



# Oversight of the Queensland Family and Child Commission

**Report No. 42, 56<sup>th</sup> Parliament**

**Legal Affairs and Community Safety Committee**

**June 2019**

## **Legal Affairs and Community Safety Committee**

<b>Chair</b>	Mr Peter Russo MP, Member for Toohey
<b>Deputy Chair</b>	Mr James Lister MP, Member for Southern Downs
<b>Members</b>	Mr Stephen Andrew MP, Member for Mirani
	Mr Jim McDonald MP, Member for Lockyer
	Mrs Melissa McMahon MP, Member for Macalister
	Ms Corrine McMillan MP, Member for Mansfield

### **Committee Secretariat**

<b>Telephone</b>	+61 7 3553 6641
<b>Fax</b>	+61 7 3553 6699
<b>Email</b>	<a href="mailto:lacsc@parliament.qld.gov.au">lacsc@parliament.qld.gov.au</a>
<b>Technical Scrutiny Secretariat</b>	+61 7 3553 6601
<b>Committee Web Page</b>	<a href="http://www.parliament.qld.gov.au/lacsc">www.parliament.qld.gov.au/lacsc</a>

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## Abbreviations

Act	<i>Family and Child Commission Act 2014</i>
Annual Report	Queensland Family and Child Commission Annual Report 2017-18
Commissioner	Mr Phillip Brooks
committee	Legal Affairs and Community Safety Committee
Principal Commissioner	Ms Cheryl Vardon
public meeting	A public meeting held on 25 February 2019 between the committee and representatives of the Queensland Family and Child Commission
QCPCOI	Queensland Child Protection Commission of Inquiry
QFCC	Queensland Family and Child Commission
SO	Standing Orders
<i>When a child is missing report</i>	<i>When a child is missing: Remembering Tiahleigh—A report into Queensland’s children missing from out-of-home care</i>

## Chair's foreword

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

The committee met with Ms Cheryl Vardon, the Principal Commissioner of the QFCC and Mr Phillip Brooks, Commissioner of the QFCC, on 25 February 2019. The committee also reviewed the QFCC's Annual Report 2017-18 (Annual Report) which was tabled on 28 September 2018.

On behalf of the committee, I thank the staff of the QFCC who assisted the committee throughout the course of its oversight of the QFCC for the 2017-18 financial year period. I also thank the Parliamentary Service staff.

I commend this report to the House.



Peter Russo MP

**Chair**

## Recommendation

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

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## 1 Introduction

### 1.1 This report

The committee prepared this report as part of its statutory oversight responsibility for the QFCC, with primary focus on the 2017-18 financial year.

### 1.2 Role of the committee

The Legal Affairs and Community Safety Committee (committee) is a portfolio committee of the Legislative Assembly that commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup> The committee's areas of responsibility are Justice and Attorney-General, Police and Corrective Services, and Fire and Emergency Services. The committee has oversight responsibility for bodies including the QFCC.<sup>2</sup>

### 1.3 Purpose and functions of the QFCC

The *Family and Child Commission Act 2014* (the Act) established the QFCC on 1 July 2014 as part of the Queensland Government's response to the report of the Queensland Child Protection Commission of Inquiry – *Taking Responsibility: A Roadmap for Queensland Child Protection 2013*.<sup>3</sup> As a result of machinery of government changes, the QFCC was transferred from the Premier and Minister for Trade to the Attorney-General and Minister for Justice from 12 December 2017.<sup>4</sup>

The purpose of the QFCC is to promote the safety, wellbeing and best interests of children and young people and improve the child protection system.<sup>5</sup> The Act sets out the functions of the QFCC which include:

- oversight of the child protection system
- promotion and advocacy regarding the responsibilities of families to protect and care for, and the safety and wellbeing of, children and young people particularly those in the child protection or youth justice system
- to provide research, assistance, capacity building and leadership for agencies involved in the child protection system
- to review, analyse and evaluate systemic policies and practices relevant to the child protection system
- to inform and educate the community, and
- to report to the Minister about matters relating to its functions.<sup>6</sup>

### 1.4 Committee's responsibilities regarding the QFCC

Schedule 6 of the Standing Orders (SO) provides that the committee has oversight responsibility for the QFCC. The Act is silent on the role and functions of the committee.

