



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr PS Russo MP (Chair) (via teleconference)
Mr JP Lister MP (via teleconference)
Mr SSJ Andrew MP (via teleconference)
Mr JJ McDonald MP (via teleconference)
Mrs MF McMahan MP
Ms CP McMillan MP (via teleconference)

Staff present:

Ms R Easten (Committee Secretary)
Ms M Westcott (Assistant Committee Secretary)

PUBLIC HEARING—OVERSIGHT OF THE QUEENSLAND FAMILY AND CHILD COMMISSION

TRANSCRIPT OF PROCEEDINGS

MONDAY, 30 MARCH 2020

Brisbane

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The committee met at 11.01 am.

CHAIR: Good morning. I declare the public hearing open. I am Peter Russo, member for Toohey and chair of the committee. With me via teleconference are James Lister, member for Southern Downs and deputy chair; Stephen Andrew, member for Mirani; Jim McDonald, member for Lockyer; Melissa McMahon, member for Macalister; and Corrine McMillan, member for Mansfield.

Under the Parliament of Queensland Act 2001 and the standing rules and orders of the Legislative Assembly, the committee has oversight responsibility for entities including the Queensland Family and Child Commission, QFCC. The standing orders outline the committee's oversight functions, which include: monitoring and reviewing the performance by the QFCC of its functions; reporting to the Assembly on any matter concerning the QFCC that the committee considers should be drawn to the Legislative Assembly's attention; examining the QFCC's annual report; and reporting to the Legislative Assembly any changes to the functions, structures and procedures of the QFCC that the committee considers desirable for more effective operation of the QFCC or the Family and Child Commission Act.

The public hearing today is to hear evidence from the representatives of the QFCC as part of the committee's oversight of the QFCC. Only the committee and invited witnesses may participate in the proceedings today. As these are parliamentary proceedings, any person may be excluded from the hearing at my discretion. I remind witnesses that intentionally misleading the committee is a serious offence. The proceedings are being recorded by Hansard and broadcast as a live audio feed on the parliament's website. I ask everyone present to turn mobile phones off or to silent mode.

VARDON, Ms Cheryl, Chief Executive and Principal Commissioner, Queensland Family and Child Commission (via teleconference)

CHAIR: Good morning, Ms Vardon. I invite you to make a short opening statement, after which committee members will have some questions for you. I thank you for your indulgence in joining us by teleconference at this obviously very busy time.

Ms Vardon: Thank you very much, Mr Russo. I appreciate being invited to present the work of the Queensland Family and Child Commission to the committee. Thank you to all members of the committee. It is unusual times. I am here by myself but I have other team members ready to assist me if necessary.

Thank you for the opportunity to make a brief opening statement. Very quickly, I will commence by explaining how the QFCC is going about its work in these quite unusual times. We certainly have a business continuity plan, which means we are continuing. It is not quite business as usual, because we obviously have to do a range of things in virtual and remote ways, but I am happy to say that all of our functions and responsibilities are continuing. We have a business continuity plan. We had a COVID-19 plan coming from that, which explained how we need to continue business in these unusual times, and we have legal documents like a telecommute assessment, an agreement around working from home with all members of the agency and many directives, specifically and importantly a directive on pandemic leave.

As of today, most Queensland Family and Child Commission staff members are working from home. We did that by legally transferring the workplace from 53 Albert Street to people's homes. We had tested that previously with various teams to make sure that that transition was a safe and practical one. We do have a few essential people, in terms of information technology for example, and some general corporate work in the office and another very small group of people who for a range of reasons would prefer to work in the office. That is where we are at the moment. I thought it would be interesting for you to have that reassurance. We are planning to trial this new way of all staff working from home for a month and then review it again, but I am expecting the time to go on for at least six months.

If I may, I would like to pick up on two pieces of our work and explain to you what is happening in those areas and how we are approaching ways of doing this in different ways. First of all, you will remember that this time last year when I appeared before the committee I had a colleague with me, Phillip Brooks, commissioner. During the course of last year, Phillip moved on to be a deputy director-general at the youth justice department. We were sad to see him go, but I am also pleased to

say that the recruitment process for a new commissioner has been completed and we expect to be able to make those announcements in due course. To reassure, the QFCC will continue with its statutory officers employed under the Family and Child Commission Act.

