



**Queensland
Government**

Premier of Queensland
and Minister for Trade

Please quote: 26402/CG01/Social Policy

19 AUG 2003

Senator Steve Hutchins
Chair
Community Affairs References Committee
Australian Senate
Parliament House
CANBERRA ACT 2600



Dear Senator Hutchins

Thank you for your letter of 26 March 2003 inviting the Queensland Government to make a submission to the Senate Inquiry into Children in Institutional Care.

My Government has undertaken significant reform in relation to the delivery of services to children - our most valuable and vulnerable citizens. Sadly, experience across Australia has shown that children have not always been protected in environments charged with their care. In Queensland we have faced this hard reality and committed to create a system which not only protects children, but also helps them to realise their full potential.

In 1999, Mrs Leneen Forde AC headed a Commission of Inquiry into the Abuse of Children in Queensland Institutions. This Inquiry heralded an unprecedented period of reform in Queensland. Major change has occurred in relation to the delivery of alternative care services and youth detention services and through the role of the Commission for Children and Young People in ensuring the safety and well being of children and young people.

The attached submission provides details of the many stages of this ongoing reform. If you have any queries regarding the Queensland Government submission please contact Carolyn Guerin on telephone number (07) 383 60991.

Yours sincerely

**PETER BEATTIE MP
PREMIER AND MINISTER FOR TRADE**

Queensland Government

**Submission
to**

Senate Inquiry into Children in Institutional Care

AUGUST 2003

Table of contents

1. Families

- 1.1. Commission of Inquiry into Abuse of Children in Queensland Institutions (the Forde Inquiry)
 - 1.1.1. Government Response to the Forde Inquiry
 - 1.1.2. Report to the Queensland Parliament by the Forde Implementation Monitoring Committee – September 2000
 - 1.1.3. Report to the Queensland Parliament by the Forde Implementation Monitoring Committee – August 2001
 - 1.1.4. Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions – September 2001
- 1.2. Queensland Families: Future Directions
- 1.3. Project Axis
 - 1.3.1 Government Response to Project Axis
- 1.4. Queensland Government Strategic Framework for Child Protection 2003-2006
- 1.5 Stopping the Drift: Improving the Lives of Young People in Long Term Care
- 1.6 Securing the Care

2. Education

- 2.1. Educating Children and Young People in the Care of the State
- 2.2. Student Protection Policy

3. Health

- 3.1. The Strategic Policy Framework for Children's and Young People's Health 2002-2007

4. Disability Services

- 4.1. Basil Stafford Centre
- 4.2. Cootharinga Society of North Queensland
- 4.3. Government's Response to Disability Issues

5. Aboriginal and Torres Strait Islander Policy

- 5.1. Family Violence
- 5.2. Alcohol Abuse
- 5.3. Indigenous Children and Young People in Youth Detention Centres
- 5.4. Response to *Bringing Them Home* Report

6. Commission for Children and Young People

- 6.1. Response to the Forde Inquiry
- 6.2. New legislation
- 6.3. Complaint handling
- 6.4. Community Visitor Program
- 6.5. Employment screening
- 6.6. Policy and research activities

1.0 FAMILIES

1.1 COMMISSION OF INQUIRY INTO ABUSE OF CHILDREN IN QUEENSLAND INSTITUTIONS

The Commission of Inquiry into Abuse of Children in Queensland Institutions ('the Forde Inquiry') was established in August 1998 to examine whether there had been any abuse, mistreatment or neglect of children in Queensland institutions. Ms Leneen Forde AC was appointed Chairperson of the Commission. The Inquiry found that unsafe, improper or unlawful care or treatment of children had occurred in Queensland institutions licensed and established under the *State Children Act 1911*, *Children's Services Act 1965* or the *Juvenile Justice Act 1992*.

The Inquiry made a number of recommendations around the following themes:

- contemporary child protection;
- contemporary youth justice and detention;
- reconciliation, apology, support and compensation for past residents of institutions; and
- Children and Young People's Commission, Tribunal and Official Visitors.

➤ *Commission of Inquiry into Abuse of Children in Queensland Institutions – May 1999*
www.qld.gov.au/html/fordeinquiry

1.1.1 Government Response to the Forde Inquiry

In August 1999, the Queensland Government released its response to the Forde Inquiry Report and commitment to the recommendations contained in the report. Forty-one of the 42 recommendations were accepted by the Queensland Government. The non-endorsed recommendation called for reconsideration of the Government's decision to construct the proposed Brisbane Youth Detention Centre at Wacol.

