



**CHILDREN'S COMMISSION**  

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**OF QUEENSLAND**

**The role of the Children's Commission in the context  
of the Queensland Government's Child Protection  
Reform Strategy**

PAPER PRESENTED AT THE BASPCAN CONGRESS  
York, United Kingdom  
20 September 2000

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*I am a 42 year old Aboriginal man. I was made a Ward of the State in 1964 and was sent to an orphanage in Central Queensland. The physical abuse I endured while there was executed with bull whips and various other instruments administered by orphanage staff... We were made to punch brick walls. If it was deemed that the punch wasn't hard enough, your arm was grabbed and you were given assistance. We were also made to eat soap, go without food or placed in solitary confinement in a cupboard or darkened room. I was sexually abused over a period of time... I've seen injustice in life's various social structures, injustices dished out by people of seemingly irrefutable reputations and qualifications. I don't trust any of them (Commission of Inquiry Into Abuse of Children in Queensland Institutions, 1999 p.251).*

During the past few years, stories like this have shaken the beliefs held by many institutions in Western countries that they had been providing adequate care for vulnerable children. This particular extract is from the statement of a witness to the Commission of Inquiry into Abuse of Children in Queensland Institutions, held during 1998. Through this painful, but necessary exploration of past practices and experiences, in Queensland we have asked - how could this happen and how can we ensure that it does not happen again?

There were two major thrusts to the Queensland Inquiry: first, an investigation into institutional abuse that had occurred since 1911 when the first state child protection legislation, the *State Children's Act*, was enacted; and second, a review of current legislation, policies and practices.

The Commission of Inquiry Into Abuse of Children in Queensland Institutions reported its findings to the Queensland Government in June 1999. The report highlighted the need for major systemic change to the entire child protection sector in Queensland. Around this time, media coverage of child sexual abuse and severe cases of child maltreatment created increased community concern about child welfare in the state.

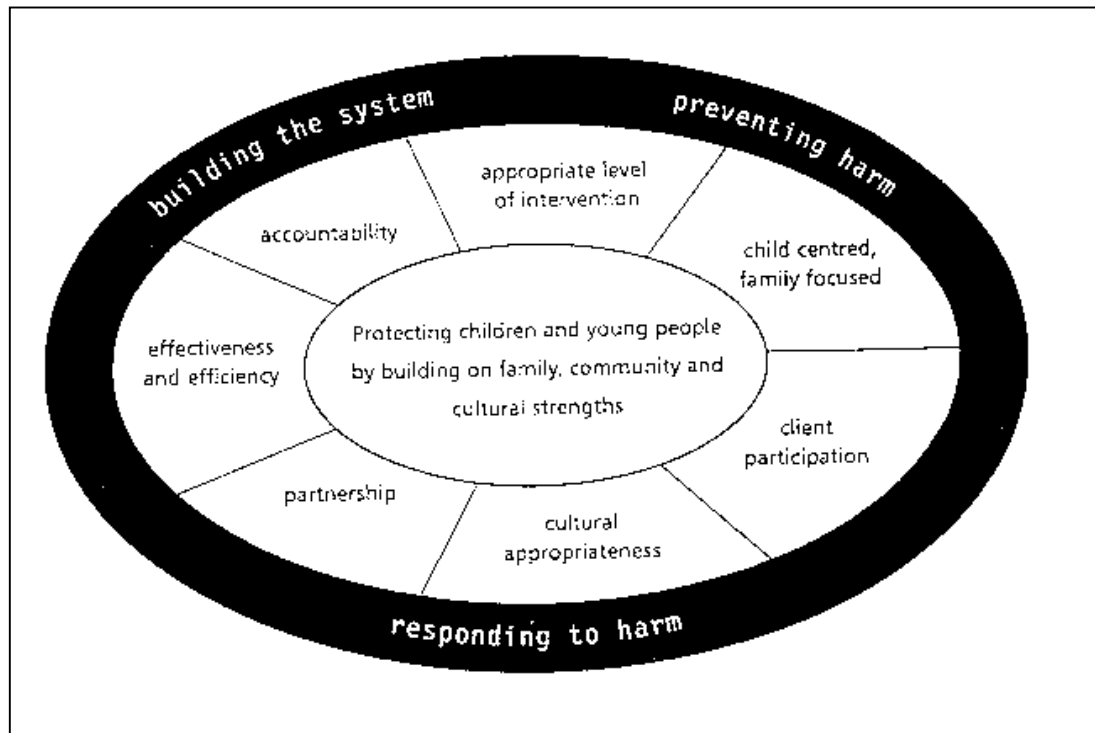
What is known in Queensland as the Forde Report can now be seen as the culmination of a number of pressures for change to which the government has recently responded. New legislation, the *Child Protection Act 1999*, was embedded in a strategy for reform, developed through consultation with relevant government and non-government bodies around the state.

