



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

MS K McMILLAN SC, Counsel Assisting
MR M COPLEY SC, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950

COMMISSIONS OF INQUIRY ORDER (No. 1) 2012

QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

TOWNSVILLE

..DATE 27/09/2012

Continued from 26/09/2012

..DAY 20

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complaints in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE COMMISSION RESUMED AT 2.08 PM

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JEFFERS, NICOLA LINDSAY called:

COMMISSIONER: Good afternoon, everyone. Good afternoon, Ms Jeffers. Yes, Mr Copley?

MR COPLEY: Ms Jeffers, yesterday morning you effectively acknowledged that the summons to produce the files concerning babies removed from their mothers and medical facilities had not been able to be complied with?---Yes.

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No doubt you would say that the shortness of time between the serving of the summons and the time for compliance didn't allow for compliance. Is that the case?---That's correct.

Has there been any advance in terms of compliance between yesterday morning and this afternoon?---Yes, there has. I have staff of mine working on it so we've distilled the list. We have identified whether the files are on site or in archives in accordance with the summons.

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Yes?---So I'm anticipating, all things being equal, and I'm not an expert in records managements in archives, but I'm hoping at the outside it will be two weeks to be able to get this to you.

At the outside?---At the outside.

Okay, so can we take it then that you would effectively be contending that the time for compliance should be extended by a fortnight?---I would appreciate that.

All right. Mr Commissioner, unless you require Mr Hanger to make that application, I think we can proceed on the basis that an application has been made for an extension of time and in my submission you should accede to the application and extend the time by a fortnight until this day, a fortnight's time. I'm sorry I don't - - -

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MR HANGER: I make that application.

COMMISSIONER: Thank you. I'll extend the time for complying with the requirements of the summons. Do we know the information - the number, the summons number?

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MR COPLEY: Because of the way it came here it has not got that number in the top right-hand corner.

COMMISSIONER: Right.

MR COPLEY: It can be described as a summons not to the chief executive but rather to Nicola Lindsay Jeffers dated 25 September 2012.

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COMMISSIONER: All right. I'll extend time for complying with that summons to the close of business on Thursday, 9 October.

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MR COPLEY: Thank you.

COMMISSIONER: Thank you.

MR COPLEY: I have no further questions. Maybe if Ms - subject to anything that you wish to question her about, be excused.

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COMMISSIONER: Anybody else have questions? Mr Hanger?

MR HANGER: Just one thing. Ms Jeffers took a lot of questions on notice and an answer will be furnished to those questions. It's happening.

COMMISSIONER: All right. Excellent, thank you.

MR HANGER: That will be in - - -

COMMISSIONER: Another statement.

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MR HANGER: Another statement, just answering the questions.

COMMISSIONER: Yes, that seems to be the best way to do it. Ms Jeffers, thanks very much. You've spent a long time in the witness box. We appreciate your time?---Thank you.

WITNESS WITHDREW

MR COPLEY: I call Susan Lagana.

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LAGANA, SUSAN sworn:

COMMISSIONER: Good afternoon. Welcome?---Thank you.

MR COPLEY: Ms Lagana, could you have a look at this document, please, and I'll ask you, is that a statement that you prepared and signed on 18 September 2012?---It is.

I tender the statement, Mr Commissioner, and provide a copy for you.

COMMISSIONER: Thank you. The statement will be exhibit 69 and it will be published. Thank you.

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ADMITTED AND MARKED: "EXHIBIT 69"

MR COPLEY: Now, I don't mean to embarrass you by asking you these questions which follow. They may have some bearing upon the department's ability to recruit, retain

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staff, things of that nature, but I notice from your statement that although you describe yourself presently as the acting manager of the Aitkenvale Child Safety Service, when one reads paragraph 2 it is stated by you that you have been an acting manager continuously since June of 2010 and you describe various offices that you've moved through?---That's correct.

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What is your substantive position?---My substantive position is the client relations officer in the North Queensland region.

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Okay, and so you're acting in higher duties?---Yes, that's correct.

Why is it that you have been acting for so long? For example, have you applied for a manager's position and they simply haven't been filled or has it got something to do with other managers going on leave and they need an acting manager to stand in, or other managers resigning and they need an acting manager to stand in?---Yes, so it's a combination of all of the above, as well as for the majority of that period I've actually been the acting manager of the North Queensland Regional Intake Service.

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Right?---As well as undertaking as part of that role performance work across the region. That was a temporary position that was funded within the region for that period of time and obviously there was a recruitment process to that, but because it wasn't - it was a non-recurrent position, it couldn't be filled permanently. In regards to the other positions, they have been when managers have been on leave. For example, at the moment the manager of the Aitkenvale service centre is currently on two months' recreation leave.

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So if that's the case and you're acting as the manager there, if she was - I assume it's a she?---Yes.

If she was here where would you be today if she was at work? Would you be back in your real job?---Yes.

What's that again?---Client relations officer.

Okay, and attached to which office?---In the North Queensland regional office.

When you're the client relations officer which client or clients and relationship are you managing?---I haven't actually sat in the client relations officer role because I've been acting in the other positions for that period of time, but in the client relations officer role based at the regional office it would be basically servicing all of the service centres within the region in relation to supporting them with complaints, ministerial correspondence, et cetera, and obviously taking direct calls from clients

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within the community where the complaint has been escalated to that level and working through those complaints. 1

I see. So the client relation officer is the description of the job of a person who receives complaints from members of the public or queries for information from ministers and then has to find or supervise the preparation of a response to a minister or investigate a complaint from a member of the public about a particular officer of the department. Is that the case?---That would be correct.

Okay, so if you have never actually done that job, even though that's your substantive position, because you've been acting in all these other jobs, has somebody else been doing that job?---Yes, they have. 10

Now, I don't mean to be critical of you with this question, but reading paragraphs 4 and 5, am I correct to conclude that you've never actually been a child safety officer? ---That's correct.

Is that why you're doing the job of, for example, a client relations officer, because you're not trained in the field of child safety?---So because I don't have a degree I cannot be a professional officer. 20

I see?---But I can obviously perform the duties in the administrative stream which obviously includes that of manager, client relations officers, et cetera.

Okay, so child safety officers are in what's known as the PO, or the professional officer stream of the public service?---That's correct.

They need to have a degree or degrees to be a child safety officer. Is that the case?---Yes, that's - well, in - - - 30

Obviously perhaps not engineering?---No. So, yes, they do. There are exceptions to that.

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Yes?---So we have had over the years programs where we've had bridging courses so staff who have been, for example, as CSSOs have been able to undertake a process whereby they can become a child safety officer so those staff might not necessarily have a degree relevant to the child safety officer.

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And a CSSO is a child safety support officer?---That's correct.

Are there any people of indigenous extraction on the North Queensland region who are child safety officer?---Yes, there are and some of those have actually gone through that bridging program that I just spoke about.

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Okay. So even an indigenous person who wishes to work in child safety doesn't have a degree, there is a way for that person to get to the level of being child safety officer anyway on a case-by-case basis?---Yes, in through the specific programs that we had running at various times. The last one was a pilot program. I couldn't actually talk from a policy perspective as to whether those programs are being continued. I'm not - I can't answer that question, but certainly in the past there has been.

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COMMISSIONER: But you have been with the department for over 30 years. Is that right?---That's correct.

Can you just tell me though - in paragraph 6 you explain your role, your current role, as leading and managing the delivery of child protection services. What are child protection services that you lead and manage the delivery of that?---So that's for teams within the service centre so that they'd undertake the work with the clients so that's around investigation, assessments, ongoing intervention.

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So you have got how many teams under your management?---In Aitkenvale we have four teams who do child protection work.

And they are the ones you manage?---That's correct.

And you don't manage them in any other Child Safety Service centre?---Sorry?

That's your service centre?---Aitkenvale service centre at this point in time, yes.

Yes, okay; and the four teams are broken into what functions?---So we've got an investigation and assessment team. We have children under orders teams so they work with children that are currently under child protection orders.

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Is that what you call ongoing intervention?---Ongoing intervention also covers intervention with parental agreement.

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So do they do that work too?---No, we have a third team that does the intervention with parental agreement and within that team we have an officer and a CSSO who work with a number of a number of our high-risk clients within the service centre as well.

So the high-risk clients wouldn't be IPAs though, would they?---No.

No, they would be different?---Yes, so they'd be children under orders.

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They would be the opposite end of the spectrum, wouldn't they, because to get an IPA with someone the parent has to almost be regarded as protective? Isn't that right, likely to get the child back or not likely to lose the child? ---Well, the child's in the homes and it's been identified as the least intrusive way to intervene. So, yes, the parents have in that instance been prepared to work with us and we've been able to put supports in place to ensure the safety of that child in the home.

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So they have to be prepared to work with you but they also have to be likely to successfully work with you to the point that you assess them as being protective enough to leave the child there. Isn't that right?---Not necessarily; if we've got a child at that point when we've done the investigation and we actually decide that the parents have indicated with us that they will work with us and we believe at that point in time that that's the least intrusive form of intervention that we can do. If as part of our working with that process they fail to engage in services or the harms that are there begin to escalate and we don't believe that it's safe for them to remain in the home, then obviously we would need to consider and look at more intrusive ways, so that might be that we took a child protection order on them.

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Yes, that's the next step, I suppose. It is intervening without parental agreement?---Or the fact that the child can no longer remain in the home because it's becoming unsafe and the strategies that we've put in place around that aren't sufficient.

So you have a team that intensively manages the IPAs, do you?---We have a team that - we have a team, minus one that works wholly and solely in IPAs, yes.

