

# **Oversight of the Queensland Family and Child Commission**

**Report No. 19, 57th Parliament**  
**Legal Affairs and Safety Committee**  
**November 2021**

## **Legal Affairs and Safety Committee**

<b>Chair</b>	Mr Peter Russo MP, Member for Toohey
<b>Deputy Chair</b>	Mrs Laura Gerber MP, Member for Currumbin
<b>Members</b>	Ms Sandy Bolton MP, Member for Noosa
	Ms Jonty Bush MP, Member for Cooper
	Mr Jason Hunt MP, Member for Caloundra
	Mr Andrew Powell MP, Member for Glass House

### **Committee Secretariat**

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

### **Acknowledgements**

The committee acknowledges the assistance provided by the Queensland Family and Child Commissioner and her staff.

All web address references are current at the time of publishing.

## Contents

<b>Abbreviations</b>	<b>ii</b>
<b>Chair's foreword</b>	<b>iii</b>
<b>Recommendation</b>	<b>iv</b>
<b>1 Introduction</b>	<b>1</b>
1.1 This report	1
1.2 Role of the committee	1
1.3 Purpose and functions of the Queensland Family and Child Commission	1
1.4 The committee's responsibilities regarding the Queensland Family and Child Commission	2
1.5 Commissioners	2
1.6 The committee's process	3
<b>2 Examination of Annual Report 2019-20</b>	<b>4</b>
2.1 Overview	4
2.2 Reviewing systems and building evidence	4
2.2.1 Oversight of the child protection system	4
2.2.2 Performance of the Queensland child protection system	5
2.2.3 Evaluation	5
2.2.4 Child death prevention	6
2.3 Connecting with children and young people	7
2.3.1 Growing Up in Queensland project	7
2.3.2 Partnerships	7
2.4 Influencing the sector and engaging communities	8
2.4.1 Community education	8
2.4.2 Strengthening the child and family support sector	9
2.4.3 Research	9
2.4.4 Policy and advocacy for children and young people	9
2.5 <i>Human Rights Act 2019</i>	10
2.6 Financial performance and resourcing	10
<b>3 Queensland Family and Child Commission oversight hearing</b>	<b>11</b>
<b>4 Committee comment</b>	<b>14</b>

## Abbreviations

Act	<i>Family and Child Commission Act 2014</i>
Annual Report	Queensland Family and Child Commission Annual Report 2019-20
Commissioner	Ms Natalie Lewis
committee	Legal Affairs and Safety Committee
FTE	Full-time equivalent
Principal Commissioner	Ms Cheryl Vardon
public hearing	Public oversight hearing held with the QFCC on 14 June 2021
QFCC	Queensland Family and Child Commission
Register	Queensland Child Death Register
Standing Order/SO	Standing Rules and Orders of the Legislative Assembly

## Chair's foreword

The Legal Affairs and Safety 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 held a public hearing with Cheryl Vardon, Principal Commissioner of the QFCC, and Natalie Lewis, Commissioner, on 14 June 2021. The committee also reviewed the QFCC's Annual Report 2019-20 which was tabled on 22 September 2020.

On behalf of the committee, I thank Parliamentary Service staff and the staff of the QFCC who assisted the committee throughout the course of its oversight for the 2019-20 financial year.

I commend this report to the House.



Peter Russo MP

**Chair**

## Recommendation

### Recommendation

14

The committee recommends that the Legislative Assembly notes the content of this report.

## 1 Introduction

### 1.1 This report

The Legal Affairs and Safety Committee (committee) prepared this report as part of its statutory oversight of the Queensland Family and Child Commission (QFCC), with primary focus on the work of the QFCC in the 2019-20 financial year.

### 1.2 Role of the committee

The committee is a portfolio committee of the Legislative Assembly which commenced on 26 November 2020 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

The committee's primary areas of responsibility are:

- Justice and Attorney-General
- Women and the Prevention of Domestic and Family Violence
- Police and Corrective Services
- Fire and Emergency Services.

In addition to the QFCC, the committee also has oversight responsibilities for the:

- Electoral Commissioner of Queensland
- Information Commissioner
- Queensland Ombudsman.<sup>2</sup>

### 1.3 Purpose and functions of the Queensland Family and Child Commission

The *Family and Child Commission Act 2014* (the Act) established the QFCC on 1 July 2014.

