

**Meeting with the Commissioner for
Children and Young People
and Child Guardian**

Held on 26 October 2011

Report No. 9
Community Affairs Committee
December 2011

Community Affairs Committee

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Acknowledgements

The committee thanks those who briefed the committee, gave evidence, and participated in the meeting. In particular, the committee acknowledges the assistance provided by the Commission for Children and Young People and Child Guardian.

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Chair's foreword

The Community Affairs Committee meets formally with the Commissioner for Children and Young People and Child Guardian once a year in order to monitor and report to the Parliament on the Commission.

This is a report of the committee's first formal meeting with the Commissioner for Children and Young People and Child Guardian.

The meeting, held on 26 October 2011, enabled the committee to examine a range of issues relating to the performance of the Commissioner's functions and the operations of the Commission, including matters reported in the Commission's 2010-11 annual report.

I thank the Commissioner for Children and Young People and Child Guardian, Ms Elizabeth Fraser; Assistant Commissioner, Mr Barry Salmon; Executive Director, Blue Card and Corporate Services, Mr Bob Van-Kempen; and Manager, Strategic Coordination and Reporting, Mr Lyle Gerbich, for meeting with the committee and responding to the committee's requests for information in a timely and comprehensive way. Thanks also to the Commission staff who assisted in providing information to the committee.

I thank my fellow committee members for their involvement in the meeting process and staff from the committee secretariat and Hansard for assisting the committee in its work.

The committee looks forward to meeting with the Commissioner for Children and Young People and Child Guardian again in 2012.

A handwritten signature in blue ink, appearing to read 'Paul Hoolihan', with a horizontal line underneath.

Paul Hoolihan MP
Chair

Recommendations

Recommendation 1

8

The committee requests that the Commission report to the committee on a quarterly basis to provide information about the steps it and the Department of Communities are taking to monitor and improve support arrangements for vulnerable young people leaving care at the age of 18.

Recommendation 2

10

The committee recommends that the Commission review its current legislative framework and provide an outline of amendments necessary to support the Commission's work with 17 year olds in adult correctional facilities.

Recommendation 3

11

The committee recommends that, in future, in order to facilitate meaningful national comparisons, Queensland takes steps to produce child death data that is aligned with the collection intervals in other jurisdictions.

1 Community Affairs Committee

1. The Community Affairs Committee is a portfolio committee established by the Queensland Legislative Assembly on 16 June 2011. The committee's primary areas of responsibility include: Child Safety; Youth Justice; Community Services; Multicultural Affairs; Housing; Women; and Sport.
2. The committee also has oversight responsibility for the Family Responsibilities Commission and the Commission for Children and Young People and Child Guardian.
3. With respect to each Commission, the committee has the following functions:
 - to monitor and review the performance by the Commission of the Commission's functions;
 - to report to the Legislative Assembly on any matter concerning the Commission, the Commission's functions or the performance of the Commission's functions that the committee considers should be drawn to the Legislative Assembly's attention;
 - to examine the annual report tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and
 - to report to the Legislative Assembly any changes to the functions, structures, and procedures of the Commission that the committee considers desirable for the more effective operation of the Commission or the Act which establishes it.
4. The committee has adopted the following processes to fulfil its obligations to monitor, review and report on the Commissions:
 - hold at least one public meeting per year with each of the Commissioners;
 - time the meetings so that they follow the tabling of the Commissioners' annual reports (around November);
 - where time permits, ask written questions on notice and require written answers to those questions at a reasonable time before the meeting;
 - at any public meeting with each Commissioner ask follow up questions without notice;
 - liaise with the Auditor-General, where appropriate, in relation to published reports of the Commissions; and
 - report to Parliament on the outcomes of the oversight process.

2 Commission for Children and Young People and Child Guardian

5. The Commission for Children and Young People and Child Guardian (the Commission) is an independent statutory body established under the [*Commission for Children and Young People and Child Guardian Act 2000*](#) (Qld). The Commission consists of the Commissioner for Children and Young People and Child Guardian, the Assistant Commissioner, and the staff of the Commission.¹
6. The Commission promotes and protects the rights, interests, and wellbeing of children and young people in Queensland,² particularly those who:³
 - are in care or detention
 - have no one to act on their behalf
 - are not able to protect themselves
 - are disadvantaged because of a disability, geographic isolation, homelessness, or poverty.
7. The Commission does this by:⁴
 - rigorous, independent, and cost effective scrutiny of services provided to children
 - regularly visiting and speaking with children and young people in care and detention to assess their wellbeing, and resolve and/or investigate their concerns
 - advocating on changes required to address systemic issues facing children including providing early alerts of potential systemic issues
 - administering the blue card system including the daily monitoring of blue card holders for changes in criminal history
 - publishing evidence based reports and policy position papers to enhance service delivery and influence policy development
 - listening to and advocating for improved outcomes for children particularly those who are vulnerable or disadvantaged
 - working with stakeholders to share information and collaborate.

¹ *Commission for Children and Young People and Child Guardian Act 2000* (Qld) s. 14.

² *Commission for Children and Young People and Child Guardian Act 2000* (Qld) s. 5.

³ *Commission for Children and Young People and Child Guardian Act 2000* (Qld) s. 23(1)(e).

⁴ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 9.

3 Meeting with the Commissioner for Children and Young People and Child Guardian

8. The committee first met informally with the Commissioner for Children and Young People and Child Guardian on 7 September 2011.
9. Prior to the first formal meeting with the Commission, the committee provided the Commissioner for Children and Young People and Child Guardian with written questions on notice and considered the Commissioner's written responses. Questions on notice and answers are included in this report at [Appendix A](#).
10. The committee held its first formal meeting on 26 October 2011 with the Commissioner for Children and Young People and Child Guardian, the assistant commissioner and senior staff of the Commission. The meeting provided the committee with an opportunity to discuss matters relating to the performance of the Commissioner's statutory functions and included consideration of the Commission's 2010-11 annual report. A transcript of the meeting is included in this report at [Appendix B](#).
11. During the meeting the committee asked the Commissioner follow-up questions. Matters discussed included:
 - the number of Community Visitors in relation to the number of visits to children
 - ability of a child to make contact with a community visitor
 - the number of hours worked by Community Visitors
 - type of information captured through the Jigsaw case management system reports and how that contributes to child safety
 - risk-based policy approach to frequency of visits
 - multiple blue cards – volunteer and paid
 - update on processing times for blue card applications
 - process of moving from a volunteer to a paid blue card
 - number of blue cards currently in use
 - key performance indicators proposed for measuring performance of the blue card system
 - explanation of the blue card system, including risk management strategies within organisations, the Commission's education process, and the renewal process for blue cards
 - explanation of changes from year to year in death rates for Queensland children, particularly Indigenous children
 - lack of comparison between Queensland and Australian death rates for Indigenous children
 - disparity between Queensland and Australian reporting cycles of statistics relating to children
 - process of transitioning children from care to independence
 - post-independence support
 - access to 15 hours of kindergarten for children in care
 - the Commission's response to specific issues for children under 12, including self-placement and high-risk activities
 - issue of 17 year olds in adult correctional facilities and access to complaint mechanisms, bail, and legal representation.

4 Committee Comments

4.1 Complaints

Caseloads for Complaint Officers

12. The committee notes that the total number of issues handled by Complaint Officers in 2010-11 has increased to 5370 compared with 3121 in 2009-11. These figures reflect the number of issues being worked on, some of which may have been carried over from the previous financial year, as opposed to the number of issues received. The Commission defined an 'issue' as:⁵

Information provided by a person identified as the source of the complaint and/or concern that warrants consideration and possible action to be performed by the Child Guardian. A case may have one or more issues, each of which will be defined and classified. Issues will be assigned, actioned, and finalised, either separately or jointly.

13. Compared with the 2009-10 financial year, the Commission has an additional Complaint Officer and a Principal Complaints Officer/Manager.⁶ Notwithstanding this staffing increase, the committee notes that Complaint Officers during the 2010-11 financial year carried a much heavier workload, with approximately 28 percent more issues than in the 2009-10 financial year.
14. The committee also notes, however, that the Commission resolved 84 percent of complaints issues relating to child safety and youth justice systems within 90 days. This is comparable to previous years: 85 percent in both 2009-10 and 2008-09.⁷

Telstra desktop messaging system

15. The committee notes that the Commission has received nine contacts via the Telstra Desktop Message System since its introduction in April 2009. Although the volume of contacts is not high, the committee concludes that the system is used effectively to resolve complaints and provide additional information to those accessing the system.⁸

4.2 Community Visitor Program

16. In March 2010, the Commission changed its policy on the scheduling of community visits towards a more 'risk-based model of visiting', which enables a more flexible, risk-based approach depending on the 'needs and wishes of the child and the type of placement in which the child is living.'⁹ The committee endorses this approach.
17. The Commission provided details on the number of Community Visitors engaged, staff turnover, and strategies in place to attract and retain qualified staff in this area.¹⁰
18. The committee notes that there has been an ongoing decline in the number of Community Visitors. In 2008-09, the Commission indicated that there were 210 Community Visitors engaged by the Commission.¹¹ By 2009-10 this had declined by 24 percent to 160 and in 2010-11 the number of Community Visitors had declined further to 153.¹² In comparison, in 2009-10, 7180

⁵ Answers to Questions on Notice – 21 October 2011, No. 9.

⁶ Answers to Questions on Notice – 21 October 2011, No. 9.

⁷ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 85.

⁸ Answers to Questions on Notice – 21 October 2011, No. 4.

⁹ Commission for Children and Young People and Child Guardian, *Annual Report 2009-10*, p. 24; and E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, 26 October 2011, Brisbane, p. 3.

¹⁰ Answers to Questions on Notice – 21 October 2011, No. 2.

¹¹ Commission for Children and Young People and Child Guardian, *Annual Report 2008-09*, p. 59.

¹² Commission for Children and Young People and Child Guardian, *Annual Report 2009-10*, p. 24; and Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 63.

children were visited by Community Visitors, and in 2010-11 this had increased to 7604, which is an approximate 6 percent increase over 12 months.

19. The committee is concerned that these figures suggest a trend of a declining number of Community Visitors bearing responsibility for visiting a greater number of children. The Commissioner responded to a question about this matter by stating that the introduction of the bi-monthly visiting schedule in 2010 had contributed to the reduction of the actual number of Community Visitors required.¹³ The Community Visitor Program states that a bi-monthly visiting schedule will be implemented when the following criteria are met:¹⁴
- the child or young person has been consistently stable in the placement for six months
 - the child or young person has not been the subject of a serious issue within the past six months that relates to his/her safety and/or care circumstances
 - there have been no concerns raised in the past six months regarding a significant service delivery issue
 - the views of the child or young person have been taken into consideration, subject to their age and ability.
20. The committee notes that 91 percent of non-Indigenous children and 89 percent of Indigenous children were visited in accordance with their designated visiting schedule in 2010-11. Unfortunately, these percentages cannot be compared with previous years as a number of 'new and revised service standards were introduced and a number of Service Delivery Statement measures were discontinued' in 2010-11.¹⁵
21. The committee also notes the Commission's response that it plans a 'slight increase' in the current Community Visitor numbers in 2011-12,¹⁶ and awaits with interest the Commission's next annual report detailing any changes to Community Visitor numbers.
22. The committee appreciates the Commission's willingness to present information about Community Visitors in a variety of ways in future reports, including in terms of the number of Community Visitors, the number of visits, and the hours worked.

Homeless children under 12

23. The Commission provided details on its strategy for homeless children under 12 years of age, including that it has recorded 56 issues during 2010-11 relating to children aged nine years or older who are self-placing and/or in homeless situations.¹⁷ The Commissioner identified that the Commission's main concern regarding children under 12 years of age who are self-placing is finding ways for them to reconnect with therapeutic support. This is dependent on the Commission knowing the child's location. Often self-placement means that the child's whereabouts are unknown.¹⁸
24. The committee notes the Commission's advice that it has been working with the Department of Communities and other service providers to organise alternate placements or expand the

¹³ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 3.

¹⁴ Commission for Children and Young People and Child Guardian, *Community Visitor Program – 2010 Visiting Schedule*, <<http://www.cypcg.qld.gov.au/Support/community/visiting-schedule.html>> accessed 15 November 2011.

¹⁵ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 87.

¹⁶ Answers to Questions on Notice – 21 October 2011, No. 2.

¹⁷ Answers to Questions on Notice – 21 October 2011, No. 8.

¹⁸ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 12.

options of living arrangements for children who are 'frustrated' with their current placements and who may be at risk of absconding or self-placing.¹⁹

25. The committee wishes to foreshadow its ongoing interest in this issue and its desire that the Commission keep the committee informed of its work in this area.

4.3 Employment screening (blue card system)

Processing times

26. The Commission processed 298,750 blue card applications for individuals seeking to work with children in 2010-11—an increase from 279,781 in 2009-10—and monitored 505,388 blue card holders and applicants on a daily basis.²⁰ The committee acknowledges the significant additional demands this has placed upon the Commission and that, as a consequence, only 30 percent of blue card applications where there was no criminal history were processed within the target timeframe of 28 business days. Seventy-nine percent of blue card applications were processed within four months where a criminal history was notified.

27. The Commission attributed the delays in processing times during 2010-11 to the following:²¹

...the compounding effect of the implementation of extensive system changes to accommodate the legislative reforms, a record number of blue card applications and authorisations, and the impact of the Brisbane floods (which disrupted the operations of the Commission and some of its key suppliers).

28. The committee notes that some of the processes resulting from the legislative changes under the [Criminal History Screening Legislation Amendment Act 2010](#) (Qld) have helped to streamline blue card applications, particularly during the first quarter of 2011-12.²² During September 2012, the Commission processed 92 percent of blue card applications within 28 days, at an average of 23 days, 'where there was no police information, and 90 percent were being processed within four months where there was police or disciplinary information.'²³ The committee commends the Commission for its efforts in addressing this issue and acknowledges its success in this area.
29. The introduction of a new blue card database in 2011 has enhanced the automation of some of the processes relating to blue card applications, including the management of the exemption process for people employed already within a regulated environment, such as teachers, who do not require a repeat screening by the Commission.²⁴ The committee is pleased to see that the three-year renewal period has also simplified the application process for the Commission and assisted organisations to streamline their administrative processes.²⁵

¹⁹ Answers to Questions on Notice – 21 October 2011, No. 8; and B Salmon, Assistant Commissioner, Commission for Children and Young People and Child Guardian, Public Hearing Transcript, Brisbane, 26 October 2011, p. 13.