The 1999-2000 Queensland State Budget committed \$100 million over four years to implement responses to the recommendations of the Forde Inquiry. Initiatives included an apology to former residents of Queensland institutions, a review of existing legislation focused on young people and development of new legislation, new child protection and youth justice service delivery responses and the development of new detention centre infrastructure and practice frameworks.

In response to Recommendation 42, the Government established a separate, independent Forde Inquiry Implementation Monitoring Committee (FIMC) to report annually until 2001 on the progress of the implementation of responses to the recommendations from the Inquiry. The two reports of the FIMC are discussed in more detail below.

➤ *Queensland Government Response to the Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Progress Report – August 1999*
www.qld.gov.au/html/fordeinquiry

1.1.2 Report to the Queensland Parliament by the Forde Implementation Monitoring Committee – September 2000

This report outlined the Forde Implementation Monitoring Committee's assessment of the progress to September 2000. Overall, the FIMC considered the Queensland Government had taken major steps forward in the process of implementation or planning to implement the recommendations of the Inquiry. New initiatives reported included passage of the *Child Protection Act 1999*, development of other legislation such as the Commission for Children and Young People Bill 2000 and the Children Services Tribunal Bill 2000, additional funding to implement new initiatives, changes to policy and programs, funding for extra departmental staff, an allocation of funds for children leaving care, a

contribution of \$1M to the Forde Foundation Trust Fund, review of current practices and procedures and implementation of new systems and services.

- *Report to Queensland Parliament by the Forde Implementation Monitoring Committee – September 2000* (hard copy provided)

1.1.3. Report to the Queensland Parliament by the Forde Implementation Monitoring Committee – August 2001

This second and final report outlined the Forde Implementation Monitoring Committee's assessment of the progress to August 2001 of the implementation of the recommendations. The Committee concluded that whilst substantial planning had been undertaken and legislation introduced, significant work remained to be done by the Queensland Government. Initiatives included increased recurrent expenditure on child protection and out of home care, legislation to facilitate a Community Visitors program for residential facilities, enhancement of the Department of Families Child Protection Information System, development of a complaints framework for clients in relation to child protection, youth justice and state-wide Departmental services, and allocation of funding allocated for the Create Foundation to advocate for the rights of young people in care.

- *Report to Queensland Parliament by the Forde Implementation Monitoring Committee – August 2001*, www.qld.gov.au/html/fordeinquiry

1.1.4 Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions – September 2001

In September 2001, the Queensland Government tabled a report in the Queensland Parliament on the Government's progress in the preceding two years in implementing the recommendations of the Inquiry. The report stated that significant progress had been made toward addressing past abuse, as well as ensuring that abuse does not occur in the future. While responses to most recommendations have been fully implemented, it was acknowledged that more work is to be done in the area of child protection and issues relating to former residents. The Queensland Government also committed to continued improvements in these areas.

- *Queensland Government Response to the Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Progress Report - September 2001*
www.qld.gov.au/html/fordeinquiry
- *Missing Pieces: information to assist former residents of children's institutions to access records* is available on the Department of Families' web site. www.families.qld.gov.au.

1.2 QUEENSLAND FAMILIES: FUTURE DIRECTIONS

On 20 June 2002, the Queensland Government delivered its cornerstone policy statement for the State's most vulnerable children and families, *Queensland Families: Future Directions*. The statement outlines the Government's commitment to support and assist children, young people and families. A significant investment of over \$148M over four years commencing in 2002-2003 has been committed for the implementation of a comprehensive program of new initiatives aimed at achieving better outcomes for Queensland children, young people and families – in particular those in contact with the child protection system.

Funds of \$32M were allocated in 2002-2003 in the areas of prevention, foster carer payment and support, partners in service delivery, Queensland seniors and innovation.

Some of the initiatives include:

- increased funding to prevention and early intervention services;
- prevention and early intervention trials;

- strengthening Child Protection through a whole-of-Queensland Government Strategic Framework for Child Protection;
- first Years Prevention Projects to identify children early in their school life as being at risk of poor educational and social outcomes;
- Family Support Centres in Aboriginal and Torres Strait Islander communities;
- Aboriginal and Torres Strait Islander Family Support Workers within the Department of Families;
- Cape York nurturing families initiative to provide broad support to families and tackle domestic and family violence, and behaviours such as petrol sniffing; and
- re-connecting children with their families and communities.