I will touch on a key piece of our work in hearing the voices of children—that is, Growing up in Queensland. Last year that piece of work attracted some interest from the committee and we were asked if we were going to continue that work this year. I am happy to say that we are, but the way in which we are going about that work has changed a little. We were planning to launch Growing up in Queensland as a survey at Longreach and then do some focus groups through schools, but what we are doing now is simply promoting the survey itself, which we are planning to release and promote perhaps later this week or early next week through online means. That will give parents who certainly will be working from home an opportunity to have another activity with their children. We are promoting the survey as an online activity but with a slightly different twist, if you like. We are still expecting to get a range of responses from children and young people exceeding what we were able to get the year before last when we did the survey. That key piece of work is well underway.

Of course, as we listen to, hear, look at and tune into what young people are saying, thinking and doing, we will look at that through the lens of this particular time. What is it like being a kid growing up in Queensland these days, in the time of a pandemic? This is something that I would think they will be able to tell their children and grandchildren about. It is an interesting point in history, and of course that work goes to the State Library and is recorded as part of the memory of a significant time in Queensland.

I want to also touch on our child death work. I did appear before the Education, Employment and Small Business Committee in October last year to review the particular bill that I know you are familiar with, which essentially transferred a function of the external Child Death Review Board and its allied functions to the Queensland Family and Child Commission from Child Safety. As you know, that bill is now legislation and we are certainly awaiting proclamation, which we expect to go smoothly, with a start date of 1 July as planned. I want to make it clear that that work is very much underway and we are continuing at this stage to review the deaths of children where there have been significant circumstances around fatal assault and/or neglect where that child has died. We will continue to recommend those systems changes.

In the interim, before the new external Child Death Review Board gets underway, we have a small team in the QFCC dedicated to developing procedural guidelines—it is a huge process activity—and some educational resources as we bring in other agencies which will be required to review the deaths of children, if the children were known to them. We are looking at a review and evaluation framework and a change management strategy. Of course we are working with all agencies, and at some stage the recruitment process for new board members will take place and the role of principal commissioner will become, through the legislation, the independent chair of that board. All of that work is underway.

In terms of all our other activities, our oversight functions are continuing very smoothly, albeit that we are not meeting face to face with people. It is interesting to discover new and different video platforms that perhaps we had not used before to make those meetings successful. Our oversight work, with our monitoring of reforms in youth justice and our monitoring of assessment and investigations in Child Safety, is underway—as is our whole evaluation program. In terms of our evaluation work—that is, the evaluation of the reforms underway in Child Safety and their efficiency and effectiveness—that work is continuing.

We do have some concerns about the new arrangements, particularly for schools, and we are working with Child Safety to be very clear on how we monitor and take care of those children for whom school was a safe haven and where mandatory reporting from teachers may not happen, because children will not be at school and neither will most of the teachers. We are also concerned that we focus on children who may be at home with dysfunctional families. As you know from some of the tragedies that have happened, children are often collateral in domestic violence. We are monitoring all of that and keeping children first and foremost. I would like to pause there and perhaps take questions from the committee.

CHAIR: Thank you, Ms Vardon. I invite the deputy chair, the member for Southern Downs, to ask the first question.

Mr LISTER: Commissioner Vardon, I bring you back to your comments about the child death review panel. How have you found the transition of functions which were previously undertaken by the department of child safety? Have you implemented all of the necessary legislative reforms to fulfil your vision for that role?

Ms Vardon: I would like you to know that this area is my particular focus, working with the team for the next year or so until it is well and truly settled. At this stage the transfer has been effected very smoothly. We have had a couple of queries, asking whether we are going to continue with this. We have made it very clear that this is a piece of legislation, it is not negotiable and it is a priority for other agencies. We cannot afford to let this work slip. Given they are under a fair bit of strain at the moment, we are working closely with Child Safety to help and assist with those cases that are still outstanding and need to be reviewed within the current legislation to make sure the transition is smooth.

In these times of duress, it is always good to see that across agencies everyone wants to work together to make the transition as smooth as it can be. We do have staff—they have transferred—and we have sufficient funds for the meantime. It is hard to work out the additional costs in a full way just yet, but so far so good. I have to say that we have set up a little cross-agency working group. People are turning up to those and participating and taking it seriously, because we cannot afford to let this work slip in any way.

