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JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr MA Hunt MP—Chair
Mr MC Berkman MP
Mr RD Field MP
Ms ND Marr MP
Ms MF McMahon MP
Mr PS Russo MP

Staff present:

Ms F Denny—Committee Secretary
Ms H Radunz—Assistant Committee Secretary

PUBLIC HEARING—OVERSIGHT OF THE QUEENSLAND FAMILY AND CHILD COMMISSION

TRANSCRIPT OF PROCEEDINGS

Wednesday, 25 March 2026

Brisbane

WEDNESDAY, 25 MARCH 2026

The committee met at 10.00 am.

LEWIS, Ms Natalie, Commissioner, Queensland Family and Child Commission

TWYFORD, Mr Luke, Principal Commissioner, Queensland Family and Child Commission

WHITE, Ms Emma, Chief Operating Officer, Queensland Family and Child Commission

CHAIR: Good morning and welcome. I invite you to make an opening statement for the committee.

Mr Twyford: Thank you, Chair. In the interests of time, I will just say that the past 12 months has been a significant period of growth and transformation for the Queensland Family and Child Commission through the commencement of the Child Safe Organisations Act, which has given us new legislative responsibilities to protect children through both the Child Safe Standards and the Reportable Conduct Scheme, and leading the significant review called *In plain sight* into the offending of Ashley Paul Griffith and, more importantly, how Queensland protects its children. I have provided a rather detailed letter to the committee, and I would like to ask that it be treated as my opening statement. I will defer to Commissioner Lewis.

Ms Lewis: Good morning. I want to start today in the same way I started my tenure as the commissioner almost six years ago and in the way I approach every aspect of my role—that is, with a deep respect for our elders, acknowledging the enduring strength and the sovereignty of First Peoples across this country, and with a clarity of purpose and obligation culturally, personally and professionally to serving the best interests of children. I thank you all for the opportunity to appear this morning, and I note that this is likely the last time that I will appear before this committee. I have worked with a number of you across my term, so it will not come as any surprise that brevity is still a skill I have yet to master. With that being said, I have written a full statement and provided that to the committee secretary. I have copies here, if you would like them.

I am Queensland's Aboriginal and Torres Strait Islander Children's Commissioner. My role exists to provide independent oversight of child protection in youth justice systems—systems that hold extraordinary power over children's lives and that, when examined closely, can tell the truth about how a society really feels about its children. I am also the only First Nations person appointed to a statutory oversight role. None of what I will say here today is new. None of it is unknown. We do not have an evidence problem; we have a system design and accountability problem. The state of our statutory systems and how we have arrived here should come as no surprise to anyone in this room: the politicisation of children; evidence-avoidant policy; fragmented and diluted oversight across agencies and oversight that is often reduced to observation; and a commission of inquiry into child protection that did not name over-representation in its terms of reference, limiting its capacity from the outset. A process that excludes the defining issue cannot deliver reform. This is not in the best interests of children or the interests of Queenslanders. Blue card changes with unanimous support have been announced but not commenced two years on. No action has been taken to establish an independent and appropriately empowered and resourced Aboriginal and Torres Strait Islander Children's Commission, despite a signed national agreement and recommendations from this very committee to do so.

Oversight must be effective, independent and capable of ensuring the implementation of children's rights in practice. This is a failure of effort, fundamentally at odds with self-determination and falls well short of reasonable community expectations for oversight. These are not emerging issues. They are established, they are repeated and they are understood, yet data that we have been able to access indicates that Aboriginal and Torres Strait Islander children now make up more than 50 per cent of children in out-of-home care.

We are also aware that our children remain significantly over-represented in the youth justice system. That should have fundamentally changed the response, but it has not. A clear mandate for dedicated oversight of this issue cannot remain discretionary or contingent on the ability of an individual commissioner to cobble together resources or the willingness of the commissioner to speak and act in the interests of Aboriginal children, despite the legislative constraints.

