

Our History, Our Role

Our history

The Children's Commission, later to become the Commission for Children and Young People, was first established in 1996. The organisation originally operated under the *Children's Commissioner and Children's Services Appeals Tribunal Act 1996* and the Commissioner reported to the Minister for Families, Youth and Community Care. In August 2000, administrative responsibility for the Commission was transferred to the Department of the Premier and Cabinet.

In February 2001, the *Commission for Children and Young People Act 2000* was introduced, establishing the Commission as the most empowered independent statutory authority for children and young people in Australia, with enhanced scope, functions and powers.

The Act provides the Commission with ombudsman and advocacy functions and:

- embraces the principles of the United Nations Convention on the Rights of the Child, and
- positions the Commission as a lead agency in the area of protecting and promoting social investment in children and young people, at a state and national level.

In mid-2003, reports about the ongoing abuse of children in foster care in Queensland sparked an independent audit of foster carers who were the subject of child protection notifications. The audit was overseen by external consultant Gwenn Murray and the Commission's Executive Director participated as a member of the audit team.

The report on this review, *A final report on phase one of the audit of foster carers subject to child protection notifications*, and the subsequent Crime and Misconduct Commission (CMC) Inquiry, *Protecting Children: An Inquiry into Abuse of Children in Foster Care*, identified systemic failures in the child protection system and led to recommendations for reform.



The implementation of the CMC's 110 recommendations led to several additional functions being given to the Commission. These include the function of Child Guardian, which includes a new systemic monitoring and audit role and a child death review responsibility through the Child Death Case Review Committee.

These new functions were introduced with the passing of the *Child Safety Legislation Amendment Bill 2004* on 16 June 2004.

Our role

The Commission's key functions as at 30 June 2004 included:

- advocating for the rights, interests and wellbeing of children and young people
- conducting a statewide Community Visitor program to support services to children and young people in out-of-home care, including those in
 - out-of-home residential care
 - detention centres
 - respite care facilities for children and young people with disabilities, and
 - mental health facilities.
- receiving and investigating complaints about services to children and young people
- monitoring, reviewing and promoting laws, policies and practices which impact on children and young people
- employment screening of people in specific categories of child-related employment
- establishing youth and other expert advisory committees for advice about specific issues related to children and young people, and
- research into issues affecting children and young people.



New functions and powers

As a result of the Commission's submission to the CMC inquiry, *Protecting Children: An Inquiry into Abuse of Children in Foster Care*, the CMC recommended a range of new functions and powers for the Commission.

The Queensland Government made a commitment to implement the recommendations, and appointed independent consultant Peter Forster to prepare a blueprint for the implementation process. The blueprint was adopted in March 2004.

As a result, the Commission was allocated additional resources to perform the new functions, to more effectively monitor and oversee the Queensland child safety system.

Child Guardian

The key to the Commission's new functions and powers, which will start in 2004-05, lies with the new role of Child Guardian. The functions of this role will be delegated to an Assistant Commissioner who will report directly to the Commissioner.

The new Child Guardian role encompasses a range of monitoring, auditing and reviewing functions in relation to children who come to the attention of the Department of Child Safety (DChS). These will include:

- an expanded complaints function – from 1 August 2004, the complaints the Commission can deal with will be expanded to include all children within the jurisdiction of the Department of Child Safety
- an expanded Community Visitor program – from 1 September 2004, Community Visitors will regularly visit all Queensland children in alternative care, including foster care
- investigating, monitoring, auditing and reviewing the performance of services provided to children by government and certain non-government agencies from 1 September 2004
- supporting the Child Death Case Review Committee (CDCRC), which will be operational from 1 September 2004, to assess all DChS reviews of the deaths of children known to that department within three years
- establishing and maintaining a register of all child deaths in Queensland (not just children within the jurisdiction of DChS), and
- conducting and publishing research on child deaths to eliminate or minimise the risks associated with preventable deaths.