



QUEENSLAND
GOVERNMENT

Queensland Government Response
To Recommendations Of The

COMMISSION OF INQUIRY
INTO ABUSE OF CHILDREN
IN QUEENSLAND INSTITUTIONS

August 1999

FOREWORD

*"To understand and learn from the past, we must all accept responsibility for children
– our most valuable and vulnerable asset."*

Commissioner Leneen Forde

The true test of any society is how it treats its children. An enlightened society is one that values children in their own right, treats them with care and dignity, ensures their safety and nurtures their full potential. As members of the community and parents, we all want this for every child. As your representatives, the Government must ensure that this occurs.

Sadly this has not always been the case in Queensland. The Commission of Inquiry into Abuse of Children in Queensland Institutions, the Forde Inquiry, was established in August 1998 to investigate and report on abuse and neglect of children in Queensland Institutions. The Inquiry concluded that significant numbers of children suffered serious physical, sexual and emotional abuse. In many more cases there was a failure to provide for the basic needs of children for emotional warmth, food, clothing and education.

The Inquiry's disturbing conclusion that "successive governments have not sufficiently valued children to adequately resource the department entrusted with their care" will be redressed. The protection and care of children is one of the cornerstones of this Government's commitment to social justice. The 42 recommendations of the Forde Inquiry will provide valuable input into the ongoing development of Government policy in the fields of youth justice and child protection.

We congratulate Leneen Forde and her fellow Commissioners Jane Thomason and Hans Heilpern and their staff for an outstanding job in hearing and analysing difficult and disturbing evidence with great sensitivity. Their Report marks a watershed in the care and protection of Queensland's children.

We are deeply grateful to those people who courageously came forward to tell their stories to the Inquiry. Without them, this Inquiry would not have taken place. Without their testimonies, there would not have been the impetus for a comprehensive review and reconstruction of the system that will ensure that this and future Governments honour their responsibility to protect and care for the children of Queensland.

This document outlines the Government's response to the recommendations of the Forde Inquiry. This Government is committed to addressing these recommendations with diligence and persistence. The task is great and the reforms many. However, as the Report so eloquently shows, the costs of neglecting this challenge are too high and too painful. We must ensure that all our children are valued, safe and have the opportunity to contribute to our society in the next millennium.

Peter Beattie MLA
Premier

Anna Bligh MLA
Minister for Families, Youth and
Community Care
Minister for Disability Services

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1. INTRODUCTION

The Forde Commission of Inquiry into Abuse of Children in Queensland Institutions was established by Governor-in-Council on 13 August 1998. The Report of the findings of this Inquiry was tabled in Parliament on 8 June 1999. The findings are very clear. Child abuse occurred in Queensland institutions – children suffered and continue to carry the legacy of this pain throughout their lives. The State was not always a good parent.

The safety and protection of all children is of paramount concern to the Government and people of Queensland. The special responsibility that the State has towards the most vulnerable in society is acknowledged and the need for excellence in the delivery of services to at risk children and young people is vital.

The Report highlights that children in Queensland have not always received the care they deserve. It challenges the Government and the wider Queensland community to redress the wrongs and to create a system that values and protects children. The opportunity to acknowledge the wrongs and to address these concerns is welcomed. While the seriousness and enormity of this task is recognised, the Government will approach this with diligence and commitment.

The Report provides significant evidence of abuse and neglect of children within Queensland institutions in the past, and identifies ongoing concerns about current practice in relation to child protection and youth detention. It contains 42 recommendations and calls for action in a number of areas.

A consultation process with key stakeholders was initiated in relation to the Government response. The initial feedback from this process has been used to inform this response. It is envisaged that the Government's implementation of the recommendations of the Forde Inquiry will be enhanced by ongoing cooperation and partnership across Government and non-government bodies.

This document details the Queensland Government's response to this important Commission of Inquiry.

2. BACKGROUND

2.1 The Establishment of the Inquiry

There has been for some time in Queensland, considerable public discussion and media attention concerning the alleged abuse of children formerly in Queensland institutions. A number of factors were involved in the escalation of this interest in recent years including:

- The investigations and findings of the NSW Wood Royal Commission;
- The establishment and operations of Task Force Argos, a police task force addressing paedophilia, including the investigation of a number of matters relating to children's homes;
- *Bringing them home* - the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families;
- The Report of a UK Parliamentary Inquiry into British Child Migrants;

- Allegations, legal proceedings and mediation processes involving St Joseph's Home at Neerkol, the Sisters of Mercy, and the State Government;
- Advocacy and investigations by the Office of the Children's Commissioner.

There were clear public expectations that the Government would take action to investigate these matters. The interest was in establishing the efficacy of allegations of past abuse and ensuring that current child protection and youth justice practice minimised the risk of further abuse to children and young people in the care of the State or in detention.

2.2 Terms of Reference

In mid 1998, Cabinet approved the establishment of an Inquiry under the *Commissions of Inquiry Act 1950*. The Inquiry was established to consider and report upon any unsafe, improper or unlawful care or treatment of children, or any breach of statutory obligation, during the care, protection or detention of children (in both Government and non-government institutions and detention centres). The terms of reference for this Inquiry specifically included:

Under the provisions of the *Commissions of Inquiry Act 1950* and all other enabling powers Leneen Forde AC, Jane Thomason and Hans Heilpern are appointed to make full and careful inquiry without undue formality with respect to the following matters :-

- A. (i) In relation to any government or non-government institutions or detention centres established or licensed under the *State Children Act 1911*, *Children's Services Act 1965* or the *Juvenile Justice Act 1992*:
 - (a) whether any unsafe, improper or unlawful care or treatment of children has occurred in such institutions or centres; and
 - (b) whether any breach of any relevant statutory obligation under the above Acts has occurred during the course of the care, protection and detention of children in such institutions or centres.
- (ii) If a non-government institution, prior to being licensed under the *Children's Services Act 1965*, was registered under the *Infant Life Protection Act 1905* then statutory obligations under the *Infant Life Protection Act 1905* and such period of registration are also deemed to be within the scope of the Inquiry as prescribed by paragraphs A (i) (a) and (b) above.
- B. In the context of the need to resolve these matters as soon as possible, to:
 - (i) examine the outcomes of any previous investigations;
 - (ii) be aware of and take into account the scope of any current investigations or proceedings by other authorities into matters falling within the ambit of paragraph A above; and
 - (iii) receive information from the Children's Commissioner and examine any allegations in relation to these matters which have been made to date under the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*.
- C. After such inquiry as the Chairperson deems appropriate, refer to the appropriate authorities any instances where there appears to be sufficient evidence to prosecute for a criminal offence, take disciplinary proceedings, or pursue a charge of official misconduct against any person under any Act in respect of such lack of safety, impropriety or unlawful care or treatment of children.

- D. To make any recommendations as may be considered appropriate in relation to:
- (i) any systemic factors which contribute to any child abuse or neglect in institutions or detention centres;
 - (ii) any failure to detect or prevent any child abuse or neglect in institutions or detention centres; and
 - (iii) necessary changes to current policies, legislation and practices.
- E. By 1 March 1999 make full and faithful report and recommendations in relation to the subject matters of inquiry and to transmit it to the Minister for Families, Youth and Community Care and Minister for Disability Services.

The Inquiry was later given an extension until 31 May 1999 to provide its Report.

2.3 The Inquiry

Commissioner Mrs Leneen Forde chaired the Inquiry with the assistance of Commissioners Dr Jane Thomason and Mr Hans Heilpern. The Inquiry heard evidence from 105 current and former residents and staff of institutions in private hearing. In addition, written submissions were received from 151 individuals. Expert evidence was received from a range of professionals and academic experts through written submissions and public hearings. Research projects and reviews of current facilities were commissioned. Detention centres and several residential facilities were inspected by the Commission.

The Inquiry undertook a comprehensive review of archival evidence. The Department of Families, Youth and Community Care ("the Department") made more than 250,000 folios available to the Inquiry which included client files as well as records relating to staff, residential facilities and detention centres and general policy issues. The Children's Commissioner also made available over 200 files that came within the Terms of Reference.

3. SUMMARY OF FINDINGS

The Report of the Inquiry provides a comprehensive picture of the delivery of residential care and detention services to children in Queensland throughout most of this century. It states that there were clear indications that child abuse occurred and may continue to occur in Queensland residential facilities.

3.1 Past Abuse and Neglect in Institutions

The Inquiry found that incidents of unsafe, improper or unlawful treatment of children occurred in many institutions licensed and established under the relevant legislation. This included neglect and emotional, physical, sexual and systems abuse. Breaches of statutory obligations in relation to food, clothing, education and corporal punishment were commonplace. For example, despite requirements that they be provided with education, many former residents who spent their childhood in the care of the State, are illiterate or nearly illiterate.

This abuse and neglect occurred for a range of reasons, but mainly because of underfunding and shortstaffing, the lack of standards and State supervision and the prevalence of large institutions providing little opportunity for community interaction. Many children were not orphaned and were inappropriately placed within orphanages because of behavioural issues, sexual activity, an absence of alternative options, because they were indigenous, or were voluntarily placed by their parents.

3.2 Contemporary Child Protection Practice

While fewer incidents of abuse, neglect and breaches of statutory obligation in contemporary child protection practice were identified, it was considered that children currently in the care of the State are at risk of harm.

These issues mainly relate to the Department's capacity to fund, set standards and monitor the well-being of children, primarily due to under-resourcing of child protection activities. There were also concerns about the standard of background checking on people working with young people. Recommendations were made about the strengthening of criminal history checking practices.

There was little evidence that the Department worked systemically to reduce the risk of abuse of children in care in residential facilities or indeed that it could do so within current resources. This was demonstrated in deficient procedures for reporting and managing notifications of abuse in residential care, and an absence of sufficient mechanisms, such as Official Visitors, to detect and report abuse.

3.3 Contemporary Detention Centre Operations

The Inquiry found that current detention centre operations were struggling in their role to divert and rehabilitate young people from graduating to the adult prison system. In some respects, detention centres were seen as little different from adult facilities, offering less in terms of privacy, facilities, programs and safety. They may breach legislative requirements, acceptable standards or United Nations Conventions.

The centres were characterised by inadequate physical facilities, a lack of staff training and supervision, a paucity of programs for detainees and an overemphasis on security. Of particular concern were inappropriately and frequently used searches, including personal searches. These searches were viewed as intrusive, further victimising young people who may have been previously abused.

4 GOVERNMENT RESPONSE TO RECOMMENDATIONS

The Report of the Inquiry contains a series of 42 recommendations aimed at addressing past abuse as well as ensuring that abuse does not occur in the future. These recommendations and details of the Government response to each recommendation follow.

RECOMMENDATION 1

That the Department continue to give effect to the recommendation of the Daffen Report 1998 that funding to Petford Training Farm as a residential facility for young people be terminated.

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POSITION:

The recommendations of the Daffen Report have been implemented by the Department of Families, Youth and Community Care.

ACTION:

Action to Date

In accordance with the relevant recommendation of the Daffen Report, funding to Petford Training Farm as a residential facility ceased in March 1999. The Minister for Families, Youth and Community Care and Minister for Disability Services reallocated the funds to assist remote Indigenous Communities in North Queensland to implement strategies for their at risk youth.