Recent gaps in child protection data are not technical failures; they are failures of accountability. Across both child protection and youth justice, the same patterns persist—preventable child harm, preventable child deaths and failure to act on known risks. These are not unpredictable outcomes; they are known, repeated and unaddressed. If it does not change outcomes, it is not oversight; it is the normalisation of harm. Today in this room we need to acknowledge that oversight is urgent and that it can be life-saving. The government has a duty to anticipate and prevent harm, not manage its aftermath.

The introduction of new regulatory functions of the QFCC, whilst welcome and absolutely necessary, must not displace or erode the primary function of systemic oversight. The next generation of overnight must compel change, not just observe failure. It must have real authority, real reach and real consequences. The committee's role in ensuring this through the raising of matters regarding the commission's performance and recommendations to the Legislative Assembly of any changes to the functions, structures and procedures of the QFCC is important, and in this moment it is absolutely critical. I thank the committee for your time and consideration of these issues, and I welcome your questions. Thank you.

CHAIR: Thank you, Commissioners. Thank you for attending today and, again, for the wonderful work that you all do. In the report *Too little, too late* into the previous government's residential care system, you made several recommendations. Are you able to update the committee on the progress of reforms in this area?

Mr Twyford: That is a pretty big question, despite how simple it sounds. Basically, in *Too little, too late* I analysed the department's implementation of the actions articulated in its residential care road map that it had produced resulting from the Residential Care Review that the former minister for child safety asked me to oversee. *Too little, too late* is an articulation of 12 months after that implementation started where change had occurred or not occurred. Quite frankly, I call it one of the most scathing reports I have ever produced.

I found that insufficient action had been taken on all of the actions and that, essentially, there was a continuation of the unacceptable and suboptimal residential-care system. *Too little, too late* recommended that the Minister for Child Safety create a new strategy for out-of-home care which articulates a continuum of out-of-home care that reduces the need and use of residential care. Steps were taken at that time to meet about the future strategy for improving the out-of-home care system; however, that was then ceased when the commission of inquiry was called and the delivery around improving both the out-of-home care system and the residential-care system became terms of reference in the commission of inquiry. Both Commissioner Lewis and I have produced significant records, materials, past works and proactive statements to that commission of inquiry, and we continue to call for the system to improve whilst it awaits that report, which has now been brought forward.

I believe, in essence, that there are far too many children remaining in Queensland's residential care in houses and services that we would not place our own children. We must move quickly to address that. The quality of where we place children with trauma backgrounds and abuse backgrounds needs to improve.

Mr RUSSO: My question is in relation to the youth justice narrative in evidence. The commission has constantly argued for a data-driven and evidence-based approach to youth justice, particularly in this highly politicised environment. How does the commission balance its role as an independent evidence authority with public and political pressures for punitive responses to manage children and young people?

Mr Twyford: You are correct: we continue to call for the evidence base around what works in addressing youth crime and antisocial behaviour. We have repeatedly made parliamentary submissions to that effect. In particular, in the last term of government I appeared before the select committee on youth justice reform with some pretty significant and detailed research and evidence-based calls for policy reform that I continue to use, including before Australia's Senate, which is now also inquiring into the youth justice system.

The collection of data, essentially from the department, results in administrative data. It tells us the number of young people involved in watch houses, in detention centres and in community youth justice programs. Data from the court tells us how many young people are apprehended, charged and convicted. The work that I am most proud of that the commission has led—and I will acknowledge the leadership of Commissioner Lewis here—is actually having our staff go into detention centres and into communities to talk to the children and young people who have been involved in the youth justice system, to talk to their parents, to talk to their brothers and sisters and to talk to the frontline workers around what actually works, what would have made a difference in their life and how the experience of the youth justice system improved or did not improve their life journey.