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How many IPAs are they working on at the moment?---I couldn't tell you that off the top of my head, but if you give me one second - - -

I'm told the average caseload is 20. Is that the same language you use for them, the caseload language used for

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them, or is that used for another team?---The average caseload, when we work out the average caseload, is obviously based on the number of ongoing intervention cases within the service centre and the number of CSOs working with those types of cases. Within a service centre you may have a staff member who's working on less or more cases, depending on the intensity. So, for example, the staff member that's doing the high-risk team - she currently has 10 children that she's working with intensively because they are - obviously they're high risk, so therefore there may be other staff in the office - - -

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Do you mean they are at high risk or they are a high risk? ---So they're like some of our children that are continually absconding. They may be involved in the juvenile justice system so they're children that need an intensive amount of work to try and improve - - -

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Because they're at risk to themselves?---Some of them would be at risk to themselves, yes.

So they're under orders because originally they were at risk?---That's right.

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And didn't have a protective parent?---And they still don't have a protective parent.

All right, but are they still at risk? That's what I'm interested in asking, whether you keep asking that question as the child develops through the process?---Yes.

Are always both those elements present or sometimes do you just use the cover-all to keep a child in out-of-home care that it's in their best interests?---We would only keep a child in out-of-home care if there were child protection concerns that would not allow that child to return home.

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But you would assume that there were if you had a long-term guardianship order in favour of the chief executive, wouldn't you?---So the circumstances that they came into care and obviously after we've done a number of ongoing intervention steps, then, yes, obviously that assessment has been made that they cannot return home. However, even with a child on long-term guardianship to the chief executive if the parent was - did come back and shown that they had now got their lives on track, that they wanted the child back, that they could manage that child, then we could revoke that order and make another order or we could work towards reunification.

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Yes, I know you could. You don't revoke many orders though, do you?---We revoke some but I couldn't tell you the percentage.

Could you tell me how many orders were revoked last year here?---No, I couldn't.

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MR COPLEY: May I ask you as a manager or acting manager for some period of time: is your philosophy or attitude as a manager that you encourage your staff to review files regularly with a critical or discerning eye to see whether or not there are children who are on orders who can be shifted off them and have the orders revoked or is it a case of once an order is taken out, most of your time an effort is really just spend ensuring compliance with the order? Do you understand what I'm saying?---Yes; yes, I do; I do. So my philosophy very much so that and I've had - - -

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Very much so what?---Sorry, very much so that we review cases at every review point to see what's happening and can those children be returned home or can we work towards reunification of those children if we aren't.

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A review point - is that a milestone in terms of the child's development or is it a milestone measured in terms of three months, or what is a review point to you?---So I guess for me the obvious one would be every six months when we do a new case plan. So we look at what's happened over that six month period and, you know, what's happened within the family, have things changed, where are we heading, because obviously each time we look at it we look at are we continuing to do reunification or, you know, how far down the track of reunification are we? For me particularly as an acting manager when I've come into service centres, I guess because you're only there for in this instance a two month period, obviously I don't look at every single case in the office.

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No?---The ones that come to my attention are ones that there may be a complaint about or there may be something that the staff have brought to my attention that they need manager approval, and at those points I always ask those sorts of questions as to, you know, where's mum and dad, how's that going for them, what are we working towards in relation to that.

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But I suppose is it correct to say that if you're only - at Aitkenvale are you only there for a total of two months at the moment at Aitkenvale?---That's correct.

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So how far into the two-month acting period are you at the moment?---This is actually my last week.

I see. So your position there would be very much, "Well, look, I'm only here until Friday. These issues will be better taken up with the permanent manager when he resumes next Tuesday after the public holiday"?---Certainly not.

No?---No. If the case comes to me and there's a decision that needs to be made, then I will work through that and make that decision.

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Now, in paragraph 7 of your statement - and I'll put this to you first of all, that reading the sentences or the phrases in paragraph 7 beside each bullet point can I suggest to you it looks as though your summation of duties of activities is drawn from something like a public service position description document?---That's correct, a role profile.

Right, okay, because one of them is that you are involved in developing enduring service delivery partnerships to enhance cross-sectoral or sectoral participation in the delivery and coordination of local child protection services. What does that mean?---So that's continuation of working with agencies in various forums. So whilst I've been at the Aitkenvale service centre there's been a range of forums that we've had with community partners, so actively going, representing that service centre, talking to them, obviously if they have any concerns or issues around how things may be functioning within the service centre. It's about taking those on board and following through and addressing those. So it's trying to identify gaps and discussing with people what can we do better. So, for example, at the moment we've got a particularly young child that is regularly absconding so I've actually - we had a meeting recently with a range of key partners which included agencies like VSM, the youth - - -

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Well, can you just not use acronyms?---Yes, sorry.

Because we may not all know what they mean. So just use the full words, if you wouldn't mind?---Yes. I guess the problem is half the time we're that used to using acronyms

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it's hard to remember - - -

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What it stands for?--- - - - what they actually mean. So VSM is like the volatile substance misuse people that are out in the community working with our young people, the juvenile youth justice service, we had Queensland Police Service, we had Disability Services, we had - the recognised entity was there. There was a range of community services who have interactions with this particular person. So it was having a discussion about what can we do in partnership to try and locate this child and then how can we keep him in his placement.

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In that discussion who was the leader of the discussion? Was it you as the acting manager of child safety for that area?---It was a combination. Because it was actually part of the a youth justice process it was the youth justice manager and myself.

I see. Now, you mentioned about identifying gaps and a gap that seems to have appeared in evidence yesterday which may or may not fall within your field of responsibility but nevertheless a gap, is that information can be entered into a thing called the ICMS, which perhaps is the integrated case management system, such as the fact that a baby has been removed from its mother at or soon after birth, but it's not possible, apparently, according to evidence yesterday for the number of such children who have been entered into that system in the North Queensland region to be extracted in anything like a 24-hour period to be given to the commission. That was the view that was proffered by Ms Jeffers yesterday, but she said she would defer to you on that?---Yes.

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Are you able to, because apparently you are better placed to answer that question, she says, assist us with whether or not the ICMS system can tell you by entering some commands into the computer just how many babies have been removed at or soon after birth in the last three years in this region?---Yes. So the short answer is no, it cannot. The reason is that the integrated client management system is a reporting database. So if I - I put it in the context of if you picture a hard copy file, so you've got a hard document file that you would have, and in that you have a range of tabs. So if you go to court you fill out some court documents and they're in one tab. If you're going out and visiting a family and doing ongoing intervention, there's an ongoing intervention section where you fill out those pieces of information. Basically it's a computer system that holds a range of forms and documents that we complete in our day-to-day work. To gather reports from that system there are some basic operational reports that we can gather, and the way that that information is gathered is from particular forms certain fields have been identified that get drawn, I guess, out of that system that we can then run reports on that particular piece of

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information. So we can run a report on how many children we've currently got ongoing intervention on and get a list of their names and we can get numbers, how many investigations have we received in a month, how many have we approved in a month.

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How many complaints that have been lodged about a child safety service centre. Can that be done?---No. No, so it is very limited. So in relation to your particular question, we don't have a form that basically says, "Have you removed a child from a hospital at birth?"

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But is there a form - and maybe you've already answered this, I don't know, but is there a form peculiar to the removal of a baby at birth from hospital?---No.

There's not?---No.

What happens when a minister of the crown responsible for your department through the head office in Brisbane says, "There's a likely to be a question asked in parliament about this issue tomorrow because it was in the paper yesterday and the question that I want answered as the minister is how many babies have been removed," would it take the department two whole weeks to get that answer to the minister?---The two whole weeks is about extracting the files and the information. To actually get the numbers - and as Ms Jeffers previously said, they have now managed to source the list of names.

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Right?---But that was a very manual process.

So as at today do you know how many, in terms of number, have been removed at or soon after birth since 1 June 2009?---I can - because obviously I've been involved in this process - I don't know for the region. I can tell you that for the Aitkenvale service centre we have been asked to pull the departmental records on 20 instances in that period.

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So correct me if I'm wrong, but for the Aitkenvale Child Safety Service Centre there have been 20 occasions in the last three years that that service has removed a baby soon after birth?---I guess I can't fully answer that, because as I said, I know that we've been asked to pull the records on 20 particular clients. I'm not quite clear of the parameters around what those 20 clients are. So I know that yesterday we spoke about that 179 being between nought to 12 months.

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Yes?---So I'm not sure whether it's straight after birth or whether it's the nought to 12 months that they've been removed from hospital. So I would need clarification on that.

It's a deficiency in the system, isn't it, in the computer

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program, that you can't just have that figure readily available, isn't it?---Yes. 1

Because we've heard evidence that it's really a last resort option, that it's a terribly fraught process for the mother and for the family service - child safety officer involved, and that it's a process that involves an officer consulting with those above them extensively, haven't we?---We have.

It's a decision that is probably - well, the impression one gets is that it's one of those decisions which is made after extensive thought and consultation at a number of levels?---That's correct. 10

As opposed to lots of other decisions which would be more routine?---Yes. I guess I'd like to add there that the removal of any child has a significant amount of weight and lots of consultation around it. So no removal of any child is considered lightly or routine.

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Yes, but it's true, isn't it, that the child safety officer perhaps doesn't consult as widely if the task is to consider removing a 12-year-old who's been malnourished or something of that nature?---In the service centres that I've worked in and particularly in this region any removal that an IA team is considering is discussed with the team leader and also discussed with the manager. 1

Well, can you tell us, for example, this year how many children have been removed at no matter what age under the age of 18 from their parents by the Aitkenvale Child Safety Service centre?---I couldn't tell you that offhand, no. 10

Could the system tell you that, the computer system?---Not by the click of a button, no. There are lots of things that the computer system cannot tell us by the click of a button.