²⁰ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, pp. 4, 85; Commission for Children and Young People and Child Guardian, *Annual Report 2009-10*, p. 50.

²¹ Commission for Children and Young People and Child Guardian, *Annual Report 2009-10*, p. 5.

²² Answers to Questions on Notice – 21 October 2011, No.11.

²³ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 6.

²⁴ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, pp. 5, 6.

²⁵ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 4.

Key performance indicators

30. The Commission provided the committee with an update on the draft framework of key performance indicators for the blue card system.²⁶ The objective of developing this outcome reporting framework is to provide data to measure the success of the blue card system and its impact upon reducing the risk of harm to children receiving services to ensure their wellbeing.²⁷
31. During its initial consultation on the framework, the Commission received feedback from stakeholders that indicated the need to revise the focus of the framework to measure the effectiveness of the partnerships between the Commission and its key stakeholders and how these partnerships contribute to the safety and wellbeing of children in care.²⁸
32. The Commission provided the committee with details of potential indicators to measure the performance of the blue card system, including:²⁹
 - an increased percentage of children who report feeling safe
 - the number and rate of children who are victims of crime
 - the number and rate of children who are victims of assault, injury or harm
 - the number and rate of children who are victims of sexual offences in regulated service environments.
33. The committee notes that work on the framework was slowed due to the legislative changes around the blue card system,³⁰ and looks forward to receiving further updates on the outcomes of the Commission's work when it is analysed in 2012.

Risk management

34. The Commission provided the committee with an update on organisational compliance with legislative obligations for the blue card system. In 2010-11, 53.5 percent of audited organisations were found to be compliant at first contact with their risk management obligations under the *Commission for Children and Young People and Child Guardian Act 2000*. The committee notes the Commission worked with organisations that were not initially compliant, resulting in a significant improvement in outcomes, with 88 percent of those achieving compliance within six months.³¹
35. The committee endorses the Commission's educative approach to compliance to assist organisations to meet the requirements of the blue card system and reduce the risk of harm to children. The committee noted the Commission's advice that serious breaches for non-compliance are referred to the Queensland Police Service (QPS). Examples of such breaches might include 'a negative notice holder possibly engaging in prescribed employment and individuals conducting a regulated business without a blue card.'³²
36. In 2010-11, the Commission reported 33 such matters, with a total of 49 potential breaches of the Act, to QPS. The committee is concerned about the impact of these breaches on the safety and wellbeing of children. However, the Commission sought to reassure the committee that it

²⁶ Answers to Questions on Notice – 21 October 2011, No. 8.

²⁷ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 29.

²⁸ Answers to Questions on Notice – 21 October 2011, No. 8.

²⁹ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 7.

³⁰ B Van-Kempen, Executive Director, Blue Card and Corporate Services, Commission for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 7.

³¹ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 18; Answers to Questions on Notice – 21 October 2011, No. 12.

³² Answers to Questions on Notice – 21 October 2011, No. 12.

was 'not aware of any instances of non-compliance with the requirements of the blue card system resulting in harm to children or young people.'³³

Multiple blue cards

37. One committee member raised the issue of a person holding multiple blue cards.³⁴ The Commission advised that a person should hold only one blue card and that if they were in possession of two cards it was most likely that they had been screened both as a volunteer and in the course of their paid employment. In this situation, the volunteer blue card would be redundant and the Commission would only monitor the paid blue card.³⁵

4.4 Children in care

38. The committee notes and commends the Commission for its work in promoting enhanced access to 15 hours of kindergarten each week for children in care.³⁶ The committee acknowledges the importance of the Commissioner's support for the initiative and the positive impact of the Commission's advocacy, resulting in the kindergarten initiative being rolled out in a manner that has made it accessible in long-day care.
39. The committee shares the Commission's concern about the need for more support for young people transitioning from care to independence. The committee and the Commissioner recognise that many young people, who are legally considered to be adults at 18, struggle to take full responsibility for themselves at this age, particularly without having completed qualifications and training.³⁷ The committee heard evidence of the benefits enjoyed by young people in other jurisdictions, overseas and elsewhere in Australia, who are transitioning from care and who have access to enhanced support until they are 25.³⁸
40. The committee notes and supports the Commission's ongoing individual and systemic advocacy for young people transitioning from care.³⁹ The committee wishes to foreshadow to the Commission its intention to take an active and ongoing interest in this issue.
41. A sensible approach would appear to be a stepped programme for children transitioning from care. Initial support should be considered at least until the child turns 21 years of age and one outcome would be for an allocation of funding on a stepped basis to extend assistance until the assisted child is satisfactorily placed in the view of the whole community.

Recommendation 1

The committee requests that the Commission report to the committee on a quarterly basis to provide information about the steps it and the Department of Communities are taking to monitor and improve support arrangements for vulnerable young people leaving care at the age of 18.

³³ Answers to Questions on Notice – 21 October 2011, No. 12.

³⁴ F Simpson, Deputy Chair, Community Affairs Committee, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 5.

³⁵ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 5; and B Van-Kempen, Executive Director, Blue Card and Corporate Services, Commission For Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 5.

³⁶ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 12

³⁷ Answers to Questions on Notice – 21 October 2011, No. 7; E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 10.

³⁸ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 11.

³⁹ Answers to Questions on Notice – 21 October 2011, No. 7.

4.5 17 year olds in adult correctional facilities

42. The committee noted the observation in the Commission's 2010-11 annual report that Queensland remains the only state to detain 17 year olds in adult correctional facilities.⁴⁰ The committee sought information from the Commission about how it is monitoring the safety and wellbeing of 17 year olds in adult facilities.⁴¹ The committee also notes the findings cited in the Australian Catholic Bishops Conference's *Building Bridges Not Walls: Prison and the justice system (Social Justice Statement 2011-2012)* that approximately 75 percent of juveniles in detention are on remand and almost 80 percent of those will not end up with a custodial sentence.⁴²
43. The committee notes that Australia ratified the United Nation's (UN) '[Convention on the Rights of the Child](#)' in 1990 and that it was in force when the [Youth Justice Act 1992](#) (Qld) was introduced.⁴³ At the time the *Youth Justice Act* was introduced, the government foreshadowed its intention to transfer 17 year olds into youth detention centres shortly thereafter.⁴⁴ Nineteen years later, this has not yet occurred. The committee notes that, as a result, since the introduction of the *Youth Justice Act*, Queensland has remained in breach of Articles 1 and 3 of the UN Convention on the Rights of the Child.⁴⁵
44. The committee notes that in the *Commission for Children and Young People and Child Guardian Act 2000*, Chapter 4 (Complaints and investigations), enshrines the Commissioner's authority to access a child when conducting an investigation where the complainant is a child who is or was in the child safety system, or if the investigator needs access to a witness to a matter under investigation.⁴⁶ This power extends to children held in detention centres, watch houses, and police lockups. However, the Commission's legislation and the [Corrective Services Act 2006](#),⁴⁷ are both presently silent on any equivalent power for the Commissioner to conduct an investigation where a 17 year old is or was in the child safety system and is now in the custody of an adult correctional facility. The Committee believes that this should be corrected as a matter of urgency.
45. The Commissioner stated at the public hearing that the Commission does not presently have the legislative power to demand visits to young people detained in adult correctional facilities.⁴⁸ The Commission also advised that it has entered into an administrative arrangement with Queensland Corrective Services (QCS) to extend the Community Visitor Program into Queensland adult correctional facilities to visit 17 year olds in the same way they currently visit young people in Queensland youth detention centres.⁴⁹ The Committee has concerns that administrative arrangements do have the capacity to disappear 'without trace', so legislative authority seems necessary.
46. Furthermore, the committee notes the Commission's recent efforts to raise awareness about this issue on behalf of 17 year olds in the 2010 Policy Position Paper, *Removing 17 year olds*

⁴⁰ Commission for Children and Young People and Child Guardian, *Annual Report 2010-11*, p. 34.

⁴¹ Answers to Questions on Notice – 21 October 2011, No. 15.

⁴² Australian Catholic Bishops Conference, *Building Bridges, Not Walls: Prisons and the justice system (Social Justice Statement 2011-2012)*, Australian Catholic Social Justice Council, <<http://www.socialjustice.catholic.org.au/CONTENT/PDF/Social%20Justice%20Statement%202011-2012.pdf>> accessed 10 November 2011, p. 9.

⁴³ *Youth Justice Act 1992* (Qld).

⁴⁴ Media Statement by Ms Anne Warner, Minister for Family Services and Aboriginal and Islander Affairs, 5 August 1992.

⁴⁵ Commission for Children and Young People and Child Guardian, *Removing 17 year olds from Queensland's adult prisons and including them in the youth justice system*, Brisbane, 15 November 2010, <<http://www.ccypcg.qld.gov.au/pdf/publications/papers/17-year-olds-Policy-Position-Paper.pdf>> accessed on 10 November 2011.

⁴⁶ *Commission for Children and Young People and Child Guardian Act 2000* (Qld).

⁴⁷ *Corrective Services Act 2006* (Qld).

⁴⁸ E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 13.

⁴⁹ Answers to Questions on Notice – 21 October 2011, No. 15.

from Queensland's adult prisons and including them in the youth justice system, which recommended the Queensland Government make a time-specific commitment for action by 1 March 2011.⁵⁰ Chantel Russell reported that the Commissioner made the following public comments on this point at a forum at James Cook University earlier in 2011:

"Since the public release of the policy position paper in November 2010, the Commission has continued dialogue with senior officers of the Department of Communities to press for an active response to the Commission's recommendations, including a clear time commitment to amend the Youth Justice Act 1992," Fraser said.

Russell notes that:

Progress around these discussions was interrupted by the widespread flooding in December and January, and Cyclone Yasi. Commissioner Fraser advised she had written to Minister Struthers on 28 February 2011 to acknowledge the impact of these disasters but, nonetheless, ask [sic] the Minister to identify a time, preferably within the first half of 2011, by when she would be able to say 17-year-olds would be included in the youth justice system.

Commissioner Fraser stated in Ms Russell's report that:

*There has been further communication between the Department of Communities, the Minister and myself since I wrote the letter. But since these discussions are not finalised, I'm not in a position to pre-empt the outcome.*⁵¹

When the committee followed up this issue again with the Commissioner at the public hearing she indicated, "We have not got a time frame on it at this point. We are becoming more active in this debate about 17 year olds. It is now firmly within our purview."⁵²

47. The committee commends the Commission for its work in pursuing this matter and is mindful of the ongoing delays in the resolution of this issue. The committee notes that while young people continue to remain in vulnerable circumstances in adult correctional facilities, the Commission should have equivalent authority and responsibility to deal with matters for all 17 year olds within its jurisdiction, regardless of where they may be detained. The committee considers this to be a matter of public interest and questions whether these rights need to be secured by more than an administrative arrangement. The committee notes the recommendation to this effect in the Commission's 2010 Policy Position Paper on *Removing 17 year olds from Queensland's adult prisons and including them in the youth justice system*.⁵³

Recommendation 2

The committee recommends that the Commission review its current legislative framework and provide an outline of amendments necessary to support the Commission's work with 17 year olds in adult correctional facilities.

⁵⁰ Commission for Children and Young People and Child Guardian, *Removing 17 year olds from Queensland's adult prisons and including them in the youth justice system*, Brisbane, 15 November 2010, <<http://www.ccypcg.qld.gov.au/pdf/publications/papers/17-year-olds-Policy-Position-Paper.pdf>> accessed on 10 November 2011.

⁵¹ C Russell, *Too Young for Jail*, James Cook University, Townsville, 20 June 2011, <http://www-public.jcu.edu.au/atjcu/feature/JCU_081980> accessed 10 November 2011.

⁵² E Fraser, Commissioner for Children and Young People and Child Guardian, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 13.

⁵³ Commission for Children and Young People and Child Guardian, *Removing 17 year olds from Queensland's adult prisons and including them in the youth justice system*, Brisbane, 15 November 2010, <<http://www.ccypcg.qld.gov.au/pdf/publications/papers/17-year-olds-Policy-Position-Paper.pdf>> accessed on 10 November 2011.

4.6 Data collection, management and presentation

48. The committee asked the Commission a number of questions about the organisation's data collection, management, and presentation practices and, in particular, the implications of these arrangements for the operational and strategic performance of the Commission.
49. The committee followed up on previous inquiries by the former Social Development Committee about the impact of the Jigsaw case management system on the Community Visitor Program. The committee is pleased to note that the introduction of the new database system has enabled the use of refreshable reports to create real-time reporting to manage risks when scheduling visiting.⁵⁴
50. The committee is similarly pleased to hear about the improvements brought about by the implementation of the new employment screening services database. The committee notes the increased details available about criminal history information for blue card applicants.
51. The committee sought information from the Commission about the intervals of data collection for child death reports, where Queensland appears to be out of sync with all other jurisdictions. The committee observed that all other jurisdictions are presently using calendar-year data and that Queensland is using financial-year data.⁵⁵ The committee considered this issue and concluded it is important that it is possible to make meaningful comparisons across jurisdictions and nationally.

Recommendation 3

The committee recommends that, in future, in order to facilitate meaningful national comparisons, Queensland takes steps to produce child death data that is aligned with the collection intervals in other jurisdictions.

⁵⁴ Answers to Questions on Notice – 21 October 2011, No. 1.

⁵⁵ P Dowling, Member, Community Affairs Committee, *Public Hearing Transcript*, Brisbane, 26 October 2011, p. 10.

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Appendices

Appendix A

Written Responses to Questions on Notice

Question on Notice

No. One (1)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Community visitor program and the Jigsaw case management system - Could the Commission please:

- a) Provide an update on the expansion of the Jigsaw case management system and how it will impact on the 'risk-based model of visiting' for the community visitor program.
- b) Explain how the expansion of this system contributes to child safety?

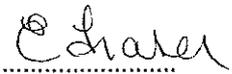
ANSWER:

a) Provide an update on the expansion of the Jigsaw case management system and how it will impact on the 'risk-based model of visiting' for the community visitor program

- Recent enhancements to Jigsaw allow the Commission to record and monitor changes over time to the frequency by which individual children are visited by their Commission Community Visitors. This enables analysis of the extent to which the visit frequency of children changes (e.g. from monthly to bi-monthly or vice versa) in response to changing circumstances outlined in the risk-based policy which determines children's visit frequency.
- Jigsaw's fully integrated 'real-time' reporting abilities also now enable the Commission to immediately identify children who have been the subject of a serious issue and/or have recently changed placement, factors that would indicate that a child needs to revert from a bi-monthly to a monthly visiting schedule.
- Reporting in Jigsaw is also used to identify children whose visiting frequency can be decreased from a monthly to a bi-monthly visiting schedule.
- Jigsaw integrates data across the Commission's Child Guardian program areas, which allows the Commission to quickly identify when children and young people in out-of-home-care have been the subject of a complaint (received by the Commission's Complaints team). Having easy access to this information is also used to adjust visiting schedules for children.
- Enhancements to Jigsaw have also included a more integrated approach to data quality management. Refreshable reports are available to Zonal Managers to run on a regular basis. These reports help reflect a point in time synopsis for each child in the Community Visitor Program's jurisdiction and assist in ensuring that the most appropriate visiting schedule for each child is maintained.

b) Explain how the expansion of this system contributes to child safety?

