC and QFCC youth advocates contributed written submissions with recommendations to reviews and inquiries, including:

- Australian Curriculum, Assessment and Reporting Authority’s review of the Australian Curriculum
- Women’s Safety and Justice Taskforce first discussion paper
- Implementing the successor plan to the National Framework for Protecting Australia’s Children, led by the Department of Social Services (Commonwealth)
- Queensland Parliamentary inquiry into Social Isolation and Loneliness
- Options for legislating against coercive control and the creation of a standalone domestic violence offence for Women’s Safety and Justice Taskforce
- Women and girls’ experience of the criminal justice system for Women’s Safety and Justice Taskforce
- Inspector of Detention Services Bill 2021
- Review of the *Education (General Provisions) Act 2006*
- Review of the *Queensland Anti-Discrimination Act 1991*
- Mental Health Select Committee inquiry into the opportunities to improve mental health outcomes for Queenslanders
- Criminal Law (Raising the Age of Responsibility) Bill 2021
- Working with Children (Indigenous Communities) Amendment Bill 2021
- Child Protection Reform and Other Legislation Amendment Bill 2021
- The Australian Competition and Consumer Commission (ACCC) Infant Inclined Products issues paper
- The ACCC Helium Balloon Kits discussion paper
- The ACCC Toppling Furniture consultation paper on regulatory options

²⁷ QFCC, Annual Report, pp 29-31.

- Workplace Health and Safety Queensland Quad Bikes and Side-by-side Vehicles Safety discussion paper
- Department of Infrastructure, Transport, Regional Development and Communications consultation on the Vehicle Reversing Aids Regulation Impact Statement.²⁸

Parliamentary hearings and inquiries

Throughout 2021–22, the QFCC commissioners and staff appeared before 3 parliamentary hearings and contributed to one taskforce. These were:

- Legal Affairs and Safety Committee, oversight hearing (March 2022)
- Mental Health Select Committee (February 2022)
- Minimum age of criminal responsibility, parliamentary hearing (February 2022)
- Women’s Safety and Justice Taskforce (2021-22).²⁹

Media advocacy

Throughout 2021–22, the QFCC engaged in public campaigns and public commentary to raise awareness and advocate for children and their families. Key topics included:

- school disciplinary absences
- youth participation in the Women’s Safety and Justice Taskforce
- age of children in residential care
- extending the age of support for children in care from 18 to 21
- Growing up in Queensland: Living through COVID report
- youth participation in the Mental Health Select Committee.

Between May 2021 and April 2022, the QFCC featured in 879 media reports (including syndicated coverage), generated through proactive opportunities, reactive media enquiries, or passing mentions. Overall, the QFCC reports that 66 per cent of coverage was positive or very positive in tone.³⁰

Research

In 2021–22, 8 research summaries were developed:

- Alcohol and drug use during pregnancy
- Educational outcomes for children in contact with the child protection system
- Supporting education and training opportunities for young care leavers
- The effectiveness of digital mental health interventions for young people
- The extent and impact of alcohol and drug use by Australian young people
- The extent of infant mental health disorders
- The importance of culture, kinship systems and community
- Trend data on youth suicide in Queensland.

²⁸ QFCC, Annual Report, pp 32-33.

²⁹ QFCC, Annual Report, p 33.

³⁰ QFCC, Annual Report, p 34.

Major research projects completed by the QFCC during 2021-22 included:

- *Taking Lives – A Queensland study on parents who kill their children*
- Annual report on child deaths in Queensland which was tabled in the Queensland Parliament on 17 February 2022.

The QFCC also published the annual Australia and New Zealand Child Death Statistics on behalf of the Australia and New Zealand Child Death Review and Prevention Group.³¹

Improving online presence

During 2021-22, the QFCC adopted a new digital media strategy and opened a LinkedIn account that, together with its Facebook and Instagram profiles, has extended its reach to more Queenslanders.