In response to the recommendations from the Aboriginal Coordinating Council, a new service delivery model will be established to resource the Cape communities to plan, coordinate and deliver programs to prevent youth suicide, self-harming, offending and anti-social behaviour. Approximately \$500,000 in recurrent funding has been made available for this initiative to support young people at high risk in communities. The responses will be developed in conjunction with the community and reflect the particular needs and issues of the local area. Local initiatives might include supporting cultural and skills development programs for young people on the communities, outstations or purchasing specialist counselling services as required. The programs will be flexible and differ from place to place and time to time.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 2

That the Department undertake a project similar to "Connecting Kin", developed by the NSW Department of Community Services in 1998, to identify the repositories of information relevant to the lives of former State wards in Queensland. **Page 106**

POSITION:

The Government endorses the recommendation and will implement mechanisms to improve access to information for former wards of the State.

ACTION:

Current Situation

The "Connecting Kin" publication developed by the NSW Department of Community Services in 1998 has some similarities with several projects currently in place in Queensland. *A Guide to Queensland Government Records relating to Aboriginal and Torres Strait Islander Peoples* has been published by the Department of Families, Youth and Community Care and Queensland State Archives.

Intended Action

As the Department of Families, Youth and Community Care currently holds the vast majority of information relating to former children in care, it is planned to make additional resources available for the provision of personal information. An information kit containing details of relevant records and historical information will be developed and will be available free of charge.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 3

That the Department notify all non-government organisations that have been involved in the care of children in Queensland that it is willing to accept any surviving records relating to State wards and that it will retain those records and provide the individuals and families concerned with access to them.

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POSITION:

The Government endorses this recommendation and will work closely with non-government agencies and Church services to ensure that any surviving records are collected and coordinated with Government information to improve access to individuals and families.

ACTION:

Intended action

As part of the development of the information kit mentioned in Recommendation 2, the Department will contact all non-government organisations with a view to identifying all available information resources. Further action will depend on the results of this project.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 4

That the Queensland Government increase the budget of the Department by \$103 million to permit it to meet the national average per capita welfare spending for children, and agree to maintain the increase in line with the national average. The additional resources should focus on the prevention of child abuse through supporting 'at risk' families, respite care, parenting programs and other early intervention and preventative programs for high-risk families.

Page 118

POSITION:

The Government is committed to significantly improving child protection and family support services. Clearly any resources invested must demonstrate that outcomes for children, young people and families will be improved. Resources to implement a comprehensive reform strategy in the short, medium, and long term will be considered in a budgetary context.

ACTION:

Current Situation

Queensland's current expenditure on child protection services totals approximately \$80M per annum. Of this, \$9M is allocated to child abuse prevention and family support services and the remainder is allocated to tertiary intervention services.

The Department has initiated the Child Protection Reform Strategy to develop, in conjunction with the community services sector, a long term strategic plan for child protection which encompasses the areas of child abuse prevention, early intervention, family support for at risk families and intervention services.

This process has assisted the Department in identifying services and resources required to significantly improve outcomes for children in care. A planned approach is needed to build the capacity of the Government and community service sectors over the short, medium and long term.

Intended Action

The Government is committed to achieving better outcomes for children and their families. Resources to implement a comprehensive reform strategy in the short, medium and long term will be considered in a budgetary context.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 5

That there be a concerted whole-of-government effort to reduce the gross over-representation of Indigenous children in juvenile detention centres.

Page 189

POSITION:

The Government is committed to reducing the unacceptably high levels of over-representation of Indigenous children in detention centres and the juvenile justice and child protection systems, and will work closely with Indigenous communities to achieve this aim.

ACTION:

Current Situation

A number of initiatives that target, in particular, Indigenous children, are currently being established to divert young people from unnecessary or prolonged periods in detention. These include:

- An additional \$3.5M over four years made available in the 1998/99 State Budget for youth crime prevention initiatives that target, in particular, Indigenous youth crime prevention;
- Expansion of Community Conferencing services currently conducted at Ipswich, Logan City and Palm Island to include a fourth program which opened in June 1999 at Cairns to service remote areas of North Queensland;
- Three pilot Youth Justice Services at Ipswich, Townsville and Logan to provide focussed and specialised services for young people on community based orders and remand.

Intended Action

Clearly, a reduction in the over-representation of Indigenous children in both the child protection and youth justice systems requires close collaboration across Government and with Indigenous people and communities. To facilitate this collaboration, a major summit will be held so that, in partnership, Government agencies and Indigenous communities may clearly identify and plan the means to effectively address this serious problem. In consultation with Indigenous communities, an increased range of initiatives will be introduced to:

- Provide early intervention services to Indigenous families in need of support and at times of crisis to address the underlying problems that often lead to family breakdown or youth crime;
- Further develop and expand upon existing youth crime prevention strategies to target, in particular, Cape York and other high need areas of the State;
- Build on the effective work of Community Justice Groups and other Indigenous organisations to strengthen their capacity to address the problems of youth crime when it occurs, at a local level;
- Expand the range and intensity of programs and services available to Indigenous young offenders to increase the cultural appropriateness and effectiveness of community based options as viable alternatives to detention.

Over...

RESPONSIBILITY:

Department of Families, Youth and Community Care in liaison with other Government agencies, particularly the Department of Aboriginal and Torres Strait Islander Policy and Development.

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 6

That alternative placement options be developed for young people on remand in order to reduce the number placed in juvenile detention centres. **Page 191**

POSITION:

The Government is committed to expanding alternative placement options to reduce the need for young people on remand to be placed in detention centres.

ACTION:

Current Situation

The Conditional Bail Program that was established in 1995 has proved highly effective in diverting young people from custody, with some 100 young people participating in the program at any point in time. A limited number of options are available however to accommodate and support young people on remand and not in the care of their families.

Intended Action

To address this recommendation, it is intended to build on the success of the Conditional Bail Program by:

- Enhancing services to assist young people who may otherwise be refused bail or remanded in custody to remain, wherever possible, in the care of their families or with kin. Targeting young first time or minor offenders, the aim of the services will be to stabilise their home environment and reduce family conflict;
- Increasing the range of supported accommodation options that exist in local communities, the training and support of careproviders, and the number and quality of program activities for young people aimed at addressing their offending behaviours. The target groups will include high need, recidivist offenders either subject to community based orders or leaving detention who are likely to reoffend and be returned to custody if their cycle of offending is not broken. These strengthened services will be similar to the successful South Australian Intensive Neighbourhood Care Program;
- Working towards the establishment of a number of youth outreach services that operate for extended hours in high need areas across the State. These services will work closely with Police and Crisis Care to divert young people when arrested from unnecessary detention in a watch house or detention centre. They will achieve this by accessing alternative accommodation options or helping to provide support services to the families of these young people. These services will also be used to arrange early intervention services for young people who, whilst they have not as yet been arrested, have come to the attention of the Police and are at risk of entering the criminal justice system. These services will be similar to the successful Killara Program operating in Western Australia.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 7

That the Department review the practice of unclothed searches with a view to reducing their use, and that detailed documenting (date, time, reason and process used) of every such search be made.

Page 210

POSITION:

The Government will review guidelines for unclothed searches to ensure appropriate documentation and minimisation of the need for such searches.

ACTION:

Current Situation

Searches are an important strategy in ensuring dangerous objects and drugs, are not introduced into detention centres. The *Juvenile Justice Regulation 1993* provides specific guidelines in relation to searches of residents. The focus of these searches is on ensuring the safety of residents and staff. Searches must not be undertaken for behaviour management or disciplinary reasons.

Intended Action

It is intended to:

- Review and amend current procedures to ensure that unnecessary unclothed searches do not occur;
- Purchase drug detection equipment and increase the supervision of visits as an alternative to searches;
- Review procedures for recording details about searches;
- Improve the training of detention centre staff for conducting searches, when unavoidable, in as discrete and sensitive a manner as possible;
- Improve systems for monitoring and reviewing the practice of searching.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change, but consideration will be given to strengthening provisions of the *Juvenile Justice Regulation 1993* in respect to the practice of searches following a review of the *Juvenile Justice Act 1992*.

RECOMMENDATION 8

That the Department ensure:

- *contact with family and friends is treated as a basic entitlement of all detainees, essential to their psychological wellbeing and successful reintegration, and that it should not be apportioned according to behaviour*
- *contact with family and friends is actively encouraged, and that efforts are made to ensure that visits are relaxed and positive for detainees and visitors alike*
- *contact by detainees with partners and 'significant others' is given the same status as that given to parents and siblings*
- *procedures that deny a young person contact and support from their family are examined and eliminated unless a substantial case can be made for their retention*
- *visiting times are varied to accommodate the needs of working parents, shiftworkers and those with small children.*

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POSITION:

Ensuring ongoing and regular contact with families and friends is recognised by the Government as being vital for the rehabilitation of a young offender.

ACTION:

Current Situation

The right of young people to receive visits is recognised in the *Juvenile Justice Act 1992*.

Intended Action

To address this recommendation, it is intended to review the current visiting practices of each centre to ensure that contact with family including young people's partners and 'significant others' is treated as a basic entitlement and encouraged. More flexible visiting arrangements will be developed and, where possible, increased assistance will be provided to families and community members to visit.

As part of the Infrastructure Development Program for detention centres, close attention is being given to the design of the reception and visits areas within both the new Brisbane centre and the upgraded Cleveland and John Oxley centres to ensure that these facilities are as "family and visitor friendly" as possible. Provision is also being made for video conferencing facilities to enable contact with families from remote areas who may be unable to visit.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 9

That the Department explores mechanisms for increasing community involvement in juvenile detention centres.

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POSITION:

The Government sees the benefits of active community interaction with detention centres to ensure confidence of the community in the integrity of the system and to maximise the rehabilitation impacts for young detainees.

ACTION:

Current Situation

The Government's Securing the Care Project was noted by the Commission of Inquiry as a "significant development designed to improve coordination of services, case planning and detainee management". It provides for increased participation by community agencies in reviewing the work of centres. A comprehensive six month plan to implement the project across all centres commenced in March 1999 and has proceeded according to schedule.

As a key component of the Securing the Care Project, Secure Care Review Groups comprising representatives from community based Indigenous and youth agencies are to be established for each centre. During July 1999, the terms of reference for the monitoring and reviewing roles of the Review Groups were completed and invitations were extended to a number of agencies to confirm their membership.

In addition to the monitoring and reviewing roles of community agencies provided for by the Securing the Care Project, there are a number of organisations involved in delivering programs and services for young people in detention. Their numbers are too few however and the arrangements are largely informal.

Intended Action

To address this recommendation, it is intended to:

- Proceed with full implementation of the Securing the Care Project including establishment of the Secure Care Review Groups;
- Work towards increasing the range and quality of services and programs provided for young people in detention by external community based agencies;
- Designate a function of community liaison within each centre for the specific purpose of ensuring that greater levels of community involvement exist;
- In consultation with community organisations, consider and establish further mechanisms that may be used to increase community involvement.

RESPONSIBILITY:

Department of Families, Youth and Community Care in liaison with a range of community organisations.

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 10

That the Department work closely with Queensland Health to establish adequate, high quality mental health services for juvenile detainees, staffed by in-house specialised mental health personnel with whom a child and adolescent psychiatrist and allied mental health staff can consult part-time.

Page 218

POSITION:

The Government recognises the need for young people in detention to have appropriate access to child and adolescent mental health services given their needs and vulnerability, particularly in relation to self-harming behaviours.

ACTION:

Current Situation

Preliminary discussions have been held between the Department of Families, Youth and Community Care and Queensland Health. Queensland Health has provided initial recommendations for the provision of an integrated health services model that includes general health, mental health, dental care and drug and alcohol counselling and treatment. It has been proposed that the planning and delivery of these integrated health services be linked with the improved case coordination systems developed within detention centres in response to the Securing the Care Project.