Under SO 194A the committee's oversight responsibilities with respect to the QFCC are to:

- (a) monitor and review its performance of its functions

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<sup>1</sup> *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

<sup>2</sup> The committee also has oversight responsibility for the Electoral Commissioner, the Ombudsman and the Information Commissioner: Standing Rules and Orders, Schedule 6.

<sup>3</sup> Queensland Family and Child Commission, *Annual Report 2017-2018*, p 6.

<sup>4</sup> Queensland Family and Child Commission, *Annual Report 2017-2018*, p 9.

<sup>5</sup> *Family and Child Commission Act 2014*, s 9.

<sup>6</sup> *Family and Child Commission Act 2014*, s 9.

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

## 1.5 Commissioners

The Act provides that there are to be two commissioners for the QFCC. One of the commissioners is to be appointed as a Principal Commissioner (Principal Commissioner) and at least one person who acts as a Commissioner must be an Aboriginal person or a Torres Strait Islander (Commissioner).<sup>7</sup> The Act provides that a commissioner may hold office for a term of not more than three years.<sup>8</sup>

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

- engaging with, and taking into consideration, the views of children, young people and their families
- ensuring the interests of Aboriginal people and Torres Strait Islanders are adequately and appropriately represented
- respecting and promoting the role of Aboriginal and Torres Strait Islander service providers in supporting Aboriginal and Torres Strait Islander families and communities to protect and care for their children and young people
- being sensitive to the ethnic or cultural identity and values of children, young people and their families
- consulting with relevant agencies and advocacy entities, and
- working cooperatively with relevant agencies and helping build their capacity to meet the needs of children, young people and their families.<sup>9</sup>

The Principal Commissioner has additional functions to control the QFCC, and to record, analyse, research and report on information about child deaths.<sup>10</sup>

The commissioners are subject to the direction of the Minister.<sup>11</sup> Their functions include:

- ensuring the QFCC performs its functions effectively and efficiently, and
- making recommendations to the Minister about the performance or functions of the QFCC or the commissioners or that assist the Minister in the administration of the Act.<sup>12</sup>

Ms Cheryl Vardon is the Chief Executive and Principal Commissioner of the QFCC. Mr Phillip Brooks was appointed in October 2017 as Commissioner. Mr Brooks is a descendant of the Bidjara Tribe, the Kairi Tribe, and the Ducabrook clan.<sup>13</sup>

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<sup>7</sup> *Family and Child Commission Act 2014*, s 11.

<sup>8</sup> *Family and Child Commission Act 2014*, s 13.

<sup>9</sup> *Family and Child Commission Act 2014*, s 23.

<sup>10</sup> *Family and Child Commission Act 2014*, s 19.

<sup>11</sup> *Family and Child Commission Act 2014*, s 22.

<sup>12</sup> *Family and Child Commission Act 2014*, s 18.

<sup>13</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 5.



## **1.6 The committee's process**

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

- examined the Annual Report (see section 2)
- held a public meeting with the QFCC on 25 February 2019 (public meeting) (see section 3).

At the public meeting, the committee met with the Principal Commissioner and the Commissioner. The transcript of that hearing is available on the committee's webpage.

## 2 Review of Annual Report 2017-2018

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

### 2.1 Overview

The Annual Report was tabled on 28 September 2018.