In June 2022, the QFCC launched a new, user-friendly website, with refreshed QFCC branding and several new features including:

- a dedicated ‘youth’ space, containing a guide to child protection, stories from young people and blogs written by QFCC youth advocates
- a ‘families’ space for parents and carers, containing videos and blogs and promoting the work of the *Families are First initiative*, celebrating First Nations families and communities
- a new ‘assistance’ page with quick links to support services that are easily accessible, including on mobile devices.³²

2.3 Objective 3: Empower children, young people and their families to influence decisions that affect their lives

Objective 3 aligns with the QFCC’s responsibilities under the Act to engage with and take account of the views of children, young people and their families and uphold the rights of children to participate in decision-making that affects their lives.³³ As part of this objective, the QFCC:

- published its *Model of Participation and Youth Participation Quick Start Guide* in October 2021
- released a new *Youth Participation Framework of Practice* in June 2022
- conducted the *Growing up in Queensland – Living with COVID* project
- continued to support activities in the *Families are First* program to showcase the stories of Aboriginal and Torres Strait Islander Families and communities
- continued to support the QFCC Youth Advisory Council
- continued to sponsor Young, Black and Proud scholarships through a partnership with the Aboriginal and Torres Strait Islander Community Health Service.

In terms of community engagement, during 2021-22 the QFCC was involved in:

- Queensland Child Protection Week (5-11 September 2021)
- NAIDOC community events (19-24 September 2021)
- the *Yarning for change* project
- a continuation of the *Talking Families* community education initiative (until it was closed on 30 June 2022)

³¹ QFCC, Annual Report, p 35.

³² QFCC, Annual Report, p 35.

³³ *Family and Child Commission Act 2014*, s 23.

- the *oneplace* online directory of Queensland community services (until it was closed on 30 June 2022).

2.4 Objective 4: Support, connect and collaborate with organisations that advance the rights, safety and wellbeing of children

In line with objective 4, the QFCC develops and maintains partnerships with a broad range of peak bodies, industry partners, communities, advisory groups, academics, and government and non-government organisations, including:

- QFCC Advisory Council
- Strategic Cross-Agency Oversight Group
- QFCC Community Partnerships Group.³⁴

In addition to these formal groups, the QFCC staff attended a range of other events including the 2022 Queensland Parliament's Flood Appeal Reception and the National Reconciliation Week Launch and Breakfast.³⁵

The QFCC's child death prevention staff participated on several advisory bodies, including the Infant Mortality Sub-committee and the Sudden Unexpected Death in Infancy Multiagency Advisory Group.³⁶

Collaborative projects delivered in 2021-22 in partnership with other organisations included:

- Children's Week
- Queensland Youth Week
- Mental health service access for young people
- Child death data.³⁷

Child Death Review Board

The QFCC also hosts the Child Death Review Board which was set up under legislation in 2020 and is chaired by the Principal Commissioner. The Board's inaugural annual report highlighted several areas that required monitoring including:

- over-representation of Aboriginal and Torres Strait Islander children amongst those who had died
- trends of great concern in relation to youth suicide, including females using more lethal means and younger children committing suicide
- multiple sudden unexpected deaths in infancy.³⁸

The Child Death Review Board made 10 recommendations which were accepted or accepted in-principle by government, across the following 3 key areas:

- improved access to family support services and evaluation of their effectiveness in diverting families from needing child safety interventions

³⁴ QFCC, Annual Report, pp 40-41.

³⁵ QFCC, Annual Report, p 41.

³⁶ QFCC, Annual Report, p 41.

³⁷ QFCC, Annual Report, p 42.

³⁸ QFCC, Annual Report, p 44.