- The improvements and enhancements to Jigsaw enable the Commission to better analyse and report on its own data sources more comprehensively than ever before. This enables the Commission to more effectively fulfil its child safety systemic advocacy and monitoring functions.
- The enhancements to Jigsaw enable more detailed analysis of child safety issues around the state which importantly enables the Commission to independently report on the progress of child safety matters in Queensland.



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- Jigsaw now has included a visiting frequency schedule for each child which allows for change to a bi-monthly schedule where the assessed circumstances of the child meet the policy provisions as they relate to placement security, safety and wellbeing.
- Jigsaw also has the provision to allow reversion to a monthly visiting schedule where risk has been identified and further monitoring is seen as necessary.
- Jigsaw also provides review schedules to ensure that where visits have reverted to monthly, a review is undertaken to reassess risk at appropriate times and returned to bi-monthly schedule if acceptable. Jigsaw capabilities assist the Commission to ensure that those most vulnerable children continue to be visited on the most frequent basis.
- The improvements and enhancements to Jigsaw alongside the ongoing collection of data as a result of the Commission's visiting and other functions, ensures comprehensive and accurate data can be readily accessed to inform the Commission's reporting and advocacy for children in the child safety system both at a systemic and individual basis.

Question on Notice

No. Two (2)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Community Visitors - Could the Commission please provide information on:

- a) The staff turnover of community visitors for the 2010-11 financial year.
- b) Any plans to increase the number of Community Visitors.
- c) Strategies in place to attract and retain qualified staff in this area.
- d) The impact of this trend on the expansion of the Jigsaw case management system and the 'risk-based model of visiting'?

ANSWER:

- a) The staff turnover of community visitors for the 2010-11 financial year.

As at 30 June 2011 the Commission employed a total of 153 Community Visitors. There were 41 Commission Community Visitor separations (which included Community Visitors who came to the end of their contract) during the 2010-11 financial year with the following separations and rate percentages applicable to the four (4) quarterly periods:

September 2010	– 13 separations – separation rate of 8.4%
December 2010	– 13 separations – separation rate of 8.4%
March 2011	– 6 separations – separation rate of 3.9%
June 2011	– 9 separations – separation rate of 5.8%

Financial year separation rate based on the average headcount of Community Visitors is 6.6%.

- b) Any plans to increase the number of Community Visitors.

The number of Community Visitors is determined by the number of children in out-of-home care who require visiting. A slight increase in the current Community Visitor numbers is planned to ensure there are sufficient resources to visit the anticipated number of children and young people in out-of-home care during 2011-12.

- c) Strategies in place to attract and retain qualified staff in this area.

The Commission utilises a range of strategies to ensure suitably experienced individuals are notified about vacancies and that those appointed are appropriately managed and supported. The position of Commission Community Visitor does not require formal qualifications to undertake the role, however experience in working with children is necessary.

Recruitment processes may include advertising in local communities, regional communities, seek.com and through the government sector. The Commission also partners with Indigenous agencies to attract Indigenous specified applicants. Word of mouth promotion

based on the experiences and reputation of those in the employ of the Commission has also played an important role in generating quality pools of applicants.

The Commission recognises the importance of managing its talent to maximise achievement of its strategic goals and objectives and has developed the following program of initiatives to improve its capacity to attract and retain Community Visitors:

- Providing professional development opportunities including:
 - comprehensive induction training (5 day program)
 - use of buddying system for newly appointed Community Visitors
 - professional support and development provided by the 'Practice' support team
 - one-on-one supervision
 - bi-monthly team meetings
 - learning and development programs, and
 - bi-ennial professional development forums.
 - Promoting flexible work practices
 - Implementing a rewards and recognition program
 - Performance development and management
 - Providing employee support programs (such as the Employee Assistance Program).
- d) The impact of this trend on the expansion of the Jigsaw case management system and the 'risk-based model of visiting'?

The turnover of Community Visitors during 2010-11 has not impacted on the enhancements of the Jigsaw case management system and the risk-based model of visiting.

Question on Notice

No. Three (3)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Draft framework of key performance indicators - the blue card system

- a) How has the outcome of the initial consultation on this framework informed the development of indicators?
- b) How will the Commission know if these reflect meaningful measures for stakeholders?
- c) Is any further consultation planned and when is it anticipated to be completed?
- d) When is it expected that the framework- will be implemented?

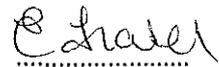
ANSWER:

a) How has the outcome of the initial consultation on this framework informed the development of indicators?

- The Commission has undertaken initial consultation with targeted government and non-government stakeholders and received positive feedback on the logic of the Framework.
- The greatest challenge for the project is obtaining reliable external data relevant to the performance indicators identified in the Framework, and being able to make defensible links that the data is a measure of the effectiveness of the blue card system.
- Based on feedback from stakeholders the Commission is revising the focus of the Framework to measuring the effectiveness of the partnerships between the Commission and its key stakeholders and how the outcomes of these partnerships contribute to improving the safety of children and young people in regulated service environments.

b) How will the Commission know if these reflect meaningful measures for stakeholders?

- The Framework is being drafted in close consultation with non-government peak bodies providing child-regulated services and other inter-jurisdictional screening bodies. Stakeholders have consistently advised a preference for the results of the report on the Framework to be in a concise format emphasising:
 - the importance of stakeholder investment in the blue card system,
 - the outcomes of that investment in relation to improving the safety of children and young people engaging in their services or activities, and
 - how organisations mitigate risks to children and young people through the development and implementation of a risk management strategy.
- The Commission will continue to liaise with stakeholders on the development of the framework so the measures reported are relevant to child-related organisations, government stakeholders and the community.



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c) Is any further consultation planned and when is it anticipated to be completed?

- Partnering with stakeholders is a critical aspect of the Commission's work. It is only through this strategic collaboration that the system operates strongly to create safe environments for children.
- As such, the Commission is committed to ongoing consultation with key stakeholders on the development of the Outcome Indicator Framework as well as all resources and reports resulting from it.
- When the overarching indicators for the framework have been bedded down, and readily available data sources have been scoped, the next step is for the Commission to negotiate the provision of data on a periodic basis from relevant external agencies.
- The Project has also considered the recent amendments to the legislative framework, and will engage in further consultation to finalise the framework, including, if necessary, drafting administrative agreements with agencies to facilitate the release of the relevant data.

d) When is it expected that the framework will be implemented?

- The Commission intends to release a document outlining the Framework, and the indicators underpinning it, this financial year.
- The method for ongoing reporting against the indicators has not been finalised, but it is likely to be a combination of web based reports, short form documents and inclusion of key indicators in the Commission's annual report.

Question on Notice

No. Four (4)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please provide an update on the Telstra desktop messaging system that lodges complaints.

ANSWER:

- To date, the Commission has received nine contacts via the SMS service number.
- Four of these nine contacts were to initiate a new complaint. These four new complaint contacts resulted in 10 issues being recorded and resolved for the young people. The other five contacts were made by young people or a family member requesting the Complaints Team contact them in relation to their complaint and/or to discuss additional concerns that they would like the Complaints Team to assist them resolve.
- The Commission continues to promote the messaging service using print materials and network contacts with the intention of making the SMS service more prominent, user friendly, and more appealing to potential complainants. The Commission's website has also been updated to include provision that child related complaints can be made by sending a text message to the Commission.
- The Commission's regular visiting program to children in foster care, kinship care, residential facilities and detention centres provides an opportunity for complaints to be lodged and results in the very limited use of the SMS facility for complaints by children in care.

Question on Notice

No. Five (5)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

During 2009 there were a number of high profile matters that attracted media attention and were subsequently investigated by the Child Death Case Review Committee. Please outline the general details of the Commission's recommendations for systemic reform to reduce the risk of similar adverse events in the future?

ANSWER:

In considering the child death reviews conducted by Child Safety Services, the Child Death Case Review Committee examines service system responses provided by the Department of Communities, Child Safety Services, to children and young people. The Committee acknowledges that the service system issues which it identifies are based on the children whose deaths it has reviewed, which is not necessarily representative of the service delivery trends across the whole child safety service system. However, the Committee jurisdiction ensures every death is independently and comprehensively reviewed to ascertain any learnings and that this evidence base is used to identify themes and issues to inform research and influence both strategic and operational policy.

In its 2009-10 Annual Report, the Committee examined service system responses to 15 young people who were engaging in high risk behaviours, and identified the following areas that may be strengthened:

- Therapeutic support (including but not limited to drug and alcohol counselling, sexualised behaviour and sexual abuse counselling, grief counselling, assistance with addressing self-harming and supports to address aggressive behaviours)
- Early intervention and intervention of an ongoing nature
- Co-ordinated cross-agency service delivery
- Extensive and strategic case management and planning, and
- Specialised placements.

The Commission uses the Committee's findings to enhance its own analysis of the child safety system, and inform its audit or investigative activity and policy advocacy. For example:

- Child Guardian Reports
- Reducing Youth Suicide in Queensland Project, and
- Young People at High Risk Project.

Question on Notice

No. Six (6)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please provide an update on the Commissioner's proposal to improve efficiency by referring an original review for consideration by the Child Death Case Review Committee in specific circumstances, particularly when there is public interest in the case.

ANSWER:

My proposal to improve the efficiency of the Child Death Case Review Committee by referring an original review for its consideration in specific circumstances has been consulted with key stakeholders. The proposed changes reflect the maturity of Commission capabilities to review and audit child safety processes and aim to focus Child Death Case Review Committee efforts on those cases where public interest may be significant and there are matters involving a number of disciplines.

Further progression of this proposal would require legislative amendment.

Question on Notice

No. Seven (7)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please report on any progress made on the issue of transitioning from care to independence for care-leavers since the Commission's last meeting with the previous parliamentary oversight committee, the Social Development Committee.

ANSWER:

The Commission continues to advocate at the individual and systemic level for young people transitioning from care to have a transition from care plan developed for them and for the young people to be involved in this process.

In 2010-11, the Commission dealt with and resolved approximately 800 complaint issues in relation to reunification or transition into independent living and/or adulthood. Of these 800 issues:

- 416 (52.0%) were about *transition into independent living and/or adulthood* and 384 (48.0%) were about *reunification*, and
- 194 (24.3%) had one or more Aboriginal and/or Torres Strait Islander subject children related to the issue.

To support improvements the Commission actively uses the information it obtains to increase understanding of current practices and the impacts for children. For example, its article *I'll make it work: Young people's views of leaving care in Queensland* was published in the journal *Children Australia* to specifically advocate on the views of 124 young people in foster care who were aged 16 to 18 years.

During 2011-12 the Commission will continue this focus through information gathering from its next surveys of young people in foster care and residential care. These survey reports to be released in September 2012 will contain further information regarding transition from care. The Commission will also be conducting a specific survey on transition from care and young people's experiences with transitioning from care both whilst they are in the care system and after they have exited care.

In November each year (Transition from Care month), Commission Community Visitors make transition from care a focus of their visiting to improve service provision to these young people. To facilitate this focus, Zonal Managers are ensuring that at their team meetings with Community Visitors, there will be a specific opportunity to consider the importance of transitioning and to heighten awareness of the tasks faced by young people moving into independence especially where they have no natural family support.

Question on Notice

No. Eight (8)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please provide performance data to indicate the status of the Commission's work on strategies to assist homeless children under the age of 12 and high-risk groups of children absconding from placement.

ANSWER:

- Data gathered by the Commission's Community Visitor Program and other sources indicates that young people who are reported to have a tendency to abscond from their authorised placements are considered to be at higher risk of placing themselves at risk of harm.
- In 2010/11, 15% of issues with identified subject children were classified as relating to a child self-placing or absconding, or attempting to self-place or abscond. These children accounted for 8% of all children identified in issues raised in 2010-11.
- Fifty-six issues recorded by the Commission during 2010-11 were in relation to children aged nine years and older with an issue classification of 'self-placement and homelessness'.
- The Commission's Community Visitors and Complaint Officers negotiated with the Department and other service providers to organise alternate placements and or living arrangements for these children and young people and to address those issues that may have led to them absconding and or self-placing.
- Furthermore, the Commission's Community Visitors through their regular visits with children in care, continue to assess their safety and wellbeing and are able to identify whether they are at risk of self-placing or absconding. If this is the case, the Community Visitor acts as an "early alert" and works locally with the child's carer, Child Safety Officer and available therapeutic and support services in an attempt to reduce the risk of the young person absconding or self-placing.

Question on Notice

No. Nine (9)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please provide:

- a) Details of the caseload (number of issues) carried by each complaint officer for each quarter of the 2010-11 financial year.
- b) An explanation of how the scope of an 'issue' is defined?

ANSWER:

- a) Details of the caseload (number of issues) carried by each complaint officer for each quarter of the 2010-11 financial year.

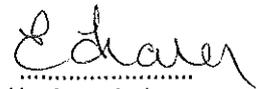
	Q1	Q2	Q3	Q4	Total
Complaint Officer 1	203	214	160	187	764
Complaint Officer 2	112	195	213	193	713
Complaint Officer 3	156	157	242	189	744
Complaint Officer 4	197	102	126	186	611
Complaint Officer 5	113	196	122	243	674
Senior Complaints Officer 1	121	117	98	98	434
Senior Complaints Officer 2	152	218	163	205	738
Subtotal	1054	1199	1124	1301	4678
Principal Complaints Officer/Manager	292	183	146	71	692
Total issues managed	1346	1382	1270	1372	5370

The above figures reflect the total number of issues being worked on by the Complaints team for 2010-11 rather than the total number of issues received for this period. For example, some of the issues from the previous reporting year remained open and are included in the Q1 data. Likewise, the data for each other quarter includes a carry-over of issues from the previous quarter.

The variations in the number of issues across workers accommodates recreational leave or periods of secondment of workers to other agencies. In addition, the number of issues for each Complaints Officer position outlined above, do not relate to a specific worker and may include a combination of two or more officers employed to fulfil each substantive position.