➤ “*Queensland Families: Future Directions*”,
www.thepremier.qld.gov.au/smartstate/families/DPC048Families.pdf

1.3 PROJECT AXIS

Project Axis was a joint inquiry by the Queensland Police Service and the former Queensland Crime Commission (now the Crime and Misconduct Commission) into child sex offending in Queensland. The project commenced with a law enforcement focus and extended into a broader analysis of child sex offending and the responses to the problem by relevant Government agencies. The first of the Inquiry reports titled *Child Sexual Abuse in Queensland: The Nature and Extent* was released in June 2000. This report scopes the nature and extent of the problem and the characteristics of offenders and their victims.

The report was followed by the release of *Child Sexual Abuse in Queensland: Responses to the Problem*. This report was released in November 2000 and describes the responses of Queensland State Government agencies and community organisations in addressing the problem. It also aims to identify gaps in the policies, procedures and services currently in place, as well as providing an overview of what happens when an allegation of child sexual abuse is made.

➤ Both reports are available on the Crime and Misconduct Commission's website at www.cmc.qld.gov.au.

1.3.1 Government Response to Project Axis

On 6 November 2002, the Queensland Government tabled in the Queensland Parliament its implementation response to the recommendations outlined in the Project Axis report. The Government's response demonstrates its commitment to protecting children from sexual abuse through a multilayered strategy building around prevention, awareness, and effective responses. This response includes early intervention and prevention trials as part of the Queensland Families: Future Directions strategy; employment screening; and student protection policies for both State and non-State schools. Other key features of the Government's response include:

- \$1M directed towards the development of training and information resources to assist Government and non-Government agencies to identify and respond to child sexual abuse. The resources will assist staff working in child care services and sport and recreation groups to ensure that complaint handling policies are in place and that allegations of child sexual abuse are brought to the attention of the appropriate authorities.
- \$0.5M to increase the Interviewing Child and Recording Evidence (ICARE) training to ensure the Queensland Police Service and Department of Families' Family Services Officers are appropriately trained to conduct initial interviews with child victims. To date six training sessions involving 100 Police officers and 100 officers from the Department of Families have been undertaken.

- A public awareness campaign commenced in July 2003 using print and electronic media with a special component for Indigenous communities. The campaign aims to assist parents and staff working in organisations with children and young people about how to protect children from sexual abuse.
- “Queensland Government Report on the Implementation of the Project Axis Report on Child Sexual Abuse in Queensland” (Hard copy provided)

1.4 QUEENSLAND GOVERNMENT STRATEGIC FRAMEWORK FOR CHILD PROTECTION 2003-2006

Child protection is increasingly recognised as an issue that crosses many boundaries and where across agency collaboration is required to effectively address the issue. In June 2003, the Queensland Government approved an across government strategic framework to guide responses to child protection service delivery into the future. The document provides a foundation for policy and service development across Queensland Government agencies to achieve better outcomes for children and young people who have been significantly harmed, or are at risk of harm, and their families.

The Strategic Framework outlines three strategic directions to guide government responses to child protection:

- increasing the focus on prevention and early intervention;
- meeting the safety, well being and developmental needs of children and young people who have been significantly harmed; and
- pursuing a seamless and client focused Queensland Government service system.

The *Queensland Government Strategic Framework for Child Protection 2003-2006* and the accompanying Action Plan is being widely promoted across the Government and non-Government sectors. Individual departments are responsible for meeting their commitments as outlined in the Action Plan. The Department of Families, as the agency with lead responsibility in the area of child protection, will monitor the ongoing implementation of the Strategic Framework and the Action Plan. Progress in implementing the Framework and Action Plan will be reported on an annual basis with the outcomes being made publicly available. The impact of the strategy in achieving better outcomes for clients will be evaluated during 2006. The evaluation will be led by the Department of Families in collaboration with participating government agencies and the non-government sector.

