



## Commission for Children and Young People

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Mr Elton Humphrey  
Secretary  
Australian Senate  
Community Affairs  
References Committee  
Parliament House  
CANBERRA ACT 2600

Dear Mr Humphrey

Thank you for your letter of 27 March 2003 concerning the Senate Community Affairs References Committee Inquiry into Children in Institutional Care. I have reviewed the Terms of Reference attached to your letter and make the following comments.

The Commission gives priority to the needs and interests of children and young people who are in, or may enter, out of home care, youth detention centres or cases where they have no person to act on their behalf. The Commission must also give priority to Aboriginal and Torres Strait Islander children and young people, children and young people from a non-English speaking, those with a disability or those who are geographically isolated.

The Commission commenced in 2001 and 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
- Policy and research activities

Each of these functions are discussed in more detail below.

### **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 period, the Commission received 2 596 enquiries from throughout the State regarding complaints and other matters affecting children and young people. Of these, 330 complaints were formally progressed by the Commission. In 100 percent of the cases, any follow up action on a complaint occurred within 28 days and 81 percent of cases were closed within three months.

If a complaint is received in relation to a child who may be currently at risk of harm, it is immediately actioned by the Commission and notification is provided to the Department of Families and the Queensland Police Service.

### **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. During the 2002-2003 period, approximately 200 sites were visited by 24 locally based Community Visitors.

The Commission employs 24 community visitors throughout metropolitan and regional areas of the state and 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. In the 2002-2003 period, 70 percent of recommendations for reforms were implemented by the respective Directors-General.

### **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
- 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 the period 2002 to 2003, 105 558 blue cards were issued. Of these, 18 496 were issued to new paid employees; 6 885 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 two years. In addition, three blue cards were issued to current employees at the request of their employers who had concerns about their suitability.

### **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 to 2003 period, there have been 98 submissions made pursuant to the Commission's duty to monitor and review the laws, policies and practices that impact on children. The Commission is represented in over 40 committees and working groups.

### **Current Position in Queensland**

In Queensland there are currently a number of matters of serious concern. Evidence of possible long term systemic problems with the child protection system in Queensland has emerged, and the Commission is working with the Queensland Government to ensure that children and young people currently within the system are no longer at risk of abuse by their carers.

The Commission is assisting the Queensland Government audit the files of foster carers. Its role is to actively assist the audit team, contribute to the development of any subsequent recommendations, and monitor the implementation of these recommendations. In addition, the Commission has a role in the conduct of two other inquiries. The Queensland Ombudsmen is conducting a review into child deaths, instigated after the recent death of an infant. Also, the Crime and Misconduct Commission has commenced an inquiry into the handling of claims of abuse of foster children in Queensland. The Commission is also a participant in the Ministerial Inquiry into Sexual Abuse in Schools.

Given the nature of the investigations currently underway, I am not able to provide comment on the Terms of Reference at this stage as to do so could compromise the processes already in progress and pre-empt their findings.

I am however very supportive of this Inquiry and am happy to furnish the Inquiry with information at a later stage should that be possible. I would also appreciate being kept informed of the progress of the Inquiry.

Should you wish to discuss this matter any further, please do not hesitate to contact either myself on (07) 3247 5508 or Ms Allison Tait, A/Principal Policy Advisor on (07) 3247 5509.

Yours sincerely



**Robin Sullivan**  
**Commissioner for Children and Young People**