- b) An explanation of how the scope of an 'issue' is defined?

The Commission defines an 'issue' as "*Information provided by a person identified as the source of the complaint and or concern that warrants consideration and possible action to be performed by the Child Guardian. A case may have one or more issues, each of which will be defined and classified. Issues will be assigned, actioned and finalised, either separately or jointly*".



Approved by Commissioner

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Some of the issues raised by the complainant or informant can be categorised as 'out of jurisdiction' as the subject matter may not relate to a child or relate to the interest of the child or more appropriately dealt with by another agency. The remainder of issues either relate to service delivery issues for children in the child safety or youth justice systems, allegations of harm or risk of harm to a child or advocacy issues for children in Queensland (Chapter 4 Part 3, sections 17 or 25 of the *Commission for Children and Young People and Child Guardian Act 2000* respectively).

The Commission's Complaints Team responds to issues raised by the complainant or informant within 24 hours or the next business day. During the initial assessment of the information received, the Complaints team determines the appropriate action and timeframe for taking action. Those issues that indicate significant impact on the child receive the highest prioritisation.

Question on Notice

No. Ten (10)

Asked on Wednesday 12th October 2011

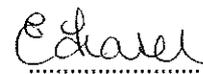
THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

The Commission monitors and audits service providers' compliance with blue card system obligations to ensure the appropriate safeguards for children and young people. In the Commission's Annual Report 2010-11, it states that 88% of audited organisations complied with their risk management obligations.

- a) How many organisations were referred to QPS for non-compliance with legislative obligations for the blue card system?
- b) Did any instances of non-compliance result in harm to children or young people? If so, how many? Can the Commission outline any review arrangements now in place to address future risks of this type?
- c) Have there been any problems associated with implementing system changes to accommodate the legislative reforms that reduce duplication of employment screening and streamline the blue card application process?

ANSWER:

- a) How many organisations were referred to QPS for non-compliance with legislative obligations for the blue card system?
 - The *Commission for Children and Young People and Child Guardian Act 2000* imposes a range of obligations on regulated employers and individuals, with offence provisions for non-compliance with certain requirements of the Act.
 - Section 17 of the Act sets out the functions and powers of the Commissioner, with section 17(ra) providing that the Commissioner has a function to monitor and audit compliance with chapter 8.
 - To discharge this function the Commission routinely undertakes proactive (ad hoc and/or targeted) and reactive (based on complaints or other information) audits of regulated service providers. The types of compliance activities undertaken generally involve:
 - requiring organisations to complete a declaration to confirm that they have taken appropriate action in response to advice from the Commission that an individual has been issued with a negative notice or had their positive notice suspended or cancelled, or
 - asking organisations to provide a copy of their risk management strategy and/or employee register to demonstrate compliance with the requirements of section 171 and 172 of the Act.
 - The Commission's approach to compliance is educative, and as such the Commission seeks to assist organisations meet the requirements of the blue card system. Referral to the QPS for non-compliance is applied when serious breaches are identified and more generally as an option of last resort, as it is in the best interests of children and young people participating in those service environments that compliance is achieved by organisations understanding and actively applying the requirements of the blue card system.



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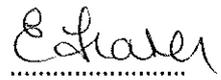
- In 2010-11, the Commission referred 33 matters involving a total of 49 potential breaches of the Commission's Act to the QPS for investigation. These referrals involved 40 potential breaches of individual obligations under the Act, and nine potential breaches by organisations/regulated businesses. Examples of offences referred included, a negative notice holder possibly engaging in prescribed employment and individuals conducting a regulated business without a blue card.

b) Did any instances of non-compliance result in harm to children or young people? If so, how many? Can the Commission outline any review arrangements now in place to address future risks of this type?

- The Commission is not aware of any instances of non-compliance with the requirements of the blue card system resulting in harm to children or young people.
- Of the organisations audited in 2010-11, the Commission found that 53.5% complied with system requirements at first contact.
- Issues of non-compliance may include incomplete or out of date employee registers, which can be easily rectified by the organisation, or the organisation may need to develop and implement a child and youth risk management strategy that complies with the eight minimum requirements of the Commission's legislation.
- The Commission worked with organisations that weren't initially compliant and this resulted in 88% of audited organisations becoming compliant within six months. In the remaining cases, the Commission continued to work with the organisations until compliance was fully achieved. Generally, this involves assisting the organisation to develop an adequate risk management strategy that meets the eight minimum requirements of the Commission's legislation.
- However in 2010-11, one organisation was referred to QPS for a potential breach of the legislative requirement to develop and implement a risk management strategy as the organisation failed to engage with the Commission on multiple occasions. The QPS investigation in that particular case is still in progress.

c) Have there been any problems associated with implementing system changes to accommodate the legislative reforms that reduce duplication of employment screening and streamline the blue card application process?

- To the Commission's knowledge, the implementation of the legislative reforms has not resulted in any major problems from a stakeholder perspective. Considerable time and effort is being applied by the Commission to educate relevant sector groups about the changes.
- Overall, the legislative changes appear to have achieved the desired effect of simplifying the screening processes for regulated employers and applicants, including other government agencies (which in many instances no longer undertake criminal history checks on government staff engaging in child-related employment and instead rely on the blue card outcome). The Commission's processes have been re-engineered to cope with the expanded scope and demand. This included stakeholder education, system, and process changes.
- For example, in 2010-11:
 - 14,181 requests to confirm the status of blue cards for teacher registration were received from the Queensland College of Teachers
 - 5,234 applications and authorisations for exemption cards were received from teachers and police officers;
 - 9,104 yellow card exemption requests were received where the applicant's blue card status and advice on whether further criminal history checks should be undertaken were provided to the Department of Communities;



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- 4,383 applications were processed for individuals who obtained their blue card as a volunteer and subsequently obtained paid employment, requiring the payment of the prescribed fee and issue of a new card for a further three year period.
- The Commission has recently initiated a project to streamline work flow processes and automate some of the information sharing processes between the Commission and key agencies.

Question on Notice

No. Eleven (11)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

The Commission's benchmark of processing blue card applications with no police information is within 28 working days. During the 2010-11 financial year, the Commission stated that it did not always achieve this due to a number of factors but has implemented changes to address the challenges. It processed only 33% of applications within 28 working days (compared with 84% in 2009-10).

- a) What is the total number of blue card applications with no police information processed during the 2010-11 financial year?
- b) How many were not processed within the 28 working days?
- c) Of those applications that took longer than 28 working days to process, what was the average number of working days before they were finalised?
- d) Did the Commission receive any complaints about these delays and, if so, how many?
- e) During the first quarter of the 2011-12 financial year, how many blue card applications with no police information were processed and were any of those not completed within the benchmark of 28 working days and, if so, how many?

ANSWER:

- a) What is the total number of blue card applications with no police information processed during the 2010-11 financial year?
 - In 2010-11, the Commission issued 206,929 blue cards where the applicant had no police information.
- b) How many were not processed within the 28 working days?
 - Of the 206,929 applicants with no police information that were issued a blue card, 138,810 applications (67%) were not processed within the target timeframe of 28 business days.
- c) Of those applications that took longer than 28 working days to process, what was the average number of working days before they were finalised?
 - Applications that were not finalised within the target of 28 working days were processed within an average of 41 days.
- d) Did the Commission receive any complaints about these delays and, if so, how many?
 - The Commission received and investigated six complaints in 2010-11 as defined by our *Complaints Management Corporate Standard*.
 - The Commission also responded to a range of enquiries raised by stakeholders during 2010-11. These included the status of blue card applications, help with completing forms, and issues about the scope of the blue card system etc. Seventy-four issues

were raised via general or Ministerial correspondence received by the Commission in 2010-11. Thirty-two of these issues were in relation to processing delays.

- In order to assist clients in a timely manner, the Commission has a policy of addressing the issues and concerns of clients immediately at the point of contact, wherever possible. Many issues are able to be dealt with by frontline staff without escalating into a formal complaint. Of the 151,349 phone enquiries answered in 2010-11, approximately 68,254 calls were recorded by staff in accordance with the Commission's Line of Business reporting system as issues or concerns raised by clients (these figures include multiple enquiries from individual callers).
- These issues range from client dissatisfaction with the time needed to conduct a thorough risk assessment following the notification of a criminal history to the additional processing time required to address incomplete or incorrectly filled forms through to concerns with general processing delays.

e) During the first quarter of the 2011-12 financial year, how many blue card applications with no police information were processed and were any of those not completed within the benchmark of 28 working days and, if so, how many?

- 56,957 blue cards have been issued in the first quarter of the 2011-12 financial year to applicants with no police information. Of these, 11,860 (21%) were not processed within the target timeframe of 28 business days.
- Recent data (first quarter) suggests that the steps already taken by the Commission to improve processing timeframes indicate 79% of applications without police information were processed in the first quarter of this financial year within the Commission's benchmark of 28 business days.
- Processing statistics for September showed that 92% of applications without police information were processed within 28 business days (at an average of 23 days) and 90% of applications with police information were processed within four months.

Question on Notice

No. Twelve (12)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

In September 2011 the Police Commissioner notified that 690,000 people were allowed to go unchecked through the Police monitoring system. He also stated that once the problem was detected, it was found 57 blue card holders or applicants, two teachers, two disability workers, nine security staff and six public transport workers had been charged over crimes from assault to drug or traffic related offences. Could the Commission please:

- a) Provide a breakdown of the outcomes of its decisions in respect to these 57 individuals.
- b) Outline any procedures that have been put in place to manage risk in such situations in the future.

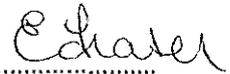
ANSWER:

- a) Provide a breakdown of the outcomes of its decisions in respect to these 57 individuals.

- As of 4 October 2011 the Commission has finalised all 57 matters. Of these:
 - 41 blue card holders retained their positive notice
 - three individuals with applications in progress at the time of the notification were issued with blue cards
 - eight applications were withdrawn
 - in four cases blue cards were cancelled and negative notices issued, and
 - one eligibility declaration process on foot was refused.

- b) Outline any procedures that have been put in place to manage risk in such situations in the future.

- The Queensland Police Service (QPS) monitoring system is a mechanism for relevant agencies to be notified that individuals, in the Commission's case blue card holders and applicants, have been charged with certain offences.
- The QPS has publicly advised that the issue giving rise to the error has been corrected and steps have been taken to ensure that the error does not recur in future system changes.
- The monitoring system between the Commission and QPS operates in addition to the legislative obligations on blue card holders and applicants, as set out in the *Commission for Children and Young People and Child Guardian Act 2000*, to inform their employers and the Commission if they have a change in police information. For employers, this includes using their child focused Risk Management Strategy to address any potential risks created by the individual's change in criminal history.
- The Commission's legislation requires this strategy to be comprehensive and regularly updated and to address eight mandatory requirements, including implementing procedures for recruitment and selection, managing staff, codes of conduct, and handling disclosures of harm or suspicions of harm. This requirement strengthens the capability of organisations to mitigate potential risks, and should document the process to be followed if an employee notifies that there has been a change in their criminal history. The Commission actively promotes the requirement of the legislation to develop



Approved by Commissioner

21/10/2011

and implement a risk management strategy, and works with organisations to achieve compliance with this important aspect of the blue card system.

- The Commission has a well-established, and legislatively based, assessment process to consider the relevance of any changes in police information to an individual's eligibility to hold a blue card.
- Where a change in police information is serious enough to warrant suspension of a blue card, the process to implement the suspension and advise the applicant and the relevant organisation is quick as Police Officers have the authority under the *Police Powers and Responsibilities Act* to make a demand to take possession of a blue card when the person is charged.

Question on Notice

No. Thirteen (13)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

In November 2010, the Commission rolled out a new employment screening services database to increase efficiency and accommodate increasing numbers of blue card and exemption card applications and improve statistical and trend analysis. A major feature of this system is its ability to be adapted to and cater for the implementation of new processing requirements in accordance with legislative amendments. Could the Commission please:

- a) Quantify how the new employment screening services database has improved the ability of the Commission to analyse statistics and trends?
- b) How this contributes to the broader work of the Commission?

ANSWER:

a) Quantify how the new employment screening services database has improved the ability of the Commission to analyse statistics and trends?

- The new employment screening services database currently has reporting functionality which is similar to the old system which it replaces.
- However, the structure of the way that information is captured in the new system, will provide the Commission with the capacity for more sophisticated reporting and the ability to undertake more targeted ad hoc reporting over the medium term.
- This can be achieved as the new database captures additional information which had not been catered for in the old system, which will heighten the Commission's ability to analyse statistics and trends. Going forward, some of the new data now will enable the Commission to:
 - more accurately identify the number of people who are using their blue card across more than one regulated child-related activity and report on both the category of employment (eg health, counselling and support services or churches, clubs and associations), as well as the type of employment (paid, volunteer, student, business);
 - capture greater detail on the nature of criminal history information relating to applicants for blue cards – the new system enables better recording of the types of offences, penalties received and jurisdiction where offending was committed and reporting on these issues; whereas the old system captured this information via text, limiting the reporting capacity in this area;
 - track the submission and updating of child protection risk management strategies completed by organisations and other organisation specific correspondence, not related to individual applications.

b) How this contributes to the broader work of the Commission?

- While the applicant specific information held in the employment screening services database is highly confidential, greater systemic reporting capacity of de-identified data will provide a valuable source of information which will inform community education and compliance activities, and contribute to reporting via the Commission's blue card outcome indicator framework.

Question on Notice

No. Fourteen (14)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

The shift in the performance measurement framework has presented significant challenges for the reader wishing to monitor and compare performance over time. For example, many of the performance measures and service standards previously reported upon are no longer applicable. Could the Commission please advise what consideration has been given to transitional arrangements to enable valid comparisons and continuity in performance monitoring?

ANSWER:

In line with the direction set by the Department of the Premier and Cabinet (DPC), the Commission commenced implementing the Government's Performance Management Framework by reviewing its existing performance measures with the resulting changes taking effect for the 2010-11 fiscal year.

The review resulted in the Commission strengthening and replacing twelve existing measures to better reflect how efficiently and effectively services were delivered to improve the safety and wellbeing of children.

A number of measures that were of a demand driven, activity based nature (and effectively outside of the Commission's control) were discontinued.

In line with Government policy, amended measures were represented within the 2010-11 Service Delivery Statements (SDS) as new measures with detailed explanations provided in the accompanying notes. The superseded measures (again with accompanying explanatory notes) were represented within the 2010-11 SDS Appendix (book five) as discontinued and were reported publically for the final time in the Commission's 2009-10 Annual Report.