When proclaimed in March 1999, this Act replaced outdated and limited legislation which had been in existence since 1965, and provided a contemporary legislative framework for protecting children from harm. The Act emphasises the state's dual obligations of supporting families in their primary role as carers, yet protecting and caring for children and young people who have been harmed or are at risk of harm.

To provide for effective implementation of the Act and to articulate a vision for child protection services in Queensland, a *Child Protection Reform Strategy* was developed. Clear pathways to achieving better outcomes for children, young people and families have been identified in the *Queensland Child Protection Strategic Plan 2000-2003*. The need for a significant cultural shift to improve client and community participation in the child protection system has been clearly identified.

Aspects of this include co-ordinated planning, greater access to training and skills development, agreement on output and outcome measures, improved data collection to measure achievements, and the use of data to guide planning. Significantly for Queensland, the need to enhance government funding for child protection has also been acknowledged, and is to some extent being addressed.

There are three priority outcomes for reform of child protection services in Queensland. These involve preventing harm, responding to harm and building the child protection system. This framework is diagrammatically represented in the *Strategic Plan* in this way.



**Model of priority outcomes from the *Child Protection Strategic Plan* , Families, Youth and Community Care, Queensland, 2000.**

Specific examples of actions taken as part of the Queensland *Child Protection Reform Strategy* include the establishment of the Child Protection Council and the Child Protection Service Delivery System Improvement Project (Queensland).

The Child Protection Council consisting of members of the government and non-government sector provides leadership and policy advice to the Minister for Families, Youth and Community Care on child protection matters and advocates for the safety and well being of children and young people.

The Child Protection Service Delivery System Improvement Project (Queensland) aims to improve the effectiveness and efficiency of the Child Protection service delivery system through a range of strategies including articulating clear performance standards, developing a valid, reliable and consistent child need assessment and classification system and a new resource allocation model.

The new legislative framework remains a crucial base for these initiatives. The *Child Protection Act 1999* was the first within Australia to incorporate a Charter of Rights for Children in Care (see Appendix 1). It is underpinned by the principles of equity and participation, privacy, and the recognition of indigenous, ethnic and cultural identity.

The Act provides the framework of principles that underpin all aspects of child protection service delivery. These principles are summarised in the *Strategic Plan*:

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- child centred, family focused
  - appropriate levels of intervention
  - client participation
  - cultural appropriateness
  - accountability
  - effectiveness and efficiency
  - value of partnership

These core principles aim to inform the development and implementation of policy and service delivery at a grass roots level. The Children's Commission of Queensland has embedded these principles into its practice framework and through new legislation, *The Commission for Children and Young People's Bill 2000* which is currently before the Queensland Parliament.

Established in 1996, the Children's Commission of Queensland was the first independent commission for children established anywhere in Australia. It serves to promote and protect the rights, interests and well being of all children and young people in Queensland and brings this commitment to policy debate and implementation and monitoring of practice.

The Children's Commission has a unique role in the improvement of child protection services in Queensland. Advocacy is identified as one of its core functions. The research, communication and policy functions generally focus on systemic advocacy while complaints management, administrative appeals and community visitor programs support individual advocacy.

Provision of service extends beyond formalised legal and administrative support to include advocacy for improved outcomes in areas such as health, housing, education and training and justice issues, dependent on individual or group needs.