COMMISSIONER: But as the manager you would have a bit of an idea, wouldn't you, just in your head. You would be adding them up as you go along?---If I was the service centre manager for that period of time, yes.

MR COPLEY: Well, in the two months you have been over there at Aitkenvale, how many?---In the two months that I've been at Aitkenvale we have made a family arrangement. 20

What does that mean?---So there were concerns raised with the family and there was a body of work that needed to be done to ensure the safety of that child so we actually took - my mind's going to go blank now.

Can I suggest to you that rather than sort of use a euphemistic expression like "a body of work", why not tell me, without telling the name of the kid or her parents or his parents, what you did?---Okay, yes, that's fine. So we had received concerns through a notification in regards to a child. The investigation and assessment team went out and investigated those concerns. They found that those concerns were substantiated. 30

Yes?---However, the concerns were substantiated and therefore we always look for the least intrusive way that we can actually deal with that situation. The parents were happy to work with us in an IPA, so intervention with parental agreement. However, the immediate safety of that child was a significant enough risk that we couldn't leave the child in the home until they basically cleaned the household up because it was in such a state that it wasn't fit for a baby to be living there. So as part of that process and talking with the family, the parents, it was identified that there was a grandmother who lived in town who could take the child for a couple of weeks to give them the time to actually get the house to a standard and get some services in place to follow up with that. So we undertook - through a parental agreement the parents agreed 40

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for the child to go to the grandmother for that period of time in which case - to give them the time to clean the house up and we did provide the grandmother - with the grandmother obviously while she got Centrelink, et cetera, in place we provided the mother with some support.

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The grandmother?---The grandmother, sorry, yes, to buy some nappies and essential items so that she could undertake that.

So some financial assistance?---Yes.

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Yes. Now, you mentioned before that the notification was considered to be substantiated. I'll put this to you this way and we'll just see whether you understand what I'm talking about: to what standard of proof or what standard of proof does an intervention and assessment team apply in arriving at a conclusion that a notification is substantiated? Do you understand what I mean by that? ---Yes; yes; yes, so basically they have to form an assessment around the concerns that have been raised. So obviously they go out and they gather that information from the family and from whatever other sources they may be able to gain that from. So obviously if the children were of school age, they can talk to the school. If they have been involved in medical - so they gather that information.

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That's telling me how they gather the information?---Yes.

But what standard of proof - do they say, "Well, look, I'm satisfied possibly that this child is at risk, therefore it's substantiated," or do they say, "I'm satisfied that more probably than not the child is at significant risk of harm," or do they say, "I'm satisfied beyond reasonable doubt that the child is at a significant risk of harm"? If I put it in those terms to you, do any of that accurately describe the state of satisfaction they arrive at or none of them? What standard do they - - -?---I would have to say none of them. It's about is that child - has that child either at risk or has suffered significant harm?

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COMMISSIONER: The question is how do you know that? To what level of persuasion do you reach that conclusion?---So it's from the information gathered. It's from - basically you're taking into consideration all of the information that's gathered, so whether that's in discussion with the parents; in discussion with the agencies; it might be that they a history with the department or they have a history with Health or they have a history Queensland Police. So obviously all of that information is gathered. They then have to make an assessment of is that child safe or not safe to be in the home.

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That is what you're being asked about. That assessment - how convinced do they have to be in their own mind that the child is in need of protection or satisfies the

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requirements for a notification before they say, "This is substantiated"?---They have to be very convinced because obviously if they're going to progress, so, for example, if they're going to take a child protection order, they have to be able to articulate that in the form of affidavits and court documents to actually bring that to court to have - - -

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All right. You're saying it's "very", so "very" meaning much higher than merely possible?---They have to be convinced that that child is at risk.

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Yes, and you said you were very high - - -?---I guess we don't - it's about we have to be convinced that harm has occurred or is it likely that risk occur to that child.

Unacceptable risk?---Yes, and that we have information that supports that outcome.

You know your structured modelling tool?---Yes, structured decision-making.

Does it tell you what an unacceptable risk looks like as opposed to an acceptable one?---It has key indicators.

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Of levels of acceptability?---It's not about - unless I had a form in front of me, but it's not about acceptability. It's about are these indicators present.

Yes, but those indicators to be answering a question for you. The question posed to that tool is: is this child in these circumstances at unacceptable risk as opposed to an acceptable risk of harm, isn't it?---Yes, and it would - so the safety of the child would come out as either low, medium or high.

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Highly safe or highly unsafe?---Unsafe.

Unsafe; so the tool doesn't even answer your question in the same language. It turns it around and tells you in degrees of safety?---It is, and I guess the other part of it is it's not - staff don't just fill out a tool and that's the answer. That's a guide and they have to overlay on top of that their professional judgment from their observations and information gathering.

MR COPLEY: Can I posit a scenario to you and ask you what would be the likely outcome in this situation: a notification or information is received from a person who claims to live at number 17 Whatever Street, Charters Towers and that person says, "Over the last three weeks I've seen the man living three doors down flogging the three and four-year-old kids every evening for 10 or 15 minutes in the backyard and I'm concerned about it enough to report to you," and so your officers go out to the house that's been nominated and they speak with the parents, the

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father and the mother, and they both deny that there's been
any belting of the children in the last week or at all in
the last however long a period you care. You look at the
children and you can't see any obvious bruises on them.
You go to the school and you ask their teachers, "Have they
been attending school?" The answer is, "Yes." "Have you
seen any bruises on them?" The teacher says, "No, not
really. I mean, there's been a couple on the shins but
that's probably consistent with banging their knees on the
monkey bar. They seem happy enough to me." You go to the
notifier without telling the parents who he is, of course,
and he's a person that seems to be a reasonable member of
the community. You can't discern from speaking with him
that he is acting maliciously and he's not a vexatious
complainant to you. You know what those terms, don't you,
because they're in the manual?---Yes.

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What's a child safety officer likely to do in that situation if that is the state of the evidence that is confronting them at the end of the assessment period in that scenario?---If that was the whole - everything - like, obviously my mind has gone off on a thousand other different places, but if that's all that was present that matters would be unsubstantiated, because there's no evidence of - if he's saying that they've been flogged for the last three weeks and the school haven't seen any indications to warrant that that might be - that there's no bruising, that obviously the kids aren't coming to school distressed and, you know, they're coming to school clean, appropriately dressed, they're doing their homework, et cetera, the parents are saying those sorts of things, then to me that would be an unsubstantiated matter.

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What if you asked to interview the children yourselves?
---We would have interviewed the children - - -

Yes, but hang on, hang on, I haven't mentioned this scenario yet?---Yes.

What if in that scenario you ask to interview the children and the mother and father said, "Look, we have told you we haven't been flogging the child, you're not prepared to tell us who's snitched," they might say, "on us. You need to take our word for it. We've suggested you speak to the teachers and ask them. We're not willing to expose our children to you people so you're not interviewing our children." What would the child safety officer be likely to do in that situation?---So based on that situation - so I guess if the concerns were significant to - that the notifier was saying that these children have been in that situation, it's highly likely that we actually - we would have interviewed the children at school before talking to the parents in the first step.

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I see. So you wouldn't have asked the parents' permission to interview their children?---No, we don't need to ask the - if we have significant concerns we can actually go to the school and interview the children and then we must notify the parents that we've interviewed their children.

All right. Well, that may be so. I'm not arguing necessarily with you about that, but if we imagine a situation that it's in school holidays and the kids haven't been at school so you can't get them without the parents knowing, what's a child safety officer likely to do, having gone around to the schoolhouse, though, and spoken with the teacher or made contact with the teacher because they can get onto them during school holidays and the teacher has said what I've posited to you?---We would take all measures possible, because to complete an investigation we actually have to sight and interview the children. If we for whatever reason were unable to do that, so, you know, if the family had moved, we couldn't locate the family - - -

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No, let's not change the facts?---No.

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Let's just leave the facts as I've posited them here?
---Yes. So we would need - we would obviously talk to the parents about the need to sight those children and I personally can't think of any circumstances where a child safety officer hasn't been able to convince parents that it's in the best interests of all parties to actually interview the children.

So the child safety officer would say, "Listen, if you haven't been abusing these kids you've got nothing to fear by letting us have a chat to them"?---They might not use those words but - - -

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That would be the effect of what they might say?---Yes.

So sort of put the onus of the parents to offer them up so that they can be interviewed?---Well, they would be talking about the process of investigation.

But that's the effect of it, isn't it?

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COMMISSIONER: If they didn't come to the party they would be recorded as unwilling to engage, would they?---If they - if we had significant concerns and they weren't prepared to let us see the children then obviously we would need to look at applying for a temporary assessment order through the court to get access to interview those children because the parents - - -

But would the parents be classified as unwilling to engage?
---They're probably not words that we would use, but in effect that's, I guess, what we would be saying.

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They're words someone who works with you used yesterday.

MR COPLEY: I think the words were "unnecessarily adversarial"?---Yes.

Would they be regarded as being unnecessarily adversarial?
---Yes, they would.

If they said, "Look, we might be willing to let you interview the kids but not this week because our solicitor is on school holidays. When he gets back in a fortnight we're going to speak with him and we'll take advice from him as to what we should do. If our solicitor says we should make the kids available then we will do so, madam, but until then you're not interviewing the kids"?

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---Depending on the information that's been gathered - so if we've actually got the school saying - depending on what point of the school holidays we're at. So, like, if it was Christmas and we're up to week five and the children have been hit for the last three weeks then obviously they

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wouldn't have had an opportunity to see if the children were being bruised, but if we were in school holidays, it's the first week - - -

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It's Easter time, say?---Yes.