The voices of young people and community members in our work is something special that the commission can leverage to provide clearer advice to parliament and the community on the youth justice system. Added to that, we have the work of the Child Death Review Board, so we are able to look back historically at young people's lives and the number of times they have had contact with police and the youth justice system and the absolute absence of contact with the education, health and mental health system. We are going to improve the youth justice system by taking a broader view of what it is to be a young Queenslander and what it is to be the adults in Queensland who show care for and value our young people to put them on the right path and to assist them and their family correct whatever actions they may be undertaking. Do you want to add to that?

Ms Lewis: The greatest opportunity that we have in Queensland is to actually position young people to inform decisions about policy. They are absolutely best placed to tell you what will make a difference. It would stop this process of experimentation and reflection and having another commission of inquiry 10 years down the track to examine policy failure. If we actually bring young people into the decision-making process, we can try to design a system that is not about letting them off the hook or going easy on them but about creating meaningful opportunities for consequences and designing a way forward so that offending is not part of their everyday lives.

The young people whom we have engaged with are very clear about what makes a difference. They are not fearful of larger numbers in terms of duration of sentences. They are not fearful of excessively punitive approaches. What they tell us makes a difference is when they are safe, when they are engaged in school and when they are able to be supported with their disability or mental health needs. Those types of things allow a child to have a different way forward and allow them to make informed decisions about their lives. The more we can bring young people into the conversation and not problematise them, and the more we can see them as holding a lot of the solutions that we continue to seek year after year, the better Queensland will be for it and the safer Queensland will be for it.

Ms MARR: I want to bring you back, Commissioner, to talking about residential care. I want to know what your thoughts are on taking children out of the current residential care system and placing them into the professional foster care pilot that the Crisafulli government has been looking at.

Mr Twyford: Throughout the work of the Residential Care Review, the Child Death Review Board reports in 2020-21, 2021-22 and 2022-23, including the later reports *A system that cares* and the report *Too little, too late*, I have called for alternative placements to replace residential care. I have specifically named professional foster care as a model that should be explored and, indeed, introduced in Queensland. In the Residential Care Roadmap, the establishment of professionalised foster care was an action. It is one of the ones I noted insignificant action was taken on and it is something that I have since provided advice to the department around how I would see a professional foster care pilot occur and be implemented.

In *[Too little, too late]* I suggested that any pilot needed to be fast-tracked and it needed to have criteria that enabled it to expand and grow. There are over 2,500 children in residential care. I would suggest that more than two-thirds of them do not need to be there. They are there because Queensland has no other alternative, and that is not okay. We can certainly design and implement alternatives. Kinship care would be the No. 1. We need to do more to enable particularly First Nations families to care for their relatives, for their children. Professional foster care is certainly a model that can compete with, replace and provide better quality outcomes than residential care.

Ms MARR: Did you identify any hurdles in this pilot program?

Mr Twyford: Yes, I did and I have provided a detailed statement to the commission of inquiry around all of the alternative places of care that exist within a child protection system both conceptually and in other jurisdictions. For professionalised foster care, there are concerns around taxation. When you commence providing income to a foster carer, it turns it into an employment relationship, it is suggested. Secondly, if it becomes an employment situation then work health and safety laws arise,

so you very quickly get institutionalisation of someone who has put their hand up to become a foster carer in a professional setting starting to have to do work health and safety assessments of their own home.

They are known problems with the model, but there are other states that have explored it and instituted solutions. There are models already operating in Queensland where higher rates of remuneration to carers is occurring on the basis of their specialisation and, through Australian Taxation Office rulings, not treated as income.

Yes, in answer to your question, there are complexities, but that does not mean we should not try. Residential care should not be here because it is the easiest option or because it is the current option. Too many children are being harmed in residential care. We need alternatives.

Ms MARR: Yes, I agree with you on the pilot program.