- more thorough assessments of a child's family protection history, previously observed exposure to harm, patterns of parental behaviour, cultural factors and health advice
- greater investment in suicide prevention and postvention across government and the sector—specifically to reduce the over-representation of suicide in Aboriginal and Torres Strait Islander children—to establish a shared understanding of the long-term impacts of childhood trauma and to improve access to mental health and suicide support in schools.³⁹

2.5 Objective 5: Build our capacity, capability and culture to achieve our vision

Under objective 5, the following aspects were considered:

Workforce profile: A snapshot of QFCC's workforce profile as at 30 June 2022 includes:

- 64.39 full-time equivalent staff employed
- 81.58 per cent of staff were female and 18.42 per cent male, with 7.89 per cent identifying as Aboriginal and/or Torres Strait Islander and 3.95 per cent identifying as having a disability.⁴⁰

QFCC's overall performance: In the service delivery statements of the Queensland State Budget 2021–22, the QFCC had one service area objective being 'to promote the safety and wellbeing of children and young people and the role of families and communities in protecting and caring for them'. This objective was measured through the following 3 service standards:

- Percentage increase in searches on the *oneplace* Community services directory - with an increase of 12 per cent achieved during 2021-22 against the target of 5 per cent
- Overall satisfaction with *oneplace* Community services directory user experience - with a 51 per cent satisfaction level achieved during 2021-22 against the target of 70 per cent
- QFCC expenditure per young Queenslanders was \$11.82 - which was in line with the budget target of under \$12.00.⁴¹

The first 2 service delivery standards above will be discontinued from 2022-23 as the *oneplace* Community services directory will no longer be supported by the QFCC.⁴²

Independent performance review of the QFCC: In 2021, an independent review of the performance of the QFCC of its functions, as required under section 41 of the Act, was conducted by ACIL Allen. The independent review report by ACIL Allen was tabled on 13 January 2022 (independent review report). The independent review report concluded that the QFCC has performed its legislative functions and found that:

A common theme uncovered by this review is that the QFCC is at a significant stage in the organisational life cycle. While the QFCC was formed as part of the Queensland Government's response to recommendations from the Carmody Inquiry, and its key functions were influenced by the Inquiry's recommendations, it is apparent that the relevance of the Carmody Inquiry is diminishing as recommendations have been implemented and evaluated. There is, therefore, a need for the QFCC to look forward to the next chapter.⁴³

³⁹ QFCC, Annual Report, p 44.

⁴⁰ QFCC, Annual Report, pp 45-46.

⁴¹ QFCC, Annual Report, p 46.

⁴² QFCC, Annual Report, p 46.

⁴³ Independent Review of the performance of the Queensland Family and Child Commission of its functions (Final Report) by ACIL Allen tabled 13 January 2022, p 30.

The independent review report also noted that '[t]he evidence also suggests that there are some issues that remain unresolved within the child protection system and should remain clear priorities for the QFCC moving forward'.⁴⁴

The independent review report identified eight areas for improvement by the QFCC to optimise its service delivery:

- further explore opportunities to work strategically with other statutory agencies and peak bodies on key issues
- ensure effective feedback between the Public Guardian and the QFCC, particularly where there appears to be evidence that individual issues are indicative of broader systemic issues
- revisit the workforce development and planning function to consider if there is a role for the QFCC to hold organisations to account for workforce reforms to ensure that agreed reforms are fully implemented and benefits are fully realised
- investigate the extent to which the materials developed for parents and children to better understand and navigate the child protection system are being effectively utilised and whether they can be further improved or updated
- streamlining (where legislative change is not possible) or reallocating (where legislative change is possible) activities where the QFCC does not appear to have strong impact, such as in the research agendas (as distinct from research associated with Growing Up in Queensland and analysis of the Child Death Register) and developing evaluation capabilities
- provide a clear portfolio of work that is the responsibility of the Commissioner, distinct from the Principal Commissioner, and communicate this clearly to all stakeholders - alternatively consider appointing joint Principal Commissioners including one who is an Aboriginal and/or Torres Strait Islander person
- consider ways to further demonstrate achievement of organisational objectives and outcomes to external stakeholders
- engage and collaborate with the sector in meaningful ways, such as the development of joint submissions, strategy development or implementation, while limiting engagements that are purely information sharing.⁴⁵