Intended Action

It is intended to further investigate the best possible model for the delivery of integrated health services within detention centres, paying particular attention to the cultural needs of Indigenous young people. This model is to provide for:

- Sessional paediatric and psychiatric consultation;
- Specialist mental health and dental services as an out-patient service;
- An in-patient mental health service when required;
- Enhanced alcohol and drug counselling and treatment services.

RESPONSIBILITY:

Queensland Health

LEGISLATIVE IMPLICATIONS:

The review of the *Juvenile Justice Act 1992* will ensure that legislative provisions allow for the delivery of these services by Queensland Health.

RECOMMENDATION 11

That the Department and Education Queensland jointly review the allocation of special education resources for children in institutions and prepare a detailed report to both Ministers, by 31 December 1999, on the current availability and any gaps, as well as a clear plan for rectification.

Page 227

POSITION:

There is a commitment by the Government to ensure appropriate targeting of educational and training support to provide the skills necessary for young people to play a more positive role in society. Education is instrumental to rehabilitation outcomes.

ACTION:

Current Situation

Whilst the majority of children in care or subject to youth justice orders are able to access mainstream schooling, there is a significant number of young people for whom special educational resources are needed. The Department of Families, Youth and Community Care and Education Queensland are developing a joint report on alternative education programs for young people who are marginalised from mainstream schooling, including young people in care, subject to youth justice orders or at risk. This study will:

- Review the number, models and availability of existing alternative education programs;
- Identify objectives of these alternative programs and their place in the education system;
- Identify the extent to which current programs are meeting these objectives;
- Develop priorities for establishing further programs.

The report is to be completed by 31 December 1999.

Young people resident in detention centres currently access some 15 hours per week of schooling in addition to other vocational training programs they may be attending. While this is an improvement in comparison with the approximately 7.5 hours of schooling young people were receiving at the time the Inquiry was held, it is fully recognised that it does not yet match the level of school access that young people have within the general community.

Intended Action

To address this recommendation, it is intended to work across Government to:

- Increase the availability of alternative education programs in the community;
- Continue to improve young people's access to educational services within detention centres.

The Infrastructure Development Program for youth detention centres that was approved by Cabinet in February 1999 caters for substantial increases in school facilities that may be used in delivering improved educational services.

RESPONSIBILITY:

Education Queensland in liaison with the Department of Families, Youth and Community Care.

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 12

That the Department ensure that all young people in detention centres, whether sentenced or on remand, have access to:

- *a range of programs that will both engage them and be of future vocational benefit*
- *community-based educational, vocational and related services to assist reintegration and to help reduce the isolation and separation felt by detainees*
- *appropriate recreational facilities and sporting instruction as central components of programmed activities, recognising the importance of sport as a factor in achieving reintegration and reducing recidivism.*

Page 227

POSITION:

The Government fully supports the need to upgrade vocational training and access to improved recreational and sporting opportunities to ensure reintegration of young offenders into the community.

ACTION:

Current Situation

The Infrastructure Development Program for youth detention centres that was approved by Cabinet in February 1999 will provide improved facilities for a full range of educational, vocational training, therapeutic, sports training and recreational programs.

Intended Action

To address this recommendation, the Department of Families, Youth and Community Care, Education Queensland and the Department of Employment, Training and Industrial Relations will work together in developing the appropriate mix of educational and vocational training programs. Similarly, the Department of Families, Youth and Community Care will, in conjunction with the Department of Tourism, Sport and Recreation, develop improved recreational and sporting instruction programs that may be continued by young people in the community following their release from detention.

With the addition of these enhanced programs and services, the aim of detention centres will be to provide structured activities for young people that will both gainfully occupy their time while in detention and assist their rehabilitation and reintegration into the community following their release.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 13

That the closure of Sir Leslie Wilson Youth Detention Centre be accomplished as planned by the end of 2000, or before, and that the refurbishment of John Oxley and Cleveland Youth Detention Centres proceed as a matter of urgency. **Page 236**

POSITION:

The Government has moved quickly to build and refurbish the detention centres in Queensland. A new youth detention centre in Brisbane will be constructed by the end of 2000 that will allow for the closure of the Sir Leslie Wilson centre.

ACTION:

Current Situation

In February 1999, Cabinet approved an Infrastructure Development Program for youth detention centres. This plan includes:

- The construction of a new Brisbane centre;
- The re-building of the Cleveland centre on its existing site at Townsville;
- Upgrades and refurbishment of the John Oxley centre;
- Closure of Sir Leslie Wilson following completion of the new Brisbane centre.

This plan is proceeding according to schedule. A site for the new Brisbane centre has been identified and architects have for some months been working with the Department of Families, Youth and Community Care. Similarly, planning for the re-building of Cleveland is underway.

The first stage of the upgrading of the John Oxley centre was completed during the second week of August 1999. This included the removal of suicide and self-harming risk points in the residential units, the air-conditioning of these units necessary to allow for the removal of these risk points, and an upgrading of furniture and the living environment.

Intended Action

It is intended to proceed according to plan with the Infrastructure Development Program.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 14

That the Minister for Families, Youth and Community Care establish an expert working group to provide advice regarding options available as an alternative to the construction of a proposed new juvenile detention centre at Wacol. **Page 236**

POSITION:

The Government does not endorse this recommendation. An exhaustive review of all site options for a new detention centre in Brisbane has been conducted over the past five years. Wacol was chosen based on expert advice. The decision will not be subject to review as the primary objective is to ensure the closure of the Sir Leslie Wilson Youth Detention Centre.

ACTION:

Current Situation

The Wacol site for the new Brisbane detention centre was approved by Cabinet in February 1999 along with its approval of the Infrastructure Development Program. The site selection process included preliminary assessment of 400 sites followed by further detailed examinations of several shortlisted sites. Against set criteria, other possible sites did not compare with the advantages held by the Wacol site. These advantages included, for example, its accessibility to public transport systems to allow for family visits, its proximity to courts and specialist services necessary for the care of detained young people, the suitability of the land's topography for the desired layout and design of the centre, and the capacity to visually buffer the facility from neighbouring properties.

Concerns of the Inquiry about the centre's close proximity to adult correctional facilities and its larger size in comparison with existing centres in Queensland are appreciated by the Government. There is no desire by this Government to stigmatise young people by closely associating them with adult offenders. For this reason, the site at Wacol was carefully selected to ensure that it is not within sight of any prisons, nor does the road access require visitors to pass by any of these facilities.

In comparison with new centres in other States, the planned Brisbane centre will be comparable in size, if not smaller than most. To prevent a large scale institutional feel, the design concept being worked on by the architects is one of "centres within a centre". This will allow young people to be accommodated in small groups within residential units that are distinctively designed to meet their different needs and characteristics, whilst still allowing their access to a full range of program facilities. The Government is confident that this will allay concerns held by the Inquiry about the de-personalisation that can arise in traditionally designed large institutions.

Over...

Intended Action

It is intended to proceed according to plan with the construction of the new Brisbane centre on the selected Wacol site. Work on the new Brisbane centre is now well advanced and to revisit the selection of its site would lead to major delays in the closure of the outdated Sir Leslie Wilson Centre. The closure of Sir Leslie Wilson is a priority of the Government, consistent with the Inquiry's recommendation that it be closed as soon as possible.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 15

That the Department implement in full the detailed recommendations of the consultant responsible for the review of juvenile detention centres, contained in Appendix 13.

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POSITION:

The Government is broadly supportive of these detailed recommendations as outlined below.

ACTION:

Current Situation

Appendix 13 makes recommendations in relation to a range of detention centre practices and procedures, most of which are consistent with those that are planned either in conjunction with implementation of the Securing the Care Project or with the commissioning of the new and upgraded facilities.

Intended Action

A number of recommendations made within Appendix 13 will be addressed through implementation of other recommendations. In response to Appendix 13, it is intended to:

- Include within legislation as part of the review of the *Juvenile Justice Act 1992*, a list of rights of young people in detention;
- Fast track completion of the new Youth Detention Practice Framework Manual, incorporating any procedural changes required as a result of other recommendations;
- Close Sir Leslie Wilson centre as soon as possible, as stated in response to Recommendations 13 and 14;
- Incorporate, wherever feasible, changes to the design of the new Brisbane centre and planned upgrades of the John Oxley, Cleveland and Sir Leslie Wilson centres to address a number of specific recommendations made by the consultant to the Inquiry;
- Review the behaviour management and discipline systems and practices at all centres, as well as the procedures for admission, searches and the use of handcuffs;
- Enhance mental health and other health services for young people in detention, as discussed in response to Recommendation 10;
- Increase the flexibility of contact arrangements with family, friends and community members, as discussed in response to Recommendation 8;
- Increase the quality and range of programs and services for young people in detention, as discussed in response to Recommendations 11 and 12;
- Enhance systems for complaints and monitoring, as discussed in response to Recommendations 16, 17, 18, 19, 20, 34 and 35.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

A number of these initiatives will be incorporated with the review of the *Juvenile Justice Act*.

RECOMMENDATION 16

That legislation be enacted to make mandatory the reporting of all abusive situations that come to the attention of departmental employees and persons employed in residential care facilities and juvenile detention centres.

Page 258

POSITION:

The Government acknowledges the need to implement mandatory reporting of all situations of abuse in residential care and detention centres.

ACTION:

Current Situation

There are two circumstances of abuse or neglect that are relevant to consider in response to this recommendation. The first is abuse within the child's home or failure by parents to protect. In this regard, it can be noted, officers employed to implement the *Child Protection Act 1999* have a duty to report abuse or neglect that comes to their attention. The Act exists to provide a framework for responding to allegations of abuse that are brought to the attention of authorised officers. However, it is not currently mandatory for staff of residential facilities or detention centres to report allegations of abuse within the child's home of which they may become aware.

The second circumstance of abuse relevant to this recommendation is abuse by staff or others within an out of home placement, including residential care services or detention centres. Obligations under the departmental Code of Conduct and the *Criminal Justice Act 1989* mandate staff employed by the Department of Families, Youth and Community Care to report abuse of children involving staff members.

Staff of residential facilities are required to report instances of abuse by staff but this requirement is not legally mandated.

Intended Action

It is intended that a specific provision will be inserted in the Child Protection Act to ensure that both employees of the Department of Families, Youth and Community Care and staff of residential care services report child abuse and neglect of children in residential care facilities. Further, it will be a requirement, incorporated in the development of regulations under the Child Protection Act, that all licensed care services have an explicit policy supporting the right and obligation of staff to report concerns about standards of care of children and incidents of harm.

The Government will review the current provisions for reporting incidents of abuse of young people detained in detention centres to either Police or the Criminal Justice Commission to identify any gaps in jurisdictional arrangements. The review of the *Juvenile Justice Act 1992* will consider the need to strengthen existing provisions to include reporting abuse of young people by staff employed within detention centres.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments are required to the Child Protection Act. Consideration will be given to amending the Juvenile Justice Act.

RECOMMENDATION 17

That requirements for the Department to conduct regular inspection and monitoring of residential care facilities and juvenile detention centres be specified in legislation.

Page 258

POSITION:

The Government recognises the obligation of the Department of Families, Youth and Community Care to be well informed about the day to day operations of residential care facilities and detention centres and therefore to be in a position to ensure adherence to standards.