Ms McMAHON: Thank you very much for the report. There are just so many issues and so many topics that we could be going into in this short period of time. One I wanted to briefly touch on is children in watch houses, noting that the commission's view is that watch houses are unsuitable places for children. Does the commission have the ability to view at any point in time how many children are in a police watch house at any given time? How is that data tracking and trending over the period of the report? With recent changes, what does that trend look like?

Mr Twyford: I might start and then defer to Commissioner Lewis. Two years ago we conducted the review exploring why Queensland children are being held for extended lengths in Queensland watch houses. One of the very first recommendations in that report was the need for transparency and accountability. QPS, as a result of that report, has created a public website where you can go on and see the number of children in watch houses on a given day. That is available to members of the public. I would like to acknowledge that significant step. There is now transparency to that system. However, as a statutory officer, I also receive a daily email from the Department of Youth Justice that includes not only those numbers of watch houses but also the number of young people in detention centres, both sentence and on remand, and, importantly, the number of young people in the remand centre.

In answer to the second part of your question, we have seen the overall number of young people in what is classified in the reporting as a watch house as reducing, but we have this new element of the remand centre. It is a new centre. There is an allocation of young people to that centre that would otherwise have been in a watch house, so tracking that data is fundamentally important. I would also add that, whilst we can track the data through both that public and specific reporting that we receive, it is the life outcomes and the lived experience that actually matter, and making sure that our other statutory officers are able to visit, interview and resolve concerns of the young people is fundamentally important.

Ms Lewis: In terms of the Wacol Youth Remand Centre—and many of you may have had the opportunity to visit it—

CHAIR: The committee did visit it.

Ms Lewis: I think it is important say that, while it is classified as a different type of facility, for all intents and purposes it is a watch house. It is larger. It is newer. However, it is and will be returned to the QPS as a watch house facility for adults.

CHAIR: But it does not house any adults at the present time.

Ms Lewis: No, correct, but the issues with regard to access to outdoors, to fresh air, the confinement and isolation to cells, the inconsistent access around education and other types of supports are very much characteristics that we saw in the experiment of the Caboolture watch house and in every other attempt where we have housed children in watch houses.

CHAIR: I do need to follow up on that in terms of our visit. The information given to the committee was that the stays in that particular facility are not very long. Is that your experience?

Ms Lewis: I think that is ideal. I think the department has been really clear with us around an optimal operating model and that children being there in excess of 10 days tends to start to then unravel any of the benefits that have been achieved. I am certainly aware that there are children who are in that facility who have been there for far more than 10 days. It might not be routine. It is the intention to limit the amount of time. Because of the demand on children entering detention centres, it is not within the control of that centre.

Mr FIELD: Mr Twyford, in June last year you appeared before the Education, Arts and Communities Committee and spoke about the use of EMDs on high-risk offenders. Do you support the strong action in strengthening the monitoring and decision-making capabilities to deter further offending and enhance victim safety?

Mr Twyford: I provided evidence to that committee including the submission I made and the past reports I had done on youth justice reform. The short answer is yes, if it is done the right way, and no, if it is used as a compliance and punitive tool. Our youth justice system must be completely designed around ensuring that young people's root cause for offending is addressed and that we as a government and as a society—sorry, I do not mean to speak on behalf of government, but we as a society are intervening into the lives of children to make it better for both them and the community.

I recall speaking at that committee, if not that one then in the last year, around the use of EMDs being preferable in my mind to children being detained in watch houses for extended periods. Certainly, if it were my own child, the ability for them to not be detained in a watch house but instead to engage in a process of consenting to an EMD would probably be preferable, but it all hangs on the practice of the people providing the service and support to the young people. It hangs on the rationale for the decision-making and it hangs on the consequences of whether this is a compliance and monitoring tool with no active support or whether this is a proactive way to help the young person reflect, restore and rehabilitate.

I am sorry, but I cannot give a yes/no answer. It is a complex issue. I think we would all prefer a world where every young person was proactively engaged in prosocial activities as well as every adult. That is what we are trying to design through good government policy—the least amount of harm for all Queenslanders.