Following the independent review, the QFCC provided a response dated 15 November 2022 which addressed each of the 8 recommendations in turn.⁴⁶ The annual report notes that in response to the independent review, the QFCC 'undertook a process to modernise and realign [its] functions, organisational structure and operating model, to deliver on [its] legislative objectives more thoroughly'.⁴⁷

Review of the QFCC's impact: In 2021-22, the QFCC commissioned KPMG to conduct an independent assessment of the QFCC's impact to determine whether the QFCC's reviews and recommendations

⁴⁴ Independent Review of the performance of the Queensland Family and Child Commission of its functions (Final Report) by ACIL Allen tabled 13 January 2022, p 30.

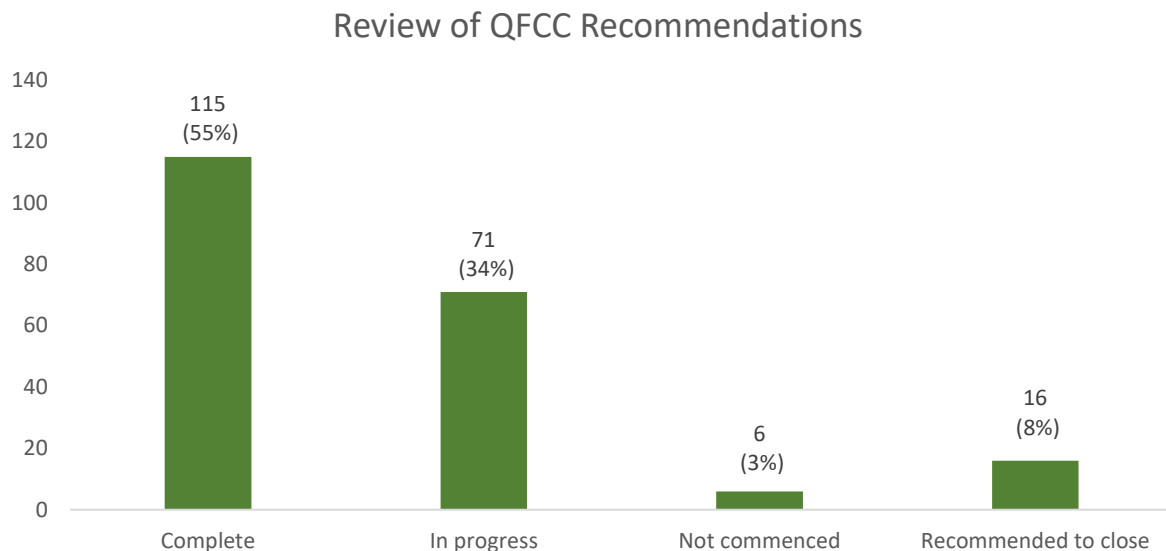
⁴⁵ Independent Review of the performance of the Queensland Family and Child Commission of its functions (Final Report) by ACIL Allen tabled 13 January 2022, p 30.

⁴⁶ A copy of the QFCC's response to the ACIL Allen Independent Review Report is available on the QFCC webpage (<http://www.qfcc.qld.gov.au>).

⁴⁷ QFCC, Annual Report, p 47.

were contributing to system improvements (impact review).⁴⁸ The impact review considered over 208 distinct recommendations made to government by the QFCC since 2015.