- The *Queensland Government Strategic Framework for Child Protection 2003-2006* and the accompanying Action Plan (Hard copy provided)

1.5 STOPPING THE DRIFT: IMPROVING THE LIVES OF YOUNG PEOPLE IN LONG TERM CARE

The Queensland Government released the discussion paper *Stopping the Drift: Improving the Lives of Queensland's Children and Young People in Long Term Care* in May 2003. The paper acknowledges that a number of young people suffer from drifting through multiple alternative care placements. This is a particularly vulnerable group of predominantly young children. The Queensland Government is currently undertaking consultations in relation to the discussion paper. The consultation process is expected to be completed by 31 July 2003.

- *Stopping The Drift: Improving the Lives of Young People in Long Term Care*
www.families.qld.gov.au/families/stoppingdrift.html

1.6 SECURING THE CARE

The Securing the Care Project commenced in 1998 to enhance and better integrate systems and processes for assessing, planning, delivering and reviewing the range of interventions that are undertaken with young people in detention.

Key outcomes of the project include:

- a single Secure Care practice framework to guide all functions performed by youth detention centres;
 - new organisational arrangements resulting from the creation of a Secure Care Panel within each youth detention centre to provide greater levels of coordination, integration and oversight of these functions;
 - closer integration of the roles played by management and staff in 'securing the care';
 - higher levels of accountability and transparency resulting from the creation of a Secure Care Review Group;
 - new assessment instruments, information systems and forms to support the revised practices;; and
 - increased opportunities for the participation of young people and their families in decision-making processes.
- *Securing the Care Information Paper* (Hard copy provided)
- *Securing the Care of Young People in Detention* (Hard copy provided)
- *Securing the Care – It's a Matter of Fairness* (Hard copy provided)

2.0 EDUCATION

2.1 EDUCATING CHILDREN AND YOUNG PEOPLE IN THE CARE OF THE STATE

On 25 February 2003 the Minister for Education announced the Queensland Government's response to the recommendations of the report, *Educating Children and Young People in the Care of the State*. The report was prepared by a working group of Members of Parliament formed to investigate how to improve education access, participation and achievement of children and young people in the care of the state.

The Government's response to the report acknowledges that all departments that have a role in the lives of children and young people have a special responsibility to ensure improved life chances. Improved educational access, participation and achievement are critical to redressing disadvantage and enabling children and young people to confidently participate in the social, cultural and economic life of their community.

Education Queensland together with other relevant government departments, is currently implementing the recommendations.

- <http://education.qld.gov.au/curriculum/advocacy/access/equity/students/inclusion/pdfs/report.pdf>
- <http://education.qld.gov.au/curriculum/advocacy/access/equity/students/inclusion/pdfs/recommendation.pdf>

2.2 STUDENT PROTECTION POLICY

Education Queensland currently is implementing a new Student Protection Policy which sets strict new procedures for preventing, responding to, and reporting suspected and actual harm to students at State schools. Non-state schools will be required to have in place similar policies in regard to the welfare of their students.

3.0 HEALTH

3.1 THE STRATEGIC POLICY FRAMEWORK FOR CHILDREN'S AND YOUNG PEOPLE'S HEALTH 2002-2007

The Strategic Policy Framework for Children's and Young People's health 2002-2007 recognises the right of every child in Queensland to have their health protected and promoted. The Framework articulates the Queensland Government's commitment to giving children the best possible start in life, fostering safe supportive environments for children and young people and ongoing delivery of quality treatment and health management services.

The Framework has been developed to provide strategic direction to guide the procurement, development and delivery of health services for children and young people in Queensland over the next five years. It describes a strategic balance in investment across the health care continuum, from promoting health at a whole population level, to prevention, early detection, intervention, treatment, management and monitoring at the level of individual children, young people and their families.

The Strategic Policy Framework will assist Government agencies in building the critical effective partnerships across the health, education, social and economic sectors to complement the health sector's strategies for evidence-based action specific to the developmental, social and health transitions from infancy through to adulthood.

- *The Strategic Policy Framework For Children's And Young People's Health 2002-2007*
<http://www.health.qld.gov.au/publications/childhealth>

4.0 DISABILITY SERVICES

4.1 BASIL STAFFORD CENTRE

In late 1993, the former Criminal Justice Commission (CJC) commissioned an investigation into the allegations of abuse and neglect of clients living in Basil Stafford Centre – a Government-run institution providing accommodation and care for intellectually disabled people, including children, following sustained negative media attention. The investigation uncovered evidence of serious wrongdoing and the subsequent report by The Honourable D G Stewart, in March 1995 recommended the Centre's closure '*at the earliest opportunity*'. At the time of the Stewart Inquiry, 17 of the residents of the Basil Stafford Centre were children aged under 16 years.