ACTION:

Current Situation

Under the *Child Protection Act 1999*, two provisions aim to monitor the quality of the care provided to children within residential care facilities. Facilities which are licensed by the Department to provide residential care must meet the Statement of Standards for Care Services set out in the Child Protection Act, in addition to other criteria related to ensuring the suitability of persons employed to provide care. Licenses are to be reviewed every three years.

Secondly the Child Protection Act requires that departmental officers conduct six monthly reviews of the arrangements for the care of a child in care. This is a minimum formal review requirement; the Act also requires regular contact while working with a child and family towards addressing the child's protection needs.

Regular inspection and monitoring of detention centres is currently provided for in the *Juvenile Justice Act 1992*. The Australian Juvenile Justice Administrators has developed a set of national standards for the operation of juvenile justice services. These standards include inspection of detention centres and accreditation of standards.

Intended Action

Mechanisms for regular inspections and monitoring of residential care will be legislated in the development of regulations to accompany the Child Protection Act.

Requirements for the regular inspection and monitoring of detention centres will be included in the review of the Juvenile Justice Act.

Strengthening the role of Official Visitors, as indicated in Recommendation 26, will further enhance the independent inspection and monitoring of care arrangements.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Development of regulations to accompany the Child Protection Act and amendment to the Juvenile Justice Act will be required.

RECOMMENDATION 18

That the Department have a legislatively imposed responsibility to collect information relating to abuse of children and young people in residential care facilities and juvenile detention centres.

Page 258

POSITION:

The Government has legislated for this in the *Child Protection Act 1999*. The proposal to extend similar provisions to the *Juvenile Justice Act 1992* will be considered as part of the current review of that Act.

ACTION:

Current Situation

The need for efficient information systems to enable the Department of Families, Youth and Community Care to detect patterns of abuse and to act accordingly to minimise risk is recognised. The Child Protection Act requires the Department to collect and record information and statistics relating to the abuse of children and young people. This includes those in residential care facilities.

Although not currently a legislative requirement, incidents of abuse of young people in detention centres are already recorded by detention centre staff and monitored and archived by the Youth Detention Centre Operations Branch through a Youth Detention Centre Incident Database.

Intended Action

It is proposed that existing information systems for the recording of abuse within residential facilities will be enhanced, so that more useful trend and incidence data can be extracted.

A legislative requirement for the collection of information and data about the abuse of children in detention centres will be considered in the context of the review of the Juvenile Justice Act.

Data on reports of abuse will be provided to the Children's Commissioner to assist the Commission effectively monitor and research trends.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments to the Juvenile Justice Act are necessary.

RECOMMENDATION 19

That the provision of advocacy services for young people in residential care facilities and juvenile detention centres be required by legislation. **Page 258**

POSITION:

The Government supports the need to include explicit recognition of advocacy services for children and young people in the relevant legislation.

ACTION:

Current Situation

The *Child Protection Act 1999* contains numerous provisions to inform young people about decisions that affect them and to enable children and young people to participate in making decisions about their care. The functions of the Chief Executive set out in the Act include the requirement to consult with clients of the Department of Families, Youth and Community Care, including those in residential care, and with client representative groups. For example, the Department works collaboratively with CREATE (formerly the Queensland Branch of Young People in Care) and other organisations that advocate for children in care.

The *Juvenile Justice Act 1992* supports departmental consultation with children and the participation of young people in making decisions about their lives. The Youth Justice Program of the Department regularly consults with clients and client representative groups. However there is currently no legislated requirement for specific advocacy services to be provided for children and young people. The current review of the Children's Commission includes consideration of the role of Official Visitors in advocating on behalf of children and young people.

Intended Action

The provision of advocacy services will be included in the Chief Executive's functions in the Child Protection Act, the review of the Juvenile Justice Act and in the definition of the role of Official Visitors under the *Children's Commission and Children's Services Appeals Tribunals Act 1996*.

The review of the Juvenile Justice Act will consider a Charter of Rights for children coming into contact with the juvenile justice system including the right of advocacy.

It is intended that the role of Official Visitors in advocating on behalf of young people in residential facilities and detention centres be supported by a peer advocacy service. 'Peer advocacy' involves young people being resourced and supported in

- understanding the obligations of those given responsibility for their care;
- being involved, appropriate to their age and development, in decisions about their care;
- identifying issues relating to their care;
- communicating to those involved in their care.

The service would be formally linked back to the Official Visitor program so that young people are able to have issues taken up on their behalf.

Over...

RESPONSIBILITY:

Department of Families, Youth and Community Care and (subject to Cabinet consideration) the Children's Commission

LEGISLATIVE IMPLICATIONS:

Amendments to the Juvenile Justice Act and the Child Protection Act are necessary. In addition, Cabinet will consider the role of Official Visitors in the context of the review of the Children's Commissioner and Children's Services Appeals Tribunals Act.

RECOMMENDATION 20

That legislation be enacted to require that licensing of residential care facilities be subject to an independent written evaluation.

Page 258

POSITION:

The Government will strengthen licensing procedures and give active consideration to the need for independent evaluations as part of this process.

ACTION:

Current Situation

The *Child Protection Act 1999* requires that all residential care services for children subject to departmental intervention be licensed. Licensing procedures are currently being reviewed to bring them into line with the requirements of the new legislation. This includes the drafting of regulations. Licensing ensures that the credentials and proposed operation of the body seeking to run a residential care facility are examined in detail, against standards set to ensure a high quality of service provision to children and young people. Relicensing is required every three years. The granting of a license will require bodies operating a residential care service to provide regular information upon which performance can be assessed, and to be subject to regular inspection and monitoring.

Intended Action

The licensing process for residential care facilities will include an independent written evaluation. This requirement will be incorporated into regulations currently being drafted for the Child Protection Act.

The conduct of evaluations will be linked to the accreditation of residential care facilities against quality standards. Options for including independent involvement in the accreditation and evaluation process will be actively considered.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

The requirement will be incorporated within the Regulations for the Child Protection Act to be enacted in early 2000.

RECOMMENDATION 21

That by December 2000 the Department:

- *assess the needs across Queensland for residential care*
- *review the effectiveness of current models of residential care (e.g. family group homes compared to larger institutions such as BoysTown)*
- *develop criteria for equitable distribution of facilities and appropriate models of care*
- *develop medium and long-term plans for future development of residential care, taking into account the distribution and needs of children throughout the State*
- *review funding and provision of residential services for Indigenous young people to ensure quality of services and cultural appropriateness.* **Page 261**

POSITION:

In addition to the significant work currently underway, the Government is committed to ensuring appropriate distribution of residential care services across Queensland on a needs basis. This work will be done in close consultation with the existing service provider network.

ACTION:

Current Situation

Under the Child Protection Reform Strategy, the Government is reviewing the range of alternative care arrangements for children and young people unable to live with their families, including residential care. This review is being conducted with non-government agencies, Indigenous agencies, foster carers and young people in care. The Government is committed to ensuring quality care for these children and young people.

This process has included comprehensive consideration at the regional and sub-regional level of the need for all types of alternative care services and appropriate models of care to meet the needs of the children and young people in care within the region. It has been acknowledged that the level of funding for residential care services does not match interstate benchmarks.

In addition, the Department has commenced a review of BoysTown model of residential care in collaboration with the De La Salle Brothers. The outcomes of this review will make a significant contribution to establishing directions in the provision of contemporary residential care services.

Intended Action

The need to review residential care and improve access to all types of alternative care has been recognised in the Child Protection Reform Strategy. A needs based planning framework will be established to inform the range of services required and their distribution across Queensland. In addition, funding levels will be reviewed and benchmarks established in close consultation with service providers.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

These initiatives can be realised without legislative change.

RECOMMENDATION 22

That in order to ensure effective links between standards of care, service agreements, quality assurance, licensing and legislative requirements for residential care, the Department:

- *review the Practice Standards for the Conduct of a Licensed Residential Care Service to ensure consistency with the statement of standards outlined in the Child Protection Act 1999 and develop clear performance indicators that are incorporated into service agreements*
- *develop a system of independent external accreditation based upon the standards required under the Act*
- *require that all residential care facilities be subject to independent evaluation as a condition of being granted a licence or renewal of a licence.*

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POSITION:

The Government recognises the need for improved quality assurance for the conduct of licensed residential care facilities and, within the recently enacted *Child Protection Act 1999*, has provided a framework for this to be addressed.

ACTION:

Current Situation

Practice standards for residential care services are being reviewed in the context of preparation for implementation of the Child Protection Act in early 2000. Written standards to form the basis of licensing will comply with the Statement of Standards of that Act. It is recognised by the Government that processes related to licensing, ongoing monitoring and quality assurance, and funding, must be integrated within a single framework. This framework will incorporate specific performance indicators related to service agreements for funding purposes and service standards to be met for licensing and accreditation purposes.

The Government is currently investigating models for accreditation, for example, those used in other areas such as the Australian Council of Health Care Standards and the Australian Quality Council. This includes examination of the capacity of existing models and accreditation bodies to provide a relevant and effective accreditation system for the out of home care of children.

Intended Action

Mechanisms for annual accreditation of residential care services based on best practice principles will be developed and incorporated into a framework for external monitoring of residential care. This will be integrated with the licensing requirements (renewal every three years with ongoing monitoring mechanisms), which will include independent evaluation as recommended by the Inquiry. It is intended that an external accreditation assessment would be performed at initial operation of a service and then at regular intervals.

The accreditation of residential care facilities will be undertaken by an appropriate body external to the Government or its departments.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

The requirements will be incorporated within the Regulations for the Child Protection Act to be enacted in early 2000.

RECOMMENDATION 23

That the Department establish a short-term residential facility to enable proper and comprehensive assessments when children are first admitted to care.

Page 263

POSITION:

The Government does not support the recommendation in this form, but fully endorses the need for better assessment services for children coming into care. A statewide assessment service will be developed, as opposed to a centre based service.

ACTION:

Current Situation

The need for better assessment of the needs of children entering care is acknowledged. Best practice service models to provide such assessments are being discussed by Government and non-government service providers within the context of the Child Protection Reform Strategy.

The comprehensive assessment of the protective and care needs of children is critical to the capacity of the system to meet their needs and make appropriate placement decisions. A range of services for conducting assessments, including where appropriate short term residential care, are required.

The need for access to assessment services in rural and remote areas is recognised as an important consideration in determining appropriate models. Related to this is the need for culturally appropriate assessments for Indigenous children that do not separate them from their extended family and community.

Intended Action

The need to improve the assessment of children and young people admitted to care has been recognised in the Child Protection Reform Strategy. Resources necessary to implement comprehensive reforms will be considered in a budgetary context.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 24

That the Department develop and implement an information system that records individual complaints and trends in institutional abuse.

Page 264

POSITION:

The Government is committed to maintaining and, where appropriate, enhancing information systems to record individual complaints.

ACTION:

Current Situation

Although not currently a legislative requirement, incidents of abuse of young people in detention centres are already recorded by detention centre staff and monitored and archived by Youth Detention Centre Operations Branch. Information recorded through these incident reports is not recorded on the main Client Information System or Child Protection Information System as incidents are resolved without the use of a formal child protection response by the Department.

The Department has procedures for recording incidents relating to young people placed with foster carers and in residential care and administrative procedures for ensuring an appropriate response to incidents. Incidents are recorded as Notifications on the Child Protection Information System where required. Manual procedures exist for recording other incidents. Incidents can be manually tracked for an individual foster carer through their file.