It's the Easter time holidays?---And we've actually spoken to school personnel and they've actually said, look, they've got absolutely no concerns for these children, then we would in most - I would say that from my experience we would actually agree to that.

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What weight would a child safety officer give to the fact that the staff of schools - and so it's not confined to the teacher. It includes the tuck shop convener, the staff of schools, under the Education (General Provisions) Act have a duty to report suspicions of harm and those staff haven't reported anything? Even before you've got to ask the teachers, what weight would you give to the fact that, "Look, we've heard nothing from the school about this. He says it's been going on for three weeks. The holidays started three days ago. There hasn't been any report made by the school"?---Our practice is that we still go straight to the school. So it's not something that we, I guess, consider, in reality. So if we have concerns - even at the point of intake, so if at the point of intake they get some concerns and the neighbour's saying, you know, "These kids are continually going to school unkempt, they've got no lunches," or, "They've got bruising all over them," and depending on how that person provides that information, if the information isn't sufficient that we're convinced that it's a notification, we can actually contact the school as a pre-notification check and we can have those discussions at that point in time. We don't go and - I mean, obviously if we've got another concern there that we've received from the school already then those two would be merged together, but it's about we actually go to the source and seek that information automatically.

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Would the child safety officers perhaps knock on the doors of other neighbours in the street and ask them if they've seen or heard anything untoward?---No.

Why is that? Is that out of a concern for the privacy of the family? Because if the neighbour a couple of doors down says he's seen this then chances are if it's been going on the neighbours in between might have seen it?---I guess we work on the principle that those neighbours would have notified as well.

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Well, why don't you work on that principle from education, that if you haven't heard from education, the teachers, the staff at the school, that they too would have notified if they'd seen something?---I guess they're a key partner that we work with on a regular basis and we have those discussions - - -

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Can I suggest to you, though, that doesn't make sense, that distinction you draw between - - -?---Yes. 1

The distinction that you've drawn for me is not - it's not very logical, is it?---No, it's not.

Because if it's happening at home at night who better to corroborate the notifier's allegations or to undermine those allegations than knocking on the neighbour's door next door?---I mean, all I can say there is that's not part of our policy or practice to actually do that. 10

But I'll just ask you again, why not, because it could afford, for all you know - it could tip the balance, couldn't it? If two neighbours say they've seen this then it could make all the difference, because you could take the view, "The notifier's been corroborated. That is supported in a material way by another person who is not related to him and not related to the family. That's enough to intervene"?---I guess you then need to look at the dynamics of the street, of the area. Is there a dispute happening? Like, that would, I guess, also raise a whole range of things that you would need to consider as part of that. 20

But you would have considered all that in determining that the original notifier wasn't a vexatious or malicious fellow, wouldn't you, before you even went out there?---No, because our terminology for vexatious or malicious is somebody that has notified multiple times over a period of time where matters would have been investigated.

No, that's vexatious. Malicious is a person who is notifying for reasons that don't have to do with the best interests of a kid?---But we wouldn't necessarily be able - we wouldn't be able to make that decision from a one-off phone call. That's not something that we - - - 30

But you could if you spoke to the bloke next door to the notifier, couldn't you? You could make an assessment of the notifier by asking the bloke next door, "Have you seen anything untoward going on in the backyard of that house two doors up"?---Interesting concept, but, yes, it's not something that we currently - - -

Well, it's not really an interesting concept. Isn't it just a fundamental - the fundamental steps you'd go through in an investigation to determine if you're satisfied that a notification is substantiated or not?---It's not a step currently in our practice to do. 40

COMMISSIONER: If it was going on, no point asking the teacher because, if it was going on and they saw signs of it and didn't report it, they would be in trouble themselves so they wouldn't be necessarily the most reliable source, would they? They would have an interest to protect, their own?---Well, it might be that they hadn't noticed. Obviously they're a teacher in a classroom of a whole range of people. Unless someone actually asks them about the behaviours, the concerns, they - yes, they might not have noticed it, but when asked questions, it might trigger, "Well, actually, yeah, if I think about it, you know, the last couple of weeks little Johnny has been, you know, playing up where he might not have before," or some - - -

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Anyway, you accept from Mr Copley's point that it's not current practice but current practice is illogical from your viewpoint. Is that the upshot of your discussion with Mr Copley about this?---I don't know if I'd say it's illogical. I would say that I think - - -

MR COPLEY: Would you say the investigation would be necessarily incomplete if you didn't ask other people who were geographically proximate to the house who could corroborate or not the allegations of the notifier?---No, I wouldn't actually.

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See, can I posit it to you this, and just comment on these propositions: you don't want to ask the bloke next door because you're frightened that that will reveal the identity of the notifier. Is that what's going on in the scenario I'm talking about?---No.

No?---I wouldn't say so.

What about this proposition; comment on this proposition: you don't want to ask the bloke next door because you're not confident that he'll support the allegations of the notifier and you don't want to discover evidence that detracts from or undermines the assertions of the notifier?---No, definitely not; definitely not.

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Definitely not?---No.

But apart from saying that you just don't have the practice of checking with those nearby that could talk about it you can't offer me any coherent reason why you wouldn't speak to all the people who could possibly witness a matter? ---Yes, I guess obviously having never - whilst I have been involved a long time in the removal of a child, I haven't actually gone out and done an investigation and assessment. I do know that it's not common practice to do that and I guess I've never actually thought about why we wouldn't do that.

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Okay. No further questions, sir.

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COMMISSIONER: Thank you.

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You know that if a long-term guardianship arrangement breaks down and the guardian is not the chief executive, the guardian has to notify the chief executive and the chief executive then has to review the protection and care needs of the child and then take action considered appropriate. If you have got a 16-year-old child who has been self-placing for a long time and absconding, is it the review policy or is there a review option that the department uses to simply revoke the guardianship order for that child even though the child's only 16 but acting like an 18-year-old?---If the child is 16 and doesn't have a parent willing and able to look after him, then, no, we would have to leave the order in place.

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Even though in an intact family, that is, a child with a protective parent at 16 could decide for him or herself to leave home?---Yes, that's correct.

Why differentiate?---Again that's practice. So if we've had a child in care - if we've got a child in care because they have been removed because they don't have a parent willing and able and we are now their guardians, then it's our obligation to attempt to fill that requirement till they're 18 years of age.

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That's only as long as you remain the guardian. You can have a guardianship order revoked or varied?---We can, but then basically we're saying - we're leaving that person who's under 18 to their own devices. So even whilst they may be self-placing and living independently as such, they still come to us for support; you know, we still try and engage them with the relevant services.

You know where they are. What if they have absconded and you don't know where they are? How can you be a guardian in any sensible sense of the term for them?---I personally don't know of any child that we don't have some form of contact with. So whilst they may abscond for periods, we will locate them at some point. We will, you know, ensure that we've tried to offer them a safe place to reside, whether that's some form of placement option or working with some sort of agency.

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So what does the chief executive - what action considered appropriate can the chief executive take in a situation where you have got an older child of 16 and the relationship has broken down with the long-term guardian and the child has been absconding and self-placing for the last 12 months?---Then we would have to look at an order that's not to - that's obviously to the chief executive if we couldn't locate a family member or someone else that was prepared to provide that level of support.

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So the other guardian has - it has broken down so the state

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through the chief executive takes over that 16-year-old child for the next two years and tries to do the best they can for the child?---Obviously we would have tried to support the other person to try and keep that placement going because we do have the capacity to provide supports to LTG and to other so - you know, we can continue to pay them fostering allowance. We can pay them some other allowances.

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Okay?---If the child has, you know, particular needs that that doesn't meet, then we can also assist in those areas.

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Are the children in this cohort usually those with the highest needs?---LTG to other?

No, those who have long-term guardianships that break down? ---Again I haven't actually seen a long-term guardianship to other placement break down, but I would imagine that obviously, yes, it's because you've obviously got that older child who is probably absconding. It could be a range of reasons why that placement has broken down.

Couldn't you properly look - even though it's still a cost to government, couldn't you properly look at the child and say, "Well, look, we're a protection agency. We're not meeting this child's needs. This child doesn't have protective needs any more. He's 16, for goodness sake"? ---Yes.

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"We don't know where his parents are and he's got very high needs." Maybe he has got a disability. Maybe he has got an addiction of some sort. Nothing you can do for that child, is there, in this sort of system except spend a lot of money on one-to-one therapeutic care?---Obviously we can try and engage - like, obviously if it was a child with a significant disability, then obviously we would be working with Disability Services to try and ensure that they were picking up the needs of that child and it's about we can be - I guess we can be the advocate for that child in trying to broker the appropriate services that they may need to set them up. So, you know, that could be about finding them housing. It could be about getting them - depending on what stage their independent living skills are at, it can be a whole range of things. Currently we can't provide financial support unless that child is in - - -

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Your care?---Or the LTG to other.

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Yes?---So they're not necessarily in our care in that instance.

Or under the supervision - if you're another guardian, ultimately you're under the supervision of the chief executive?---Yes.

But you pick up the bill for the treatment for a child with

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high therapeutic needs, don't you? The department does? 1
---If they're in our care, yes.

Yes, but just let's move forward a couple of years?---Mm.