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. 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
- to report to the Minister about matters relating to its functions.<sup>3</sup>

---

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

<sup>2</sup> Standing Orders, Schedule 6.

<sup>3</sup> *Family and Child Commission Act 2014*, s 9.

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

- (a) engaging with, and taking into consideration, the views of children, young people and their families
- (b) ensuring the interests of Aboriginal people and Torres Strait Islanders are adequately and appropriately represented
- (c) 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
- (d) being sensitive to the ethnic or cultural identity and values of children, young people and their families
- (e) consulting with relevant agencies and advocacy entities
- (f) working cooperatively with relevant agencies and helping build their capacity to meet the needs of children, young people and their families.<sup>4</sup>

#### **1.4 The committee's responsibilities regarding the Queensland Family and Child Commission**

Schedule 6 of the Standing Orders provides that the committee has oversight responsibility for the QFCC. Under Standing Order 194A, the committee's oversight responsibilities with respect to the QFCC are to:

- (a) monitor and review its performance of its functions
- (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
- (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 2 commissioners for the QFCC. One of the commissioners is to be appointed as the Principal Commissioner and at least one person who acts as a commissioner must be an Aboriginal person or a Torres Strait Islander.<sup>5</sup> Cheryl Vardon is the chief executive and Principal Commissioner. She was appointed in October 2015 and has been continuously reappointed.<sup>6</sup> She currently holds the office of Chairperson of the Child Death Review Board. Natalie Lewis is a descendant of the Gamilaraay Nation and was appointed Commissioner of the QFCC in May 2020.<sup>7</sup> The Act provides that a commissioner may hold office for a term of no more than 3 years.<sup>8</sup>

---

<sup>4</sup> *Family and Child Commission Act 2014*, s 23.

<sup>5</sup> *Family and Child Commission Act 2014*, s 11.

<sup>6</sup> QFCC, 'Our Executive', <https://www.qfcc.qld.gov.au/our-people/our-executive>.

<sup>7</sup> QFCC, 'Our Executive', <https://www.qfcc.qld.gov.au/our-people/our-executive>.

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



The Commissioners are subject to the direction of the Minister.<sup>9</sup> Their functions include:

- ensuring the QFCC performs its functions effectively and efficiently
- 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>10</sup>

The Principal Commissioner has additional functions to control the QFCC, and to record, analyse, research and report on information about child deaths.<sup>11</sup>

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

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

- examined the QFCC Annual Report 2019-20 (Annual Report) (see section 2)
- held a public hearing with the Principal Commissioner and Commissioner on 14 June 2021 (public hearing) (see section 3 of this report).

The transcript of the public hearing is available on the committee's webpage.

---

<sup>9</sup> *Family and Child Commission Act 2014*, s 22.

<sup>10</sup> *Family and Child Commission Act 2014*, s 18.

<sup>11</sup> *Family and Child Commission Act 2014*, s 19.

## 2 Examination of Annual Report 2019-20

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

### 2.1 Overview

The QFCC tabled its Annual Report on 22 September 2020, pursuant to section 40 of the Act. It is prepared in accordance with the *Financial Accountability Act 2009* and the annual report requirements for Queensland Government agencies.<sup>12</sup>

The Annual Report provides information about the QFCC's performance in relation to its strategic objectives, its financial position and its compliance with legislative requirements.<sup>13</sup>

The Annual Report advised on the QFCC's performance in relation to the following functions:

- reviewing systems and building evidence
- connecting with children and young people
- influencing the sector and engaging communities.

Performance against each of these areas is summarised below.

### 2.2 Reviewing systems and building evidence

#### 2.2.1 Oversight of the child protection system

Under section 9 of the *Family and Child Commission Act 2014*, the QFCC is required 'to analyse and evaluate, at a systemic level, policies and practices relevant to the child protection system and the performance of relevant agencies in delivering services'.