Intended Action

It is proposed that an incident management computer system be developed to facilitate the electronic submission of incident reports by detention centres and the electronic extraction of key information from these incident reports into a database for analysis and monitoring of trends. Where possible, this incident management system could be extended to facilitate the management of incidents relating to other departmental services.

The current process, guidelines and information management approach to reporting incidents involving alleged abuse within detention centres will be reviewed within the terms of reference of the consultancy addressing monitoring and inspection. Once the model is developed, ongoing and regular review and monitoring of centres will be undertaken by the Research and Review Branch of the Youth Justice Program.

It is proposed that specific systems will be developed to support the management of incidents involving foster carers as these need to be integrated with other foster carer information management systems. These systems could also support analysis and monitoring of trends.

The existing Child Protection Information System will also be enhanced to support more detailed recording and analysis of information relating to residential care.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATIONS 25-27

25. *That amendments be made to the Children's Commissioner and Children's Services Appeals Tribunals Act 1996 to ensure the independence of the office of Children's Commissioner, and provisions be made for its attachment for administrative support services to the Premier's Department.*
Page 264

26. *That the office of the Children's Commissioner be strengthened by:*

- *investing it with the role of Independent Inspector of residential care facilities and juvenile detention centres with wide powers of inspection in relation to such matters as the treatment of residents, preparation for release, morale of residents and staff, quality of health care and education, physical facilities and management*
- *empowering the Commissioner to conduct Inquiries into matters affecting children and young people including the authority to investigate and resolve complaints about the provision of services to children and young people*
- *establishing a comprehensive research function to enable research to be conducted into all matters relating to the rights, interests and wellbeing of children and young people in residential facilities and juvenile justice centres*
- *providing the Commissioner with the power to monitor the role of the Department in overseeing the care of young people in residential facilities and detention centres.*

Page 257

27. *That there be a Children's Services Appeals Tribunal constituted as a separate entity to the Children's Commission whose procedures are inquisitorial rather than adversarial in nature.*
Page 265

POSITION:

The Government supports these recommendations and is committed to strengthening the role of the Children's Commissioner as an independent advocate for children and young people in Queensland. Implementation of Recommendation 25 will be progressed shortly, and the remaining recommendations will be progressed within the context of the legislative review currently underway.

ACTION:

Current Situation

The Government supports the need to reform the Children's Commission. In September 1998 the Government commissioned an independent review of the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*. A report of the outcomes of the review has been completed and submitted to the Minister for Families, Youth and Community Care for consideration. The financial independence of the Children's Commission has already been addressed through amendments to the Children's Commissioner and Children's Services Appeals Tribunals Act by the *Child Protection Act 1999*. These amendments, when proclaimed, will provide for the Commission to be a statutory body independently accountable for its financial management.

Intended action

Cabinet will further consider necessary amendments to the Children's Commissioner and Children's Services Appeals Tribunals Act, arising both from these recommendations and the independent review of the legislation. An exposure draft of the proposed legislation will be released for public consultation this year. New legislation will be enacted in 2000.

RESPONSIBILITY:

Children's Commission and the Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments to the Children's Commissioner and Children's Services Appeals Tribunals Act are required.

RECOMMENDATIONS 28-33

28. That there be a review of the Official Visitors' program focusing on the legislative base, policy and procedural guidelines, actual practice, and effectiveness of the service.

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29. That the Official Visitors' program be maintained and extended with a view to providing a comprehensive monitoring function of all residential facilities for children and young people, including those not funded by the State but which, nevertheless, provide a similar service and including juvenile detention centres.

Page 266

30. That visits from Official Visitors be regular and frequent, and the number of Visitors reflect the size of the client base.

Page 266

31. That Official Visitors be 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.

Page 266

32. That Official Visitors be provided with complete orientation and training in alternative care practice, standards of residential care, advocacy issues and practice, and developing trusting relationships with young people.

Page 267

33. That Official Visitors be given access to relevant information about children and young people in care, and that they be bound by the same rules of confidentiality as other Commission and departmental staff.

Page 267

POSITION:

The Government supports the need to reform the Children's Commission including its Official Visitors' program.

ACTION:

Current Situation

In September 1998 the Government commissioned an independent review of the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*. Review of the Official Visitors' program forms part of the independent review of the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996*.

A report on the outcomes of the review has been completed and submitted to the Minister for Families, Youth and Community Care for consideration.

Intended action

Cabinet will further consider the Inquiry's recommendations along with the recommendations arising out of the independent review of the Children's Commissioner and Children's Services Appeals Tribunals Act. An exposure draft of the proposed Children's Commission legislation will be released for public consultation this year. New legislation will be enacted in early 2000.

RESPONSIBILITY:

Children's Commission and the Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments to the Children's Commissioner and Children's Services Appeals Tribunals Act are required.

RECOMMENDATION 34

That by December 2000 the Department develop and implement policies which ensure that:

- *there is a range of easily accessible, confidential complaints mechanisms for children*
- *children making complaints are protected and any worker about whom a child has made a serious complaint is separated from children in the facility, without loss of pay and other employment conditions, pending the outcome of the investigation of the complaint*
- *a rapid response to complaints is made and the action taken is documented*
- *senior officers of DFYCC or other personnel independent of the service with substantial experience in matters relating to child abuse carry out the investigation*
- *all allegations of abuse in out-of-home care are made the subject of mandatory reporting by institutional staff and are notified to the Children's Commissioner and the Office of the Director-General, DFYCC*
- *all serious complaints result in review processes to identify systemic problems and to provide recommendations for improvement*
- *all documentation relating to complaints or allegations of abuse is subjected to external review and audit, to ensure that required procedures have been followed*
- *a central database of caregivers is established to identify patterns of complaints and trends in institutional abuse.*

Page 269

POSITION:

The Government recognises the need for improved complaints mechanisms, and in particular the need to increase accessibility for children. The need for a comprehensive information system and transparent review processes is also acknowledged.

ACTION:

Current Situation

The complaints mechanism currently being developed as part of implementation of the *Child Protection Act 1999* largely complies with the key elements of this recommendation, which requires a comprehensive system for response to complaints of abuse, and review of the responses made. The Act requires that clients, and children in particular, are given access to information and are involved in decisions that relate to their circumstances or care and their rights of administrative appeal.

To give effect to the intent of the new Act, practice standards and mechanisms to ensure their implementation are currently being developed. These mechanisms aim to address both complaints about case planning in relation to a child and complaints about standards of service within a facility including allegations about staff mistreatment of a child.

The Incident Review Committee reviews complaints made by residents in detention centres. Official Visitors are also available for residents to lodge their complaints with. An enhanced complaint mechanism for children is, however, currently being developed.

Intended Action

The mechanism to implement complaints procedures consistent with the intent of the *Child Protection Act* will be strengthened by including all the factors outlined in this recommendation. The current process and guidelines for young people detained in detention centres to make complaints will be reviewed in line with this recommendation.

Over ...

The requirement for external review and audit of documentation will be met by enabling the Children's Commission to audit the Department of Families, Youth and Community Care's policy, procedures and systems for responding to complaints and its records.

RESPONSIBILITY:

Children's Commission and the Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments to the Children's Commissioner and Children's Services Appeals Tribunals Act may be required.

RECOMMENDATION 35

That by December 2000 the Department prepare:

- *detailed and standardised procedures for record-keeping that must be maintained by residential facilities, detention centres and the Department*
- *quality assurance mechanisms, including monitoring and review processes, that can measure whether appropriate standards are being maintained, that individual cases of abuse are detected and dealt with, and whether staff have the necessary conditions to work effectively*
- *detailed time-limited plans for their implementation across residential institutions caring for children.*

Page 270

POSITION:

The Government recognises the need to standardise record-keeping throughout the Department, and has a strong commitment to implementing clear standards to ensure quality outcomes for children in residential care. The Child Protection Reform Strategy including regulation of care under the *Child Protection Act 1999* introduces clear standards of care and licensing requirements. This Strategy will significantly reform the monitoring and review of residential care facilities, the operation of residential care services and improve accountability.

ACTION:

Current Situation

The current standards of the operation of licensed residential care services are to be reviewed and amended to incorporate requirements under the Child Protection Act. This includes a review of existing service agreements.

Detention centres have each developed their own procedures for record-keeping, the oversight of which is an internal, line management responsibility. Regular inspection and monitoring of detention centres is currently provided for in the *Juvenile Justice Act 1992* through the role of Official Visitors. The Research and Review Branch of the Youth Justice Program maintains a database of Official Visitor complaints to ensure resolutions result and to monitor trends.

Intended Action

Residential care service providers will require appropriate resourcing and support to meet the requirements associated with standards of care, employment practices, staff work conditions, recording and reporting instances of abuse and recording and responding to individual complaints. These matters will be specified in service agreements.

A comprehensive information system will be developed in consultation with non-government service providers to provide a fully integrated system for planning, monitoring and review of performance, recording client information and case management to funded residential care facilities. This system will allow the facility to provide comprehensive client, funding and performance data electronically. Implementation of the system will be phased in line with implementation of the Child Protection Reform Strategy.

Over...

Detention centre record-keeping practices will be reviewed to develop and implement appropriate standards. Quality assurance mechanisms will be developed and implemented to ensure that appropriate standards and practices are being maintained. Ongoing review and monitoring of centres' compliance with this process will be undertaken.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments to the Child Protection Act and the Juvenile Justice Act may be required to ensure compliance of licensed residentials with reporting requirements.

RECOMMENDATION 36

That by December 2000 the Department:

- *review issues affecting field staff responsible for children in care, including excessive caseloads, inadequate personal and professional supervision, high turnover, insufficient resources and training, and implement measures to address them*
- *establish the minimum requirement to operate each institution and provide adequate funding to ensure that the facilities can operate safely*
- *require through service agreements and service standards for residential services that staff are recruited through transparent merit selection processes, that clear human resources development and management standards are applied and that these standards be part of a contract, review and evaluation process. This must include, as a minimum, clear job descriptions and regular progress and performance monitoring of staff*
- *require scrupulous screening of all staff and other people in regular contact with children in residential care facilities and juvenile detention centres, not only through police checks (including fingerprints and records of charges laid) but also extensive interviews to ensure their suitability to be in contact with children or young people in care or detention*
- *require that criminal history and Child Protection Register checks be conducted on an ongoing basis, at a minimum of five-yearly intervals, for all residential care and juvenile detention centre staff*
- *address staff training requirements (initial and ongoing) for residential care services by the application of Service Standards and provision of training for all service providers*
- *require that an accredited core training program be completed by all residential care workers and that orientation programs to clarify staff roles and expectations be conducted, as well as refresher training programs for staff at regular intervals*
- *review staffing and supervision arrangements within detention centres, with risk assessment procedures applied to determine appropriate supervisory arrangements and the optimum staffing balance of permanent to casual staff to provide cost-effective service delivery by experienced staff, while minimising risk.*

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POSITION:

The Government broadly supports this recommendation. The feasibility of fingerprinting in the screening of persons applying for employment in residential care facilities and detention centres requires further investigation.

ACTION:

Current Situation

Issues affecting field staff including caseloads, supervision, staff turnover and training are recognised as vital to the provision of quality services. All of these matters are currently under consideration through the Child Protection Reform Strategy. Additional funding required to reform area office service delivery is currently under consideration in a budgetary context. The Family Services Act Amendment Bill currently before the Parliament provides for criminal history checks including both offences and charges to be undertaken on all departmental officers.

Over...