*The Commission for Children and Young People Bill 2000* extends this current advocacy function specifying that the Commission must give priority to those vulnerable children and young people:

Who are in, or may enter, out of home care or detention;

- For whom there is no appropriate person to act on their behalf;
- Who are not able to protect their rights, interests or well being; and
- Who are disadvantaged because of disability, geographic isolation, homelessness or poverty.

*The Commission for Children and Young People Bill 2000* will re-establish the Commission as an independent statutory body attached to the portfolio of the Queensland Head of State, the Premier. The new Commission for Children and Young People will have extended functions and powers including:

- Advocating for children and young people;
- A state-wide community visitor program consisting of locally-based people who will visit children in certain out-of-home residential care facilities, mental health facilities and youth detention centres;
- The ability to receive, seek to resolve and investigate complaints about the delivery of services by any government or non-government service funded by government and provided to children subject to orders or intervention of the Department of Families, Youth and Community Care;

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- The administration of employment screening to determine suitability for persons seeking to work in child-related employment where this is not regulated by existing legislation;
  - 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 youth and other expert advisory committees to advise the Commissioner about specific issues related to children and young people.

As a core part of its operations, the Commission provides a toll-free phone service for anyone to express their concerns relating to the delivery of children's services and liaises with relevant authorities to resolve matters impacting on the life experiences of children, young people and families.

The function of the Community Visitor Program in monitoring certain residential facilities, mental health facilities and youth detention centres is an advocacy role which reaches out to vulnerable and marginalised young people and children. Community Visitors are empowered to act as advocates for children and young people in care, by listening to, giving voice to and facilitating the resolution of their concerns and grievances.

The face to face interaction with children in care by the Community Visitor is a mechanism which facilitates individual advocacy for these vulnerable children. The Community Visitor Program provides a direct channel for these children to voice their fears or concerns and for immediate action to be taken in response to these complaints.

Earlier this month, information technology was utilised to extend this particular advocacy function. Children and young people in care were invited to "virtually chat" via the Internet with the Children's Commissioner, the head of the Queensland Department of Families, Youth and Community Care, and a representative from Create Foundation, a support group for children who are not living with their natural parents.

*The Commission for Children and Young People Bill 2000* is underpinned by the principles of the United Nations Convention of the Rights of the Child. It gives recognition to the entitlement of Queensland's children and young people to be heard and have their rights and interests safeguarded by an independent and pro-active body set up to advocate on their behalf.

Ironically, children - the most dynamic and expressive members of our society – are often left voiceless by bureaucracy and power structures. In an attempt to remedy this, the Commission embraces the notion of client participation, one of the principles in the United Nations Convention, which underpins the *Child Protection Reform Strategic Plan 2000-2003* and *The Child Protection Act 1999*. Children and young people should have the means, not only to inform decisions made in relation to them, but to be significant contributors to discussion in the development and implementation of relevant policies and programs.

*The Children and Young People's Bill 2000* has established specific guidelines for collaboration. The Commissioner must:

- Consult with children and young people in a way that promotes their participation in decision making by the Commissioner;
- Listen to, and seriously consider, the concerns, views and wishes of children and young people;
- Adopt work practices that ensure the Commission is accessible to children and young people; and

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- Be sensitive to the ethnic and cultural identity and values of children and young people, including, in particular, Aboriginal and Torres Strait Islander Children.

This legislation is a landmark for Queensland children and young people as it has the capacity not only to empower and incorporate them in decision making processes but to ensure this involvement is seen as paramount.

The Commission has already facilitated the voice of children and young people in response to several systemic reviews including:

- the Forde Inquiry mentioned above;
- the provision of evidence to Queensland courts by children and young people;
- the 2010 Queensland State Education consultation process.

The focus of consultation processes in each of these initiatives was those individuals who:

- had direct experience of the system, policy or operational context; and,
- were less likely to be considered in a systemic review due to their marginal status.