He goes from 16 to 18. He has still got the same needs. They haven't been met because they're either unmeetable or something and then as soon as the child turns 18, may or may not have a transition plan in place. Where to from there? What happens?---We would have had some sort of transition plan in place. Whether obviously the child has worked with us to implement that, they can still come back to us in the next couple of years to pick up that transition plan so that - you know, yes, when they turn 18, they might not be prepared to move into the unit but when they're 18 and a half, they might be so we can still - - - 10

But at 17 we have been picking up the bill which I have heard evidence can be as high for some of them of \$300,000 a year for that 12 months and then in the next 12 months they're on their own anyway. Isn't that how it works? ---When you're saying that amount of money, they would have had to have been in some sort of a facility as such. 20

Yes, residential facility, and some of them are, aren't they?---If they're in a residential facility, for example, because they have high support needs, then obviously we would have looked - part of that transitioning would have been to look at an appropriate adult facility that we may have transferred them to, so it can vary.

I still don't know why revocation isn't an option the chief executive doesn't consider. Why wouldn't it be a legitimate option for a 17-year-old who was simply recalcitrant?---Because at this point in time obviously our legislation is that we take responsibility of them until their 18 if they don't have a parent willing or able. 30

Unless you revoke the order. That's not the law. The law allows you to revoke the order. It's your practice that seems to override what seems to be a legitimate legal option to the chief executive?---Yes, I guess, but if you've got - like 17-year-olds, I guess, still are very - they can still be - like, yes, they might be out there doing their own thing, but they can still be very vulnerable.

As they can be at 18?---Yes, most definitely, or even older. 40

But they don't cost Child Safety Services any money after 18, do they?---Not unless we're still working with them with their transition plan.

And you can do that for up to how long?---I'm not quite sure of that off the top of my head.

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Okay. Can I just ask you one question? In your paragraph 17 you say, "Case plan complete" - this is where you're talking about how much the delivery of child protection service has improved?---Yes.

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One of the improvements you refer to is, "I and As are prioritised for completion within departmental time frames"?---Yes.

Right. Does that mean to suggest that not only are they prioritised to do that but they actually achieve departmental time frames?---In the majority of circumstances, yes. So this region for a number of years now has had very low numbers of investigation and assessments that have been open longer than two months which is the time frame for completion of an investigation and assessment. So at the moment we're currently in single figures for the region.

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You say, "The case plan completion rates are on average at or over target at 87 per cent"?---That's correct.

You can't get a child protection order unless you have a case plan, can you?---No, you need to have a case plan for the court process.

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Yes, and the case plan is a standard form?---It's a standard template within the integrated client-management system, yes.

And is it one of your responsibilities to check the case plans for quality assurance purposes?---No.

Whose job is that?---So the team leader approves case plans so it's their role to actually - part of that process to check the quality of those documents.

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Now, by comparison transition plans - would you say that they're an important decision-making point?---They certainly are.

Do you what's your target completion rate for them?---The department doesn't have an official target around completion rates. Obviously we would aim that every child would have a transition plan.

You have targets to case plans. Is that right?---That's correct.

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And why don't you have targets for transition plans?---We haven't put one in place across the state.

Okay; and do you know what the completion rate is for transition plans?---As at the end of August for the region it was 83 per cent, but I will just check that. Yes, for the region it was 83 per cent of eligible children had a

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TSC plan in place.

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An eligible child is a child over 15. Is that right?
---That's correct, 15 to 17 in out-of-home care.

Yes, all right; and one of the other improvements is a 13 per cent increase in 12 months of kinship carers across the region?---That's correct.

Up to 28 per cent, so that's a 13 per cent improvement. It's still pretty low, isn't it?---Yes, it is still pretty low and obviously we would aim for higher. Again it's one of the highest percentages though across the state for kinship care.

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I thought the state average was 56 per cent. I might be wrong about that. Mr Copley, am I wrong?

MR COPLEY: I'm sorry, I was reading something.

COMMISSIONER: What's the state average for kinship carers in Queensland? Is it 56 per cent or something?

MR COPLEY: I'm sorry, it was in an exhibit that was tendered with was from the Productivity Commission. I think it might have been 54 per cent.

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COMMISSIONER: It was over 50 per cent anyway, wasn't it?

MR COPLEY: Yes, it was higher than 50 per cent but lower than other states.

COMMISSIONER: Which some of them are up in the eighties.

MR COPLEY: New South Wales was about 84 or 86 and Western Australia was in the seventies.

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COMMISSIONER: So by comparison with those figures it's pretty low, isn't it?---Can I just say that this is about the number of children placed in kinship care arrangement currently.

Yes?---So I'm not sure what whether it's the percentage of kinship carers to general foster carers that you're talking about or - - -

No, kinship carers for indigenous under the placement principles are the preferred, right?---Yes, and we have - of the indigenous placements - the data that I know that you were discussing yesterday, I think, had about 50 per cent across the region either with kin or a residential facility.

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Anyway, what does your 28 per cent mean? It means that that's how many children in care are in kinship care, doesn't it?---Are currently placed in a kinship placement,

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yes.

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That's right, and under the placement principle kinship carers are the preferred carer?---That's correct. So this is across - that percentage is across indigenous and non-indigenous. It's across the region.

Even though it is expressly said to be the preferred position for the indigenous child, it's also the preferred position for non-indigenous presumably?---Yes.

Okay. So can we come back to that? If you can get a kinship care, it's better?---Yes.

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Right; and the best we can do here - and you say it's higher than any other region in Queensland - is 28 per cent?---As I said, we've had a 13 increase over the last 12 months, and Nicola spoke yesterday about the fact that as a region we are - have been identifying and putting gin strategies to improve that so that's a key area that we are continually working to improve.

Which brings me to my real question: how did you get it up 13 per cent to 28 per cent in the last 12 months? What did you do differently that seemed to have done the trick?---So that's really, I think, about education of our staff. It's about communication when we're at that point of removing a child; that we're actually having those discussions with them to try and identify relevant people. It's about working with our key partners and with our staff to do eco-mapping of a family to try and - you know, initially on first scan it might be, "Yes, definitely got no-one," but as we work with the family and work with other agencies we might be able to source out someone.

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So would another way of putting it be to say that you are actually working harder towards giving true practical expression to the statutory principle of placement?---I think staff are always working towards the principles. It's about being able to work wholistically with everyone to identify kin. Obviously we also have - particularly with indigenous families we have the issue of being able to get them approved to be kinship carers, which is a problem for us.

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Yes, right, so in looking at why it's improved quite dramatically by 13 per cent, which of those things that you did has had the most effect? Is it educating the workers, is it the workers trying harder and smarter to locate kin rather than being easily deterred in that pursuit or is it more kin getting blue cards or more kin putting up their hand? What is it?---I think it's a combination of all of those. I don't think I could specifically pull out one particular thing.

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Well, see, if we're trying to get up another 13 per cent next year wouldn't one of the things we'd do to see which of those things worked best and then focus on that and do it again next year?---I think it's more about being a wholistic approach.

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I don't understand what that means? What does it mean? ---Well, it's about trying to improve something from every angle that we might have.

So why have we only just started doing it in 2011?---It's something that we've always been trying to do and achieve, I guess. It's about obviously the area that we work in is very complex.

I know, but it was complex in 2010 and it's complex in 2012, but you've had a 13 per cent increase, so that's great, but we want to do it better, and the way to do it better is find out what works. If you don't keep records and map, you know, the things that work how are you ever going to consistently keep it up?---And it may be that our placement services unit director may be able to provide more information and clarity around that.

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I'll ask him. I'll ask him?---Yes.

The CSO training attendance remains high and locally located. That's another dot point?---Yes.

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I saw figures yesterday that the completion rate of CSO training might not match the attendance rate?---So I guess the CSO training program is a 12-month program, so when a CSO is appointed and commences work they go off to some on-site modules which have been running locally in Townsville, Cairns and a number of other places. So it's about, yes, we do have a high attendance rate. All of our

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staff basically within the first six months of them coming on board go off and attend those - - - 1

Well, it's mandatory, isn't it?---Yes, that's correct.

So that's why you've got a high attendance rate?---Yes.

What about the completion date?---I guess the completion rates, the 12 months and the modules, I, yes, probably can't comment on that. I would have - - -

See, that would be a more informative rate for me, looking at the quality of the system. Like, getting the attendance prize isn't like getting the top prize, is it, especially when it's mandatory?---Well, it's not, yes, and I guess it's about - again, it's about record-keeping and, you know - - - 10

Yes, well, I don't think you can claim mandatory attendance remaining high as being an improvement in service delivery, can you, really?---But I guess it's about that we have a focus on that and ensuring that occurs and that it occurs locally, because I guess one of the problems before is whilst it was mandatory, when it was only located in Brisbane staff with families, et cetera, may have found it difficult to attend those sessions. 20

Paragraph 14 you talk about the benefits of the RIS, the regional intake services?---Yes.

What are they?---So the North Queensland Regional Intake Service, or an intake service, is basically a call centre type model situated in a central point within the region.

Yes, I know what it is. What are its benefits?---The benefits are that you have a team of people who are skilled in taking the intakes, in gathering the - in collecting that information, so ensuring that they're asking the right questions, they have the skills to actually communicate with the client to elicit that information, so that we're trying to gather that information, to then assess that - to gather all of the other appropriate information, so that's gathering the history on the family, doing the pre-notification checks if required and making that wholistic assessment about whether it constitutes a notification or a child concern report. 30

This is on the phone?---On the phone, and they do for people who obviously - for example, here in Townsville, who want to see someone face to face, they can go up to the regional office and see someone face to face. 40

Yes, but this is just a rebadging of the old crisis line, isn't it? What's different about RIS? What does RIS do - - -?---The difference is that they - - -

- - - that the previous one didn't do?---They're locally based, so they have the partnerships with the local community. So they have relationships with the recognised entity that obviously any matter that relates to an indigenous child they have to consult with. They have the relationships, local relationships with the police, with education, with health. They can have those discussions. We can get people from those representatives to come in and talk to staff about cultural appropriateness or - - -

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Well, you can do that whether you had RIS or not, whether that was your first point of call. That's just something you'd do in the ordinary course of partnershiping, isn't it?---It is, but I guess because it's specific and it's targeted at what it's actually delivering it allows that focal point. It allows the timely recording of information, getting it on the system, getting it out to - - -

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Is this the system that can't give me some of the answers like - - -?---Yes.