The chart below sets out the findings of the impact review in relation to the status of these recommendations:



The impact review found that ‘the QFCC has played an important role in leading reforms across the system that supports children, young people, and families in Queensland’ and that ‘[t]here continues to be a role for the QFCC in leading ongoing engagement with agencies and service providers to enhance the oversight of the child and family support system’.⁴⁹ The impact review also made 9 suggestions for improving the influence of QFCC, all of which have been accepted by the QFCC.⁵⁰

Suggestions in the impact review included providing ongoing support and monitoring to agencies implementing recommendations and exploring options for closing irrelevant or superseded recommendations.⁵¹

New strategic plan, governance model, internal policies and procedures: The QFCC refreshed its strategic plan in 2021-22. The vision presented by the new strategic plan is that ‘[e]very child is loved, respected and has their rights upheld.’ The QFCC explains in its annual report that ‘[t]his vision puts children and their best interests at the centre of all decision-making and will guide our future work’.⁵² The QFCC also implemented a new governance model and a number of new internal policies and procedures.⁵³

2.6 Financial performance

In 2021–22, the QFCC’s total revenue was \$14.073 million in comparison to \$13.687 million in 2020–21. Expenses for 2021–22 totalled \$13.482 million, down from \$13.534 million in 2020–21. The QFCC

⁴⁸ QFCC, Annual Report, p 47. The QFCC impact review report dated July 2022 is available on the QFCC webpage (<https://www.qfcc.qld.gov.au/review-of-qfccs-impact>).

⁴⁹ QFCC, Annual Report, p 47.

⁵⁰ Review of the Queensland Family and Child Commission’s Impact, July 2022, p 5.

⁵¹ Review of the Queensland Family and Child Commission’s Impact, July 2022, p 5.

⁵² QFCC, Annual Report, p 47.

⁵³ QFCC, Annual Report, p 47.

maintained a sound net asset position in the 2021–22 financial year.⁵⁴

3 Queensland Family and Child Commission oversight hearing

3.1 Issues raised by the Principal Commissioner

In his opening statement at the public hearing, the Principal Commissioner stated that the QFCC ‘is charged with significant responsibilities to review and improve the systems that protect our children and their families’. The Principal Commissioner further explained that the focus of the QFCC ‘is on influencing system improvements by assessing performance, collaborating for impact and amplifying the voices and experiences of children and families’.⁵⁵

The Principal Commissioner spoke to changes within the QFCC over the past 12 months and the reasons for these changes:

Over the last year we have repositioned and redefined our work in response to independent and external reviews. We have done this to ensure we are investing our focus and efforts in places where we can influence positive change. We have adopted a new operating model and a structure, including a dedicated First Nations and child rights workforce that reports directly to Commissioner Lewis.⁵⁶

The Principal Commissioner also summarised the QFCC’s achievements during the 2021-22 year noting that various QFCC reviews and research ‘have gained attention and contributed to significant system change’.⁵⁷ In particular, the Principal Commissioner mentioned the QFCC reports on the following topics:

- filicide deaths
- sudden unexpected deaths in infancy
- system responses to domestic violence
- swimming pool drownings
- the use of interventions with parental agreement.⁵⁸

The Principal Commissioner also noted how advocacy by the QFCC in the following areas has helped identify opportunities for improvement regarding:

- the use of spit hoods on children
- school disciplinary absences
- adolescent mental health support
- extended care for children in care.⁵⁹

The Principal Commissioner spoke to the QFCC’s important work in child death prevention:

⁵⁴ QFCC, Annual Report, p 54.

⁵⁵ Public hearing transcript, Brisbane, 1 June 2023, p 1.

⁵⁶ Public hearing transcript, Brisbane, 1 June 2023, pp 1-2.

⁵⁷ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁵⁸ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁵⁹ Public hearing transcript, Brisbane, 1 June 2023, p 2.

