

PeakCare  
Queensland Inc.

The Research Director  
Health and Community Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

14 April 2014

Dear Health and Community Services Committee

**Re: *Family and Child Commission Bill 2014***

PeakCare Queensland Inc. (PeakCare) welcomes the opportunity to make a submission in response to the *Family and Child Commission Bill 2014*, which was introduced into the Legislative Assembly on 20 March 2014.

PeakCare is the peak body for child protection services in Queensland. PeakCare has 60 member agencies, which are a mix of small, medium and large, local and statewide, mainstream and Aboriginal and Torres Strait Islander non-government organisations that provide family support, child protection, and out-of-home care services (eg. foster and kinship care, residential care) to children and young people who are at risk of entry to, or in, the statutory child protection system and their families. PeakCare has an additional 16 members that are individuals and other entities supportive of PeakCare's policy platform relating to the safety and wellbeing of children and young people, and the support of their families.

PeakCare members directly provide care and support for some of the most vulnerable of Queensland's citizens - children and young people who have been harmed or are at risk of harm from abuse and neglect, particularly those children who have been removed from parental care and placed on an emergency, respite, short or long term basis in foster, kinship, residential and other out-of-home care environments.

Our interest in the role and functions of the Family and Child Commission relate to children<sup>1</sup> at risk of or in contact with the statutory child protection system, particularly where there are overlaps for

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<sup>1</sup> The terms 'child' and 'children' have been used to refer to children and young people aged 0 to 18 years, unless otherwise stated.

children and young people under dual child protection and youth justice orders. As indicated in our submissions to the Queensland Child Protection Commission of Inquiry (the Inquiry) and other deliberations about these issues, we support a re-focusing of the role and functions of the Commission for Children and Young People and Child Guardian (Children's Commission) and are generally supportive of positions and directions embraced in the Family and Child Commission Bill.

We understand that the Bill establishes the Family and Child Commission (the Commission) in response to recommendations accepted by the Queensland Government from the Inquiry and are aware that new arrangements must be in place for when the Children's Commission ceases to exist on 30 June 2014.

We are pleased that the Commission will be a statutory agency with responsibilities for independent systemic oversight of Queensland's child protection system. As the Inquiry reiterated, the Queensland government's responsibility for protecting children is shared across many agencies. The Commission's functions therefore in respect to analysing and evaluating, at a systemic level, the policies, practices and performance of agencies other than 'Child Safety' will help to ensure that education, health, justice and other needs and entitlements are consistently realised. We are also pleased that the responsible Minister for the Commission will be the Premier, a status which avoids any perception of conflict of interest with the previous arrangement whereby the responsible Minister for the Children's Commission is also the Minister responsible for the statutory child protection agency.

We commend the government on the initiative that at least one of the Commissioners will be an Aboriginal person or Torres Strait Islander. This will contribute to providing strong leadership and Government's imprimatur for the work of Aboriginal and Torres Strait Islander community-controlled agencies and communities, as well as support and monitoring of the disproportionate representation of Aboriginal and Torres Strait Islander children in the statutory child protection system.

We are also highly supportive of the Commission's multidisciplinary research focus particularly because it will be used to inform policies and practices across the child protection system, and hopefully the intersection of that system with other service systems in which families and children are often also, or would benefit from, being in contact. These include adult and child mental health and substance abuse, homelessness, and domestic and family violence service systems. We look forward to working with the Commission in the functions relating to articulating a research agenda, assisting government and non-government agencies evaluate their efforts, and building collaboration and capacity across the child protection sectors. We commend the broad definition of the 'child protection system' recognised in the Bill as it rightly encompasses preventative and support services to children and their families, as well as secondary, more intensive and statutory child protection services.

Similarly, we are supportive of the Commission's role in providing leadership to workforce planning and develop strategies. As with some of the other functions ascribed to the Commission, there are significant overlaps with government responses to other Inquiry recommendations that will need to

be taken into account. In terms of workforce learning and development, for example, training for mandatory reporters and therapeutic residential care providers. The training area is also a minefield in respect to the numerous government, private and community-based organisations developing and offering internal and commercially-based training and qualifications in the apparent absence of post-Inquiry program logics and training needs analyses. It is an area around which PeakCare looks forward to working with the Commission to ensure a skilled workforce and career pathways.

PeakCare supports the changed role for the Commission from that of the Children's Commission in respect to child death reviews.

PeakCare supports the proposed use of advisory councils as a mechanism to engage the range of stakeholders in the Commission's strategic work, and that at least one member of each council will be an Aboriginal person or Torres Strait Islander. PeakCare looks forward to participating in the councils in recognition of the contribution which a specialist peak body can make. We note that the Bill includes that Commissioners must consult with relevant agencies and advocacy entities in order to perform their functions (clause 23(1)(e)). We appreciate this implied obligation to consult with PeakCare and our partner child protection peaks.

The information to be contained in the Commission's annual report (clause 40) supports a transparent and accountable foundation for reporting performance against a framework agreed by government and non-government partners. Although the provision does not state that reporting is limited to the Inquiry recommendations or to the 'reform roadmap', PeakCare would not support the report degenerating to such a limited focus. We are expressing this concern because the explanatory notes for the *Child Protection Reform Amendment Bill 2014* (page 13) state, in respect to omitting sections 248 and 248A of the *Child Protection Act 1999*, that "Relevant agencies will be required to contribute to annual reports to the Premier about implementation of the child protection reforms". Examples of areas with high importance but which were not subject to Inquiry recommendations are the educational participation and achievement of children in care and the overlap between the youth justice and child protection systems. PeakCare strongly supports reporting of data, initiatives and progress about these and other issues.

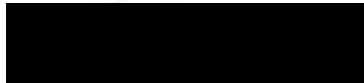
PeakCare is of the view that the annual report should include both quantitative and qualitative data as well as commentary that analyses and interprets performance over time and states any corrective strategies to address poor performance. Despite being legislated, the 'child protection partnerships report' following the Crime and Misconduct Commission Inquiry into Abuse of Children in Foster Care has not been released in a timely manner.

Clause 40(1)(iii) states that the annual report will include Queensland's progress in reducing the number of Aboriginal and Torres Strait Islander children in the child protection system. PeakCare recommends that this be amended. The *number* of Aboriginal and Torres Strait Islander or non-Indigenous children in the child protection system at any one time simply indicates demand on the system. More meaningful indicators of the impact of efforts to reduce the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system are the number and rate at which Aboriginal and Torres Strait Islander children are in contact with the child

protection system. PeakCare also recommends that this section of the Bill be amended to enable reporting on compliance with the Aboriginal and Torres Strait Islander Child Placement Principle (the Principle). Although the Children's Commission prepared three reports on adherence to the Principle and the Queensland Government reports about where and with whom Aboriginal and Torres Strait Islander children are placed in out-of-home care, the Family and Child Commission is well placed to more meaningfully and comprehensively report on the aims and core elements that the Principle comprises of – a child's right to be brought up within their own family and community, independent community participation in decision making, placement in out-of-home care prioritised according to the legislated hierarchy of placement options, child and family participation in decision making, and support for children to maintain their connection to family, community and culture, especially when placed with non-Indigenous carers or settings.

Thank you again for the opportunity to make a submission. Please contact me if you have any queries or require further information.

Yours sincerely

A solid black rectangular box used to redact the signature of Lindsay Wegener.

Lindsay Wegener  
Executive Director