With respect to systems oversight during 2019-20, the QFCC concluded 2 major oversight reviews:

- Post-implementation review of *When a child is missing: Remembering Tiahleigh – A report into Queensland's children missing from out-of-home care*.<sup>14</sup>
- *Seeing they are safe: responsiveness to notifications of child harm in Queensland*.<sup>15</sup>

The QFCC undertook or participated in several other oversight initiatives, including:

- overseeing Aboriginal and Torres Strait Islander child protection, including the development of a monitoring framework to oversee the Queensland Government's implementation of the Aboriginal and Torres Strait Islander Child Placement Principle<sup>16</sup>
- 3 whole-of-system reviews following the deaths of children known to Child Safety<sup>17</sup>
- quarterly meetings of the Strategic Cross-Agency Oversight Group, including collaborating on a children and complaints project.<sup>18</sup>

---

<sup>12</sup> QFCC, *Annual Report 2019-20*, p 3.

<sup>13</sup> QFCC, *Annual Report 2019-20*, p 2.

<sup>14</sup> QFCC, *Annual Report 2019-20*, p 13.

<sup>15</sup> QFCC, *Annual Report 2019-20*, p 14.

<sup>16</sup> QFCC, *Annual Report 2019-20*, pp 14-15.

<sup>17</sup> QFCC, *Annual Report 2019-20*, p 15.

<sup>18</sup> QFCC, *Annual Report 2019-20*, p 16.

### 2.2.2 Performance of the Queensland child protection system

As required by section 40 of the Act, 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>19</sup>

The measures that Queensland achieved a 'needs improvement' assessment for were:

- finalised child protection investigations that were proven to be substantiated
- Aboriginal and Torres Strait Islander children in out-of-home care in a home-based placement
- children in care who were the subject of a substantiation of sexual abuse, physical abuse, emotional abuse or neglect.<sup>20</sup>

Queensland received a satisfactory assessment for:

- children's early development across 5 domains
- the proportionate state government real recurrent expenditure on all child protection services.<sup>21</sup>

Queensland received a strong assessment for children aged 0-17 years commencing with Intensive Family Support services.<sup>22</sup>

The Annual Report advised that although some progress has been made in improving outcomes for and reducing the number of Aboriginal and Torres Strait Islander children and young people in the child protection system, there remains considerable room for improvement in that regard in the child protection and youth justice systems.<sup>23</sup>

### 2.2.3 Evaluation

Under section 9(i) of the Act, the QFCC is required to analyse and evaluate the following at a systemic level:

- the policies and practices relevant to the child protection system
- the performance of relevant agencies in delivering services.

Evaluation activities in 2019-20 included:

- publishing the *Queensland Child Protection Reform Program (2014-2024) Implementation Evaluation report*<sup>24</sup>
- evaluating the outcomes of the first 5 years of the *Supporting Families Changing Futures* reform program<sup>25</sup>
- publishing the *Workforce Survey 2019—Final Research Report*, setting out the findings of surveys of the community and frontline child protection and family support sector workforce<sup>26</sup>

---

<sup>19</sup> QFCC, *Annual Report 2019-20*, pp 16-17, 95-129.

<sup>20</sup> QFCC, *Annual Report 2019-20*, pp 116-117.

<sup>21</sup> QFCC, *Annual Report 2019-20*, pp 113-114

<sup>22</sup> QFCC, *Annual Report 2019-20*, p 115.

<sup>23</sup> QFCC, *Annual Report 2019-20*, p 17.

<sup>24</sup> QFCC, *Annual Report 2019-20*, p 18.

<sup>25</sup> QFCC, *Annual Report 2019-20*, p 18.

<sup>26</sup> QFCC, *Annual Report 2019-20*, p 18.

- publishing the *Community Perceptions Survey 2019—Research Report*, which measures the community's confidence in, and awareness of, the Queensland child protection system<sup>27</sup>
- undertaking 2 place-based studies:
  - Caboolture—examining the capability of the workforce in responding to the complex needs of clients
  - Sunshine Coast—exploring services for young people transitioning from out-of-home care into independent living.<sup>28</sup>

#### 2.2.4 Child death prevention

The QFCC maintains the Queensland Child Death Register (the register) and analyses information from it to produce an annual report on the deaths of all children in Queensland.<sup>29</sup>

In regard to child death prevention, in 2019-20 the QFCC:

- responded to 24 requests from researchers and government agencies for detailed data from the register<sup>30</sup>
- continued to monitor and support prevention of suicide deaths of children and young people
- participated in state and national advisory groups related to preventing child deaths
- continued the project to roll out a replacement database system to upgrade the register
- produced the *Annual Report: Deaths of children and young people, Queensland 2018-19*, tabled in the Legislative Assembly on 15 January 2020
- produced and published the following publications on the QFCC website:
  - *Children known to the child protection system 2018-19* factsheet
  - *Aboriginal and Torres Strait Islander child mortality 2018-19* factsheet
  - *Reducing drowning deaths among children 0-17 years* research summary
- commenced a review of 16 years of data held within the register (from 2004 to 2019)
- commenced the Red Flags project to help identify where children may be at risk
- prepared for the commencement on 1 July 2020 of the Child Death Review Board by leading:
  - a cross-agency working group to develop operational guidelines for agencies reviewing deaths of children known to the Department of Child Safety, Youth and Women
  - preliminary work to establish the board, including recruitment and development of procedural guidelines, evaluation framework, information sharing protocols and educational resources.<sup>31</sup>

---

<sup>27</sup> QFCC, *Annual Report 2019-20*, p 19.

<sup>28</sup> QFCC, *Annual Report 2019-20*, pp 19-20.

<sup>29</sup> QFCC, *Annual Report 2019-20*, p 21.

<sup>30</sup> QFCC, *Annual Report 2019-20*, p 21.

<sup>31</sup> QFCC, *Annual Report 2019-20*, pp 21-23.

## 2.3 Connecting with children and young people

Under section 23 of the Act, the QFCC is required to engage with, and take account of, the views of children, young people and their families. In 2019-20, the QFCC's main mechanisms for doing this were:

- the *Growing Up in Queensland* project
- the QFCC Youth Advisory Council
- the *Real Skills for Real Life* survey.<sup>32</sup>

### 2.3.1 Growing Up in Queensland project

In relation to the *Growing Up in Queensland* project, in 2019-20 the QFCC:

- undertook a deeper analysis of themes that were raised in the *Growing Up in Queensland 2018* report<sup>33</sup>
- conducted the *Growing Up in Queensland 2020* project, which engaged with 8,000 children<sup>34</sup>
- created a comprehensive communication strategy to promote *Growing Up in Queensland 2020*<sup>35</sup>
- published the *Young people volunteering: Removing the barriers: Growing Up in Queensland Issues paper*<sup>36</sup>
- released the *Gulu Ngayang Bulmba: The views of Aboriginal and Torres Strait Islander children and young people on growing up in Queensland*.<sup>37</sup>

Other activities QFCC undertook in 2019-20 to connect with children and young people included:

- developing, in partnership with young people, the *Youth Participation Plan*
- releasing the findings of the *Real skills for Real Life* survey of 246 young people
- launching the *#doiknowu: Do you really know your online friends* initiative
- funding the *Young, Black and Proud* scholarships.<sup>38</sup>

### 2.3.2 Partnerships

The QFCC develops and maintains partnerships with a broad range of peak bodies, industry partners, communities, advisory groups, academics and government and non-government organisations.<sup>39</sup>

---

<sup>32</sup> QFCC, *Annual Report 2019-20*, p 25.

<sup>33</sup> QFCC, *Annual Report 2019-20*, p 25.

<sup>34</sup> QFCC, *Annual Report 2019-20*, pp 25-26; QFCC, 'Growing Up in Queensland', <https://www.qfcc.qld.gov.au/keeping-kids-more-safe/listening-children-young-people/growing-queensland>.

<sup>35</sup> QFCC, *Annual Report 2019-20*, pp 25-26.

<sup>36</sup> QFCC, *Annual Report 2019-20*, p 27.

<sup>37</sup> QFCC, *Annual Report 2019-20*, p 27.

<sup>38</sup> QFCC, *Annual Report 2019-20*, pp 27-29.

<sup>39</sup> QFCC, *Annual Report 2019-20*, p 30.