In 2000, the Honourable W J Carter QC, reviewed the implementation of Mr Stewart's recommendations. A further review was undertaken in 2001 by the Research and Prevention Division of the former Criminal Justice Commission. The latter review documents the response of Disability Services Queensland to the suggestions made by Mr Carter in May 2000 and CJC personnel in June 2000 identify the trends in complaints about Disabilities Services Queensland staff at the Centre and its other accommodation services. The findings of the reports did not uncover allegations of maltreatment of children living in the Basil Stafford Centre. In 2003, there are no children living in the Basil Stafford Centre.

- *Report on an Inquiry conducted by the Honourable D G Stewart into Allegations of Official Misconduct at the Basil Stafford Centre, March 1995. (Hard copy provided)*
- *The Basil Stafford Centre Inquiry Report: Review of the Implementation of the Recommendations. W J Carter QC, May 2000 (Hard copy provided)*
- *The Basil Stafford Centre: A Twelve Month Review of the Carter (2000) Report. Briefing Paper to the Criminal Justice Commission. September 2001 (Hard copy provided)*

4.2 COOTHARINGA SOCIETY OF NORTH QUEENSLAND

In 1997, the former Department of Families, Youth and Community Care (DFYCC), the major funder of disability services (including Cootharinga) in Queensland, commissioned Ron Joachim Consulting to conduct an evaluation of Cootharinga Society's practices in relation to service delivery and management of the organisation. Previously in 1995, the Health Rights Commission (HRC) had conducted an Inquiry into the Society following serious allegations regarding the treatment of clients and management of the Society dating back several years. A range of issues were referred to the Queensland Police Service for investigation.

Cootharinga Society provides a number of services to children and adults with physical disabilities in North Queensland. These include:

- supported accommodation; and
- therapy services.

The Joachim Report (1997) stated that the quality of services was of a high standard and that there was no evidence of abuse or neglect of children cared for by the Society. Schools reported that they were "happy with the presentation of children and reported communication with the Supported Accommodation Units was good".

- *Report of an Evaluation of the Cootharinga Society of North Queensland*, Ron Joachim Consulting, December 1997 (Hard copy provided)

4.3 GOVERNMENT'S RESPONSE TO DISABILITY ISSUES

The Queensland Government has had a long term policy of Institutional Reform (deinstitutionalisation) and the stated recognition that there are more appropriate models of care than that provided by institutions, (Stewart Report).

Queensland has developed a key response of supporting families with children with a disability and complex and high support needs to remain within the family unit. The Family Support Program provides flexible and responsive support to families who have high and complex needs. These supports are designed to strengthen the family's ability to care for their child or children with disabilities, as well as continue to care for all their family members. Previously, such children may have been placed in an institution such as Basil Stafford Centre, or following its closure, into a group home managed by the Division of Intellectual Services (IDS).

Currently, Disability Services Queensland's Family Support Program supports over 480 families with a child with a disability who has complex and high support needs. The funding allocated to the program in 2002-2003 was \$10.2M annually. In the Queensland Government's 2003-2004 Budget Statement, significant additional funding was provided over four years to support additional families with children with a disability to maintain their family unit. In 2003-2004, \$6M was allocated to the Program (including adults living with their families).

The Queensland Government has taken a proactive role in ensuring that families caring for a child with a disability with complex and high support needs are supported to continue to care for their child within the family unit. Key responses by the Queensland Government have been:

- an Institutional Reform Policy in 1995 stating the ongoing commitment to the closure of institutions in Queensland;
- in 1996 Disability Services Queensland commissioned research paper to investigate best practice in supporting families long term as a preventative measure to relinquishing the care of their child with a disability into the care of the Department of Families;
- the introduction of the Family Support Program in July 1999 to provide support to families, including discretionary funding, to continue to care for a child with a disability who has high and complex support needs where they might otherwise be relinquished into the care of the Department of Families. The evaluation of the Family Support Program in 2002 found that many

families developed the capacity to continue with the long term care of their child in ways which met the needs of both the family and the child thus creating a preventative approach rather than a crisis intervention approach; and

- the development of a Quality Framework in 1999 and an ongoing commitment to best practice within all of its services to children and adults with a disability, both direct and funded. A key commitment in the *Future Directions for Disability Services 2003-2007* is the provision of a further \$83M over four years (2003-2007) for responses to improve the viability, quality and accountability of services to children and adults with a disability.