The Annual Report assessed the QFCC's performance in relation to its strategic objectives, its financial position and its compliance with legislative requirements.<sup>14</sup>

### 2.2 Commissioner's Report

In her report, the Principal Commissioner noted, among other things, that the QFCC:

- is on a journey towards making Queensland a place where all children are more than safe
- is responsible for leading 10 recommendations from the Queensland Child Protection commission of Inquiry report: *Taking Responsibility: A Roadmap for Queensland Child Protection 2013* (QCPCOI) with nine of the recommendations delivered and one on track for completion
- has successfully delivered the *Growing up in Queensland* project which involved visiting over 40 locations across Queensland allowing children to have their say on what matters most to them, and
- provides oversight of Queensland's child protection system and as part of this role, it completed a comprehensive review of the blue card and foster care systems which resulted in 137 recommendations all accepted by the government.<sup>15</sup>

### 2.3 Child protection reforms

The Annual Report also provided a detailed update on the status of various child protection reforms that the QFCC is involved with:

- Nine of the 10 QFCC-led recommendations from the QCPCOI have been delivered and the other remaining recommendation is on track for delivery<sup>16</sup>
- The QFCC is a leader for one of the actions stemming from the Queensland Government's report titled *Changing Tracks: An action plan for Aboriginal and Torres Strait Islander children and families* which is the first action plan created to realise the *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families* released by the government in May 2017<sup>17</sup>
- The QFCC has been assisting with the implementation of the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse by providing advice to lead agencies about a model for child safe standards and a reportable conduct scheme<sup>18</sup>
- Domestic and family violence prevention, specifically by providing submissions to:
  - the Australian Senate's Legal and Constitutional Affairs Committee inquiry into the *Family Law Amendment (Family Violence and other Measures) Bill 2017* and the *Family Law Amendment (Parenting Management Hearings) Bill 2017*
  - the Domestic and Family Violence Death Review and Advisory Board, *2017-18 Annual Report* public forum

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<sup>14</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, inside cover page.

<sup>15</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 5.

<sup>16</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 10-12.

<sup>17</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 13.

<sup>18</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 13.

- the Queensland Parliament, regarding the Child Protection Amendment Bill 2017.<sup>19</sup>

The QFCC has also:

- implemented a policy to support employees experiencing domestic and family violence, and
- rolled-out a *Recognise, Respond, Refer: Domestic Violence and the Workplace* online training course for all staff.<sup>20</sup>

Additionally, the QFCC has three actions in the Queensland Mental Health Commission's *Queensland Mental Health, Drug and Alcohol Strategic Plan 2014–2019* and subsequent action plans.<sup>21</sup>

## 2.4 Systems reviews - Improving child protection and family support system

During 2017-18, the QFCC progressed or completed various systems reviews:

- Blue card and foster care systems – three reports tabled in September 2017
- Keeping Queensland's children more than safe: Review of the foster care system
- Keeping Queensland's children more than safe: Review of the blue card system
- Blue card and foster care systems review – Report on term of reference 5: Strengthening capacity across Queensland's child protection system
- Post-implementation review of *When a child is missing: Remembering Tiahleigh– A report into Queensland's children missing from out-of-home care (When a child is missing report)*
- Recommendation 28 supplementary review: A report on information sharing to enhance the safety of children in regulated home-based services
- A systems review of individual agency findings following the death of a child
- Follow-up health check review
- System review of 5 and 10 day investigations and assessments.<sup>22</sup>

Appendix D of the Annual Report provides an overview of Queensland's performance in relation to achieving state and national goals relating to the child protection system and compares it to other jurisdictions.<sup>23</sup> The Queensland data was below the national figure or the majority of States in most of the areas measured.<sup>24</sup> The measures that Queensland achieved a 'requires improvement' assessment for are:

- response time to complete investigations
- stability of placement
- placement with relatives or kin
- placement in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle
- improved safety
- improved education.<sup>25</sup>

Queensland received a satisfactory assessment for children aged under 12 years in home-based care and a good assessment for children with current case plans.<sup>26</sup>

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<sup>19</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 14.

<sup>20</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 14.

<sup>21</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 14.

<sup>22</sup> Queensland Family and Child Commission, *Annual Report 2017-2018*, pp 16-18.

<sup>23</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 19, 101-129.

<sup>24</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 127-129.

<sup>25</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 128-129.

<sup>26</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 128.