The QFCC Advisory Council, established by the Principal Commissioner under Part 4 of the Act, met 3 times in 2019-20.<sup>40</sup>

In 2019-20, the members of the QFCC's Youth Advisory Council, known as Youth Champions, provided advice on a range of the QFCC initiatives, such as *Growing Up in Queensland*, policy submissions, system reviews and *Amplify*, a youth blogging platform published on the QFCC's webpage.<sup>41</sup>

## 2.4 Influencing the sector and engaging communities

### 2.4.1 Community education

Pursuant to section 9(1)(d) of the Act, the QFCC has a responsibility to inform and educate the community about:

- services available to strengthen and support families
- the way in which the child protection system operates
- research relevant to the child protection system.<sup>42</sup>

The QFCC community education initiatives in 2019-20 included:

- launching the *Families are First* initiative to hear and promote the stories and strengths of Aboriginal and Torres Strait Islander parenting in Queensland<sup>43</sup>
- continuing the *Talking Families* initiative, with 2 major undertakings:
  - *Talking Families* place-based delivery model, with 105 schools and services across Queensland actively delivering the model as at 30 June 2020
  - reviewing and rebranding *Talking Families* to add the tagline *Let's parent together. Support your kids by getting the support you need*<sup>44</sup>
- reviewing the QFCC methodology for communication and engagement with Aboriginal and Torres Strait Islander peoples<sup>45</sup>
- participating in NAIDOC celebrations in the greater Brisbane area and in Cairns<sup>46</sup>
- collaborating with the Department of Education on their *Spark Their Future* campaign.<sup>47</sup>

The *oneplace* Community Services Directory on the QFCC website lists 55,000 community services across Queensland.<sup>48</sup> The percentage increase in searches on the *oneplace* Community Services Directory is the QFCC's one service area objective in the State Budget service delivery statements.<sup>49</sup>

---

<sup>40</sup> QFCC, *Annual Report 2019-20*, p 30.

<sup>41</sup> QFCC, *Annual Report 2019-20*, p 31.

<sup>42</sup> *Family and Child Commission Act 2014*, s 9(1)(d).

<sup>43</sup> QFCC, *Annual Report 2019-20*, p 35.

<sup>44</sup> QFCC, *Annual Report 2019-20*, pp 36-37.

<sup>45</sup> QFCC, *Annual Report 2019-20*, p 37.

<sup>46</sup> QFCC, *Annual Report 2019-20*, p 38.

<sup>47</sup> QFCC, *Annual Report 2019-20*, p 38.

<sup>48</sup> QFCC, *Annual Report 2019-20*, p 37.

<sup>49</sup> QFCC, *Annual Report 2019-20*, p 11.

In 2019-20, 204,565 *oneplace* searches were conducted, representing a 12% increase on 2018-19 and exceeding the target of 5%.<sup>50</sup>

### **2.4.2 Strengthening the child and family support sector**

Pursuant to section 9 of the Act, the QFCC:

- supports sector-wide strategic workforce development strategies for the child and family support sector workforce
- increases collaboration and capacity building across different sectors to improve service delivery to children, young people and families.

In regard to strengthening the child and family support sector, in 2019-20 the QFCC:

- completed the second and final action plan of *Strengthening our Sector: A strategy for working together for a responsive and sustainable service system across the child and family support sector*.<sup>51</sup>
- led interviews with more than 30 critical stakeholders to shape future workforce priorities.<sup>52</sup>

### **2.4.3 Research**

The Annual Report advised that the QFCC is responsible for translating research into easily usable information for policy makers and practitioners to assist them in helping vulnerable Queensland children and families.<sup>53</sup>

Research initiatives conducted in 2019-20 included:

- conducting the Regional Speakers Series event *Young People: From Surviving to Thriving* in Mount Isa<sup>54</sup>
- producing and publishing 6 family and child research scans on the QFCC website<sup>55</sup>
- continuing the online Knowledge and Resource Hub on the QFCC website<sup>56</sup>
- finalising the QFCC's Research Agenda 2019-22.<sup>57</sup>

### **2.4.4 Policy and advocacy for children and young people**

Pursuant to section 9(1)(b) of the Act, the QFCC promotes and advocates for the rights, wellbeing and safety of all children and young people.

In 2019-20, the QFCC:

- contributed public submissions to numerous papers, reviews and inquiries (the Annual Report lists 10 examples)<sup>58</sup>

---

<sup>50</sup> QFCC, *Annual Report 2019-20*, p 37.