5.0 ABORIGINAL AND TORRES STRAIT ISLANDER POLICY

5.1 FAMILY VIOLENCE

The *Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* was published in December 1999. This report made a large number of recommendations on ways of reducing family violence in Indigenous communities.

Since the publication of this report, the Queensland Government has been working to implement the recommendations of this report. The *Draft Aboriginal and Torres Strait Islander Family Violence Agreement* is the latest initiative in this process. This Agreement, which is currently the subject of consultation, is intended to reduce the amount of family violence (including the abuse and neglect of children) in Aboriginal and Torres Strait islander communities.

- The *Draft Aboriginal and Torres Strait Islander Family Violence Agreement* will be available on www.indigenous.qld.gov.au/publications in the near future.

5.2 ALCOHOL ABUSE

The major part played by alcohol abuse in the unacceptably high levels of family violence was highlighted by the Women's Task Force. This issue was also emphasised by the *Cape York Justice Study*.

The Government's response to this study *Meeting Challenges, Making Choices* emphasises a multi-faceted approach to the problems of alcohol abuse and violence in Indigenous communities. This approach includes:

- alcohol supply reduction strategies, involving the implementation of alcohol management plans and transfer of canteen licenses from community councils to community liquor license boards;
- providing increased support for Community Justice Groups in implementing alcohol management plans and in addressing violence in Indigenous communities;
- integrating government service delivery responses to Indigenous communities to provide services that address the needs of the communities; and
- implementing initiatives intended to:
 - provide economic development and increased employment opportunities to Indigenous communities;
 - address education and training issues in Indigenous communities;
 - provide innovative ways to meet the health needs of Indigenous people, and
 - provide appropriate family and parenting support and address issues of child abuse and neglect.

- The *Cape York Justice Study* and *Meeting Challenges, Making Choices* are available at www.mcmc.qld.gov.au

5.3 INDIGENOUS CHILDREN AND YOUNG PEOPLE IN YOUTH DETENTION CENTRES

The *Aboriginal and Torres Strait Islander Justice Agreement* has the objective of reducing the number of Indigenous people in custody. The Justice Agreement also contains a number of initiatives intended to address the over-representation of Indigenous people within the justice system as a whole. These initiatives include actions intended to reduce the number of Indigenous children and young people coming into contact with the Youth Justice system, as well as reducing the number held in Youth Detention Centres as a result of offending behaviour.

- The *Queensland Aboriginal and Torres Strait Islander Justice Agreement* is available on www.indigenous.qld.gov.au/publications/justice.htm

5.4 RESPONSE TO BRINGING THEM HOME REPORT

The *Bringing Them Home* Report focussed on the damage to Indigenous peoples, communities and culture resulting from the policies of Government agencies which resulted in the removal of Indigenous children from their families and communities.

Responses by the Department of Aboriginal and Torres Strait Islander Policy to the recommendations of the *Bringing Them Home* Report include:

- The Community and Personal Histories Branch of the Queensland Department of Aboriginal and Torres Strait Islander Policy facilitate access to records to enable Indigenous peoples to find information relating to themselves, their families and their communities. Community and Personal Histories (CPH) works closely with Link-Up throughout Australia to ensure that information is found quickly for clients who were removed from their families. Community and Personal Histories have an agreement with Link-Up that all their requests are turned around in 4-6 weeks. Clients (who are part of the stolen generations) not coming through Link-up are also given priority. Community and Personal Histories employs staff (mainly Indigenous) who have in depth understanding of what has happened to people who have been removed. Community and Personal Histories staff also assist clients to access records from other agencies thereby lessening the stress on the client.
- The Queensland Joint Records Taskforce (QJRTF) is a Committee made up of representatives from Queensland State Archives, NAA, Link-Up, State Library of Queensland, Community and Personal Histories, Presbyterian Church, Queensland Museum, Anglican Church to oversee the implementation of Recommendation 23 of *Bringing Them Home* Report. The taskforce has focused on examining the access policies of the agencies which hold records relating to Indigenous peoples and ways in which people can better access these records.
- The Department of Aboriginal and Torres Strait Islander Policy is supporting one of the Indigenous staff of Community and Personal Histories Branch to undertake the post graduate diploma in archives administration at Edith Cowan University. The study is being funded by the Department and the student is mentored by one of the archivists also working in Community and Personal Histories.