The Commission commenced publically reporting on SDS measures over multiple years in its 2007-08 Annual Report, enabling valid comparisons and trend analysis of performance over time. Where an opportunity to strengthen measures through enhanced systems capability was identified, it was not possible to retrospectively produce comparable data to allow trend analysis. Therefore, where a measure was amended to the point that a valid comparison was not practical, it ceased to be reported on.

Question on Notice

No. Fifteen (15)

Asked on Wednesday 12th October 2011

THE COMMUNITY AFFAIRS COMMITTEE ASKED THE COMMISSIONER FOR THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN (MS FRASER)—

Please provide:

In its 2010-11 Annual Report the Commission noted (p. 34) that Queensland remains the only state to detain 17 year olds in adult correctional facilities and that the Commission had released a policy paper advocating their placement within the youth justice system. The committee notes the Commission's inclusion of this in its key achievements for the year and that the statement that this acted as a catalyst to initiate cross-government collaboration through the formation of a senior officers group to explore the costs, impacts and options to transition 17 year olds to the youth justice system.

- a) What steps have been taken to monitor and improve the safety and wellbeing of 17 year olds in adult correctional facilities?
- b) What, if any, improvements have occurred to date for 17 year olds' access to legal representation and bail?

ANSWER:

- a) What steps have been taken to monitor and improve the safety and wellbeing of 17 year olds in adult correctional facilities?

In relation to steps taken to monitor and improve the safety and wellbeing of 17 year olds in adult correctional facilities, the Commission's Community Visitor Program has entered into an administrative arrangement with Queensland Corrective Services (QCS) to extend the Community Visitor Program into Queensland adult correctional facilities to visit 17-year-olds in the same way they currently visit young people in Queensland Youth Detention Centres.

In collaboration with QCS, three Brisbane-based Community Visitors have undertaken training and made their first visit to the Brisbane Correctional Centre (BCC) on 19 October 2011.

The first visit to the Youthful Offenders Unit at BCC was a "group information session" intended to introduce the Commission's Community Visitor Program and build young people's understanding of how the Community Visitor role may help them. This initial visit provided an opportunity to engage with and seek feedback from young people in relation to their experiences of being in an adult prison and, for those who have previously been detained in youth detention centres, how adult prisons compare to youth detention centres from the perspective of these young people. This information will be used to further develop the Commission's framework for future visits to 17 year olds in adult prisons, including how to monitor and report on the experiences of this particular cohort.

The Commission is considering options to expand the visits to young people at other correctional centres and hopes to have discussions with QCS in the near future to agree on a way forward for this expansion. BCC was selected as the first location because the majority of 17 year olds are accommodated there.



Approved by Commissioner

21/10 /2011

It is envisaged that this initiative will enable 17-year-olds to have access to specialised visitors who are experienced and trained in working with children and young people, enable Commission Community Visitors to advocate on behalf of children and young people and provide systemic level information about the views of 17-year-olds in correctional facilities to inform the Commission's advocacy work.

b) What, if any, improvements have occurred to date for 17 year olds' access to legal representation and bail?

No formal discussions have been undertaken in relation to improving access to bail and legal representation for 17 year olds in adult prisons.

These issues have been specifically included in the types of matters to be discussed/explored as part of the Community Visitor visits to 17 year olds in adult prisons. This information will then be used to inform the Commission's advocacy on this matter. Depending on the types of issues raised by these young people, a possible advocacy approach being considered by the Commission is to negotiate with the Department of Communities to extend access to bail programs and legal representation currently available to young people in the youth justice system, to 17 year olds in the adult criminal and corrections systems, until such time as they can be transferred into the youth justice system.

Appendix B

Transcript of Meeting with the Commissioner for Children and Young People and Child Guardian



COMMUNITY AFFAIRS COMMITTEE

Members present:

Mr P.A. Hoolihan MP (Chair)
Ms F.S. Simpson MP
Mr M.W. Choi MP
Mr P.J. Dowling MP
Mr A.P. McLindon MP
Mr J.D. O'Brien MP

Staff present:

Dr K. Munro (Research Director)
Ms M. Telford (Principal Research Officer)
Ms S. Cash (Executive Assistant)

OVERSIGHT EXAMINATION FOR THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE AND CHILD GUARDIAN

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 26 OCTOBER 2011

Brisbane

WEDNESDAY, 26 OCTOBER 2011

FRASER, Ms Elizabeth, Commissioner, Commission for Children and Young People and Child Guardian

GERBICH, Mr Lyle, Manager, Strategic Coordination and Reporting, Commission for Children and Young People and Child Guardian

SALMON, Mr Barry, Assistant Commissioner, Commission for Children and Young People and Child Guardian

VAN-KEMPEN, Mr Bob, Executive Director, Blue Card and Corporate Services, Commission For Children and Young People and Child Guardian

The committee met at 9.06 am.

CHAIR: Good morning. We have a quorum but we are still waiting for Mr Choi. Sometimes there are traffic holdups from the south-east. I declare this hearing for the oversight examination for the Commission for Children and Young People and Child Guardian open. Thank you for your interest and for your attendance here today. The committee has resolved to allow television and media coverage of today's meeting. The Community Affairs Committee has an oversight responsibility under schedule 6 of the standing rules and orders of the Legislative Assembly for monitoring and reporting on the Commission for Children and Young People and Child Guardian.

Before proceeding further, I would like to introduce the members of my committee present today: Ms Fiona Simpson, the member for Maroochydore and deputy chair of the committee; Mr Peter Dowling, the member for Redlands; Mr Aidan McLindon, the member for Beaudesert; Mr Jason O'Brien, the member for Cook; and the sixth member is Mr Michael Choi, the member for Capalaba. My name is Paul Hoolihan, the member for Keppel, and I am the chair of the committee.

The Community Affairs Committee is a committee of the Queensland parliament and as such represents the parliament. It is an all-party committee that adopts a non-partisan approach to its proceedings. Although the committee is not swearing in witnesses, I remind all witnesses that this hearing is a formal process of the parliament. As such, any person intentionally misleading the committee is committing a serious offence.

I also remind witnesses that Hansard will be making a transcript of the proceedings. Therefore, I ask you to please identify yourself when you first speak and to speak clearly and at a reasonable pace. It is the committee's intention that the transcript of the hearing be published. The findings of the committee will be the subject of a report to the parliament. A copy of the committee's report will be forwarded to witnesses. The public hearing program today will be as follows: 9 am to 10.30 am, Commissioner for Children and Young People and Child Guardian. Before we commence, may I ask that mobiles and pagers be switched off or put on silent mode. It may be more prudent to switch them off if you do not need them, because under certain circumstances it can have feedback through the recording system.

I now call the Commissioner for Children and Young People and Child Guardian and commission officers. For the record, could you please state your name and the capacity in which you appear before the committee. Welcome, Commissioner Fraser and your officers. If you wish, you may make a five-minute opening statement. Would you like to do so?

Ms Fraser: I would indeed, thank you. The people attending with me are Barry Salmon, the assistant commissioner; Bob Van-Kempen, the executive director with responsibility for the blue card area and our corporate services area; and Lyle Gerbich, the manager of our strategic coordination and reporting area, who is here to support us. Thank you for the opportunity to make a few opening remarks. Firstly, I would like to acknowledge the traditional owners and pay my respects to the elders past and present. I hope that the questions on notice responses that you received have addressed your needs and we are happy to answer any further questions.

Since we last met, our annual report has been tabled, setting out our contribution to children. That report, pleasingly, contains an unqualified audit report of the commission's finances for the previous financial year. More specifically, the report outlines how we applied our resources to fulfil our mandate through our legislative functions and what we contributed in the interests of children, vulnerable children and those in care. We also described our corporate governance and workforce initiatives, which reflect our commitments to doing things as efficiently as we can without compromising outcomes for children. The annual report includes our commitments for 2011-12 in support of our agenda for children.

Since we last met, and I have a pack of materials for you that we will hand out later, we have also released a number of other reports detailing our analysis of issues for children in particular circumstances. The analysis in those reports is derived from a combination of data sources, which is quite unique to Queensland. Firstly, it is from our own independent resource data derived directly from children through our survey work and the work of our commission community visitors, our complaints investigation and audit activities, and information collected in our child death register. The second source of data that we receive is from administrative data sets sourced directly from service providers with whom we have data sharing agreements. Thirdly, we reference other reputable research data sources. Being able to refer to this combination of data sources means that we are in a very good and unique position to develop a robust evidence base on which to shape our recommendations and advocacy, which means we can be confident about the accuracy of the information in these reports, which in turn means that the community and government can also be confident in the material we publish.

The specific reports to which I refer include *Keeping Country Kids Safe* final report. Previously we released a discussion paper that invited submissions. The discussion paper examined the accidental deaths of children in the country from 2004 to 2008 using our child death data. Of concern was that country kids were dying at the rate of 2.4 times those of children in the cities. The final report, which has been based on an analysis of over 340 submissions, highlights key safety messages based on an analysis of that consultation with rural communities. It recommends areas for further action. We will be having further meetings with stakeholders to promote this work and seek commitment to the changes needed.

The second report that we have released since we last met was *Reducing Youth Suicide in Queensland* Final Report. This similarly provides a solid and contemporary evidence base to help strengthen future efforts at reducing youth suicide in Queensland. It followed the same approach: release of a discussion paper and, following analysis of the 283 submissions that we received, we have made and will further promote considerations with stakeholders on a number of recommendations for action.

The third report that we released is our *Child Guardian Report: Child Protection System 2009-10*, which provides our independent account of the outcomes achieved for children against 10 outcome indicators. The evidence for this report is extensive and the key findings are important in assisting people understand system performance. We are continuing to discuss our findings with key stakeholders.

The fourth report that we released is *Child Guardian: Consultation Report Youth Justice System*. The purpose of this report is to propose a monitoring framework for reporting on outcomes experienced by young people in contact with this system and seek input from stakeholders about data sets seen as critical to include in our monitoring and reporting. There are no formal findings in the report, but we have used some sample data from 2008-09 to exemplify how the framework might operate in the future. At the moment, the framework consists of three proposed domains: youth offending and prevention; diversions; and supervision, integration and reintegration. We have requested feedback by the end of November.

In this first quarter we also made a further 22 submissions to public inquiries at both the national and state levels, either jointly with other commissioners and child guardians or independently ourselves. These submissions cover a broad range of policy practice and legislative issues impacting on children in the areas of education, childcare, police powers, R18+ classification arrangements, child rights and youth justice.

Absolutely pleasing has been returning the blue card processing time frames to published benchmarks. As discussed with this committee at estimates, last financial year was very challenging and despite our best efforts we were unable to achieve these benchmarks by the end of the financial year. However, our first quarter figures have been very promising and certainly in October we have actually exceeded those. Barry and I also have travelled out to the regions to meet up with community visitors at their biennial professional development forums. While in the area, we met up with other key stakeholders, providing specialist child support, cultural support and mental health services. In the last couple of weeks we have visited Woorabinda and Yarrabah and while in those regions caught up on issues for children with the mayors, the school principals and the police in those communities.

In conclusion, the key issues we are prioritising for attention over the next few months include publishing our annual snapshot of children in Queensland so policy makers can have up-to-date and accurate trend information about the circumstances of children in Queensland and comparisons nationally; publishing our child death report to assist understanding of key injury and mortality risks for children across different age cohorts and different areas; continuing to strengthen engagement of children in the development of policies and practices which impact on their lives such as bullying in schools, being in care, being at risk, being in detention; finding ways to further engage stakeholders in initiatives to reduce risks and disadvantage for children through our blue card system; strengthening support services to families where children are known to be at high risk, for 17-year-olds in adult prisons and for children with mental health issues; continuing to review our blue card system processes with a view to achieving greater efficiencies; and continuing to promote the importance of statutory systems, not just addressing the safety of children but also actively promoting their wellbeing so that intergenerational cycles are less evident in the future. Key areas of our focus will be on improving the quality of transition from care arrangements, education support, improving access to health services and cultural support and advocating on a myriad of other practical matters such as promoting consideration of how kids are able to obtain drivers' licences, ensuring that young people's experience in statutory care systems in Queensland is effectively monitored

and reported and, most importantly, that this oversight is informed by their voices and their issues are actioned by the responsible service providers. In conclusion, I look forward to working with the committee and would hope for your support for the safety and wellbeing of children in Queensland. Thank you.

CHAIR: Thank you, Commissioner. I thank you for the answers to the questions on notice. There are some follow-up details in relation to that. Perhaps I could go initially to your answer to question No. 2. You mentioned the Community Visitor Program and enhancing that arrangement. I accept that they are employed on a casual basis, but there has been a decline from 2008-09 to 2010-11 and yet the number of children visited increased from 7,180 to 7,604. It seems to me a little bit incongruous that you can provide the same level of service with a declining number of community visitors and visiting a greater number of children. How has that been effected?

Ms Fraser: I will make a few comments on that just to give a general picture of it and I might ask Barry to also assist. Because community visitors are engaged on a casual basis, the number of hours for which they are engaged can vary and it used to vary quite a lot. So we had some community visitors who might have only been doing a few hours and some who were doing many more. When we were looking at how we might obtain some greater efficiencies—because we invest quite a lot in training community visitors and making sure they are appropriately supported—we noted in a sense that there is a minimum number of hours that is actually cost effective. Trying to make sure that we actually employ people who are doing a more common number of hours et cetera did mean that some of the numbers came down. Also we introduced a process whereby we moved into a risk management schedule.

After several years of visiting children we had quite a rich source of information about which children were doing well and which ones required us to, in a sense, keep our monitoring pretty active and high. So we did introduce a bimonthly schedule in 2010. That in a sense meant that some children who had had at least six visits at which no issues were raised, who were locked into good support systems and were doing reasonably well were moved on to a bimonthly schedule. Those two issues helped us to manage a reduction in the actual number of people that we needed. At the end of the day, the main issue for us is making sure that we have enough people on the ground in the places that they are needed to visit all the children who are within our jurisdiction so they will get that visit.

CHAIR: Just to clarify in my mind, you are saying that the lesser number of community visitors are doing a greater number of hours—

Ms Fraser: Yes, some are.

CHAIR:—so there is actually an increase in numbers worked even though there is a decrease in personnel?

Ms Fraser: There is, but when you look at that in combination with the move to a bimonthly schedule, if you look at the totals you may not immediately perceive that. We would have to give you an average figure in relation to individual CVs.

CHAIR: Sorry, I interrupted you.