Mrs McMAHON: My question revolves around the current issues and environment we are all operating in. I know you touched on some of the concerns, particularly with the closure of schools and how that will impact on some of our more vulnerable children. Is there some message or communication that we can send to our broader community in terms of what we potentially need to be doing to help protect children who would otherwise be in the school environment or in other social groups which now can no longer occur?

Ms Vardon: Yes, I have given that some thought. It really goes back to the messages that we need to keep on repeating as our mantra. First of all, the safety of children is a community responsibility as well as a government and agency responsibility, so please keep an eye on the children in your community. If you see a child at risk or who you think is at risk, please do something about it. That is not dobbing or intervening; that is maintaining the safety of children.

The other message is to reassure parents, families, carers and general community members that there are still many eyes on children. I am certain that Child Safety staff will be able to identify additional children at risk and will know who they are and will be stepping up to make sure those children are monitored. I think the key messages are that there are many eyes and it is a whole-of-community responsibility. Principals in schools and school leaders know who the vulnerable children are and would be making sure that those children are taken notice of and not lost in the—I was going to say 'information overload' but that is not quite the right term—massive changes that are happening at the moment. We need to keep steady and clear about our general remit, and that is keeping children in Queensland safe and well from harm and neglect.

Ms McMILLAN: Page 11 of the annual report advises that the QFCC is only a service area objective and is changing next financial year from being a percentage increase in use of the oneplace Community Services Directory to the number of searches conducted on the website. Can you speak to us more about the oneplace Community Services Directory and the proposed measures changed?

Ms Vardon: Yes, I would love to talk to you about the oneplace Community Services Directory, which we have always had as one of our key products from early days. It has certainly become first and foremost in assistance to families, teachers and carers at the moment. Our oneplace Community Services Directory is something quite unique in that it is a directory of all services to do with assistance and help for children and young people and their families right across Queensland. Where it differs from other service directories is that it is updated—and we outsource this, obviously—in real time so it changes as to what is closed, what is open and what additional services are available. All of those things are there in real time and it is easy to search. You do not have to know the particular name of the service. You can put in 'mental health Mackay', for example, and up will come a whole range of services in that area.

It is very well used and it is part of a suite of offerings through our community education programs, but it is particularly attached to the great work the teams do with our Talking Families work. Talking Families is a program which is rolled out in schools as well as the general community, and schools do a great job with all of that assistance. It is our measure, and for a while we have wanted to change that into something else. We are still working on that, but we will be reporting back on searches. We have been able to do that and have already conducted some community promotions around that.

Late last year we looked at all of the searches from different regions and towns right across Queensland in relation to which communities were searching for what kind of service. We were able to then—and I did a whole day of media interviews, as I remember—talk to the communities through the media on what were the top searches for each of the locations. I do not have that information off the top of my head, but I can safely say that mental health, parenting and managing domestic violence are

some of the issues for which services are sorely needed. We were very proud of that work of promotion. The number of searches has certainly increased, and we will continue to do that work and promote that work.

Interestingly enough, when I did that whole day of radio interviews around Queensland with regional radio and in the south-east corner we got the service providers involved in that as well, because I was a bit fearful that the service providers would think, 'Gosh, we're going to be totally overwhelmed now.' The service providers in each of the regional locations really rose to the occasion and were very happy to have their individual services promoted. What we discovered were gaps in services in different locations, so we are continuing to address those. Our oneplace services directory is a great success and we are finding it to be useful. Sometimes it is the simplest ideas. A services directory, if it is promoted and managed and reinforced in the right way, can be the absolute best support to families and teachers and carers, particularly in a space as large and dispersed as Queensland.

CHAIR: Member for Mansfield, do you need to ask a further question on that matter?

Ms McMILLAN: No, that is really great. The commissioner's response was incredibly detailed.

Mr McDONALD: My question relates to the budget. Do you have any significant budgetary matters you wish to raise with the committee?