Our work to record, learn from and prevent child deaths continues to expand and grow supported by the release of our Safer Pathways through Childhood Framework which establishes our priorities and governs how we collaborate and share important information with qualified researchers.⁶⁰

In relation to the QFCC's work in relation to young people, the Principal Commissioner discussed how the Youth Advocate network continues to expand and has been highly active in informing government policies and inquiries. Additionally, in this space, the QFCC has also funded young Queenslanders to share their stories, experiences and opinions with ministers, parliaments and state and national conferences.⁶¹

In relation to the QFCC's partnerships with other organisations, the Principal Commissioner explained how the QFCC's advisory council 'now comprises 26 members from across the Queensland sector to ensure that the commission continues to be focused and effective'.⁶² Additionally, he commented on the various activities that the QFCC has been involved in with other organisations:

We also facilitate, lead and chair the Australian and New Zealand Children's Commissioners and Guardians group, the associated First Nations caucus and last week we coordinated the annual meeting of Australian and New Zealand Child Death Review Register and Research group. This month Brisbane will host an international parenting conference that we sponsor with attendees from over 55 countries focused on what research tells us is good parenting. Brisbane also recently hosted the launch of the Australian Child Maltreatment Study.⁶³

In terms of the forthcoming year, the Principal Commissioner spoke of 'a strong work program designed to identify issues affecting children and families and drive improvements', including progressing influential reviews and research into children and families' experiences of multiple service systems, including:

- the use of police watch houses
- frontline responses to parental methamphetamine addiction
- common trajectories among child death cases
- understanding the increase in the use of permanent care orders.⁶⁴

3.2 Issues raised by the Commissioner

The Commissioner, Natalie Lewis, noted how in the last 12 months the QFCC had established the First Nations children's rights team which has grown from 1 to 6 persons and is making an impact in this important area. Commissioner Lewis spoke of the QFCC's work on reform governance committees such as the:

- QPS Domestic and Family Violence Task Force
- Closing the Gap Justice Policy Partnership
- Early Childhood Policy Partnership.⁶⁵

Commissioner Lewis has continued in her various state and national roles including:

⁶⁰ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁶¹ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁶² Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁶³ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁶⁴ Public hearing transcript, Brisbane, 1 June 2023, p 2.

⁶⁵ Public hearing transcript, Brisbane, 1 June 2023, p 2.

- member of the Queensland First Children and Families Board for oversight of the Our Way strategy
- co-chair of the blue card reforms within Blue Card Services
- member of the national Aboriginal and Torres Strait Islander Safe and Supported Leadership Group
- member of the National Framework for Protecting Australia's Children
- member of the Australian Child Rights Taskforce.⁶⁶

Commissioner Lewis also convened the national caucus of First Nations Commissioners, Guardians and Advocates.⁶⁷

Commissioner Lewis highlighted a number of key focus areas for the QFCC over the next 12 months including:

- the blue card review
- launching the QFCC child rights report and the inaugural First Nations children's report
- continuing to monitor overrepresentation in the statutory child protection system through the release of the Principle Focus snapshots.⁶⁸

Additionally Commissioner Lewis discussed the independent review of the QFCC's functions and performance that was tabled in 2021. She noted that a key finding of that review was:

... the need to consider whether legislative reform was required to provide appropriate authority and a focus for the role of the commissioner and whether there needed to be a more intentional and active role for the QFCC in relation to issues that impact specifically upon Aboriginal and Torres Strait Islander children and young people.⁶⁹

Commissioner Lewis also mentioned the discussion paper distributed by the Department of Justice and Attorney-General earlier this year 'to identify opportunities for improvement to the QFCC's legislative framework to make sure that it is appropriate, contemporary and fit for purpose'. She discussed the QFCC submission which made a number of suggestions to address issues raised in the independent review that included:

- the establishment of a dedicated, independent and resourced commissioner for Aboriginal and Torres Strait Islander children and young people to establish compatibility of the powers between the Commissioner and the Principal Commissioner in the exercise of the performance of the QFCC's functions
- a more explicit role for the commission to promote and protect the rights of children and young people, and
- a new explicit objective to promote the rights, development, wellbeing and best interests of Aboriginal and Torres Strait Islander children and young people in Queensland.⁷⁰

⁶⁶ Public hearing transcript, Brisbane, 1 June 2023, pp 2-3.