Mr Salmon: No, I would be happy to follow on. The assessments that we do in terms of risk have helped us enormously in terms of making sure that we are visiting all children on a regular basis. I would like to go a little bit further than the commissioner and say that there are some categories or some groups of children and young people whom we continue to visit monthly. Once we commence visiting, all of those children receive a monthly visit until we are assured, until we have evidence, to suggest that there are not issues there. Then our schedule drops back to bimonthly. Further, those young people who live in residential services have always been visited on a monthly basis. We continue to visit those young people on a monthly basis and similarly young people in detention. Our schedule there is a monthly visiting schedule. There is another group as well: children and young people living in remote Aboriginal communities. We have also maintained a monthly visiting schedule there.

The group where we have been able to stretch our dollars a little bit further has been those children who are in care, who have been having regular visits for a long period of time and who have not been raising issues with our community visitors. We know that they are safe and are well cared for. We have used that opportunity to decrease the visiting schedule to enable us to apply our finite resources to the increasing number of children and young people coming into the system.

Ms Fraser: The further evidence is that we continue to monitor that. So if people have gone on to a bimonthly schedule and something comes up and we feel that they should be returned to a monthly schedule or even more frequent—sometimes people are in residential facilities or detention centres because of the turnover of young people—we do that. Over the last calendar year I think we returned close to 800 from the bimonthly back to a monthly schedule. So it works both ways. The issue is rather than having a predetermined schedule which says every child should be visited monthly—which I actually determined when I came into office in 2005 because the act says they need to be visited regularly and frequently—we thought that it was time now to do it on a risk based approach on the information that we are able to bring to that. In that way, as Barry said, we can make sure that all the children coming in do receive those visits.

Ms SIMPSON: Can I just ask a supplementary to that? To help us understand how the system works, could you explain? You have these visits that are scheduled. Is the child also able to get in contact with that specific visitor? Is that visitor always the person who visits the child?

Ms Fraser: Yes, is the general response. Obviously from time to time we do have a change of community visitors, but I have to say that our rates are fairly solid. In some instances—and you would have seen a quote in our annual report—community visitors are reappointed. We appoint them for a two-year period and we have reappointed two or three times. Some children have actually had the same CV visiting them for five, six or seven years. We do also sometimes change it around. There are other reasons we might want to make sure that, apart from the relationship issues, which are important, that you are also not getting someone who is potentially missing out on things because they become very familiar with the environment. So, yes, they are usually that common person and secondly, yes, they do have a capacity to contact the community visitor should they need to do so, and quite a few of them do.

Mr Salmon: In actual fact, yes. When we commence visiting with a new young person or new child our community visitor will leave with them a little card that has their photograph on it and telephone number. They are also advised, 'If you would like to have increased visits or a visit that is not scheduled, we are very happy to make that happen.' During the course of the year there is a number of young people who do take advantage of that. If, for example, a young person was on a bimonthly visiting schedule and there was something that was an issue or they needed some information, our community visitor is only a telephone call away to help out in that regard.

CHAIR: Why is the reporting in terms of community visitors, therefore, not in hours worked rather than just the number of people doing it? Could the work be broken down into the time that is spent rather than the number of people spending it?

Ms Fraser: We would obviously be happy to cut and dice the data in whatever way people would find helpful. The issue from our point of view is that there would be variables impacting on that. As I said, there would be things like the bimonthly schedule and the numbers of children coming into care, and you would see some fluctuations in that process. If people think that in general that would aid an understanding of how the resources are being allocated, we would be happy to do that. What we have gone to is more a reporting that every child is visited in accordance with the schedule that is required. That is reported plus all Aboriginal and Torres Strait Islander children are visited in accordance with that schedule. That is reported in the Service Delivery Statement because we feel that the notion of making sure that all children are visited and within an agreed schedule is probably a fairly clear indication of the coverage of what our jurisdiction is supposed to be doing as opposed to the hours, which may or may not give you that.

CHAIR: I would have thought that the hours worked would still be the most relevant criteria. Some children may need a number of hours; some might not need that. At least the hours when the community visitors are actually engaged would give a better criteria of how much work is being put into the number of children who need it.

Ms Fraser: We did provide a brief to the previous committee, the Social Development Committee, on the number of hours worked. We are quite happy to update that and provide that to the committee if that would be useful.

Mr Salmon: I would like to also add that in terms of our scrutiny and monitoring of the program and how it is going, each month we look at the hours that our community visitors take in visiting children. We look at the hours they take travelling to and from visits. We look at the time taken in which they have to advocate for young people, trying to get issues resolved. From an operational sense, we do keep a very close eye on the hours that are consumed in the different elements of the visiting program. It would not be too difficult to aggregate that up through the course of the year and provide advice to you in terms of exactly the amount of time we spend travelling, visiting, resolving issues, writing reports and so on.

Ms SIMPSON: Would I be able to move on and ask a question about a different issue? Do you have some more on community visitors?

CHAIR: It is not necessarily directly community visitors. It is in relation to your jigsaw program. You mentioned the visiting frequency—bimonthly and monthly. You also mentioned in your answer to question No. 1 that refreshable reports are available to run on a regular basis. What information is actually captured in those reports to provide the point-in-time synopsis for each child and how does that contribute to the child's safety?

Ms Fraser: Are you familiar with the jigsaw—the 10 outcome indicators that we look at and the particular areas that we are looking for community visitors to report against?

CHAIR: Not fully. You could keep that part of it to a minimum. In terms of the detail that goes into that, though, how does that contribute? You have 10 factors. Fine.

Ms Fraser: When community visitors visit, they are obviously trained by us to use their eyes and ears and observe and talk to the children and listen, depending on the age groups and whatever, to try to ascertain how those young people are faring. But they are also asked to report on a number of areas which go to the heart of their safety and whether or not the services being provided are promoting their wellbeing. So in that sense they are the sorts of areas that we have asked people to focus on.

When those issues are highlighted after a visit, if there is something that needs to be resolved, the community visitor works to resolve that locally with the service providers in the area. We call that 'local resolution' of issues. Across the whole state, there are probably about 1,000 issues that community visitors have raised with them each month and which they work to resolve in the interests of those young people. We also then aggregate up. From the database we now have a capacity to aggregate those reports and what community visitors have said with respect to all of those particular areas. We know what the top issues are across the state. We know what the top issues are in particular regions—we work on 13 zones. Then we use that systemic information to discuss that with the department and the service providers with respect to what we feel needs to improve in that area.

Generally the top issues are about contact—contact with child safety officers and with their families—contact agreements about their placement arrangements, about their access to therapeutic care; and issues around education support. So across the state they are the sorts of things that we are advocating on systemically. But the database and their individual reports allow us to deal with issues both individually for the child involved and systemically by aggregating that information up.

CHAIR: How many of those factors are used in determining the risk based policy in relation to the frequency of visiting, whether it is reduced or increased?

Ms Fraser: If there are any issues.

CHAIR: Are there any specific criteria or is it generally?

Ms Fraser: It relates to both safety and wellbeing issues. If we are picking up that they are not hooked into school, if they do not have appropriate support, if we think they have health needs that are not being responded to by the service providers, if we think that their cultural needs are not being attended to, if we think that the placement itself has some factors which are leading to instability, if we think that the contact that the department is having with those young children is not at the level that we would like it to be or if the child is concerned about that—any of those factors will lead to us not moving from a monthly schedule. In fact, as Barry said, in detention and in residential facilities our community visitors are often there more frequently than monthly.

Ms SIMPSON: I would like to ask a question with regard to blue cards. I wanted specifically to find out from you how many people potentially have duplicate cards and how that works. It comes from a query I had from a driving instructor who advised me that they renewed their blue card through Surf Life Saving. I will read from their email—

Once I received my replacement blue card based on my Surf Life Saving application, I discovered that I had to apply again and pay the full fee because I was involved in paid work that required a blue card. Now I have two blue cards which do the exact same things which I had the exact same checks performed for. I also have the same checks performed every year with my driver trainer's licence, so I have been checked three times and paid twice.

Is this a common occurrence to have multiple blue cards for people who have paid work as well as voluntary work?

Ms Fraser: No. There are not multiple blue cards. There may be the notion that people are suggesting that they need to be screened and authorised to work in different environments in a different way. Part of the amendments that came in in 2010 did bring together the screening requirements between teachers, disability services, people working with children and police and the blue card system. So if you are working in any of those areas, there is actually one screening and then an exemption process across the others. We do a lot of work in the background to make that happen. If you have a blue card and you then go on to register as a teacher, we provide the information to the Board of Teacher Registration and they do not screen you again. You then in a sense move into their framework. If you are a teacher and you want to work in a blue card regulated environment, we then get that information from the Queensland College of Teachers. We do not screen them again. We give them an exemption card. Driver authorisation is not within that sort of frame, so people working in the transport area, yes, do need to be screened by the transport department and authorised to work in that frame.

Ms SIMPSON: So, to understand your system, you are saying that this person should not have two blue cards.

Ms Fraser: Some people use the terminology 'blue card' to refer to criminal history checking. But a person should not be in possession of two blue cards. If you are operating in three or four areas where you need a blue card—you might be doing surf-lifesaving, you might be volunteering at a church, you may be working in a school—you have one card and we connect with each of those areas in which you are using your blue card, and you are required to let us know if you are using them in those different areas.

Mr Van-Kempen: What may have happened is that, if they were a volunteer, say, with Surf Life Saving, they would have had a volunteer card, which is free to them. If they have then moved into a paid environment, they would have to pay \$70 under the legislation to move into that paid frame. That volunteer card then becomes redundant. The live card is then the paid card. That is how they may have ended up physically with two cards, because they started off with one that is unpaid and they have moved into a paid environment and they have a different card. So that is a possibility.

Ms SIMPSON: So one has been superseded by the other rather than having two active cards.

Mr Van-Kempen: Yes.

Ms Fraser: They should be handing the other one back. At the end of the day we would be monitoring the one.

Ms SIMPSON: Further on blue cards, you indicated that you have been able to catch up post-floods and improve the turnaround time with applications. Could you give us an indication as to what the current performance indicators are for the time frame for processing those cards?

Ms Fraser: Yes. I think we did provide some information in response to the question on notice. We finished up at the end of the financial year where we were under our benchmark. In the September period we were averaging 23 days—92 per cent of the cards were being processed within 28 days where there was no police information and 90 per cent were being processed within four months where there was police or disciplinary information. In October the average number of business days is now down to 19. We have processed nearly 93 per cent within 28 days and about 90 per cent are still being processed within four months where there is police information. So since the first quarter we are continuing to improve.

We are well within the benchmarks with regard to published time frames, which have been the same for many years. We are interested in trying to pull those down, and we are examining processes and systems now that we have introduced our new database this year. It caused us a little grief in terms of time frames because we had to put that in place. But, now that we have that, we are in a position to put in some enhancements to automate some of the processes that we have, to manage the exemption frame. Before the amendments came in, behind the scenes we did about eight steps to process a blue card. Together with those amendments and the increase in access to national information now across all jurisdictions, we probably have about 25 steps and we are able to automate those. So we are hopeful that it will come down, and through some initiatives that we are taking we are hoping to reduce all those figures to new benchmarks over time.

Mr DOWLING: Just following up on the blue cards, my blue card—and I have not looked at anyone else's blue card—has a 'V' on it. Does that mean it is for volunteers?

Ms Fraser: Yes.

Mr DOWLING: I note from Fiona's question that the blue card for driving instructors gets renewed every year. They are not renewed every year?

Ms Fraser: Every three years.

Mr DOWLING: Is that for all cards?

Ms Fraser: Yes.

Mr DOWLING: The only difference is that presumably 'V' is for volunteer and the other codes designate what industry type they are in or their association or their need for the card.

Ms Fraser: It is paid or volunteers. Volunteers are free and they are still issued for a three-year period. That is why it has a 'V' on it. There is another condition under the legislation that volunteers are not allowed to commence working with children until they have their card. The 'P' relates to paid employment. Those people pay \$72.50¹ for a three-year card, and they are allowed to commence with the organisation under their risk management strategy until their card is issued because they are already on our database. There is another group now under the exemption category. If you come in as an exemption from teachers or police or whatever, then your exemption lasts for the length of the time that that other agency is monitoring you, and you do not pay any money to us. There is some exchange of information and payment between us and the Board of Teacher Registration.

Mr DOWLING: Just going through your annual report, it says that there were almost 250,000 cards issued in this last financial year. How many cards are in circulation right now? How many cards are valid roughly?

Ms Fraser: We are monitoring over 500,000 people in the blue card system who have valid blue cards to work with young people. In fact the figure is 501,608, as at 21 October. It goes up and down a little bit. Sometimes people come into the system and sometimes they go out. But it is roughly in that half a million bracket that we are monitoring who would be using their positive notice with the organisation that they are working with.

Mr DOWLING: It just seems odd that every year you are reissuing almost half of the total cohort of cards available when they have a three-year life expectancy. You would expect to see a turnover of a third automatically, by default.

Ms Fraser: The three-year period was introduced last year.

Mr DOWLING: So we have not seen that flow through yet.

Ms Fraser: It used to be every two years.

Mr DOWLING: Terrific. That is all I had on blue cards. Thank you.

1. The committee notes the Commissioner's correction of the cost for the three-year blue card from \$70 to \$72.50.

Mr Van-Kempen: The other thing that you will see in the number of cards is the population increase, because the population is expanding. Obviously it has contracted over the last few years in terms of the expansion rate, but in net terms it is still expanding. So you will see new cards coming into the system all the time as opposed to just that refresh rate.

CHAIR: Question on notice No. 3 related to key performance indicators in relation to the blue card system and assessing the effectiveness of partnerships. What types of indicators are you proposing as performance measures? How will they support the system and the integrity of the system?

Ms Fraser: This is an area that we have been interested in pursuing for a couple of years, because I think it is important that we have a framework for reporting which gives us some broader information about how effective the system is in safeguarding young people in those environments. At the moment a lot of the reporting that we have relates to the number of cards we have issued, the time frame in which we issued those cards, how many people we are monitoring and how many people we have referred for prosecution, and all of those sorts of things.

In terms of its effectiveness, we have been very keen on trying to say, 'What sort of data would we be able to pull together?' We deal with 100,000 organisations in a fairly wide area. I guess we have had a lot of conversations with some academics. We have had conversations with other people who are doing screening in other jurisdictions and no-one has developed a framework.

What we consulted on was around the first one—that the system contributes to enhancing safeguards for children. The sorts of indicators we were looking at were an increased percentage of children who report feeling safe, the number and rate of children who are victims of crime in those environments, the number and rate of children who are victims of assault, the number and rate of children who are victims of sexual offences in those regulated contexts.