Is that the same system?---Yes, it is.

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What about referrals, referral pathways? Is that one of their jobs too, to refer off to another agency?---Yes. So, I mean, obviously I guess that's another benefit, in that they have gathered and resourced the information of services that are out there. So if at the point of the intake they are talking - say mum's rung up or even the neighbour, that, you know, they've got some concerns but, you know, they're really looking for help on what they can do. So mum, you know, "I've got this particular issue. I don't know what's out in the community." So they can actually provide the person at that point a range of services, whether they're ones that we're linked to or not, in the community. If the matter constitutes a child concern report then we can refer to the family support service or to the RAI service, in which case they can then contact the family to attempt to provide them with support.

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Right, and how many - no, that doesn't matter. I can find that out next week, thanks. You say in paragraph 26 that - this is about the fourth line, or the second full sentence, starting on the third line at the end, "The department's current legislation and policy and procedure only allow for two options, removal of the child from the household and (b) non-approval of the carer application." This is where blue card processes aren't passed. Is that right?---That's correct.

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Are you saying that the only two options are removal of the child or non-approval of the carer application? Surely there are other options?---Basically if we have a household, whether it's the carer or whether it's a household member, that's been declined a blue card and

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they're living in that house then we cannot place our child 1
- we have to remove the child and find another suitable
placement option.

Now, are you - you mention in your statement that that's a
legislative requirement?---Yes.

Can you point to me where that says that?---Not off the top
of my head, no. So I - - -

Are you sure it's not just a policy or a practice, it is - 10
you say it's the law?---Yes. I can provide you with an
example of one that I actually had where we had a kinship -
a grandmother who was applying to be a kinship carer for
her grandchildren. Her partner failed the blue card
process and because of that we - it's an automatic refusal
of their carer application.

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Now, that particular person - those offences were quite old. He is now an indigenous - he is now a well-respected member of the indigenous community and I guess what we're saying there is that there was no avenue for us to say that based on all of these facts that we felt that we could still place that child - we could approve that kinship care application and place those children there. Because he was refused a blue card, we could not progress with that.

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All right. So you felt that you actually would have liked to have taken the risk. You thought the child would be safe enough in the household, but because the blue card - and the blue card is put in the way of the child being allowed to stay safely enough at home?---Obviously we would have needed to explore the full circumstances of why the blue card wasn't granted.

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Yes, but from what you could see - - -?---If we had an opportunity to have gone that path to look at, you know, was it suitable to risk manage, then, yes, we would have considered that path.

You're saying you couldn't negotiate with the commissioner to say, "Listen, you've refused a blue card here. This is standing in the way of a child staying safely at home. It means the state might have to - well, the child might have to be removed or at least dislocated from the grandmother. Can you reconsider?" Can you have it review or can you review the blue card?---The blue card - only the applicant can actually go through that process and obviously we strongly encouraged him to do that.

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But you couldn't make him?---Sorry?

But you couldn't make him?---No, we can't make him.

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And you can't do it yourself?---No.

Would that be something that would be worth considering, that you could be a review applicant in a situation like that?---Yes, most definitely.

Okay, thank you. Mr Hanger?

MR HANGER: I just want to follow up on a couple of matters that have been raised with you thus far. Do you understand the point being made about the possibility of revoking a guardianship order? You're the guardian until the kid is 18, but if they're absconding, you could be criticised for not being a good guardian or you can say, "I'm doing my best." What happens when a 16-year-old absconds? Does it come to your notice or do the foster parents notify the police or what?---Yes, so when a 16-year-old absconds, if they're with a carer, the carer would notify us. Obviously we would attempt to locate that

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child. So, you know, if we had some known addresses that he might go to, we might go out there and visit. Obviously generally our carers also go and look. If the child is missing for more than 24 hours, then a missing person's report is placed.

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That goes to the police?---And it goes to the police, yes.

The police have mentioned that it takes quite a lot of their time to look for these people as well?---Mm.

If the person repeatedly absconds, what happens, anything? ---Obviously we try and identify why they're repeatedly absconding and are there strategies that we can put in place around that. Sometimes they work; sometimes they don't work; sometimes it minimises the behaviour. It's about trying to work with that child to identify what the triggers are, what the causes are.

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If you are not getting anywhere, is there anything wrong with terminating the guardianship and saying, "Son, we've done our best for you. You're on your own now. We're going to give up"? It's hard?---It is hard. It is hard and I guess if something was to happen to that child, then would we not be neglectful of having done that?

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If something happened while you're guardian, you're in big trouble?---That's exactly right, yes. I guess it's a bit where, you know, whichever we go I guess it's an issue and one that we struggle with, can I say, so, you know - - -

Has there ever in a decision to revoke guardianship or to terminate guardianship?---When there hasn't been a parent willing and able to pick that guardianship up, certainly not that I'm aware of, but that doesn't mean to say that there hasn't been on.

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All right.

COMMISSIONER: Don't you have to go back to first principles and look at why the child went into care or under guardianship; and that was because they didn't have a protective parents, but that was because they were probably a lot younger and at that time they couldn't protect themselves, but now they are a lot older and maybe they don't need a protective parent any more?---I guess the fact by the sheer nature that they're still a child is what the issue is.

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Yes, but you can always raise that argument even for an 18 to 25-year-old when you're 50, not when you're 25?---Yes.

But it's a question of legal obligation really?---Yes.

It's not a question of being a welfare agency?---No.

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You're a child protection agency?---And that's the problem. It's our obligation, isn't it, at this point in time?

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Only for as long as it remains your legal obligation?
---Yes.

MR HANGER: I suppose by the same token you would say and most of us here present would say they're not grown up until they're 25 and perhaps we should be looking after them longer?---I've got a 23-year-old son who still lives at home.

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COMMISSIONER: I think for men it's 50, Mr Hanger.

MR HANGER: That's what my wife says anyway.

Yes, and I suspect that the department does look after youth when they're beyond the age of 18 but, as far as I know, there's no actual legal power to do so, is there? It's just one of those benevolent things?---Yes, that's correct.

Can I ask you a few things about kinship carers? I might be totally wrong here, but it occurred to me that in some parts of Australia there would be far more, if I can call it, "tribes" - I don't want to use the wrong term and be politically incorrect, but far more tribes than in other parts of Australia and therefore it might be much easier when you have got, say, a tribe that covers a very large area of land to find a kinship carer there than where you have got 20 or 30 tribes in a small area of land. Is that a valid observation or not?---I guess it's not one that I've considered.

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How many kins are there in your region? How many different cultures or tribes or whatever the word? What's the right word?

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MS O'BRIEN: Clan.

COMMISSIONER: Clans.

MR HANGER: How many clans?---I couldn't answer that.

All right. Let me ask you something about reintegration. Some of the evidence that we have heard suggests that basically once you're in the system long term, you're in it until you're 18, but the evidence you have been giving gives me the impression that that's not so. How often do you actually, once someone's in long-term care, reintegrate them with their family or find a foster carer for them?
---Sorry, what was the last bit?

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Or find a foster parent for them?---Generally a lot of the children that are in long-term care are with foster

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parents.

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All right, sorry, I'll rephrase it?---Yes.

Those who aren't with foster parents?---That are in long-term care?

Yes?---It's probably - it would be a small percentage that were on long-term orders that we would reunify with the parents but obviously it's always an option there that we look at and consider.

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Is it an option that's considered every 12 months as a matter of routine or is it just if it happens to occur to you?---Well, obviously we do our case planning every six months so obviously if a parent has come back on the scene or is wanting to engage more with the child, then obviously we would be looking at it at that point.

I presume the initiative has got to fall on the parent to approach you or the child?---Even with long-term care we still obviously look at having the connection with the parent and the child so we would still - any case plan that we were developing even for a child in long-term care we would be consulting with the parents about that case plan, if possible. Obviously some parents we can't locate but we still endeavour to do that.

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When you talk about a case plan and the percentage of those that have been completed, enlighten me. What is a case plan? Does it consist of an education plan?---A case plan in itself is the direction and the supports that we're going to be taking in that six month period.

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So there is a tick box within the case plan that says have we completed an educational support plan, but it doesn't necessarily form part of the case plan as such. 1

All right?---The transition from care plan - - -

Tell me some of the tick boxes, the important tick boxes. Have we completed the educational support plan, that's one? ---We've only got - off the top of my head, there's only actually three in there. So a child health passport, but recently we've been capturing that information in a child health tab, and now it's an automatic field within the document. So if your child health tab is filled in and the child has been in out of home care for more than 30 days and the child is currently on an order, then that tick box is automatically filled in with a yes. 10

Okay, but wait on, stop there. A child health plan, I take it, means they've had the relevant inoculations and they're putting on weight and growing at the rate they should? ---Yes, so that they have their regular medical, dental checks. Obviously if they're children that have medical needs, that, you know, they're being followed up and addressed in accordance with what their needs - - - 20

Okay, so that's easy. The education plan, does that set out an individual education plan for that child or just say he's got to go to school?---And educational support plan is a separate document, process, that's undertaken for children in the state school system, and it's looking at their needs and supports that they require to enhance their education within that environment.