⁶⁷ Public hearing transcript, Brisbane, 1 June 2023, p 3.

⁶⁸ Public hearing transcript, Brisbane, 1 June 2023, p 3.

⁶⁹ Public hearing transcript, Brisbane, 1 June 2023, p 3.

⁷⁰ Public hearing transcript, Brisbane, 1 June 2023, p 3.

3.3 Issues raised by the committee

Questions from the committee during the public hearing focused on:

- the policy paper released by the QFCC in relation to legislative change
- referrals under section 22 of the Act and access to confidential information
- the *Seeking safety – Keeping children safe when they remain at home during Child Safety interventions. A system review following the deaths of two young children* report
- the impact of the housing crisis on the wellbeing of children
- the tracking of QFCC recommendations over an extended period
- how the *Taking lives* filicide report will inform government policy and community responses to prevent such deaths
- providing an update on blue card matters involving the QFCC
- the QFCC report celebrating the strengths of First Nations young people
- the closure of the *oneplace* Community services directory
- the gap in central governance of Queensland's child protection system due to the inter-departmental committee being no longer in operation
- foster care models, in particular the Professional Individualised care model used in New South Wales
- data around the number of foster carers who are leaving the system and the recruitment of new foster carers
- upcoming reviews concerning children and young people who are having interactions with multiple service systems and permanent care orders.⁷¹

3.4 Questions taken on notice

Referrals for review under section 22 of the Act: In response to a question taken on notice at the public hearing regarding the number of cases the government has referred for review under section 22 of the Act since 2015 and its access to confidential cases notes in relation to the cases referred, the QFCC advised:

Since 2015, the QFCC has received 10 section 22 directions from the responsible Ministers to undertake system reviews following the death or serious harm of children across eight cases (some cases related to multiple children and some cases resulted in multiple section 22 directions). The last of these was referred in June 2020.⁷²

Update in the number of foster carers: In response to a question taken on notice at the public hearing requesting an update on the data regarding the number of foster carers in Queensland set out in the 2021-22 annual report, the QFCC advised:

During the year ending 31 December 2022, there were 1,758 carer family commencements (decrease of 4.6 per cent compared to last year), with 1,488 of these being first time carers (decrease of 6.8 per cent compared to last year). There were 1,754 carer families who exited the system for the year ending 31 December 2022, an increase of 8.9 per cent compared to this time the year prior. This is a net gain of 4 carer families.⁷³

⁷¹ Public hearing transcript, Brisbane, 1 June 2023, pp 3 – 10.

⁷² Queensland Family and Child Commission, correspondence, 6 June 2023, pp 1-2.

⁷³ Queensland Family and Child Commission, correspondence, 6 June 2023, p 2.

4 Committee comment and recommendations

4.1 Annual report

The committee commends the QFCC for its continuous and impressive volume of work in raising awareness, research and advocacy regarding matters concerning Queensland children, young people and their families. The committee notes the very informative and well-structured annual report which focuses on the main areas of the QFCC's work including ensuring systems are accountable for the impact they have on children and families and for empowering children and their families to influence decisions that affect their lives.

The annual report also highlights the outcomes of key reviews and research across 5 identified themes for focus at both the national and state level and provides important and critical information and goals for each of these themes. The committee is pleased to see the QFCC's continuing work to understand and research the over-representation of Aboriginal and Torres Strait Islander children and young people in Queensland's statutory systems.

The committee also notes the work of the Child Death Review Board since its establishment on 1 July 2020. The QFCC's good work in relation to its new strategic plan, governance model, internal policies and procedures is also acknowledged.

The committee also notes the independent review, its recommendations and the QFCC's response to these. The committee also notes the impact review and the 9 suggestions for improving the influence of the QFCC which have all been accepted.

The committee appreciates the assistance and information provided by the management and staff of the QFCC which has assisted the committee with its oversight functions.

Recommendation 1

The committee recommends that the Legislative Assembly notes the contents of this report.