I guess the issue is where do you obtain the data from and how do you get that? A lot of that information is not readily available to us because it belongs to the volunteer organisations such as Surf Life Saving, Rugby League et cetera who are running those activities. We have been having conversations with them about how you would get access to that information.

Another one would be the safe and supported regulated service environments for children and young people. The sort of thing that we are looking for there is the number of children who are subject to substantiated matters of concern, the decrease in number of incidents of injury and harm expressed by children in those environments et cetera. We have a list here which I am happy to table because it is quite extensive.

What we were trying to do is talk to stakeholders about reducing that to what we thought was a set of critical figures that might help us and the community get a better handle on what we think this system is providing. As a result of that, their feedback has been that we needed to perhaps think through information which highlighted the importance of the partnership. That feedback has come from Edmund Rice, Queensland Rugby League, Surf Life Saving, Griffith University, Queensland Health, the Police Service and, as I say, other jurisdictions that are doing screening.

It is a work in progress and we certainly have not fully nailed it yet, but I think it is an important area of work that needs to progress. It is certainly an area at the national level that we have had some conversations about because, as you know, under the COAG agreement and the national child protection framework there is interest in getting greater consistency across states with respect to criminal history screening.

CHAIR: Is there anything under the COAG system which will set out the indicators? The background to my concern is that you have just mentioned the detail that you have obtained but the answer to the question, the method for ongoing reporting against the indicators, has not been finalised. I think it is fair to say that not only has the method for reporting against it not been finalised but neither have the indicators. You mention a combination of web based reports, shortform documents and inclusion of key indicators in the commission's annual report. Are you not trying to ascertain the indicators before it even goes into your report or separately to your report?

Ms Fraser: The initiative to develop that framework has been something that we have proposed and that we are doing. At the national level there is not any framework either, and through some of our discussions one of the things that the national working group has done is actually refer some of this for consideration by the supporting research committee to see whether or not they have any other ideas also about how you might report. I would say that we have also got survey material of people who are participating in the program, and the feedback from a lot of people has always been that they think the system is effective in reducing risks for children. But I still think there is a piece of work that needs to be done with respect to developing that set of indicators.

Mr Van-Kempen: To give you a bit of a frame, we have been working on the framework for quite some time. It has been slowed down a little bit because of the legislative change, because obviously if the legislation changed around the blue card system, the outcome indicator frame needs to take that into account. We also did not want to confuse stakeholders by educating them about a legislative change and trying to then talk to them about an indicator framework as well. It has been an extended process.

In terms of the measurement, though, where we are still developing indicators is at the higher level—the effect on the community and the effect on the system itself. But we already have some measures at the lower levels of the framework in terms of the things we report through the service delivery statements which obviously have to hook in, and some of the stuff we are already reporting through our annual report.

As we move forward it is a bit like when we first produced the child guardian set of outcome indicators, we started off with a base set of indicators that we had data for and measured. There were some that we still needed to work through with stakeholders about where the data came from and how it would be verified et cetera. Our intention is to start off and move forward and develop it over time.

The other thing to say about the conversations with stakeholders is we went out with a frame, and in conversations with those stakeholders and how they would like to see the thing pitched and described we have taken that stuff on board. That is what we are doing at the moment. We are recasting the original frame into something that stakeholders wanted to see in terms of how the thing was described and pitched. Does that help?

CHAIR: Whilst consultation is very good, are you not really turning it over to the stakeholders to tell you what your end result is going to be at that rate?

Mr Van-Kempen: Not particularly, because what is happening is that we are trying to get data which is external to the commission to supplement the data we already gather. The system is more than just blue card screening. There is obviously ongoing monitoring—

CHAIR: I appreciate that.

Mr Van-Kempen: And a big thing from a stakeholder perspective is the risk management stuff, the eight points, the risk management strategy. They have to operate within that frame. Those three components together form an outcome for the community. That is what we are trying to get to in terms of how that is having an effect on the safety of children in regulated service environments. As I have said, no-one else is doing it in any other jurisdiction. We are leading the push on this a bit. We have no datum to go on. That is why there is a lot of consultation going on.

Ms SIMPSON: I imagine the balance has to be imposing another quasi regulatory framework on organisations that have quality accreditation processes. They would also, as you say, have the risk management process, have existing legislative requirements and have funding requirements to their funding organisations. So when they are asked to take on another set of reporting standards they will want to know that it is meaningful and not just a duplication of other systems.

Mr Van-Kempen: That is exactly why that consultation is going on, because wherever possible we want to try to derive data that is already available. We are not trying to impose another data set on an NGO, for instance, or a business. It is trying to gather data that is already there.

Mr McLINDON: I am not sure who to direct this question to, but I notice that the member for Redlands asked about the two-year renewal process and the three years. Passports I think have to be renewed every 10 years. In terms of the administration, the logistics and the bureaucracy involved in terms of renewing it every three years, I notice that if there is any change to the information under the Police Powers and Responsibilities Act that will pretty much be quick but I assume that information would be transferred straightaway, therefore reclaiming the card back. What is the point of the process of renewal other than just for the sake of renewing if that information changes and that would be relinquished, as I understand it. Is that justified in terms of possibly finding some money to be able to save or at least taking that stress off such a huge overload every three years?

Ms Fraser: Obviously if people stop using it they go off the system and we take them off, but the renewal has gone from two to three because of some of the confidence that we can rely on in terms of the various information that we receive. Some information we do not automatically get on a monitoring basis. We get all the stuff that is happening within the state, but the national information that we get comes through with renewals. So at this stage we feel it is important to have that full check and also just make sure that all the information is there. As to the exchange of information which we are now getting—the trial, for instance, of the access of information under the national arrangements was introduced and we have just completed that trial. That has highlighted that we are going to continue that and we will continue to get that, but that is fairly recent. That meant that in a sense we are not in a position to have the full set of information unless we did that renewal process.

Mr McLINDON: I would assume, then, that over time as it becomes standardised nationally and you have access to information it could well increase to five years. My big concern is that often you hear that blue cards are a glorified police check and also can provide a false sense of security if someone has one. They do not have photo ID on them but they could well be offending in that area, but 'You have a blue card, that is fine.' Other than it being a police check, what more does it offer? I see a whole lot of bureaucracy and another layer that may, in some instances, provide a false sense of security.

Ms Fraser: The system, as Bob referred to earlier, is more than just the criminal history check. Under the legislation every organisation is responsible if they have volunteers or paid employees working with children in the areas that are covered by the act. They are required to have a risk management strategy about how they manage that staff, the procedures they have for any issues that might be raised by

children in those environments, how disclosures are dealt with, code of conduct, recruitment training. They are required to update that annually. That is a critical aspect in terms of enhancing safeguards for children in those frames.

An approach that has been followed, although the legislation requires it and there are penalties for not doing it and we do audit that from time to time with different groups around the state, has been an educative approach—because, as Fiona Simpson was saying before, all organisations are working through a range of regulatory requirements. But what has been very good has been the feedback we have had from those organisations saying that by doing that risk management they are actually reducing their liabilities within the insurance frame. If you have an appropriate risk management strategy, then you can demonstrate you have a process in place just like with workplace health and safety, that you have turned our mind to where the risks are and you are doing something to manage that. That means that those organisations are better placed into the future to manage that. That is a critical strength that we feel came in in 2005 and it became law that those organisations needed to do it.

Some still do not understand the reality around it, and we do a lot of workshops with some of the smaller organisations to get their heads around the notion that this is not some bureaucratic language; it is a practical way of making sure that you are managing who is volunteering in your space and how you are protecting the kids who are supposedly getting services from you from being mistreated by any of those people. So that is critical.

The second bit is that they are the people responsible for making sure the people are referred to us for checking—that is, criminal history checking. They keep a register of all of those people. They get signed up. The applicant signs it. The organisation cites all of their details, and that is the critical issue around photos because ultimately the way the application process works is that the organisation that is employing or hiring volunteers in that sense knows who is there and is actually aware of the details of who those people are and they have cited all of those documents. It is not quite like a licensing system where you have a driver's licence and no-one really needs to know who you are and therefore you might have a photograph on it, but it is the actual link with the organisation that is critical there.

We work in very strong partnership with the 100,000 organisations that are actually doing regulated services to make sure that they are complying with their obligations. Then the people within there are obviously screened and once they are cleared to work with children or if they are not cleared we have them on our database and we monitor them. Yes, we do get an upload of information daily if that history changes within the state or if there is disciplinary information that has come in from teachers or some other agency with respect to who we can share information with. That is why we talk about a three-pronged aspect. The system is not just a clear criminal history check; it is actually a system for trying to make sure that those people who are providing services under the act are actually working around how they can enhance safeguards for kids.

Mr DOWLING: I have a change of issue. In your annual report I direct you to page 17 where there is a chart that measures death rates amongst children. There are probably two or three questions that come out of that. First of all we have compared all Queensland non-Indigenous children versus the Australian average, and we seem to be trending quite similarly. Then you look at the Indigenous deaths. They are much higher and there are two things that jump out to me. Firstly, there does not appear to be an Australian comparison to see how Queensland rates versus the Australian average for Indigenous deaths. Secondly, is there any explanation for those peaks and troughs? It just seems quite marked in its climb, decline, climb, decline. The only thing is that it does seem to be trending in the right direction, but is there any explanation for that? Is there any more baseline data that you guys have that might explain some of these unusual peaks and troughs?

Ms Fraser: There is a whole dedicated annual report that we produce. We are required to produce that by 31 October, and that then gets tabled in parliament. The seventh one of those is actually being prepared at the moment. Essentially, that obviously highlights much more information about the Indigenous/non-Indigenous rates across everything within age cohorts and across-the-board. So this is a really high level synopsis, so there is a lot more information that can be derived and I would point you to the annual report. It is on our website, and I think we gave a summary to you at the informal meeting. In terms of the peaks and troughs, I think probably what is reflected in there is also some of the numbers—that is, when you are talking about fairly small numbers, then you do get quite large volatility and some of the things that feed into those deaths would be transport issues or maybe suicides. We do find that you can get sort of a contagion effect operating. So if you get one suicide, you can sometimes get a few more or there may have been some particular things operating. Yes, I think you have to look at it from the perspective of the trend over a long period of time rather than the sorts of ups and downs in particular years. However, we could probably also highlight what they might be. Have you got any further information on that, Barry?

Mr Salmon: No. That is a good question, Peter, because last year in terms of our all-deaths report we did include a chapter there making national comparisons. The issue we found was that Queensland in actual fact is probably leading the way in terms of a robust monitoring sort of registration process. To get data from other states around Australia is not as easy as we can get it from our own state, so we have been encouraging other states to do similar things to what we are doing in Queensland. What you will find in the report we will be releasing in a couple of weeks time is that again there is a chapter there. It looks at national comparisons. In actual fact, the best we could do is to look at comparisons for the year 2009

because some of those other states I was talking about given their timeliness at providing data means that they simply cannot provide up-to-date data like we can do in Queensland. So it is an issue that we have put on the radar scan of other states and I guess over the next couple of years hopefully we can provide more information and have more robust comparisons about exactly what is happening right around the country.

Mr DOWLING: One last follow-up question. With regard to the intervals where we compare between Australia and Queensland, Australian stats use the calendar year and it appears to me as though in Queensland we use the financial year. Is that more about your reporting cycles than anything else and why are you out of sync with the national stats?

Ms Fraser: Yes. As Barry was saying, I actually chair the Australia New Zealand child death and prevention group and I guess it is like just about everything else—that is, different jurisdictions have developed different methodologies at different times. Where we sit sometimes, it is a little bit like the rail gauge issue constantly re-emerging. It is hard to know where Queensland would have pitched, because when they looked around to establish this process, which we took on board in 2004 to manage and lead, every other jurisdiction did things slightly differently. So the Queensland decision was to do it on the financial year and more precisely I guess we produce our report by October for the last financial year, and that is quite contemporary information. Very few other jurisdictions have information as contemporary as that and they have a longer preparation time. But I would think it would be useful over time if there could be some national consistency, and that too was identified in the national child protection framework as one of the strategies that jurisdictions should think about moving towards, but good luck!

Mr CHOI: I have a question regarding the transitioning of children under care to independence. I am still a little bit unsure in my mind how the structure works. Can you inform me how you monitor after the transitioning from care to independence and at what point in time your jurisdiction actually finishes? I am just a little bit unclear about that.

Ms Fraser: Certainly. Our jurisdiction does not go beyond a child turning 18. Legislation requires us to focus on children under 18, so the work that we do in that arena is very much around advocating for appropriate planning to have been done. Our community visitors check on the children who are coming up to that date or their exit in care, because not all children stay until they are 18; some actually exit into reunification with families et cetera at earlier dates. But we are always looking to see whether appropriate planning has been done to smooth that way, and that planning for children in long-term care should start occurring when they are 15 or 16 in terms of looking at how they are going to support themselves independently post 18. So that is what we look for and we talk to the young people as they move into that frame. If we get information from them which highlights that they do not know anything about what is going to happen to them—they have not got any plans, they have not been sorted—then we would raise that with the department and advocate for better arrangements to be put in place, and we do quite a lot of work around that. We also ask our community visitors through different initiatives—and November is one of them—to particularly focus on that to give greater focus to that issue.

We are also doing some exit interview survey work with those young people, and part of that I suppose is trying to look at how do you get the information about post 18s. Who actually gets that? At the moment the only way you could actually pull that together is in terms of looking at who might hit some other agencies in terms of Centrelink or adult corrections or universities or whatever to try to trace what are the pathways for some of these young people, but it is almost impossible to bring that together. So in our exit interview survey we are actually going to ask young people whether they would be prepared to allow themselves to be contacted by a genuine researcher, and we have some people in academia who would be interested in partnering to follow that through. If they are, then we would ask them to nominate how that contact might happen and we would be interested in engaging one of the universities in following that up so that the data can actually be enriched about what are the pathways.

Some of those young people may not want to do that. Some of them do not want to be contacted. They do not want to be on any sort of follow-up work, but some of them are quite prepared to do that. So that is where we are going. We have worked quite closely with CREATE which has a very strong interest in this area. In part I sort of think my preferred view is that until we had an assessment that young people were ready to transition from care we should continue to support them where we can, because I do not think it is age dependent. But the law indicates that at 18 you transition into adulthood. I think anybody around this room who has children will know that 18 is pretty early to find yourself completely responsible for yourself.

Ms SIMPSON: Just to follow on from that, I think that is a very worthwhile discussion to promote because would it not be true to say that a lot of children who have high-risk factors with regard to personal care are in fairly young dysfunctional family settings? I am presuming that there would be a lot who would be the children of very young parents potentially who have come out of care themselves, so there is a connection there with regard to intergenerational poverty and disadvantage.