The *Child Protection Act 1999* requires that standards to be met by organisations operating residential care facilities include comprehensive and up to date human resource management practices. These requirements are outlined in the Act and will be detailed in regulation. They will include: recruitment processes; standards for training; assessment processes to determine suitability; criminal history and child protection records checks; standards for supervision and performance monitoring and departmental monitoring and review.

In line with the Inquiry's recommendations, it is proposed that internal systems for monitoring and reviewing facilities will be enhanced by external accreditation of residential care services. External accreditation will review non-government agencies' adherence to these management practices on an annual basis.

Screening of persons employed in residential care services is also provided for in the Child Protection Act. The Act requires that persons engaged in the direct care of children in a licensed care service be suitable persons and that a written report on their criminal history, domestic violence and traffic offences be obtained. Criminal history, in this instance, includes charges laid.

The Child Protection Reform Strategy is considering appropriate models of out of home care of children including residential facilities. The funding of models of out of home care is being considered and appropriate benchmarks will be developed in consultation with the community services sector.

A national project on the screening of persons seeking employment involving the care of children has recently been completed.

Intended Action

In detention centres, it is intended to prepare and implement progressively a human resources strategy which:

- reviews current staffing levels and supervisory arrangements (for both casework staff and Youth Workers);
- reviews staff recruitment and screening processes;
- examines the feasibility of ongoing screening via criminal history checks and the Child Protection Register;
- increases training for casework staff (including Indigenous caseworkers) in the professional area and in the area of safety and security;
- examines the option of separating program delivery from other casework activities;
- improves training for Youth Workers to include adolescent development, behaviour and positive behaviour management and mental health training;
- includes supervisory skills training;
- provides greater options for career progression, particularly for Indigenous staff.

The feasibility and desirability of introducing the use of fingerprints for detention centre employees or those of residential care facilities needs to be further investigated.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

Amendments may be required to the *Juvenile Justice Act 1992*.

RECOMMENDATION 37

*That the Queensland Government and responsible religious authorities issue a formal statement acknowledging the significant harm done to some children in Queensland institutions licensed under the Infant Life Protection Act 1905, the State Children Act 1911, the Children's Services Act 1965 and the Juvenile Justice Act 1992, formally apologise for that harm and make a commitment to prevent further abuse. **Page 288***

POSITION:

The Government acknowledges the value of an apology to those people who have been harmed as children in Queensland institutions and has been working with the Churches to formulate a statement of apology.

ACTION:

Current Situation

The Government and Churches have worked together to prepare a joint formal statement of apology.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 38

That the Queensland Government and relevant religious authorities organise a reconciliation event for former victims of abuse in orphanages and detention centres after consultation with them.

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POSITION:

The Government endorses the need to reconcile with past victims of child abuse and will continue to work closely with the Churches on an appropriate strategy to ensure the process of reconciliation can continue.

ACTION:

Current Situation

Reconciliation is a gradual process starting with an acknowledgment of past abuse and an apology by the Government and the Churches. Events where victims of abuse meet with Government or Church leaders to address past events is only a part of the process of reconciliation. Two open meetings for victims to speak to Church leaders have been held in Brisbane in the last few years. In addition there have been several facilitated meetings of victims with the Bishop or Leader involved.

Other events are being organised by the Government and Churches at institutions where the abuse took place. Consultation with former victims of abuse indicates that local events are preferred over a single large event as this provides a better focus on the past events that took place at that location. Also attendees feel a common understanding exists with other former residents of the same institution who would attend such an event.

Intended Action

A working group of representatives from the Government and Churches has been set up to follow up on the implementation of a number of Forde Inquiry recommendations focussing on reconciliation. It is intended that the entities that ran particular institutions will take responsibility for organising reconciliation events for victims of abuse of that institution. Input from victims of abuse is central to the process of organising these events to ensure that the event has meaning for victims.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 39

That the Queensland Government and responsible religious authorities establish principles of compensation in dialogue with victims of institutional abuse and strike a balance between individual monetary compensation and provision of services.

Page 288

POSITION:

The Government has commenced negotiations with the Churches to establish principles for the appropriate response to victims of abuse. The Government will establish a Trust Fund to provide services to support former residents in rebuilding their lives. Any claims for monetary compensation would need to proceed through normal legal processes.

ACTION:

Current Situation

A working group of representatives from the Government and Churches has been set up to follow up on the implementation of a number of Forde Inquiry recommendations including matters related to an apology and compensation.

The Sisters of Mercy and Rockhampton Diocese of the Catholic Church has settled over 70 civil claims for compensation made by former residents of Neerkol. The Government to date has not entered into negotiations with victims of abuse.

The Government has already moved to establish and fund an independent counselling and support service to assist former residents. An interim service which continues the counselling and support provided by the Forde Inquiry has been in operation since the release of the Forde Report. Counselling services established by Churches for former victims of abuse already exist.

Intended Action

The Government's response to this recommendation will strike a balance between repairing the past and securing the future. The Government will both establish and contribute financially towards a Trust Fund (similar to the British Child Migrants Trust established by the UK Blair Government) to support former residents in rebuilding their lives. This contribution will be balanced by significant investment into the child protection system to ensure dramatic improvements in the care of Queensland children.

The Government will inject \$1M into a new Trust Fund, which will fund the identified needs of individual former residents, eg: assistance with family reunion costs, or education and health expenses. The new Trust Fund, which will be linked to the provision of counselling and support services, will include former residents of institutions as Trustees. The Government is looking towards the relevant Churches to contribute to this new Trust Fund.

The establishment of the Trust Fund, or the receipt of benefits or services from the Trust Fund, will not preclude former residents from commencing legal action independently, as some former residents have already done. It is recognised that many of these claims are of an historic nature, and resolution of limitation period issues will be a matter for judicial discretion.

Over...

In addition to the establishment of this Trust Fund, significant new funds will be injected into the child protection system over time, through budget processes, to ensure that children in Queensland institutions receive the best level of care in the future. This is consistent with the wishes of many witnesses before the Inquiry (Appendix 12) that attention be directed towards improving future services to children in care or detention.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 40

That the Queensland Government and responsible religious authorities fund an independent 'one stop shop' for victims of abuse in institutions that provides a range of services such as:

- *ongoing counselling for victims and their families*
- *facilitation of educational opportunities including literacy programs*
- *advice regarding access to individual records, documents and archival papers*
- *specialised counselling services for indigenous victims of abuse*
- *assistance to former child migrants for reunification with their families.*

Page 288

POSITION:

The Government endorses the need to provide a comprehensive 'one-stop-shop' for victims of abuse in institutions and will work with the Churches to ensure a full range of appropriate services are available to victims of abuse.

ACTION:

Current Situation

The Government has established an interim Counselling and Support Service to continue the counselling services provided by the Forde Inquiry. An invitation to submit expressions of interest for the establishment of an independent service as described in this recommendation was advertised in June 1999. It is anticipated that this service will commence operation in September 1999.

Counselling services established by Churches for former victims of abuse already exist. The British Child Migrants Trust already exists to provide funds to former child migrants to cover the cost of their returning to Britain to reunite with their family. Steps will be taken to ensure that former child migrants who resided in institutions are aware of their entitlements under this trust.

Intended Action

A comprehensive counselling and support service will be available, with linkages to the Trust Fund discussed in Recommendation 39.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 41

That the Department develop transitional programs to prepare young people in the care of the State for independent living and help them to make the transition by providing assistance to gain employment, education and housing. **Page 288**

POSITION:

The Government endorses the need to develop transitional programs for young people leaving care, has established projects to assist transition from care, and will ensure strategies are put in place to coordinate service delivery to young people leaving care.

ACTION:

Current Situation

The Government has recently completed a pilot project aimed at identifying and responding to the needs of young people preparing to leave care. The outcomes of this pilot are currently being evaluated and will inform ongoing service delivery.

In addition, the Charter of Rights for a Child in Care contained within the *Child Protection Act 1999* makes specific provision for assistance to be provided to young people leaving care including financial assistance.

Intended Action

The Government in collaboration with the community services sector will develop services to address the needs of young people leaving care. These services will focus on both their preparation for leaving care and support after they have left care.

RESPONSIBILITY:

Department of Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

RECOMMENDATION 42

That the Queensland Government establish a process for the implementation and review of the recommendations of this Inquiry, requiring annual progress reports to Parliament on the implementation of recommendations over the next two years. Page 288

POSITION:

The Government supports this recommendation. An independent external monitoring committee will be established to monitor and publicly report upon the implementation of recommendations, including through an annual report to Parliament. In addition, an interdepartmental working group has been established to coordinate and drive implementation of the recommendations.

ACTION:

Current situation

Representatives from appropriate agencies across Government have met and communicated regularly since the release of the Inquiry Report to coordinate a response to the Report and to begin implementing its recommendations.

Intended Action

An interdepartmental working group has been established, consisting of relevant government agencies and chaired by the Children's Commissioner, to coordinate and drive the implementation of the Forde Inquiry recommendations across Government.

A separate Forde Inquiry Monitoring Committee will be established to collect information, monitor, analyse, and report to Parliament on the implementation of the Forde Inquiry recommendations. The Terms of Reference for the committee are to:

- meet on a quarterly basis, until December 2001, to collect, monitor and analyse information from Government and relevant stakeholders concerning progress in the implementation of the Forde Inquiry recommendations;
- report annually to Parliament, through the Minister for Families, Youth and Community Care, concerning progress in the implementation of the Forde Inquiry recommendations.

The committee will include representatives from the community and academic sector, as well as the Churches, consumer and advocacy groups. The Committee will be chaired by a person with appropriate stature, skill, and experience, and will be provided with administrative support from the Department of the Premier and Cabinet.

The committee's scrutiny of the implementation process will be strengthened through information and advice from the Children's Commissioner, the Crime Commissioner, the Police Commissioner, and the Director-General of the Department of Families, Youth and Community Care, attending as *ex-officio* members of the committee, with no voting rights.

RESPONSIBILITY

Minister for Families, Youth and Community Care

LEGISLATIVE IMPLICATIONS:

This initiative can be realised without legislative change.

5. OVERVIEW OF REFORM INITIATIVES

Significant reforms are currently underway in the areas of the protection and care of children and the detention of young offenders. The Government's response to the recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions must be viewed in the context of these reforms.

5.1 Protection and Care of Queensland's Children

It should be acknowledged that today's alternative care system is very different from that of the past. There is, in particular, a greater emphasis on family reunification and therefore fewer long term placements. There is also much more use of foster care and care by the extended family. While focussing on residential care, the concerns identified by the Forde Inquiry are relevant across the whole system. Reforms will have benefits across the wider system and improve outcomes for all children at risk.

Over the past twelve months, the Government has taken significant steps to address long standing deficits in the protection of Queensland's children from child abuse and neglect.

Reforming Queensland's Child Protection legislation

The *Child Protection Act 1999* was passed by Parliament in March 1999 and will be proclaimed early next year. This is the first major reform of child protection legislation since 1965 and the Act will replace the *Childrens Services Act 1965*.

The Child Protection Act provides a contemporary policy and legislative framework for the protection and care of children and support of their families. It establishes clear standards for the care of children who are unable to live with their families and addresses many of the issues raised by the Forde Inquiry including:

- requirements for licensing residential care facilities;
- establishing the suitability of persons involved in the care of children;
- undertaking comprehensive criminal history checks of persons involved in the care of children;
- involving children and young people in decision making;
- detailing the obligations of the State for children and young people in care.