## 2.5 Building safe, caring and connected communities

The QFCC partners with the Advisory Council, Community Partnerships Group, Youth Advisory Council and Strategic Cross-Agency Oversight Group.<sup>27</sup>

The QFCC is implementing the *Second action plan 2017-19* of the *Strengthening our Sector* strategy. It focuses on three outcome areas: strengthening the workforce, organisations and professional culture.<sup>28</sup>

In 2017-18, the QFCC's key mechanisms for engaging with, and taking account of, the views of children, young people and their families included:

- development of a *Youth Participation Strategy and Plan*
- *Growing Up in Queensland* initiative
- *Hear Me, See Me* art exhibition
- direct engagement through visits to schools and communities and collecting stories from children and young people.<sup>29</sup>

## 2.6 Promote and advocate for the safety, well-being and best interests of all children

The QFCC educates people to encourage them to seek help. In 2017-18, the community education campaigns addressed:

- help-seeking – focussing on parents of children up to four years old (*Talking Families* campaign)
- awareness of, and access to, family support services (*oneplace* Community Service Directory)
- children's online safety (*Out of the Dark* campaign)
- preventable child death (*Seconds Count* campaign)
- professionals' awareness of the child protection and family support system reforms (*Travelling the Reform Roadmap* campaign).<sup>30</sup>

The QFCC 'is responsible for developing and coordinating a multi-disciplinary research program to inform policy and practice in the child protection system'.<sup>31</sup> The research program includes:

- promoting QFCC's *Research Agenda 2016-19*
- conducting Research in the Round forums
- conducting Regional Research Roundtables
- producing and distributing monthly research scans
- providing research summaries
- publishing a Knowledge and Resource Hub on the QFCC website.<sup>32</sup>

The QFCC is also responsible for maintaining the *Queensland Child Death Register*.<sup>33</sup> The register is made available 'for research, public education, policy development and program design'.<sup>34</sup> The Annual Report noted that the QFCC's *Annual Report on Deaths of Children and Young People in Queensland*,

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<sup>27</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 22.

<sup>28</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 28-31.

<sup>29</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 32.

<sup>30</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 36-41.

<sup>31</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 42.

<sup>32</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 42-44.

<sup>33</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 45.

<sup>34</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, p 45.

2016-17 was tabled in parliament on 12 April 2018. The QFCC also tabled its most recent *Annual Report on Deaths of Children and Young People in Queensland, 2017-18* on 7 December 2018.

The Annual Report also noted that the QFCC provides policy advice and is an active stakeholder for government agencies and parliamentary committees.<sup>35</sup>

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<sup>35</sup> Queensland Family and Child Commission, *Annual Report 2017-18*, pp 48-49.

### 3 Oversight meeting with the QFCC

In her opening statement at the public meeting, the Principal Commissioner noted how many children are the focus of the remit of the QFCC in Queensland:

*A question we ask sometimes of others is how many children and young people there are between nought and 18 in Queensland, and the answer is 1.2 million. It is a significant number of children. We do our work through connecting, reviewing and influencing. Influencing is a key part of what we do. We are proud of the real collaboration we do with our stakeholders—children, families, communities, the non-government sector and government departments. We recommend solutions for some of the most sensitive, critical and complex issues that you can imagine to do with children and young people and their families which no single department could do alone.<sup>36</sup>*

The Principal Commissioner also noted the areas of focus for the QFCC:

*Our key areas of focus are: raising awareness about what young people need, as raised directly by them— ... monitoring, reviewing, evaluating and reporting on the child protection and family support system progress on reforms; and promoting the prevention of child deaths. Alongside that is a research agenda with up-to-date information and advice. We work with partners to strengthen capability, capacity and culture and, importantly, we educate parents, families, communities and professionals on keeping young people safe.<sup>37</sup>*

The Principal Commissioner discussed how, during 2017-18, the QFCC undertook the *Growing up in Queensland* project, otherwise known as *This Place I Call Home*. Described by the Principal Commissioner as a 'significant piece of work', this project:

*... gave a platform to more than 7,000 of those 1.2 million children and young people ... to speak openly and honestly about their communities, their hopes and dreams and how they would like government and decision-makers to support their needs now and into the future.<sup>38</sup>*

The QFCC also established a Youth Advisory Council, two members of which have recently been appointed to the Premier's Anti-Cyberbullying Taskforce implementation group. Last year, the QFCC, together with the Aboriginal and Torres Strait Islander Community Health Service, sponsored and delivered 44 scholarships under the program called *Young, Black and Proud*.<sup>39</sup>

Over the past three years, the QFCC has delivered six public systemic reviews and made 184 recommendations to the government.<sup>40</sup> The QFCC is undertaking reviews of how reporting behaviours have changed following the QCPCOI. The QFCC is also reassessing what changes have occurred as a result of its *When a child is missing* report.<sup>41</sup>

In relation to child deaths, the Principal Commissioner commented:

*We promote the prevention of child deaths and we also have that research agenda. The death of any child is a tragedy, and it is important that we learn from each of these to best prevent future occurrences. We work closely with Surf Life Saving and swimming associations through Minister Grace's Water Safety Roundtable. We are also working closely with other agencies—for example, the Mental Health Commission around suicide prevention and Transport and Main Roads, which is looking at slow vehicle run-overs. The prevention of deaths is key to our work,*

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<sup>36</sup> Public meeting transcript, Brisbane, 25 February 2019, p 1.

<sup>37</sup> Public meeting transcript, Brisbane, 25 February 2019, p 1.

<sup>38</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

<sup>39</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

<sup>40</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

<sup>41</sup> Public meeting transcript, Brisbane, 25 February 2019, p 2.

*but I am sad to say that suicide and transport related deaths continue to be the leading causes of external deaths for children and young people in Queensland. We keep that register—and that is for all deaths of children in Queensland—which sits at about the same number each year but the level of causes within that shifts and changes.*<sup>42</sup>

Concerning the QFCC's role and research, the Principal Commissioner commented:

*We host research; we do not carry out research. There is enough research done by universities and others. We analyse that research and make it accessible to the general community, practitioners, teachers and parents. We hold big Research in the Round functions and research round tables in the regions where we get local members and local mayors involved as well.*<sup>43</sup>

In his introductory statement, the Commissioner spoke about community education initiatives to make Queensland a safe place where children, young people and their families can thrive such as the *Talking Families* program which incorporates a location based GPS service, the *oneplace* services platform.<sup>44</sup> Mr Brooks also spoke about various programs to assist Aboriginal and Torres Strait Islander communities such as the *Families are First* program.

Questions from the committee during the public hearing focused on:

- whether the QFCC faced any challenges in recruiting and retaining good employees
- progress on the implementation of the recommendations from the Anti-Cyberbullying Taskforce project
- progress on the implementation of the recommendations from the blue card system report
- a discussion of the issues that emerged from the *Growing Up in Queensland - This Place I Call Home* report, and
- an update on the implementation of *Our Way: a generational strategy for Aboriginal and Torres Strait Islander children and families*.<sup>45</sup>

#### 4 Committee comment

The committee wishes to congratulate the QFCC and staff on their overall performance during the 2017-18 financial year, especially given the extremely challenging issues being examined by the QFCC.

<p><b>Recommendation</b></p>
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<p>The committee recommends the House notes the contents of this report.</p>
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<sup>42</sup> Public meeting transcript, Brisbane, 25 February 2019, pp 2-3.

<sup>43</sup> Public meeting transcript, Brisbane, 25 February 2019, p 3.

<sup>44</sup> Public meeting transcript, Brisbane, 25 February 2019, p 3.

<sup>45</sup> Public meeting transcript, Brisbane, 25 February 2019, pp 4-7.

## **Appendix A – Officials at public meeting**

Queensland Family and Child Commission

- Ms Cheryl Vardon, Principal Commissioner
- Mr Phillip Brooks, Commissioner