<sup>51</sup> QFCC, *Annual Report 2019-20*, p 38.

<sup>52</sup> QFCC, *Annual Report 2019-20*, pp 38-39.

<sup>53</sup> QFCC, *Annual Report 2019-20*, p 39.

<sup>54</sup> QFCC, *Annual Report 2019-20*, p 39.

<sup>55</sup> QFCC, *Annual Report 2019-20*, p 39.

<sup>56</sup> QFCC, *Annual Report 2019-20*, p 40.

<sup>57</sup> QFCC, *Annual Report 2019-20*, p 40.

<sup>58</sup> QFCC, *Annual Report 2019-20*, p 41.

- hosted a two-day meeting of the Australia and New Zealand Children’s Commissioners and Guardians<sup>59</sup>
- completed an in-depth trial phase of the Queensland Child Rights Impact Assessment tool with several Queensland government entities<sup>60</sup>
- began a partnership with Children’s Rights Queensland<sup>61</sup>
- continued to host the *Protecting children online* module on its website, which was accessed 9,343 times.<sup>62</sup>

## **2.5 Human Rights Act 2019**

In response to the commencement of the *Human Rights Act 2019* (HR Act), the QFCC:

- developed and implemented protocols to protect and promote human rights in the QFCC’s work and to ensure compliance with its obligations
- conducted staff training on the implementation of the HR Act.

The QFCC received no complaints under the HR Act in 2019-20.<sup>63</sup>

## **2.6 Financial performance and resourcing**

The QFCC’s total revenue was \$12.759 million, an increase on \$11.951 million in the previous year.<sup>64</sup> Expenses for 2019-20 totalled \$13.370 million, up from \$11.684 million in 2018-19.<sup>65</sup> The QFCC finished the 2019-20 year with a deficit of \$611,000.<sup>66</sup>

In 2019-20, the QFCC employed 65 full-time equivalent staff (FTEs). In 2018-19, the QFCC employed 58 FTEs.<sup>67</sup>

---

<sup>59</sup> QFCC, *Annual Report 2019-20*, p 41.

<sup>60</sup> QFCC, *Annual Report 2019-20*, p 42.

<sup>61</sup> QFCC, *Annual Report 2019-20*, p 42.

<sup>62</sup> QFCC, *Annual Report 2019-20*, p 42.

<sup>63</sup> QFCC, *Annual Report 2019-20*, p 49.

<sup>64</sup> QFCC, *Annual Report 2019-20*, p 60.

<sup>65</sup> QFCC, *Annual Report 2019-20*, p 60.

<sup>66</sup> QFCC, *Annual Report 2019-20*, p 60.

<sup>67</sup> QFCC, *Annual Report 2019-20*, p 69.



### 3 Queensland Family and Child Commission oversight hearing

In her opening statement at the public hearing, the Principal Commissioner explained that despite COVID-19, the QFCC continued to ‘produce very meaningful and influential work to protect the rights of children and young people in Queensland’.<sup>68</sup>

The Principal Commissioner highlighted the following as significant QFCC achievements for 2019-20:

- The QFCC’s *Growing Up in Queensland* report, which assisted QFCC to engage with 8,000 children and young people and hear their voices.
- The QFCC considered the deaths of 55 children and young people known to the child protection system, and in May 2021, the QFCC tabled its report titled *Counting lives, changing patterns: findings from the Queensland child death register*, which covers the 16 years that the child death register for the deaths of all children in Queensland has been kept.

The Principal Commissioner commented further:

Our job is not to investigate the deaths but rather look at the systems failures that have brought about those deaths and what we can do to improve that. It is sad work but important work in terms of the child death prevention work of the QFCC.

...