Creating a long term vision for the protection and care of children

As indicated by the Inquiry's Report, policy and legislation must be supported by the provision of quality services to children and their families.

This Government has initiated a Child Protection Reform Strategy, in a close partnership with the community services sector, to develop and implement a long term vision for our children and their protection.

The strategy will address the prevention of harm to children, the support of families who are at risk of harming their children, and the safety and care of children who have been harmed within their families. This involves a planned approach that will deliver outcomes for children and their families. It acknowledges that comprehensive reform of Queensland's approach to child protection is required and will need to be tackled strategically over the short, medium and long term.

The Inquiry promotes the reform of residential care based on an assessment of need, a review of existing models of service delivery, equitable distribution of services across the State and adequate funding.

Under the Child Protection Reform Strategy, the Government and the community services sector are reviewing the range of alternative care arrangements for children and young people unable to live with their families, including residential care. This review is being conducted with non-government agencies, foster carers and young people currently in care. All sectors and stakeholders are committed to ensuring quality care for these children and young people.

In addition, the Government has initiated a review of the BoysTown model of residential care in collaboration with the De La Salle Brothers. The outcomes of this review will make a significant contribution to establishing directions in the provision of contemporary residential care services and education services for young people in need.

Establishing a Child Protection Council to advise Government

The protection and care of children is a shared responsibility of the community. There are a range of government agencies and community stakeholders who are involved in preventing and responding to harm to children.

For the first time in Queensland, a Child Protection Council, comprised of Government and community representatives, has been established to advise the Minister for Families, Youth and Community Care on how to coordinate efforts to ensure the safety of children.

The work of the Inquiry indicates that systems developed to protect and care for children must have transparent decision making processes and be open and accountable. The involvement of a range of stakeholders in the ongoing analysis of issues and in providing advice to Government is one way of keeping systems transparent, open and accountable and able to ensure modern practices are in place to respond appropriately to need.

Supporting young people leaving care

Young people who have been in the care of the State for considerable periods of time have particular needs in preparing to leave care, making the transition from care to supported community arrangements, and for post care support.

The Inquiry has highlighted the need to provide services to young people in transition from care to independent living, with a focus on assistance to gain employment, education and housing.

The Government acknowledges its particular responsibilities to these young people. In January 1999, \$500,000 was allocated to a pilot program to identify and respond to the needs of these young people. The pilot program is currently being evaluated and its outcomes will contribute to the development of ongoing services that ensure optimum life opportunities for young people to successfully transition from care to an independent adult life.

5.2 Review of the Children's Commission Legislation

The Children's Commission has a critical role to play in protecting and promoting the needs, aspirations and interests of Queensland's children.

The Government has moved to strengthen the role of the Commission. A review of the Commission and its role has recently been completed and a report is currently being prepared for Cabinet consideration. A stronger Children's Commission with clear and effective powers will be the outcome of this process.

The Inquiry has made a number of recommendations in relation to the role of the Children's Commission, its powers and reporting arrangements. The Government supports these recommendations and will progress them when considering the recommendations of the review of the Commission.

An exposure draft of proposed legislation will be released for consultation with major stakeholders later this year. New legislation will be enacted in early 2000.

5.3 Youth Justice Issues

Since taking office the Government has implemented significant changes to the administration of youth justice. Prior to July 1998, services to young people in conflict with the justice system were administered by three agencies. The Department of Families, Youth and Community Care managed youth community corrections and services to courts, the then Department of Justice was responsible for community conferencing and youth justice policy, legislation and research, and the then Queensland Corrective Services Commission administered the youth detention centres. The approach promoted duplication, poor coordination and poor case management.

The Government ended this ineffectiveness by creating a new integrated and revitalised program within the Department of Families, Youth and Community Care.

The new Youth Justice Program has responsibilities ranging from youth crime prevention through to diversionary options such as community conferencing, youth community corrections and detention centre services. This continuum of responses equips the new program to pursue a holistic and well-rounded approach to the issues of youth crime in keeping with the Government's election commitment to a balanced approach to youth justice.

Another important feature of the new program is the objective, wherever appropriate, to create opportunities for involvement of the community in planning and decision making, to encourage greater independent scrutiny and input from a broad range of perspectives.

Crime Prevention Strategies

A new program of crime prevention grants totalling \$3.5M over four years has been implemented. Four new youth crime prevention services will be established in Ipswich, Woorabinda, Cape York and Hervey Bay and \$592,000 has been allocated to 22 organisations for special youth crime prevention initiatives this calendar year.

The Department is coordinating its activities in this area with the Premier's Crime Prevention Task Force to ensure the opportunities for whole of Government strategies are maximised.

Community Conferencing

Community conferencing provides support to those affected by youth crime including young offenders, parents and victims. It makes young offenders more accountable, supports parents in exercising responsibility for their children, assists in victim recovery and the reduction of the fear of revictimisation. The program operates in three areas, Logan City, Ipswich and Palm Island. In June 1999 a new service was opened in Far North Queensland, based in Cairns. Work is currently underway to expand the service to communities on Cape York. Further expansion will require additional resources.

Pilot Youth Justice Services

Pilot Youth Justice Services are being established at Townsville, Ipswich and Logan City to provide specialist services to young people on community based court orders. Young people from the catchment areas of these three locations account for 20 percent of all young people on court orders in the State. The Townsville and Ipswich services are on schedule to be fully operational in August this year. The Logan service will provide some services pending the establishment of suitable accommodation.

In addition to administering community based court order requirements, each service will provide a wide range of programs to young offenders. Services will have a full-time vocational training officer from a community training organisation.

The services are being located in "youth friendly" venues with sufficient space to provide program and small group activities. Funding of \$6.3M over three years was provided in the 1998/99 State Budget for these centres.

Particular attention is being given to ensure the services are culturally relevant to Indigenous young people to maximise the impact on the prevention of reoffending. Each service has established a reference group comprising of Government and community representatives to assist in the planning and development of the new services.

Youth Detention Centre Infrastructure Plan

A ten-year plan for a staged development of detention centre infrastructure was approved by Cabinet in February 1999. The design and planning work for this major project is being conducted in close consultation with the community and agencies concerned with youth issues. Work on the implementation of the first stage of this plan has commenced.

The first stage includes:

- The design and construction of a new centre at Wacol for sentenced and longer term remanded males and all females from Southern Queensland. The centre will have a capacity of 86 beds. The estimated cost of the new centre is approximately \$30M;
- The rebuilding of the Cleveland Youth Detention Centre at Townsville on its existing site. The centre will retain its current capacity of approximately 50 beds for all males and females, both remanded and sentenced, from North Queensland. The estimated cost of this project is approximately \$12M;
- The upgrading and refurbishment of the John Oxley Youth Detention Centre at Wacol and reduction of its current bed capacity of 90 beds to approximately 40 beds. Upon commissioning of the new centre at Wacol, the John Oxley Centre will be used for the reception and short term placement of males from Southern Queensland prior to either their release or transfer to the new centre. The estimated cost of the upgrade is \$3.5M;
- The closure of the Sir Leslie Wilson Youth Detention Centre at Windsor following commissioning of the new Wacol centre. A \$500,000 upgrade of the centre will be undertaken to maintain its viability until the new centre is opened.

The first stage of this plan will be concluded by the end of 2000. Within three to five years, options will have been considered and plans determined for the second stage of the construction program. The second stage will include:

- construction of the additional beds at the new Wacol centre to increase its capacity to 100 beds if required;
- the construction of an additional 30 beds at a regional location yet to be determined.

The location of the additional beds during the second stage will depend on factors such as population growth, and the gender and communities of origin of young people requiring detention.

Securing the Care

Securing the Care began as an action research project in detention centres in May 1998 to develop a framework for detention centre organisational development and practice. The approach brings staff from all occupational groups together to deliver more integrated services to young people.

A Secure the Care Panel is chaired by the centre manager and comprised of staff from all occupational groups and a member from Education Queensland. The panel monitors and reviews Secure the Care Plans and approves key casework and other decisions in relation to young people.

The approach provides an important opportunity for greater external scrutiny and involvement in youth detention operations through the establishment of the Secure the Care Review Groups for each centre. These groups, comprised of representatives of key community based youth and Indigenous agencies will regularly review each centre's application of the Secure the Care framework.

Advocacy and complaints mechanisms

It is anticipated that the Children's Commission will assume the responsibility for establishing an enhanced detention centre Official Visitor service. The Department will establish an expanded capacity to monitor, review and evaluate the quality of detention centre services including complaints. A key strategy will be application of the National Standards Youth Detention Programs and Services endorsed by the Australian Juvenile Justice Administrators. Existing internal client complaint mechanisms will be reviewed to ensure that they are accessible, efficient, responsive and acquire client confidence.

Advocacy groups will be fully involved in the operational planning for the centres and in the Secure the Care Review Group.

The adequacy of the advocacy and complaints provisions under the *Juvenile Justice Act 1992* will be considered in the review of that Act now currently underway.

Indigenous Issues

The Department has initiated a range of strategies to enhance its capacity to positively impact on Indigenous issues. The reduction of the gross over-representation of Indigenous young people in the youth justice system is a key outcome for the Department. A wide range of strategies are being developed and implemented to this end. For example a major initiative is in train to increase the number of Indigenous staff in all areas of the Youth Justice Program. The program is also working closely with the Department of the Premier and Cabinet in relation to the development of an Indigenous crime prevention strategy. The new youth crime prevention funding is heavily focused toward assisting at risk Indigenous young people, who represent some 50 percent of clients of the youth justice system.

In conjunction with the Aboriginal Coordinating Council, the Department is developing options to assist at risk young people in Cape communities. This together with changes to the Department's model for the delivery of services to the Cape should significantly improve the response to Indigenous young people

The Department is currently working with the Queensland Police Service and Indigenous legal services to increase the use and effectiveness of cautioning of Indigenous young people and to minimise the detention of young people in watch houses.

Review of the *Juvenile Justice Act 1992*

Work has commenced on a comprehensive review of the *Juvenile Justice Act* which has been in operation for over five years. The review will consider the adequacy of current advocacy, complaints and monitoring provisions. The experiences of practitioners who have worked with the Act will also be considered

6. RECONCILIATION

The findings of the Forde Inquiry and subsequent acknowledgment and apology by the Government mark the first steps on the long road to reconciliation with victims of past abuse. It is acknowledged with great sadness that nothing can bring back the lost childhoods of the people who have suffered abuse. This does not mean that reconciliation should not be attempted. The issues of reparation, apology and compensation were raised in the recommendations and are being actively pursued. In addition, the overall reform of services to children in care is a tribute to those who came forward so courageously to tell their stories. Many came forward expressly for the purpose of saving others from a similar fate.

The Government and representatives of the Churches are working together on a number of important issues raised in the Inquiry's Report. A formal statement by the Government and Churches to those harmed in Queensland institutions during their childhood has been developed. It is appreciated, however, that this apology is only the beginning of a process which it is hoped will lead to some healing of the hurt experienced by victims of abuse and neglect.

The Government and Churches are committed to working with victims of abuse and neglect to address their issues. The recommendation that a service to provide counselling and support to former residents is strongly supported and work has commenced on establishing this service. Assistance has been given to allow the counselling services provided by the Forde Inquiry to continue on an interim basis until this new service is available.

The issue of access to personal records held by the Department of Families, Youth and Community Care and Church agencies is also being examined and methods to enhance this access are being developed. The Government will inject \$1M into a new Trust Fund, which will fund the identified needs of individual former residents, eg: assistance with family reunion costs, or education and health expenses. The new Trust Fund, which will be linked to the provision of counselling and support services, will include former residents of Queensland institutions as Trustees. The Government is looking towards the relevant Churches to contribute to this new Trust Fund.