In addition, the Commission is intent on engaging our youngest citizens in development and delivery of communicative processes which truly connect with and reflect contemporary youth culture including:

- regeneration of the Commission for Children and Young People website;
- ‘child and youth friendly’ publications detailing the services of the Commission for Children and Young People, other service agencies or programs; and,
- on-line chat opportunities between policy analysts and decision makers focusing on issues affecting children and young people.

Currently, the Children's Commission is establishing a Youth Advisory Council. This consultative body representative of Queensland children is a mechanism to facilitate the involvement of children and young people in a significant manner with the decision making and policy process.

The facilitation of lunch-time events designed to introduce influential figures such as politicians and Director-Generals with their youngest constituents also ensures that the voices of children and young people are both raised and heard. Moreover, the expression of those views and ideas will not be filtered through officers of the Children's Commission, but will come directly from children and young people themselves – warts and all.

The Queensland Government and the non-government child protection sector have made an effort to work together collaboratively to provide a more holistic and contemporary direction for child protection in Queensland. The Children's Commission plays a unique role in this challenging and exciting time. The new legislation for the Commission will establish the most progressive multifunctional and empowered Children's Commission in the world, as a statutory government authority reporting directly to the Head of State, with both a complaints and an advocacy function. This will set a new benchmark for future Commissions around the world.

At the beginning of this paper, we heard the voice of a witness in the Forde Inquiry giving an example of abusive practices which were inflicted upon children in Queensland not so very long ago. I want to conclude with two very different stories. The first is a brief account of a young person's dealings with the Children's Commission quite recently. This story also highlights the way in which the child protection reform strategy gives young people the

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ability to question decisions made about their lives - quite a different story from the Forde Report days.

*A young person in care contacted the Children's Commission Review Unit. He stated that he had not had contact with his four brothers who were in two separate foster homes for at least 4 months. The Children's Commission advised that young person of his appeal rights and liaised directly with the relevant authorities on his behalf. The outcome of this action was that contact between the siblings in this family began occurring once again.*

The second again illustrates the power of new communication technology. In September 1999 a young person sent the following email to the Queensland Children's Commission Website from a town in Michigan.

*"i need help about getting out of my parents house. i fell like im living like a prisoner. i just wanted to no ho old you have to be befor you can move out.please if you cant help me, do you no anyone i could get contact with that could help me".*

There was no age, name or gender, although the name embedded in the email address was female. It was difficult to assess the age as, although the spelling and grammar difficulties could point to the person being quite young, it need not necessarily be the case.

In a matter like this, the situation can range from a young person who is virtually living as a prisoner and who is desperately in need of help, to a young person who is merely pushing against appropriate parental boundaries.

It is not, however, up to the Children's Commission to attempt to make a judgement on the validity of the request but to provide the assistance the child asks for, with an underlying assumption that the situation is serious.

The Commission attempted in a range of ways to obtain contact details for the child. These included internet searches and international emails and phone calls to various places in Michigan, the latter occurring at strange times of the night to cope with the time difference between Australia and the United States.

The Commission was able to respond to the child with a range of contact numbers for organisations explaining the level and type of support each provided, from urgent intervention to information provision, and with an offer to contact the Commission again if the child felt he or she needed further help.

Several weeks later the young person sent the Commission an email providing her name, her age, she was 17, and thanking us for the contact numbers.

We do not know the outcome, just as we do not know the original circumstances that prompted her correspondence. But that is not the point. There was somewhere for a young person to go who needed help. Whether that help be obtained in the next street or across the world little matters as long as it is available.

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## References

Commission of Inquiry Into Abuse of Children in Queensland Institutions, 1999, *Report of the Commission of Inquiry Into Abuse of Children in Queensland Institutions*, (Forde Inquiry), Brisbane.

Families, Youth and Community Care, Queensland, 1999, *Child Protection Reform Strategy*, Brisbane.

Families, Youth and Community Care, Queensland, 2000, *Child Protection Strategic Plan 2000-2003*, Brisbane.

## Legislation

*Child Protection Act 1999.*

*Commission for Children and Young People's Bill 2000.*

*State Children's Act 1911.*