Mr BERKMAN: I want to start by thanking everyone at the QFCC for all the work you do—it is exceptional work—but particularly Commissioner Lewis. As your tenure draws to a close, I want to acknowledge your time in the role and the exceptional work you have done. Thank you for that.

This committee and plenty of others have had the benefit of the QFCC's advice and recommendations on legislation for a long while now. It has often been critical of the approaches taken, particularly on youth justice. The government is now, it seems, taking its lead from the Expert Legal Panel, which I am sure you are broadly familiar with. I am keen to know whether either of you in your role as commissioners, or the commission more broadly, have been approached and have been offered the chance to give advice to the Expert Legal Panel.

Ms Lewis: No, I have not.

Mr Twyford: Not directly with board members. There were meetings with individuals who were seeking the history of our work on youth justice, which was provided—that is the reports and insight papers we have done on youth justice.

Mr BERKMAN: Beyond the body of work that the commission has done under its own steam, you have not been specifically invited to give input into the Expert Legal Panel's work?

Mr Twyford: No.

CHAIR: Commissioner, can I get some insights from you on the proposed secure care facility in Queensland and how you think it can operate as part of a continuum of care for some of the state's most vulnerable children?

Mr Twyford: The Child Death Review Board made a recommendation—and I might get the year wrong, but I believe it was the 2022-23 Child Death Review Board annual report. It was recommendation 3. It reviewed the lives of young Queensland children in out-of-home care whose life trajectory included significant child abuse and neglect, hence their entry into care—their experiencing care involving multiple placements and disengagement from any adult in their life who would be their champion or be their primary carer, their addiction to drugs or alcohol, their dropping out of school and eventually their living on the streets and tragically their life ending.

Having reviewed too many of those cases, the board made a recommendation that Queensland needed a clearer continuum of out-of-home care. We needed to increase stability for children so there were not placement changes and we needed to ensure the child safety system was connecting young people to services—universal, secondary and tertiary—that would address their underlying trauma, that would keep them connected and, most importantly, that would provide them an enduring adult advocate who would provide care for them.

That recommendation at the very end spoke to the need for the Queensland government to consider the place of secure care within such a continuum and, more importantly, to legislate what a secure care facility is or is not and, importantly, whether restrictive practices are or are not allowed in the current child protection out-of-home care system. That is in part based on uncertainty across the workforce. Also, we know that what would be defined as restrictive practices in the disability or aged-care scheme are indeed being used in the out-of-home care system without any oversight or reporting obligations because there is simply no legal framework.

We recommended that the Queensland government deeply consider the full continuum of placements, include within that consideration the placement of secure care as a facility and an opportunity to particularly assist young people who have been let down for too long by the system. By the time you are addicted, living on the street and questioning your own self-worth, we need an intervention service that can restore that young person's hope for the future, their self-identity and self-worth. The term 'secure care' was used in that context.

I recently appeared before the commission of inquiry where I asked questioned about that recommendation and the secure care model. It was not clear to me that it was understood as a therapeutic trauma informed service for out-of-home care. There was a sense that it was a youth justice or youth offending, high-risk behaviour model of care, which I certainly do not support. This, again—a bit like EMD—goes to dropping below the title of what a thing is—what is secure care—and actually articulating what are we hoping it achieves. To the Child Death Review Board's report and recommendations and the work I have done, what I hope a service at that end can achieve is reconnecting a young person who feels lost, who has harmful behaviours to themselves. We need to do more, particularly if the state is the parent to that young person.

CHAIR: Thank you. That brings to an end the time allocated for this period of evidence. However, I would like to end by acknowledging Commissioner Lewis, announcing that this will be the last time you appear before this committee. Thank you for the wonderful work you have done over many years and for your advocacy. It is important work and we want to thank you on behalf of the committee.

The committee adjourned at 10.30 am.