I would like the committee to note that there has been a significant reduction in child deaths in Queensland since 2004, with mortality rates decreasing by an average of three per cent each year. As we know, two things are key. Suicide continues to be one of the leading external factors of child death in Queensland. It is very important to keep up that awareness, particularly as employment and education disruption unfolds in the lives of children. As we know—and this is a tragedy—the deaths of Aboriginal and Torres Strait Islander children in Queensland continue to be over-represented.<sup>69</sup>

- As part of its oversight program, the QFCC is considering the child protection system, including youth justice, and making suggestions for system reforms.
- The QFCC remains focused on engaging with children and young people, including with the members of the Youth Advisory Council and other partners and through a range of programs such as Talking Families and Out of the Dark.
- The QFCC is also engaging with the Women’s Safety and Justice Taskforce, which is taking on significant work to reform Queensland’s response to domestic and family violence, to help support children and young people in situations of domestic violence.<sup>70</sup>

Natalie Lewis advised in her opening statement that since commencing in the role of Commissioner, she has focused on ‘supporting the agency to achieve clarity of purpose and optimal impact based on a collective commitment to the rights, safety and wellbeing of children in Queensland’.<sup>71</sup> In regards to the QFCC’s new strategic plan, the Commissioner stated that:

It articulates a rights based approach to raising awareness of issues that impact upon the lives of children, engaging in strategic, targeted advocacy and promoting system-wide accountability for the rights, safety and wellbeing of our most vulnerable children. Awareness, advocacy and accountability are our core business.<sup>72</sup>

---

<sup>68</sup> Public hearing transcript, Brisbane, 14 June 2021, p 1.

<sup>69</sup> Public hearing transcript, Brisbane, 14 June 2021, p 2.

<sup>70</sup> Public hearing transcript, Brisbane, 14 June 2021, pp 2, 3.

<sup>71</sup> Public hearing transcript, Brisbane, 14 June 2021, p 3.

<sup>72</sup> Public hearing transcript, Brisbane, 14 June 2021, p 3.

The Commissioner also expanded on the Principal Commissioner's comments regarding the QFCC's oversight role and the over-representation of Aboriginal and Torres Strait Islander children and young people in both the statutory child protection system and out-of-home care:

A key priority has been consolidating and extending the critical oversight role of the QFCC. Identifying systemic issues and advocating for improvements, then being able to monitor the impact of those changes, is key to an effective contemporary children's commission. One of the most critical issues that warrants urgent attention and action is the disproportionate representation of Aboriginal and Torres Strait Islander children and young people in the statutory child protection system. We are not alone on this issue. It is a pervasive feature of all child protection systems across the country. The issue is identified as a target under the Closing the Gap agreement, a priority reform under the National Framework for Protecting Australia's Children and the focus of Queensland's Our Way strategy.

Queensland remains the first and only jurisdiction to commit to a generational, whole-of-government strategy to eliminate the over-representation of First Nations children in out-of-home care. There have been significant reforms and investment, but until now there has been no clear mechanism of accountability or capacity to examine the impact of those reforms at a local level. The principal focus program of work seeks to deconstruct that formula of over-representation, accepting that to comprehensively address the issue means that we not only have to reduce the rates of entry but also have to be mindful of the duration of time in care and also move towards increasing safe reunification as a form of exit from the care system.<sup>73</sup>

The Commissioner also detailed how the QFCC is using data to assess what is working well and what needs improvement in the areas of child placement and out-of-home care:

Through the powers to acquire data under section 35 of our legislation, the QFCC has been provided data relating to the entry, duration and exit of all Aboriginal and Torres Strait Islander children involved in the system, not only at a statewide level but also regionally and down to a local level.

Examining that disaggregated data and evaluating the standard of implementation of all five elements of the child placement principle will provide us with a clear indication of what is working well and what needs urgent improvement.

We have the capacity to also consider the investment profile in each location to determine the impact of government investment on reducing the over-representation of our children in out-of-home care. We will also seek to clarify the improvements that are required to redress the drivers of over-representation that exist in other areas of social policy beyond that locus of control of the child protection system. This includes the experience of poverty, housing instability and homelessness, mental health and substance misuse. I am confident that this work will deliver a comprehensive analysis of the issue and promote clear accountability with regard to addressing this critical systemic problem.

