

legislation



SUPPORT



Organisational capability - Policy

Key responsibilities

The Policy team is responsible for monitoring and reviewing all laws, policies and practices that relate to the delivery of services to children, or which otherwise impact on children and young people. The team supports the Commission's strategic objectives, particularly the identification and implementation of prevention and targeted early intervention strategies for vulnerable children and young people who are at risk of entering the child safety or juvenile justice systems.

To meet these objectives, the Policy team:

- provides advice on laws, policies and practices that impact on children and young people on the basis of what is in the best interests of the child or young person
- provides submissions on legislative or policy reforms and negotiates improved outcomes for children and young people
- provides briefings on issues that impact on children and young people
- represents the Commission on a range of interdepartmental committees and cross-agency working groups to ensure the interests of children and young people are adequately represented and considered in the development of government legislation, policy and other activities, and
- identifies and monitors emerging and ongoing issues around services for children and young people across Queensland and other jurisdictions.

The Policy team also provides executive and legislative services to the Commission, such as responding to Questions on Notice and co-ordinating the Commission's Estimates and Ministerial Portfolio Statement requirements. In addition, the team processes the Commission's Freedom of Information applications.

Highlights

Ongoing reform of the child protection system

The Policy team coordinated the Commission's input into the *Child Safety Legislation Amendment Bill (No. 2) 2004*. This legislation included implementation of stage two of the legislative reforms outlined in the Blueprint for implementing the recommendations of the

Crime and Misconduct Commission (CMC) *Inquiry into the Abuse of Queensland Children in Foster Care*. These reforms expanded the agencies the Commission is required to monitor in relation to child protection concerns, and enables the Commission to receive information from them.

In addition, the team coordinated the Commission's input into the *Child Safety Legislation Amendment Bill 2005*, which enables stage three of the legislative reforms including amendment to the *Child Protection Act 1999*. These amendments focus on:

- the placement of Aboriginal and Torres Strait Islander children and young people
- the assessment and approval of all carers, specifically relative carers, and
- implementing safeguards for children and young people and their families when subject to intervention by the Department of Child Safety with the parents' agreement.

Review of Employment Screening

Policy staff worked closely with Employment Screening Services to implement the government's report on the review of Part 6 of the Commission's Act. The changes are outlined under 'Organisational capability – Employment Screening Services' on page 54.

Queensland review of child labour

In 2004-05, the Commission finalised its comprehensive review of child labour in Queensland, which was initiated to address a range of issues concerning child labour, including:

- the employment of children and young people in adult entertainment
- the lack of specific protections in the film, television, photography and entertainment industries
- workplace conditions and health and safety issues for children and young people, and
- reports of school aged children and young people working excessive hours.

The review aimed to identify areas of risk and provide recommendations to help protect the rights, interests and wellbeing of children under 18 in paid and unpaid employment.

The *Queensland Review of Child Labour: discussion paper* was released for consultation

in August 2004. A broad range of information was gathered during the review, including the following research and consultation:

- an analysis of complaints made to the Young Workers Advisory Service in 2002-03 by 200 young people under 18
- research by Kids Help Line on nationwide calls to their service
- a consultation workshop with children aged under eight years at the 2003 Ideas Festival
- a focus group with the Commission's Community Visitors and client surveys
- a survey of 59 teachers at the 2003 Queensland Legal Studies Teachers Conference
- surveys of 584 school students about their experiences of part-time work
- 106 discussion paper surveys received from a range of individuals, of whom 24% were aged under 18 years
- 47 submissions from government and non-government stakeholders
- 10 consultation forums with key stakeholders, and
- a survey by the Shop Distributive and Allied Employees Association (SDA) of 324 workers under 18 for their submission to the review.

The research and consultation showed that despite the many benefits of work for children and young people, there was also evidence of exploitation, abuse, injuries, negative impacts on education and difficulties in children asserting their rights at work. The Commission used this information as a basis for proposing strategies and implementation options for consideration by the Government.



The Commission's final report *Queensland review of child labour: summary of findings*, was released in May 2005. It proposed a Child Employment Protection Model consisting of a Child Employment Act, child specific employment services, a coordinating child employment policy function and a child employment guide.

In response, the government will develop legislation which will include:

- broad safeguards for children to protect against work which may harm the child's health, safety or wellbeing
- a general minimum working age, reduced for some forms of supervised employment
- exemptions from the minimum age for family businesses
- prohibited forms of employment for children under 18 years
- 'light work' provisions to limit children's hours of work during school terms
- clarification of employers' obligations to child employees, including providing induction packages, training, and keeping detailed records, and
- stronger protection to enable children aged under 18 who do not have easy access to a parent or guardian to enforce their industrial rights.

The Government will also introduce a package of non-legislative measures, including a code of practice to protect children and young workers under the *Workplace Health and Safety Act 1995* and a code of practice for the entertainment industry.

Risk management strategy

Amendments to Part 6 of the Commission's Act require those in regulated employment or businesses to develop and implement an annual risk management strategy to promote the wellbeing of children and young people and protect them from harm. The legislation also provides the Commission with new powers to audit and monitor compliance with the employment screening provisions of the Act.

In 2005, a project team working in Policy developed a framework for the risk management strategy which outlines what organisations need to do to manage the risk of harm to the young people in their care, including:

- a commitment to children and a culture which demonstrates this
- providing staff, children and parents with the information and training necessary to promote children's wellbeing and keep them safe, and
- consistent procedures and systems to support all activities and practices.



An information and training package based on the framework was trialled in consultation with key stakeholders to ensure its relevance to the wide range of people who work with children throughout Queensland. The Commissioner launched the training package, *Safe environments for young people: child protection – managing the risks* with the support of the Queensland Youth Alliance on 21 June 2005.