The special needs of a particular child?---Yes, so, you know - - - 30

As distinct from general needs of any child?---Yes. So if that child needs some tutoring or they need further support within the school the school can actually access some extra dollars to give them that extra support from the school staff within that environment.

So when you refer in your statement to case plan completion rates are at an average or over target of 87 per cent, dare I ask you, why aren't they at 100 per cent?---So obviously when a child comes into ongoing intervention we have six weeks to develop a case plan, so obviously if we've got new kids continually coming into the system then in that month period they would not necessarily have a case plan. 40

I understand. So you've got six weeks to get it done? ---Yes.

Then at the end of that time one can expect that it has been done?---That's correct.

You've got to have some time to do it, obviously?--Yes, that's right. There's also instances where a case plan may have expired and we're in the midst of court process and due to getting the family group meetings convened as part of that court process that might mean that a case plan lapses for a period of time. It might be that the case plan lapses while we're trying to get all of the parties together to do that.

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Of course?---So there's a range of reasons - - -

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It's a complex task?--Yes, why.

Of course?---Obviously for kids that are on ongoing intervention we strive to make sure that all of those strategies are in place to keep those case plans continually active and not let them lapse.

Could I ask you, if you don't mind, in paragraph 17 of your statement, Ms Lagana, to elaborate on the last dot point, "The full capacity of services in our placement sector, family intervention service and referral for active intervention." Tell us about those?--Yes. So our placement services are funded to take certain numbers of placements and those services are at capacity. So if they were funded for 100 placements, they have 100 children placed in those placements. So our services are at capacity there. Our family intervention service and our RAI service, so that's those when we're talking about making referrals from those child concern reports - - -

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Let's do them one at a time. The family intervention service?---Yes. So the family intervention service is the indigenous service through the Townsville Aboriginal and Islander Health Service that provide early intervention to clients. They can take referrals primarily from the department. We get priority, obviously, but they can also take referrals from other agencies, which is through our CCR process, where we identify families that may be of need.

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All right, so this is really a secondary intervention to stop it becoming tertiary?---That's correct.

But the FIS that you refer to is confined to indigenous people, is it?---That's correct.

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Right, okay, and then the referral for active intervention, is that one step further removed?--So they provide a similar service, but their service can be for indigenous or non-indigenous clients.

Is that still a secondary service or getting closer to the tertiary service?--No, it's still a secondary service.

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All right. Okay, but active intervention is teaching people how to be good families and so on?---Well, it could be teaching them budgetary skills, et cetera.

Yes, all that kind of like skills that they need to improve their parenting ability?---Yes, so that they don't come into the secondary system - I mean, the tertiary system, sorry.

Yes. I just wanted to ask you about Evolve that you refer to in paragraph 15. Tell us about Evolve in this part of the world (indistinct) in other parts?---Sorry? Yes, so basically Evolve is an interagency - we refer clients to Evolve that have high needs.

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Yes?---The Evolve service can then work with the relevant parties. So it can be the foster carer, the residential care youth workers, the child safety officer, whatever agencies are involved, to actually try and develop plans around the specific needs of the child. So whether they are therapeutic in nature - so we might have - for example, we might have a child who has some suicidal tendencies. They would work with us to develop up strategies and plans around that child to ensure the safety of that child and obviously to reduce those tendencies, to find out the particular trigger points, et cetera.

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Is it primarily concerned with mental health or does it deal with physical wellbeing as well, disabilities and so on?

---Yes, just - so it's a behavioural support service.

Well, that sounds like mental - - -?---Yes, so it can be - so we work with Queensland Health and we also work with Disability Services. They're the key providers that form part of the whole - - -

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Okay, and in the next paragraph, 16, in the last sentence there, you refer to a continued challenge for the region is the recruitment of carers in rural and remote locations. How do you solve that problem?---I guess so - we continually work - because we have service providers who are the primary - their primary function is to recruit and support carers that are funded through the department. We work with - the placement services unit through their kinship and foster care team work closely with those services to identify opportunities where we may do that. So that may be - we may go to - like, I know when I was managing the Bowen Child Safety Service Centre we identified that, like, the Zonta group was very adversarial about child protection and what they could do in the community to assist, so I made contact with the placement services unit who had someone from their foster and kinship care team and the relevant services that covered the Bowen are to actually come along and talk to that Zonta group and

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talk to them about kinship care.

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So it's just a case of talking to the right people?---Well, it is. I mean, obviously also in this area we look for every opportunity that we can. So at any functions that might be happening, like NAIDOC week, career expos, any of the cultural fests, et cetera, that might be going on, the department in conjunction with the services would hold a stall. We go to the Cowboys, Broncos home games and hold a stall there at those sorts of things.

Sure?---So there's a whole range of things there. The agencies themselves can - they've done radio announcements to try and gather people, they've put adverts in the careers section of the newspaper seeking carers. So there's a whole range of things that we do.

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What do you do to nurture your carers, apart from paying them money for fostering people?---So the foster - the agencies that we fund provide support to those carers and obviously from a departmental perspective we try and engage them in the case planning cycle, you know, what supports they need to care for that child. It might be that, you know, they might have a child who has specific behavioural needs that they don't know how to deal with, so we would look at what services we can provide to obviously upskill them in that particular area, in conjunction, obviously, if they've got an agency that they work with.

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So as a government body you do your best to support the private enterprise bodies that look after foster carers?
---We do.

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In whatever way you can?---Yes.

Yes, thank you.

COMMISSIONER: Thanks, Mr Hanger. Mr Capper?

MR CAPPER: Thank you.

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Thank you. Craig Capper from the Commission for Children and Young People. I just want to pick up a couple of points that you've made in your statement and a couple of other issues. In relation to your statement and from just listening to your evidence now, you spoke about the service provider and you said the PSU - and this is at paragraph 16. You say, "The region remains at full capacity in all grant-funded placement services, with particular recruitment strategies occurring around the continued exploration of kinship carers." So from what you were just saying to Mr Hanger's questions - and correct me if I'm wrong - it seems to be that the placement service providers that you're referring to there are actively out there looking for and recruiting foster carers and the number of positions that they're looking for are the ones that you fund. Is that right?---Yes.

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You funded them to look for a certain number of positions?
---Yes, placement options; yes.

Okay. So given that they're at 100 per cent capacity, they're obviously doing a pretty good job?---That's correct.

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So why aren't we giving them more? If they can get 100 per cent and you can't do it as a department, why not be giving the placement services team and why aren't we expanding their capability in that area?---That's a very good question. It all comes down to dollars and being able to resource the dollars so that's obviously something - whilst we can advocate for that within the region, which we do, I guess it's not in our mandate as a region to say, "Here's X numbers of dollars for X numbers of placements."

I understand that, but what we have heard through all of the evidence is, "We can't get enough carers." I mean, that's the very clear statement that's been made across the entire inquiry so far, "We cannot get enough carers"?---Or appropriate carers.

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Yes. There was discussion with Ms Jeffers yesterday that we obviously need more than what we need right now. We need to have a pool of people so we can match children with carers and vice versa?---Yes.

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We've got an agency or group of agencies out there who the department's funded for a certain number of recruitments. They filled all of those, so shouldn't we be turning to them to look for more if they're being so successful and we have this crying need for them?---I would agree with that, yes.

So would it be fair to say - and I put this to Ms Jeffers yesterday - that they appear to be more successful as an NGO at recruiting foster carers than what the department did?

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---They're funded to recruit foster carers. That's their primary job. I wouldn't say that it's about they're better at it than what we are. That's their job to do. It's not necessarily our job to do but we support them to do it so we have staff who are available on weekends to go out and sit with them at stalls to talk about it from a government perspective.

Yes, but they're obviously doing that successfully?---In conjunction with us, yes.

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Now, you indicate that in relation to the child health passports - how is that actually measured? You say 95 per cent have them. How is that actually measured, because, as we understand it, you can't just plug that in and get the report?---No, we can't in the region, but now that the child health passport tab has been developed - and that came in about September last year, mid-September last year. Through the back end of the system Brisbane actually have the capacity to draw that information from that particular tab. Because it's critical area, that functionality has been built into the system.

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Similarly your experience in this area over a long period of time - again I put this to Ms Jeffers yesterday. I would like your opinion on it. Paragraph 17, as the commissioner has obviously pointed out, identifies a significant number of what you would say are successes for the area and successful strategies of being employed. What are the learnings we can take from that and what this area and this region has been doing and apply more broadly across the state to see similar types of successes elsewhere?---I guess in some of the areas around the performance indicators - and I know that you asked yesterday about what performance indicators we have. So we clearly have a performance indicator around our I and As and around our case plans and some components of that. So I guess the strategy that has been successful for us - so in the past obviously we work - you know, these are your KPIs as a department. This is what you need to achieve. As a region, I guess we came to the conclusion that whilst people were aware of this and understood this, in the day-to-day functioning of their work - because obviously,

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you know, I certainly would say that there is not one staff member out there who isn't fully engaged in working with their clients. How do they balance that with that day-to-day work as far as meeting the other needs and meeting the KPIs? So some of that we identified was around planning and actually being able to, I guess, see the trees from the forest and actually put in place some planning strategies. So we developed a strategy where we sat down with each work group, any staff member within work groups, and we actually broke the workload down into components that were required and helped them develop 12-month plans to actually implement that. We only started that in the beginning of the year and which obviously, as you can, we've actually had some significant successes with. The question will be now about sustaining that. At that point in time we found some funds to find a resource to go out and work with the staff in that area so some of that was about how to understand the data to actually interact with practice and what that meant was happening in their practice and obviously it's now up to the service centres to continue to manage that.