It is hoped that through the acknowledgment of and apology for past abuse and neglect, the provision of support, counselling, and other services, and dialogue with victims in relation to recompense, a start can be made on what would be a gradual process of reconciliation.

7. FUNDING REFORM

The Inquiry's recommendations call for the needs of people previously abused in care to be addressed and for major systemic reform to ensure the protection and safety of children and young people currently in residential care and detention centres. The Government will consider the funds required to implement the Inquiry's recommendations in the short and medium term.

The Inquiry has highlighted the need to increase resources in Queensland for family and child welfare to at least the national average per capita spending and to maintain this increase in line with the national average. The Inquiry indicated that increased resources be focused on preventing the abuse of children through support of families at risk, respite care, parenting programs and other early intervention and preventative programs. The Government is committed to achieving better outcomes for children and their families. Additional resources to implement a comprehensive reform strategy in the short to medium term will be considered in a budgetary context.

The Government is fully aware of its responsibilities to children, young people and families in Queensland and will be working tirelessly to improve outcomes in child protection and family support. There is a strong commitment to putting in place a full range of service strategies to protect children from abuse and neglect.

8. INDEPENDENT OVERSIGHT OF IMPLEMENTATION

Recommendation 42 of the Inquiry concerns mechanisms to implement, review, monitor and report upon the implementation of the Inquiry's recommendations across Government, including the provision of annual progress reports to Parliament. The Government supports this recommendation.

An interdepartmental working group, chaired by the Children's Commissioner, has been established to coordinate and drive implementation across Government.

A separate, independent external Forde Inquiry Monitoring Committee will be established to collect information, monitor, analyse, and report to Parliament on the implementation of the Forde Inquiry recommendations. The committee will include representatives from the community and academic sector, as well as the Churches, consumer and advocacy groups. The Committee will be chaired by a person with appropriate stature, skill, and experience, and will be provided with support from the Department of the Premier and Cabinet.

The committee's scrutiny of the implementation process will be strengthened through information and advice from the Children's Commissioner, the Crime Commissioner, the Police Commissioner, and the Director-General of the Department of Families, Youth and Community Care, attending as *ex-officio* members of the committee, with no voting rights.

The formation of this monitoring committee will fulfil four fundamental principles, namely:

- Independence – the committee will be free of control by any of the bodies charged with implementing the Inquiry's recommendations;
- Inclusion of expert and stakeholder perspective – the committee will include the perspective of experts, participants, and service providers in child protection and youth justice, and the perspective of groups particularly affected by the Inquiry's subject area (ie. young people in care and detention, and Indigenous Australians);
- Cost – the Forde Inquiry specifically recommended the injection of additional expenditure into the child protection system. The establishment of this committee, rather than another layer of bureaucracy, will achieve a balance between effective monitoring of implementation and the excessive diversion of funds from the child protection system itself;
- Effectiveness - the committee will effectively monitor the implementation of the Inquiry's recommendations, without unduly duplicating or interfering with the work of existing agencies or bodies working within the child protection and youth justice systems.

9. MINISTERIAL STATEMENT ON TABLING OF FORDE INQUIRY REPORT

The following is a Ministerial Statement made by Anna Bligh, MLA, Minister for Families, Youth and Community Care and Minister for Disability Services, when tabling the Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions, 8 June 1999.

COMMISSION OF INQUIRY INTO ABUSE OF CHILDREN IN QUEENSLAND INSTITUTIONS

Mr Speaker, I seek leave to make a ministerial statement. (Leave having been granted)

I table for the information of Honourable Members the report of the Commission of Inquiry into Abuse of Children in Queensland Institutions.

The Beattie Government established the Forde Inquiry on 13 August 1998 to investigate and report on abuse and neglect of children in Queensland institutions.

I resolved to seek Cabinet support for this Inquiry following deeply disturbing and shocking reports made by many people of their experiences as children living in residential care.

Although many of the people telling their stories were in their forties and fifties, it was not enough to have an inquiry which only explored what had happened in the past.

It was just as important to look at our current system, to ensure that children in care and in detention centres, are not subject to abuse and neglect now or in the future.

Indeed, the motivation of many adults for coming forward and telling their story to the Inquiry was, in the words of one witness, "so that it doesn't happen to other little kids".

Now, after more than six months of investigation and hearings, the Inquiry, lead by the previous Governor Mrs Leneen Forde, has produced its report.

At the outset let me congratulate the Commissioners and their staff for an excellent job. Much of the inquiry was conducted under very difficult and emotionally exhausting circumstances, but the results have truly been worthy of the effort.

I also acknowledge the work of the officers of my Department and the Children's Commission who have worked tirelessly to ensure that the Inquiry had complete and open access to more than 1500 files.

It is not an easy report to read.

It shines a light into a dark and shameful episode of our history.

It is difficult not to be deeply affected by the evidence it contains of physical, sexual and emotional abuse, neglect and deprivation, of children whose wellbeing the State was responsible.

Although many of these children resided in orphanages, only a small proportion were actually orphans.

Some of them came into the care of the State because of parental abuse, some because they were child migrants from Britain and others simply because they were indigenous children.

In this regard the report builds on the work of the "*Bringing them home*" Inquiry and documents the fate of many Indigenous children taken into care.

Other children in the institutions examined were placed in care because their parents could not afford to raise them or had been widowed or abandoned.

These families lived in a time before social safety nets such as supporting parents benefits, family allowance and child care were available to support them.

The report concludes that significant numbers of children in Queensland institutions suffered serious physical, sexual and emotional abuse.

In many other cases, there was a failure to provide for the basic needs of children - emotional warmth, food, clothing and education.

One of the key issues explored in the report is the extent to which individuals themselves or the systems in which they worked were responsible for the abuse of children in institutions.

The report summarises this issue so clearly that I can only quote from it.

'...although it was individuals who perpetrated each act of abuse, they alone cannot shoulder the whole responsibility. Some measure of responsibility must be taken by those to whom the abuses were reported and who did not act, those in charge of the institutions who did not have sufficient safeguards in place to protect the children, those members of religious organisations who turned a blind eye, the staff and the management of the Department of Children's Services who did not adequately monitor the children in their care, successive State Governments that have not sufficiently valued children to resource the Department entrusted with their care, and society, which ignored or accepted what happened to children in the care of the State" (p. xiii)

Nevertheless some individuals may face prosecution. 14 allegations of possible criminal matters have been referred to the Queensland Police for further investigation.

In other cases which may have constituted criminal activity the Inquiry found there was either insufficient evidence, people were unwilling to press charges or the alleged perpetrator was no longer alive.

The Commission has also provided me with a closed report with findings about the conditions at St Josephs Orphanage at Neerkol and Karrala House which I am not able to table today.

The reason for this is that current prosecutions or legal action may be jeopardised. When these actions are completed, I give my commitment that this document will also be tabled in the Parliament.

The most powerful voices in the Inquiry belong to those who were children in this system.

For example a man who spent time in Westbrook as a boy recalled:

"I saw many floggings ... terrible floggings. You'd see him flog them over the back with blood running down their back. I've had blood running down myself " (p131).

Or another who described being hit 58 times by the master in the dining room, in the presence of other children who were made to watch and count the number of times the boy was hit. (p.71)

Or the story of a 12 year old boy who was sexually assaulted by a priest on 14 occasions over a two and half year period. (pp87/88)

Just as disturbing as these graphic examples of physical and sexual abuse is the testimony of the harsh and bleak environments where thousands of young Queenslanders grew up without basic food, clothing or education. Where the spontaneity and joy of childhood was systematically squashed.

Where the normal behaviours of childhood such as tantrums and bedwetting were cause for punishment or ritual humiliation, where love, care and affection were virtually unknown.

This is well captured in evidence from one of the nuns who recalled:

"...all those babies ... they'd always be ... putting their arms up and you didn't have time to give them any individual love ... That was my one big sorrow always, that I couldn't ... love them as I wanted to..." (p. 70)

Some might say in response to these stories, "Well if things were so bad, why didn't more people or the children complain?" The evidence is that some did speak out. Often the response they received was disbelief and inaction, or worse still more punishment. Many did not/could not speak out, communicating their anger and distress, through behaviour such as head banging, biting or aggression instead. Often this resulted in additional punishment and in many cases, transfer to harsher institutions such as detention centres. This all resulted in further loss of the trust that is every child's birthright.

Although this report documents an era in which attitudes and standards were different, the Inquiry found that the abuses disclosed went far beyond the acceptable limits of the time.

It would also be a mistake to conclude that these abuses were all in the past or occurred in all institutions at all times.

In the same way it would be a mistake to say that all staff were involved in abusing the children in their care.

Many staff, past and present, have provided and continue to provide quality professional care.

However, the Inquiry makes significant findings about the current child protection and youth justice systems.

The Inquiry found clear indicators of risk in current residential care facilities, including physical and social isolation of facilities, inadequate recruitment and selection procedures, deficient physical environments, and inadequate procedures for reporting and responding to abuse.

It has also found that current detention centres are physically inadequate and offer less to young offenders than the adult prison system does.

The report makes 42 recommendations. Broadly, these require both responses to the past abuse of children by both Government and the Churches and urgent reforms to our current child protection and youth detention systems.

I can assure Members of the House that active and serious consideration is being given to each and every one of these recommendations.

I have directed my Director-General to develop a detailed implementation plan for Cabinet consideration. It is my intention to provide this implementation plan to the Parliament during the August sittings this year,

During the life of this Inquiry the Beattie Government has implemented a number of significant improvements to the system. Including:

- The passage of the new Child Protection Act and the development of the child protection reform strategy.
- The establishment of a high level Child Protection Council to advise the Government on strategies to prevent and combat child abuse and neglect.
- The implementation of a \$63M infrastructure plan to rebuild our youth detention system.
- A review of the Children's Commission to strengthen its powers and independence as an external monitor of the well being of children in care.
- The introduction of amendments to the Family Services Act to toughen the pre-employment screening of departmental officers

We have a long way to go yet. The chronic under-resourcing of services to children and young people cannot be remedied overnight.

We must rise to the challenge now being presented to us and build a system where children and young people are safe from harm.

I am determined that in years to come, the Forde Inquiry will be remembered as a watershed in the care and protection of our children.

I trust that all who read the report will be moved by its contents. It is difficult to read. I urge you to imagine what it was like to live it.

I trust also that our efforts to implement the recommendations and build a new and better system will have the active support of all members of the Parliament.

I realise the distress that this report may cause many people. For some, it will bring back unhappy memories they would rather had stayed hidden forever. For others who worked in the system, struggling to provide adequate care for children within limited resources, and doing the best they could, there may be grief and shame at the harm sometimes unintentionally caused. I wish to assure all those affected by the Inquiry that ongoing counselling and support will be provided. Details of this service will be forwarded to all electorate offices today.

Finally, I would like to acknowledge those people who came forward to tell their stories to the Inquiry. Many of them spoke of painful childhood experiences for the first time, breaking decades of silence.

Each of these witnesses are ordinary Queenslanders, struggling to overcome the abuse and deprivation of their past, to build a life for themselves and their families.

I say to each of these brave people thank you. Without you, this Inquiry would not have been possible. I honour you for your courage and thank you on behalf of the children of yesterday, today and the future whose needs you so passionately represented.