Ms Vardon: I have my budget briefing here. I am used to people putting these bits of paper under my nose, but I know it is here somewhere. The short answer is no, we do not at this stage. We monitor our budgets very carefully. We have some experts in charge of that and I keep an oversight on that. I have to say that we did have some good news, which I am able to report, since the last committee hearing; that is, the money we received through the Carmody reforms—which is a small amount of money to others but a large amount for us—was continued for the next three years in recognition of the work we were doing that was essential to underpin the good work of Child Safety and all other agencies. I was pleased with that; that is a positive. Who knows what will emerge, particularly with the external Child Death Review Board as it gets underway. So far we do have money to commence that work, but we will be monitoring that in detail.

Mrs McMAHON: My question relates to figures in the annual report. Specifically, I am looking at the metrics involving the number and percentage of Aboriginal and Torres Strait Islander people and young people subject to ongoing intervention. The report states that interventions with parental agreements have increased by 3.4 per cent for Aboriginal and Torres Strait Islander children and young people while decreasing for non-Indigenous children and young people by half a per cent. Can you talk us through that particular metric in terms of ongoing intervention? Could you comment on whether that increase was one that was projected or whether there are causal factors for that increase and the decrease in other groups of children?

Ms Vardon: Thank you very much for that question. I can say by way of introduction that we are at the moment scoping a piece of oversight work specifically on that very area, looking at disaggregating what over-representation means and how various orders came about. Key to this is how those orders are being monitored. The incoming commissioner—and you will remember that is an identified position—will hit the ground running in terms of taking that up as a major project. It includes looking at the child placement work. Parenting agreements—you are looking at an increase in parenting agreements—can be seen as an intervention. That can be a good thing because it means that somebody is ready, willing and able to step up and, with help from departmental staff, undertake the important work of parenting and to do that under some supervision.

In terms of why that figure has increased, I know that we have seen, through a recognition of different styles of parenting in Aboriginal and Torres Strait Islander communities, a greater recognition that different styles of parenting can be successful, but that does not obviate or prevent or make less urgent the need to examine closely, step by step, how these decisions are made and, with a structured decision-making tool, for example, which determines outcomes for children and young people, whether there are instances of unconscious bias. Certainly I think those statistics around Aboriginal and Torres Strait Islander children are appalling—I make no bones about that—and we absolutely need to focus on that in greater detail; that is, working with the communities very closely and with the elders really closely, because they have a lot of the answers and responses, but also looking at different styles of parenting.

To add to that, we have a piece of work, which is almost completed, called Families are First. We have actually videoed Aboriginal and Torres Strait Islander families—wonderful people who have stepped up and have said, 'Hey, we would like our parenting styles recognised'—successful parents, because parenting is not one-size-fits-all and parenting is a complicated business, as we all know.

I am happy to say here from the annual report of the child safety department that for the seventh consecutive quarter the proportion of children in care who are Aboriginal and Torres Strait Islander has remained relatively stable at around 42 per cent, a reversal of the previous 2012-13 trend of growing over-representation. That is saying that it is stable. What we need to work towards is reducing that over-representation, which is not just, I have to say, around Aboriginal and Torres Strait Islander children in care or in residential care but those represented in the youth justice system as well. We have a close eye on it.

CHAIR: I have a question in relation to staffing. Can you tell us about the role of the Indigenous recruitment champion and how you select that person?

Ms Vardon: Thank you for your question. Let me know if this is what you are referring to. We do have Indigenous recruitment champions across the Queensland Family and Child Commission. That simply means that we look very closely as each position is advertised, whether it is temporary or permanent—and we have a bit of a hold on permanent positions for the time being—to see if it needs to be a specified position in order to make sure that we have the best representation of all cultures right across the organisation or if, indeed, it is a position that needs to have demonstrated through the applicants a really high level of practical experience and well-developed cultural capability. I am pleased to say that our recruitment activities in that area are certainly some of the best across the Public Service in Queensland.

CHAIR: My next question is also about staffing. Given that the QFCC deals with child deaths and vulnerable children, what support is provided for staff who deal with these distressing issues?

Ms Vardon: That is a very good question. We certainly to this point have had general support for all staff under Benestar—you would be familiar with Benestar; it used to be called something else—which is available instantly to provide staff with support if they feel that things are getting to them. There is a quarterly meeting with all teams involved. As we move to the child death external review board then we are going to increase and have on tap, if you like, specific, dedicated to the QFCC, psychological support to assist board members and QFCC staff, including the secretariat attached to the board, with the psychological distress that they may experience in dealing with these issues. We do have a very close relationship, I have to say, with the Queensland Mental Health Commission.