6.0 COMMISSION FOR CHILDREN AND YOUNG PEOPLE

6.1 RESPONSE TO THE FORDE INQUIRY

The Forde Inquiry made several recommendations for strengthening the Children's Commission which had been established in 1996 under the *Children's Commissioner and Children's Services Appeals Tribunal Act*, including:

- expansion of the Commission's inspectorial, research and monitoring functions;
- proving the Commission with the power to conduct inquiries and investigate and resolve complaints;

- ensuring the Commission's independence by attaching it to the Premier's portfolio for administrative support;
- maintaining, enhancing and extending the official visitor program and that the number of visitors reflect the size of the client base; and
- reconstitution of the Children's Services Appeals Tribunals as a separate entity.

An independent review of the legislation (the Briton Review) also highlighted several deficiencies in the existing Children's Commission model.

6.2 NEW LEGISLATION

A new Act was passed in February 2001 by the Queensland Parliament, and the *Commission for Children and Young People Act 2000 (Qld)* commenced. It provided for the re-establishment of the former Children's Commission as the Commission for Children and Young People with extended scope, functions and powers, including:

- the administration of employment screening for child-related employment;
- an extended community visitor program;
- an express advocacy function;
- the ability to receive, seek to resolve, and investigate complaints about the delivery of children's services;
- the ability to conduct and coordinate research into issues impacting on children and young people;
- the ability to monitor and review laws, policies and practices relating to the delivery of children's services; and
- the ability to establish advisory committees to advise the Commissioner about specific issues related to children and young people.

Many of the Commission's functions relate specifically to promoting the rights, interests and wellbeing of children and young people in institutional care. They include:

- complaint handling;
- community visitor program;
- employment screening; and
- policy and research activities.

Each of these functions are discussed in more detailed below.

6.3 COMPLAINT HANDLING

The Commission has a legislative responsibility to receive, seek to resolve, monitor and investigate complaints about services provided to children under Child Protection or Juvenile Justice Orders or who are subject to action by the Department of Families. This includes complaints about services provided to these children and young people by Government as well as non-Government organisations in receipt of Government funding. Services received by children in institutional care, foster care and youth detention centres are therefore matters of complaint which may be received by the Commission.

During the 2002-2003 financial year, the Commission received 2,596 enquiries from throughout the State regarding complaints and other matters affecting children and young people. Of these, 330 were formally progressed by the Commission. If a complaint is received regarding a child who may be currently at risk of harm, it is immediately actioned by the Commissioner and a notification is provided to the Department of Families of the Queensland Police Service.

6.4 COMMUNITY VISITOR PROGRAM

The Commission's Community Visitor Program commenced in 2001. The purpose of the program is to promote and protect the rights, interests and wellbeing of children living in out-of-home residential facilities. The program covers children with a disability, as well as those children in youth detention centres and authorised mental health services.

The Commission employs 23 community visitors throughout metropolitan and regional areas of the state. Visits occur monthly unless there is a matter of concern at which time the frequency of visits is increased. Young people can request a visit from a community visitor at any time. Community visitors have the power to access information and documents held at a visitable site relating to a child at the site or the operations of the site.

Community Visitors prepare a written report for the Commissioner following each visit. A copy of each report is provided to the relevant Director-General responsible for funding the service and a copy is also forwarded to the relevant service provider.

6.5 EMPLOYMENT SCREENING

The Working with Children Check is designed to ensure that, in certain categories of paid or voluntary employment or regulated business, only suitable people work with children and young people. The Check is required for six different categories of child-related employment or child-related business:

- residential facilities;
- school boarding facilities;
- school employees other than teachers;
- churches, clubs and associations involving children;
- counselling and support services; and
- private teaching, coaching or tutoring.

The Commissioner has the power to access a person's complete criminal history including charges and convictions, regardless of when or where they occurred. Following assessment of a person's criminal history, they are deemed to be either suitable or unsuitable to work with children. Suitable persons are issued with a 'blue card'. Penalties apply to persons who continue to work in child-related employment if they have not been issued with a blue card. Employers who continue to employ persons who have not been issued with a blue card also face penalties.

