



6 March 2023

Department of Justice and Attorney-General  
State Law Building  
50 Ann Street  
BRISBANE QLD 4000

By email: [FCCActReview@justice.qld.gov.au](mailto:FCCActReview@justice.qld.gov.au)

**RE: Legislative review of *Family and Child Commission Act 2014* ('The Act')**

Dear Colleague

**About QCOSS**

Queensland Council of Social Service (QCOSS) is the peak body for the social service sector in Queensland. Our vision is to achieve equality, opportunity, and wellbeing for every person, in every community. In providing this submission, we have sought feedback from our members, including child, family and youth organisations as well as organisations working with Aboriginal and Torres Strait Islander families.

**QCOSS position**

QCOSS acknowledges the important role that the Queensland Family and Child Commission (QFCC) play in providing systemic oversight and advocacy within the child protection and family support system within Queensland. As identified in the independent review, the QFCC has delivered its legislative functions to a high standard and has maintained significant influence within the child protection system.<sup>1</sup>

In regard to the Terms of Reference for the legislative review of the *Family and Child Commission Act 2014* (the Act), we have limited our feedback to the items outlined below.

- **Whether any amendments should be made to the Act to provide for the enhanced independence of the QFCC in the performance of its current functions under the Act.**

The Act should embed the independence of the QFCC from political or departmental influence to ensure that the QFCC continue to advocate effectively for children and families. There was a clear view amongst QCOSS members that the QFCC should have the independence to critique and complete independent reviews.

Presently, the QFCC may only commence a review if data revealing a systemic issue emerges. The Act should allow for commissioners to independently commence their own review. This would enable the commissioners to respond to challenges prior to systemic issues being identified.

- **Whether the Act should provide for an enhanced focus on First Nations children (in particular with respect to the Commissioner's role) to help address the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.**

In 2022, 46.7 per cent of Queensland children in the child safety system were Aboriginal or Torres Strait Islander.<sup>2</sup> Of the daily Queensland youth detention population in 2022, 66 per cent were

<sup>1</sup> ACIL Allen. Independent Review of the performance of the Queensland Family and Child Commission of its functions: Final Report. 2021.

[https://acilallen.com.au/uploads/projects/433/ACILAllen\\_ReviewQFCC\\_2021.pdf](https://acilallen.com.au/uploads/projects/433/ACILAllen_ReviewQFCC_2021.pdf)

<sup>2</sup> Productivity Commission. Report on Government Services: Child Protection Services, Table 16A.2. 2023

<https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/child-protection>

Aboriginal or Torres Strait Islander.<sup>3</sup> This systemic overrepresentation of First Nations children and families must be addressed, including by an enhanced focus by the QFCC.

The enhanced focus on First Nations children should be led by the First Nations Commissioner appointed in accordance with s11(5) of the Act. If the QFCC is to continue to have two commissioners, only one of which is a First Nations person, it is arguable that the Commissioners should have equal standing and that the QFCC's resources should be orientated toward supporting a genuine organisation-wide focus on addressing the over-representation of First Nations children in the child protection system.

- **Whether any amendments to the Act are required to support more effective coordination between the QFCC, statutory bodies and other agencies/institutions.**

Recommendation 6.6 of *Taking Responsibility: A Roadmap for Queensland Child Protection (Carmody Inquiry)* asserts that the commission should lead the development of a capacity-building and governance strategy for non-government agencies to improve relationships between government and non-government agencies.<sup>4</sup> Section 9(1)(c) of the Act provides that a function of the Commission is to develop and review workforce planning and development strategies for the child protection system by collaborating with relevant agencies, the private sector and education providers.

Peak bodies and government agencies undertake significant workforce planning and capacity building activities. Consideration should be given to removing section 9(1)(c) from the Act to enable the QFCC to focus on activities that are not within the power or remit of peak bodies and government agencies. The remaining functions outlined in section 9 are arguably broad enough to enable the QFCC to provide expert advice, increase collaboration and build the capacity of the sector if there was an identified need.<sup>5</sup>

- **Determining how best to give effect to recommendation 11 of the QSAC report.**

QCOSS support the establishment of an eSafety Commissioner role.

From consultation with QCOSS member organisations, it is clear online safety for children, young people and families is a continuing concern. As well as supporting and informing children, families and schools, it is important the eSafety Commissioner is established and resourced to support, engage and empower community organisations in this work.

Ongoing consultation with community organisations should be undertaken in the development and establishment of the eSafety Commissioner.

Thank you again for the opportunity to provide our submission. If you have any questions, please contact Aimee McVeigh, Chief Executive Officer at [aimee@qcross.org.au](mailto:aimee@qcross.org.au).

Yours sincerely



Aimee McVeigh  
Chief Executive Officer

<sup>3</sup> Productivity Commission. 2023, Report on Government Services: Youth Justice Services, Table 17A.9. 2023. <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice>

<sup>4</sup> Queensland Child Protection Commission of Inquiry. *Taking Responsibility: A Roadmap for Queensland Child Protection*. 2013. [http://www.childprotectioninquiry.qld.gov.au/\\_data/assets/pdf\\_file/0017/202625/qcpci-final-report-web-version.pdf](http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/qcpci-final-report-web-version.pdf)

<sup>5</sup> See sections 9(1)(g) and (h).