Ms Fraser: I think that that is the issue that we want and why we work pretty hard when kids are actually in care to try to get those issues around wellbeing attended to. I think I mentioned in my introductory statement I see good statutory care intervention as being a primary sort of prevention and early intervention thing for the next generation. The issue is that it is long term, because ultimately we do know that a lot of the cohort of young people who come into care do come from families who have had

parents in care before. I think that is the cycle that we are needing to work on. The only way you can work on that is to make sure that when the young ones come in they actually have stability in their new placement, that they have good access to therapeutic support and, most importantly, that we ensure that they engage in education and have some opportunity to actually over time move into independence. But there is that issue also of continuing to support them somehow, and it may not be through the child safety system. But we need to make sure that we give them strong support so that they then move on to get qualifications and training, which they will not have at 18 because it is just not possible in your age frame. In that critical period I think somewhere within our community we need to make sure that those people link in to that support and engage.

CHAIR: If you have had these children up to 18 in care and then they are transitioning—and I thank my research director for this information—in Scotland the transition from care is up to 25, which in actual fact would deal with the difficulties that you have just indicated in terms of obtaining an education or ensuring, I suppose, that the effects of what has been done for them up to the age of 18 can endure.

Ms Fraser: There are some supports that are made available financially in Australia. In Queensland, they are not huge beyond 18, unfortunately, but in South Australia, for instance, there is access to quite a lot of support up until 25. They were lucky that they had a foundation that was developed and set up so that young people could get access to that. The other area is really the mentors. For those young people who were fortunate to have had a foster-care arrangement where they developed good relationships, many of those foster carers just go on supporting those young people out of the—

CHAIR: In loco parentis—

Ms Fraser: In loco parentis.

CHAIR: Which is where they have been.

Ms Fraser: Yes, which is absolutely amazing. But there are some for whom, on the age of 18, that is the end of it. The issue that we look at is making sure that they have housing, they have accommodation, they have access to finances and, hopefully, some sort of engagement and support to get through training. I think it is a real area in Queensland that we need to think about, because if we can support people into that as an outcome, I think we have—

Mr CHOI: I know BoysTown provides some services in that area. Do you know of any other NGO providing services to people turning 18 but still in high need of support?

Ms Fraser: No. Generally they would feed into the general support services. Some of them would get into the Centrelink environment, some would get into the housing environment. We try to make sure that they are stitched up for accommodation. You have some children, of course, who have significant disabilities. We always make sure that they have moved into the Adult Guardian frame and someone in that context is looking after them. Yes, it is a mixed bag and they then are usually responsible, with the information that they are given, for managing their own interface with all of those things, which can be quite an ask for them.

Mr CHOI: What kind of numbers are we talking about here? I know it is very difficult.

Ms Fraser: In terms of transitioning from care?

Mr CHOI: Transitioning after 18 and you believe they probably still need some substantial support.

Ms Fraser: I know there are probably 400 or 500 who transition from care each year. Out of that group, I would hazard a guess to say that—but I do not have data on that—

Mr CHOI: Of course not, yes.

Ms Fraser: But I would imagine you would have to say probably at least a third would benefit from stronger support than they are already getting. That does not necessarily mean that if we provided the support in a more formal way—some of them who are getting it at the benevolence of other people might also fall into that category.

Mr CHOI: Yes.

Ms Fraser: So we might increase that number a little.

Mr CHOI: I am not overly concerned about housing issues. Other agencies should be providing that. I am more concerned about mentoring them to put their own lives in order because, let us be honest, they probably come from dysfunctional families and they are incapable of making those life choices. They are not choices about accommodation.

Ms Fraser: It is the engagement in training and education that is just so vital, because if they miss out on that, by the time—

Mr CHOI: By the time they turn 24 it is too late.

Ms Fraser: They are potentially then likely to get into trouble.

Ms SIMPSON: Are there any figures around how many in that 18- to 25-year age bracket would potentially be parents themselves?

Ms Fraser: I would say that there would be a few. They would not necessarily be transitioning from care in that sort of circumstance. From our feedback—for instance, in our discussions recently with people in Woorabinda—people are highlighting that one of the issues that they are confronting is the children of Brisbane

children, really, who have not in a sense experienced education themselves or benefited or value education. Therefore, that is starting to impact on their capacity to engage their children in early learning programs, because there is no understanding, really, of the importance of it.

But in general, when we look at the kids who are coming into care, our data would highlight that there would be a proportion, of those who we are still seeing, whose parents were young parents. But the major issues are still predominantly children whose parents are affected by substance misuse and mental health issues and who, for whatever reason, are in a very violent and unstable sort of family context. They are the major sort of issues. Age might be a factor in there, but it is manifesting itself in a different frame.

Mr Salmon: The point I would go further to make is that it just highlights the value of wrapping some support around these young parents. If we are going to break some of these cycles from perpetuating, we really cannot do enough in this space. That was really highlighted, as Elizabeth said, when we visited Woorabinda and Yarrabah—just the importance of those young parents valuing school, valuing healthy diets—those sorts of things. That will have a profound effect on that next generation of young people. So it is an area where I think we can probably do a little bit more than what we are doing at the present time.

Ms Fraser: In particular, Barry and I are on a bit of a hobbyhorse at the moment in terms of trying to make sure that, with the access to 15 hours of kindy, that access is absolutely available to children in care. We are doing a lot of work through our community visitors and with carers to try to highlight the importance of that. As that infrastructure initiative rolls out, we have had discussions with Education and others around making sure that one of the groups that literally lock into that are kids who are in care, because they know that their literacy and numeracy levels over time are not good and we also know the research highlights that, if you can do some of that early work and engage them, then the likelihood of that not eventuating is strong. So we are trying to look at what are some of the barriers there for carers putting kids into kindy programs and also what might be done to make sure that they are a group that we capture, because they are in a statutory care environment. So we would like to see that cross over.

CHAIR: Those children would virtually have to be in kindergarten rather than in long-day-care because, for long-day-care, it would really negate the effect of the child in care of a foster parent, surely.

Ms Fraser: The good thing in Queensland is that the initiative is being rolled out with the kindy programs being accessible in long-day-care.

CHAIR: Long-day-care.

Ms Fraser: Which means that children who are in long-day-care should be able to access it as well. I think that is a very important initiative because, in the past, the kindy access has often been a community based thing. If you were needing to rely on broader child care then it was quite difficult for people in employment to put their kids in the kindy program and then back into child care.

CHAIR: Can I go from the transitioning out of care spectrum to the other end of the spectrum of children under 12 who self-place? What screening arrangements or interim arrangements do you generally make on behalf of a child? What circumstances do you accept for arrangements? Could you outline the criteria that you use to inform those decisions?

Ms Fraser: I will make a few comments and Barry will probably add some more. We visit any child who is under orders and, if we know where they are, we will visit them where they are. The issue about self-placing, as the language references them, is that those children may have absconded. People may not know where they are and they may, in a sense, be managing themselves somewhere. If we do not know where they are, then we are obviously not visiting them and we cannot find them. But if it is because someone has been in a placement and we have known them and the community visitor has picked up on them, then we might be in a position to try to influence where the supports to that young person can go. Sometimes the department is in a position of trying to establish a relationship with that young person. There is no way that the law allows you—and I am not sure that it should, either—to lock up children. The issue is about trying to develop a relationship and rapport and assist them and influence them to stay where they are and engage in some of the support that is happening. But you cannot impose that on young people.

With those young people who are quite troubled, the main issue that we are looking at is trying to find ways for them to be linked in with therapeutic support. The reality is that for some of them they start to disengage. They are not in a placement. They are usually disengaging from school, so they are not getting any support or help from there. They may start to get into trouble and how they can then be contacted and effort given into trying to assist them come back into things that are going to benefit them over the long term is a real challenge. But we try to bring to bear any information that we can on the system to wrap around very concentrated services when there are young people at high risk. Usually, it is because they have come to notice fairly late and a lot has happened to them in their lives and they are not very keen to trust people very quickly and if something happens they take off from wherever they have been placed.

CHAIR: What criteria do you use to determine whether or not they should be allowed to self-place and what the effect of that will be? Do you have a specified criteria?

Ms Fraser: From our point of view, all children under the age of 18 should be in appropriate care with supervision and adults looking after their interests. So we would not support a self-place model at all.

CHAIR: No, but there are still children who will self-place. Where they come to your notice, do you have any specific requirements to consider whether that should be allowed? I have a very real reason for asking these questions and I think I should probably explain it. We have a number of children in the youth justice system in the Rockhampton part of my electorate—and some of them are not in the system—who are out of control, which is probably a nice word, and they self-place. Some of them are in care, under 24-hour supervision, and there is nothing in place whatsoever to oversee the supervision. How much input do you have with those sorts of circumstances? Some of these kids are quite young. It is only a guess, they are children as young as eight. Some of them live under bridges.

Ms Fraser: Our interest, if they come to our attention individually, is to try to get them into support systems that are better for them. But, as I said, we also know that the challenge of doing that is not straightforward. Our role is to try to advocate individually but also to bring that information to the attention of the department. We have initiated a number of pieces of work around looking at high-risk children in high-risk situations. We are doing some work in that space to try to find out what might be some additional things that would help in that. Do you want to talk about that work?

Mr Salmon: Yes, we have a project that we have just recently initiated looking at young people at high risk. What we are doing at the moment is engaging with predominantly people from the Department of Communities to look at these cases. The issue that we have identified is that, with those young people who bring themselves to our attention, it is often frustration—frustration about the placement not working, not being happy there, not getting the sort of support they want. So what that says to us is that the range of placement options that we have at the moment is just not meeting their needs. One of the things that we hope will come out of this piece of work with the Department of Communities is to encourage them to think a little bit more creatively, a little bit more broadly about some perhaps residential type of services that will really cater for this group of kids. These are very challenging young people. They have some very complex needs that need to be responded to. So from the commission's point of view the last thing we want to see are placements breaking down. We would much prefer to have a quality placement and people caring for these young people who really are doing the right thing for them. So that is a piece of work that we certainly have on the go at the present time. By the next time we get together, hopefully, we will be able to report back some positive outcomes of that activity.

Ms Fraser: There has been some promising development. We visited a place near Ipswich recently. Also we went to Anglicare in Rocky a couple of weeks ago and saw the work that they were doing with four young children who were actually quite challenging in terms of their needs and had been absconding. So there is some work going on. It is actually quite specialist work and there is a need for greater extension of that.

CHAIR: Do you oversee the NGOs that may have placement of children in care if they are in care or directed as an order in the youth justice system, or is it outside your purview?

Mr Salmon: No, only children in the child protection system. I am thinking of the example that Elizabeth raised before in Rocky. We visited the residential service there providing support and accommodation for children known to the child protection system.

Ms Fraser: And we visit them when they are in detention. Are you talking about—

CHAIR: These are in supervised housing, supervised accommodation, but it is just a matter of, 'You can't tell me where to go. You can't tell me what to do. So I will walk out and knock off the local pub three times in a fortnight.'

Ms Fraser: Unless they are actually under some sort of child protection order—and as you know, the limb for that means that they have to be assessed as being in need of care and no-one is willing to protect. One of the areas that we have had a lot of conversations with the department about is what constitutes 'able'. Our view is that, if there is someone willing but they actually cannot exercise sufficient authority to be looking after their children, then potentially that threshold has been reached.

CHAIR: I am taking account of the time. We were to finish at 10.30, but I have a question which is of grave concern to me and I think to a lot of people in Queensland, being the only state where we still have 17-year-olds in adult detention. I noted your answer to question 15 that you have now commenced visitation to Brisbane Correctional Centre. It is probably sad that we could not have got there previously. Could I just jump a little bit ahead? There is a figure—and it came out of the social justice statement in the last fortnight—in relation to younger people who are prisoners being held on bail or remand. Of those, 80 per cent do not receive a custodial sentence but sometimes they spend more time in jail on remand. About 76 per cent of them have no access to bail. The question on notice we asked was, 'What discussions have been undertaken in relation to improving access to bail and legal representation?', and your answer was that there had been discussion. What is your time frame for that? Have you set a time frame?

Ms Fraser: In terms of the particular aspects of bail?

CHAIR: Yes, to be able to access bail and legal representation for those 17-year-olds who are being held because they cannot get bail. They are treated in the adult prison system; they are in jail; they are treated as a prisoner when in actual fact they are still not guilty.

Ms Fraser: Exactly. We have not got a time frame on it at this point. We are becoming more active in this debate about 17-year-olds. It is now firmly within our purview. So that sort of information that you have just provided to us is important for us. By being able to visit these young people, one of the things that

has occurred is we are advocating for them to be out of there but we have also negotiated with the government. Visiting these young people in adult prisons—and an adult prison is not a site that is in our legislation where we could demand visits. We have administrative agreement from the department of corrective services and others that we can visit and we have commenced the first lot to the Brisbane Correctional Centre on 19 October. There are 13 other places around the state.

As we visit, it will allow us to talk to these young people and get a lot more information precisely about what is happening. We see administrative data sets but we do not have that information directly from them. Once we start those visits and gather that information, we will be in a stronger position to, in a sense, verify and confirm just how many of them are in that state and where, and what we think should be done about that. We will advocate obviously individually for each one of those if we feel that those matters need to be advocated on particular individual cases, but it will help us more broadly with our system of advocacy and, I hope, to inform why we think they should not be there.

CHAIR: The social justice statement was titled 'Building Bridges, Not Walls'. I think it was released the Sunday before last. The Catholic bishop put it out but it was done in conjunction with the prison system. So it is looking at a whole heap of aspects. One of them was the number of people—and I understand the leaning, and I probably should not use that word. Where 17-year-olds are charged in the adult system, judges are often more disposed to not imposing a custodial sentence at the end of time. If they spend a period of time in an adult prison where they have not got access to legal representation or bail, they are being punished out of all proportion, I believe, to what they are ultimately charged with.

Ms Fraser: And we know it is contrary to the objective of rehabilitation and moving forward on our commitment to the convention on the rights of the child.

CHAIR: We have exceeded our time. Was there any pressing question that anyone has for the commissioner or any of the staff? If there is nothing further, the time allocated for questioning has more than expired. There being no further questions, I would like to thank you for your attendance at today's hearing. I believe the committee has gathered valuable information that will assist in its examination. Thanks to the Parliamentary Service staff who have assisted during today's hearing. On behalf of the committee, I invite you to join us for morning tea. I now declare the hearing closed.

Committee adjourned at 10.37am