4.2 Term of appointment for QFCC commissioners

The committee notes recommendation 14 (Stability for leadership) from Professor Peter Coaldrake's review report titled *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Coaldrake review). Recommendation 14 of the Coaldrake review provides:

Stability of government and performance of public service be strengthened by appointment of agency CEOs (including Directors-General) on fixed term, five year contracts, unaligned to the electoral cycle.⁷⁴

The committee notes that commissioners are appointed for a term of 3 years under section 13 of the Act. As part of supporting recommendation 14 of the Coaldrake review and creating consistency across the leadership of government agencies, the committee recommends QFCC commissioners be appointed for 5 years.

In terms of reappointment, the committee recommends the terminology used in section 247 of the Health Ombudsman Act 2013 be incorporated in the amendment to the Act to provide that the commissioners 'may be reappointed'.

Recommendation 2

The committee recommends that the Queensland Government considers amending section 13 of the *Family and Child Commission Act 2014* to provide that commissioners are appointed for a term of 5 years and may be reappointed.

⁷⁴ Review of culture and accountability in the Queensland public sector: Final report (Coaldrake review), p 3.

4.3 Suggested amendments to the Act

Although outside the oversight period of 2021-22, the committee notes that in March 2023 the QFCC made a lengthy submission in response to the 12 questions posed in the discussion paper concerning a legislative review of the Act. In its submission titled ‘Legislative Review – Family and Child Commission Act 2014’, the QFCC suggested amendments to the Act to:

- establish a dedicated, independent, appropriately empowered and resourced Commissioner for Aboriginal and Torres Strait Islander children and young people
- establish compatible powers for both Commissioners to exercise in the performance of QFCC functions
- add a more explicit role for the Commission to “promote the rights of children and young people”
- add a new objective to “promote the rights, development, wellbeing and best interests of Aboriginal and Torres Strait Islander children and young people”
- add new QFCC functions to “promote a culture of accountability for upholding the rights of children and young people in Queensland” and “promote the participation of children and young people in the making of decisions that affect their lives”
- enable the QFCC to provide leadership for e-safety within Queensland
- establish a reportable conduct scheme as recommended by the Royal Commission into Institutional Responses to Child Sexual abuse
- establish a child safety scheme as recommended by the Royal Commission into Institutional Responses to Child Sexual abuse.⁷⁵

The committee supports and endorses all suggested amendments to the Act recommended by the QFCC in its submission.

Recommendation 3

The committee recommends that the Queensland Government considers implementing the amendments to the *Family and Child Commission Act 2014* suggested by the Queensland Family and Child Commission in its submission titled ‘Legislative Review – Family and Child Commission Act 2014’ dated March 2023 in response to the discussion paper concerning a legislative review of the *Family and Child Commission Act 2014*.

⁷⁵ Submission dated March 2023 from the QFCC titled ‘Legislative review – Family and Child Commission Act 2014’, p 4.

Appendix A - Abbreviations

Act	<i>Family and Child Commission Act 2014</i>
annual report	Queensland Family and Child Commission Annual Report 2021-22
Coaldrake review	Professor Peter Coaldrake's review report titled <i>Let the sunshine in: Review of culture and accountability in the Queensland public sector</i>
Commissioner	Natalie Lewis
committee	Legal Affairs and Safety Committee
FTE	full time equivalent
impact review	The review commissioned by the QFCC and conducted by KPMG to analyse the QFCC's impact in relation to its 10 system reviews featuring 208 distinct recommendations since 2015
independent review	Report of the independent review of the performance of the Queensland Family and Child Commission of its functions (Final Report) by ACIL Allen tabled 13 January 2022
Principal Commissioner	Luke Twyford
public hearing	Public oversight hearing held with the QFCC on 1 June 2023
QFCC	Queensland Family and Child Commission
Standing Orders	Standing Rules and Orders of the Legislative Assembly