In 2002-2003, 105, 558 blue cards were issued. Of these, 18496 were issued to new paid employees, 6885 were issued to self-employed persons carrying on certain child related businesses; 79 967 were issued to volunteers; and 207 were issued to applicants renewing their suitability cards after 2 years. In addition, three blue cards were issued to current employees at the request of their employer who had concerns about their suitability to work with children.

6.6 POLICY AND RESEARCH ACTIVITIES

The Commission is required under the *Commission for Children and Young People Act 2000 (Qld)* to monitor and review laws, policies and practices that relate to the delivery of services to children or otherwise impact on children.

The Commission is also required to promote laws, policies and practices that uphold the principles underlying the Act, which can be encapsulated in the statement that the best interests of the child are the paramount concern.

Policy work undertaken by the Commission is informed by the wide range of internal research activities conducted. The research function also enhances the Commission's ability to keep abreast of issues impacting on children and young people and advocate for services and programs that uphold their best interests.

In the 2002-2003 financial year, there have been 98 submissions made pursuant to the Commission's duty to monitor and review laws, policies and practices that impact on children. The commission is represented in over 40 committees and working groups.

APPENDIX

Summary of Reforms in response to Forde Inquiry

- The 1999-2000 State Budget allocated \$100 million over four years to implement responses to recommendations of the Forde Inquiry to:
 - increase the number of Department of Families' service delivery staff;
 - enhance capacity and number of community based family support and child protection services including Aboriginal and Torres Strait Islander child and family welfare services; and
 - develop responses to former child residents of Queensland institutions and youth justice services.
- In August 1999, a joint apology to people who had been harmed as children in Queensland institutions was issued from the heads of churches, the Premier and the Minister for Families.
- The *Child Protection Act 1999* was passed by Parliament in March 1999 and replaced the *Childrens Services Act 1965*.
- A Child Protection Council comprised of Government and non-Government members was established.
- The Children's Commission legislation was reviewed creating the Commission as an independent statutory authority with the proclamation of the *Commission for Children and Young People Act 2000* in February 2000.
- Advocacy services for children and young people were supported through funding for Create Foundation and legislative provisions ensuring access to advocacy services through both the *Child Protection Act 1999* and the Community Visitors under the *Commission for Children and Young People Act 2000*.
- A Youth Justice Program in the then Department of Families, Youth and Community Care was established to deliver the changes required in the delivery of youth justice services.
- Crime Prevention Program Grants totalling \$3.5 million over four years were provided.
- Community Conferencing Services were expanded in Logan City, Ipswich and Palm Island with Cairns servicing remote areas of North Queensland.
- Pilot Youth Justice Services were established in Townsville, Ipswich and Logan City to provide specialist services to young people on community based court orders.
- Additional Youth Justice Services established at Caboolture/Redcliffe and Hervey Bay /Maryborough.
- Extra resourcing was provided for the Conditional Bail Program.
- A Bail Placement and Support Program was established.
- A Youth and Family Support Service was established in Brisbane.
- Sir Leslie Wilson Youth Detention Centre was closed, Cleveland Youth Detention Centre was rebuilt and the John Oxley Youth Detention Centre was closed.
- The Brisbane Youth Detention Centre commenced operations on 7 February 2001.
- The Gold Coast Integrated Response to Youth at Risk was established.
- Visiting hours for families at the Brisbane and Cleveland Youth Detention Centres were increased.

- A ten year Youth Detention Centre Infrastructure Plan was developed and approved.
- Video-conferencing was established at youth detention centres.
- Health services in youth detention centres were improved.
- The Securing the Care Project – a framework for detention centre organisational development and practice – was developed.
- Indigenous Programs Support Officer were appointed at both the Brisbane and Townsville Youth Detention Centres to assist with increasing community involvement in detention.
- The *Juvenile Justice Act 1992* was reviewed and the *Juvenile Justice Act Amendment Act 2002* commenced.
- A special unit was established within the Department of Families to expedite requests for documents from departmental files for former residents of residential care facilities.
- *Missing Pieces: information to assist former residents of children's institutions to access records* was published.
- The *Child Protection Regulation 2000* was amended to require independent evaluation of care services prior to licensing the service.
- The Statement of Standards and the Charter of Rights for Children in Care were operationalised.
- Allocation of an extra \$5m per annum to implement the recommendations of the Forde Inquiry.
- A complaints framework for clients in relation to child protection, youth justice and statewide departmental services was established.