If I could say so, it is something I take close personal responsibility for. We get all the reports on the terrible ways in which children have died, and certainly earlier this year and late last year we had some real shocks. We get the form 1 reports instantly from the police and all other information from Child Safety. I say to people, 'Do not underestimate the effect that some of these cases can have on you. You may think that you are okay, but understand your triggers, understand what is going to cause you distress and take action. Do something about it. It is not a good idea'—and I use these terms—'to fake resilience. Do not pretend to be tough. It gets to us all.' It gets to me from time to time. I had a bit of a meltdown before Christmas and then, of course, came back and found that there was worse to come.

That one-on-one support is something that we take very seriously, particularly when we are confronted with coroners' reports, autopsy reports and so forth which a limited number of staff read, I have to say. I have also spoken to the coroner on these matters. I cannot speak for that office, but many officers are presented with the same issues and we have to persevere and keep going because in the end our work is the prevention of these deaths. Focus at the moment is on domestic violence and the death of children as collateral—the inquest of Mason Jett Lee will bring that into focus—and getting in early.

CHAIR: My next question is in relation to the Human Rights Act. In what ways is the Human Rights Act impacting or expected to impact on your functions?

Ms Vardon: We have a very good relationship with the human rights office. I have an understanding with all staff that any piece of work now must be seen through the lens of the human rights legislation. Mind you, it pretty well was previously, but we now need to do that in a more formal way. All of our policies have been updated with that human rights legislation lens in view and our particular focus, of course, is on the rights of children through the human rights legislation. From time to time senior staff will speak to the office of the Human Rights Commissioner and say, 'Look, see what has happened to this child. How does that pan out in terms of the rights of the children?', because sometimes in our reports when we want to make a recommendation, the more third-party independent sets of eyes we can have supporting our work the better. I would like to recognise the great support we get from the CCC, from the Human Rights Commission, from the Integrity Commissioner and from all others involved in the general oversight work of supporting the work of the Queensland Family and Child Commission.

CHAIR: My next question is going back to staffing. The annual report on page 51 noted that minor structural changes to the QFCC were undertaken during the financial year. Are you able to outline these and tell us if further changes are likely in the near future?

Ms Vardon: Yes. I will describe the way in which the Queensland Family and Child Commission, through its executive group, goes about considering the structure of the commission. First and foremost I say to teams that everyone has a home—everyone has a job with a title and a location, if you like—but when something comes to us unexpectedly, where there is a sudden crisis that we need to respond to, then we will ask people to move. People rise to that occasion. We have to be nimble and agile. I think silos are a good thing sometimes—it helps people concentrate—but in the main we expect people to move across as the needs demand.

What you have seen possibly relates to the expectations around the new Child Death Review Board and changes to structure there. It may also refer to the fact that we have still coming to us, referred by the Attorney-General, numbers of child death reviews about children who have been killed in dreadful circumstances which we continue to work on, and that demands pulling together the best resources we have at a given time. Further to that, I have to say with respect to coronavirus and containment measures—hopefully not the COVID-19 sickness outcomes; that seems to be stabilising, fingers crossed—that, in response to the containment measures, we have undertaken some further changes and nobody is complaining that I know of. Everybody has risen to the occasion. For example, I have taken one of our most seasoned and senior people offline to look after our response, which is a huge effort for a small organisation. I have also put in place a deputy commissioner to help with some of the heavy lifting while I keep the whole of the QFCC tethered, if you like, in these difficult times—getting used to this idea of working from home and communicating and keeping our business going. They are some of the changes and they will continue as new things emerge and we take on other functions and respond to crises as they come forward.

CHAIR: Thank you for your time this morning. There were no questions taken on notice. That concludes our hearing with the Queensland Family and Child Commission. Thank you very much to Cheryl Vardon, Principal Commissioner, the secretariat and Hansard staff. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. Before I close the public hearing, I would like to send our best wishes to you and your staff in these trying times. I declare this public hearing closed.

Ms Vardon: Thank you, Mr Russo, and thank you, committee. Please stay safe and well.

The committee adjourned at 11.47 am.