The findings and ongoing monitoring will assist the state in meeting its performance reporting obligations under Closing the Gap and the National Framework for Protecting Australia's Children but also, importantly, provide clear advice to government as to what additional efforts and potential reforms are required to achieve the intended outcome of the Our Way strategy.<sup>74</sup>

The Commissioner commented on the QFCC's role in responding to the deaths of children:

As you are aware, the QFCC has previously undertaken significant systemic reviews in response to tragic events involving the deaths of children. As the principal commissioner has identified, the establishment of the Child Death Review Board has enabled this function to be comprehensively and independently undertaken. This is a significant achievement. While this function is performed under the auspice of the QFCC rather than by the QFCC itself, I believe that the agency is now very well positioned to take a more proactive stance to identify systemic issues as they emerge through our engagement and our oversight

---

<sup>73</sup> Public hearing transcript, Brisbane, 14 June 2021, p 3.

<sup>74</sup> Public hearing transcript, Brisbane, 14 June 2021, pp 3-4.

activities to bring awareness to these issues and to actively advocate solutions to bring about change and safeguard kids.<sup>75</sup>

Questions from the committee during the public hearing focused on:

- the *Growing Up in Queensland 2020* report, including the ages and locations of respondents and ensuring equal gender representation
- strategies for overcoming the stigmatisation of young people as a cohort
- information regarding the round table of community leaders in Townsville to hear from young people in the region
- the involvement of Aboriginal and Torres Strait Islander elders and communities in setting terms of accountability and being part of the discussion around what services need to be provided in order for children and young people to be safe in their communities
- the funding models and criteria for accessing domestic violence shelters for children who are with their mothers
- details about the QFCC's engagement with the Women's Safety and Justice Taskforce and outcomes
- how the Out of the Dark video is distributed to the public
- the number of children in Queensland who have died at the hands of an abuser
- an update on the progress of the red flag project that helps identify where children may be at risk
- the role of the Youth Participation Strategy in contributing to the red flag identification process
- the influence of the HR Act on the QFCC's strategic plan and creating new opportunities for children and young people to participate, as well as the QFCC's advocacy role to safeguard children's rights
- the impact of bullying and discrimination on children and young people and the QFCC's work to support their mental wellbeing
- the QFCC's staff increase from 58 FTEs to 65 FTEs
- costs of consultants and contractors.<sup>76</sup>

---

<sup>75</sup> Public hearing transcript, Brisbane, 14 June 2021, p 4.

<sup>76</sup> Public hearing transcript, Brisbane, 14 June 2021, pp 4 – 10.

## 4 Committee comment

The committee recognises the extremely challenging nature of many of the issues being examined by the QFCC, particularly in relation to reviewing the deaths of Queensland children. The committee notes the QFCC's work to examine and improve the disproportionate representation of Aboriginal and Torres Strait Islander children and young people in both the statutory child protection and out-of-home care systems.

The committee also notes the QFCC's contribution as part of its *Growing Up in Queensland* report to the conversation and policy framework around keeping Queensland children safe and supporting communities that help them thrive. The committee commends the QFCC for the professional and considered approach that it takes in the discharge of its varied functions.

The committee appreciates the assistance and information provided by the management and staff of the QFCC which has helped the committee in its oversight role.

### **Recommendation**

The committee recommends that the Legislative Assembly notes the content of this report.

## **Statement of Reservation**

# Statement of Reservation

## **QFCC Public Hearing – Child Death Review Board**

The LNP was saddened to hear of the number of children who have tragically died in the past year known to Child Safety. A death of any child is one too many. The child protection system must be there to protect the children who need it. Any system failings or gaps need to be transparently addressed to ensure future tragedies are prevented and our most vulnerable are protected.

We share the concerns of the QFCC that nine deaths were reported as a 'sudden unexplained death'. Given this is different from SIDS it is a significant number and further investigation is warranted, as pointed out by the commission.

The LNP would like to see the results of the research into the use of a red flag system, particularly where this could make up for gaps in the system and in the understanding of relevant officers to get children who are in immediate danger out of the situation urgently.

## **Over representation of Aboriginal and Torres Strait Islander children and young people in the child protection system**

The continued over representation of Aboriginal and Torres Strait Islander children in the child protection system is an issue that needs to be addressed. The capacity of the QFCC to assess data and clarify the improvements needed in particular areas and various issues is essential and should be transparent, to ensure every possibility of making real, effective change.



Laura Gerber MP  
Deputy Chair  
Member for Currumbin



Andrew Powell MP  
Member for Glasshouse