The package aims to raise awareness of the legislation and build organisations' capacities to meet the new requirements.

For more information on the communication strategy around the training, see 'Organisational capability – Communication'.

Outcomes and achievements

In 2004-05, the Policy team made over 50 submissions on the monitoring or review of laws, policies and practices impacting on children and young people. This included input into a number of Queensland Government legislative reforms including the development of, or amendment to the:

- *Child Safety Amendment Bill*
- *Child Protection Act 1999*
- *Public Health Bill 2005*
- *Tobacco and Other Smoking Products Act 1999*
- *Education (General Provisions) Act 1984* through the Education Laws for the Future consultation process
- *Education (Queensland College of Teachers) Bill 2005*
- *Corrective Services Act 2000*, and
- *Adoption of Children Act 1964*.

Other areas in which the Policy team provided significant input into government activities included:

- participating in the Review of Justice Responsibility for 17-year-old offenders
- responding to the Queensland Health Draft (*Strategic Policy for Aboriginal and Torres Strait Islander Children and Young People's Health 2005-2010*)
- participating in the development of the draft action plan for young carers of parents with a disability
- contributing to the government's external review of employment screening services

- responding to the *Queensland HIV, Hepatitis C and Sexual Health Strategy 2005-2010*, and
- providing a submission to the 'Have your say: on improving disability services in Queensland' review.

At a national level, policy staff responded to the following reform processes:

- *National Public Health Partnership: Healthy Children* – strengthening promotion and prevention across Australia
- *Inquiry into the Adoption of Children from Overseas*
- National Sex Offender Register discussion paper
- the development of uniform legislation concerning the Conduct of Criminal Record Checks on Persons seeking to work with children in educational settings, and
- Standing Committee of Attorneys-General National Spent Convictions Scheme.

Committees and working groups

The Policy team continues to represent the Commission on a number of government and non-government committees and working groups to generate collaborative responses to issues impacting on children and young people in Queensland. These are listed at the end of this report under 'Other activities - Our relationships' on page 67. However, the Commission's membership of two particular committees warrants mention:

- Volatile Substance Misuse Coordination Committee - the team continues to represent the Commission on the cross-agency Volatile Substance Misuse Coordination Committee, which initiated the 'places of safety' trial on 1 July 2004. This trial enables police to escort a young person affected by volatile substance misuse to a safe place to protect their health and safety.

The Commission's report on *Volatile Substance Misuse in Queensland*, published in September 2002, was instrumental in informing the development of the trial and relevant legislative changes to the *Police Powers and Responsibilities and other Legislation Amendment Act 2003*.

- Young Carers Working Group - the Young Carers Working Group is a sub-group of the Carer Recognition Interdepartmental Committee, a whole-of-government committee established to identify and recognise the rights of young carers in Queensland. The group has developed an action plan to be included in the *Carers Action Plan*, which was developed to enable implementation of the *Queensland Carer Recognition Policy*. This policy outlines the government's commitment to acknowledging carers and recognising and respecting them as partners in care.

The Commission is committed to strengthening support options for young carers and the *Young Carers Action Plan* highlights recommendations and actions to raise awareness of and strengthen support services for young carers. It requires agencies to work together to build policies and services for the benefit of carers.

Working with Children and Young People Kit and Training Program

The *Working with Children and Young People Kit* and Training Program were designed in 2002-03 to complement the blue card system by helping organisations working with children and young people to understand and fulfil their duty of care.

The kit contains six booklets and a full-day training session which provided practical strategies and activities to help organisations create safe environments to protect the children and young people in their care.

In 2004-05 training sessions were conducted in 22 locations around the state, involving 319 participants. A shorter version of the training was also developed in response to stakeholder requests, and was provided to 262 participants across 11 locations. Training was also provided at four professional conferences.

In early 2005, Working with Children training was phased out in favour of developing risk management training to help employers and businesses meet their new obligations under the Act to protect children in their care.



Advocacy training

The Advocacy Training Program was originally introduced to increase understanding of how people working with children and young people might provide better support and advocate on their behalf. It focussed on developing workers' advocacy skills, identifying different types of advocacy, and introducing effective advocacy strategies.

The Advocacy Training Program was rolled out around the state during 2003-2004, while in 2004-05, the Commission refocussed its attention on providing risk management training under the strategy described above.

Outlook

In 2005-06, the Policy team will continue to work to achieve the Commission's strategic objective of targeted prevention and early intervention for vulnerable children and young people at risk of entering the child safety or juvenile justice systems by:

- identifying and improving awareness of the issues which increase the likelihood of vulnerable children entering the child protection or juvenile justice systems
- identifying and advocating for service enhancements for more effective intervention where children have suffered harm
- implementing education and awareness strategies to inform regulated businesses and employers of the need to have a risk management strategy in place to protect children and young people in their care, and

- continuing to monitor broader policy development of relevance to children and young people to ensure a coordinated whole-of-government strategic approach to protecting children and young people from risk.

In addition, the Policy team will continue to:

- scrutinise the work of government agencies in relation to children or young people, and take part in cross-agency working groups to represent the interests of children and young people
- monitor, support and provide advice on the relevant legislative reforms arising from the Commission's *Queensland Review of Child Labour*
- work on initiatives to address volatile substance misuse, and
- develop processes for the engagement of children and young people in policy and program development.

In 2005-06, the Commission will develop an Aboriginal and Torres Strait Islander strategy which will support the three outcomes sought by the Commission, and enable:

- engagement with Aboriginal and Torres Strait Islander children, young people and their communities, government agencies and community organisations
- culturally appropriate access to services provided by the Commission, and
- improved policy and practice advice on internal and external matters to the Commission on Indigenous issues.