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As I discussed with Ms Jeffers yesterday, there's a significant amount of data that you don't get and can't get. Should you have that data to assist?---Regionally we can get a range of data so we can get some information around - and it might not necessarily be 100 per cent accurate. So it's anecdotal data that will tell us what percentage of educational support plans we have in place and then we have to look at that. So a service centre would look at that in context of a range of things. So we can only narrow the data to a certain point and then obviously the service centre needs to look at that and put the context around that. So we can gather a range of information from a system locally that will help us inform our work practices which isn't necessarily 100 per cent accurate, but obviously the service centre know their business. They know their cases. They can then look at that information and actually drill it down to what it means for them.

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But surely getting that data for Aitkenvale, for example, is extremely important for you to plan for what other services you're going to look for, for that region or for that area and to provide those services to identify who needs to be - what we need to go out to tender for; what it needs to look like; what are the services that we're looking; where's the gaps. Surely that information is extremely valuable to you as a manager of one of these centres?---It is.

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To have that local knowledge?---Yes, and we have that local knowledge across a range of areas; not across every area that we would like to but across a significant number of areas we do have that.

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I guess our concern particularly is that we see consistently through our reports that are coming through from the commission are that children in care are continuing to underperform in a vast number of areas but particularly things such as education, but yet the information we have from Ms Jeffers yesterday is that you can't get that information to that level. You only get the educational support information annually from the department and you can't - - -?---No, we can get our own locally which we then need to drill down on which is - each service centre can do that.

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Okay; and that identifies the needs for your particular area, but that's a manual process. Is that right? ---Through our reporting mechanisms we can actually - and we do. We run it - we were running it fortnightly. We've now moved to monthly. We can actually have - I can actually pull out and we can see a percentage of educational support plans in place because remember we tick the box in the case plan. We do, so that anecdotally will tell us we've got an X percentage of case plans. Unfortunately what that doesn't do is not all of the children that - it records that against every child that's on a child protection order. Obviously not all of those children are eligible for an education support plan so the service centre can drill down on that information and go, "Okay. Well, these 10 16-year-olds currently aren't attending school, therefore we can't do an educational support plan at this point in time." These particular children are in the private school system, et cetera.

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So because they know their cases they can look at the names and quickly work that out so that they know that piece of information, which is monitored by the manager. 1

Now, in relation to your evidence, you indicate that - you gave us an example in relation to the blue card, where the blue card stopped a person from continuing with their application and you weren't able to approve their carer's approval?---Yes.

Now, you indicated that the partner failed to get a blue card as a result of that that was the cause of it. Is that right? That was the cause that they couldn't be approved as a carer?---That's correct. 10

Okay, but they still - the parent could have been still - the carer could have still been approved but the person then, or occupant, couldn't have lived there. Isn't that correct?---That's correct.

Now, in relation to that you said that - the commissioner asked you, "Well, couldn't you have discussed that with the Commissioner for Children and Young People?" and you said that your view was no. Is that right?---The information provided to me was that that's not an option. 20

In terms of - where did that information come from?---The information came from our PSU through - so through our placement services unit, through the CSU, which is the - - -

Central screening unit?---Yes, that's it.

Thank you. Now, in relation to that, was the advice that you had no right to appeal the decision or that you had no right to contact or an ability to contact the commissioner?---That the only avenue that was open to the person was that they needed to appeal the decision. 30

Now, we had evidence before us in Cairns of a very similar situation. A person gets issued a refusal notice. The department's view is that the person should be allowed to continue to live there because it was suggested that the commission had failed to have regard to certain circumstances or certain opinions of the department. They rang the Commission for Children and Young People and Child Guardian and within days the negative notice had been overturned, because all of the information had now been put before the commission. Could that not have happened here? ---I guess (1) that wasn't the advice given. Also, my understanding was that the gentleman in question had previously provided all of that information to the central screening unit, so there was a process undertaken before the negative blue card was issued through the central screening unit. 40

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Okay, so you would also understand that the information available to the department is very different to the information available to the Commissioner for Children? ---Yes, but in this particular instance the gentleman in question had filled in the relevant documents so that we could actually get - this component of it where they did it through the CSU was actually before me going there, but what I was informed was he had actually filled in the documents to get that information released to us so that we could supply it as part of his process.

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Now, in relation to that, did the department make any submissions on his behalf?---As part of the - - -

As part of the application process. You as an agency are applying on his behalf for him to become a blue card holder - - - ?---To the central - - -

- - - as the employer, as it's referred to in our legislation?---To the central screening unit, yes.

Okay, but did they make submissions or provide a reference on his behalf to the commission or make any representations to the commissioner about whether or not the blue card should be issued?---I couldn't comment on that. I don't know that information.

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In relation to the blue card process you indicate that - we spoke to Ms Jeffers about this yesterday, but she certainly deferred to you for some further information. In relation to on the ground when the team goes out to talk to people who are indicating an interest to become a foster carer - and I'll leave kinship care out of the way for a moment, because they're reactionary to that, obviously, but even in kinship cases, once you identify them obviously a phone call takes place. Is that a cold call or is there some other introduction process or how does the department go about doing that?---It would depend. So we're talking kinship carers?

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Both, either?---Well, a general - if they're applying to be a general carer they would have approached us or approached the agency or approached - there's a hotline for carers.

Okay, let's follow that one for a moment. So you've got a foster carer. They ring in. They've expressed an interest to apply to be a foster carer. Do they do that to a central line?---They can do it in multitudes of ways. So through a central line, through an agency, through us.

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How long does it take to engage with that carer after that takes place, on average - or prospective carer, I should say?

---Yes. I couldn't give you - again, that's done through the PSU and I couldn't give you the deadline - the

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time-frames on that.

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So they've expressed an interest. You get back to them at some point?---Yes.

Which we'll perhaps clarify with PSU. What then happens? ---So they are sent an information package in regards to fostering and encouraged to recontact and they may go through an - it depends, I guess, where they're from. So, like, what we might do for a prospective carer in Bowen might be different to a prospective carer in Townsville, because obviously if you've got a number of people that have expressed an interest in Townsville there may be an information night where all of those people come together. We may have other foster carers there who, you know, can talk through about what foster care is, et cetera, et cetera, where obviously if you've only got one person who has applied in Bowen you can't have an information night for one person. Someone would go along and talk to that person about that. So once they've got that information then they can decide from there whether they wish to progress.

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Yes?---For general carers, generally, that's done through the support agencies that are funded to do that body of work. So they would - they go through a whole range of processes and discussion with them. There's training obviously provided around that and to the point of where they are then asked to fill in the application that you referred to yesterday.

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So we get to the application form. So if they're still interested at this point, they've been explained the process, they still want to be a foster carer, they get to the application form. So there's the blue card application form that they need to complete?---Yes.

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And also the APA form that was handed up yesterday. So those two forms are completed by who? Are they just sent to the foster carer or are they prepared by the department or assisted to fill those out by the department?

---Depending on the carer, what might happen. So if the person wasn't - you know, if they felt more comfortable someone helping them fill it out then there would be a person there helping them fill it out. Sometimes they will just fill it out and send it back into us.

So does the department just send it to them and then wait for them to ask for help or do they actually - - -?---Well, it depends. Like, so if they're given to them at an information session, you know, it would be explained, that - or if it's sent to them it would be, "If you want assistance in filling in this form then contact us and someone will help you with that process."

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Okay, so at the information session they get given a copy

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of the form. Do they fill it out there or take it away? 1
---Again, it depends on the person.

MR COPLEY: Well, if I might interrupt for a moment. With
respect to Mr Capper, given the amount of time left
available today for both Mr Capper and those from ATSILS to
cross-examine the witness, in my submission,
Mr Commissioner, you should call on Mr Capper to perhaps
get to the point with this line of questioning, because
really the question that I suggest you need to be posing is
how does it assist you in the compilation of your report to
know whether a foster carer completes the form at home or 10
completes the form at the department's office or all of the
nitty gritty and the minutiae of these forms.

COMMISSIONER: Yes. I suppose, Mr Capper, your position
is that there are ways of getting around the alleged
complexities of the blue card - practical ways.

MR CAPPER: Well, it goes beyond that, actually. I mean,
it's the situation that the evidence we're hearing is that
the blue card is the inhibitor.

COMMISSIONER: Yes. Well, an inhibitor, yes. 20

MR CAPPER: An inhibitor, and certainly that's been the
position of a number of witnesses, particularly from the
department. In relation to that it's a situation where
there are, we would submit, a significant number of hurdles
in this process - - -

COMMISSIONER: That could be - - -

MR CAPPER: Not the least of which there are certainly -
there's three elements to this, which is (a) is the policy
right, that these people should have it or shouldn't have 30
it. That's certainly one element. The second issue is are
there any procedural issues that need to be canvassed and
considered and perhaps, you know, improved. The third
issue is: is there greater education or information that
needs to be out there to remove perhaps perceptions as
we've identified.

COMMISSIONER: Well, maybe that's what Mr Copley is
suggesting. If you just pose it like that and ask the
witness to comment that probably will help me, rather than
too specific subjects to - I mean, I can see your point. I
understand what you're saying, but from this particular 40
witness's point of view maybe if you can just ask her to
comment on those major headings, that would be good.

MR CAPPER: Thank you.

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In relation to the first issue, there's obviously a view within the department at least that blue cards are an inhibitor to people applying to become carers. Is that right?---Whether it's the primary carer or whether it's a member of the household, yes.

And certainly in relation to that, as I've suggested, there are a different number of elements. Do you agree that the process of screening people is an important and valuable exercise in ensuring that the children who you place people with are cared for in a proper way by ensuring those persons are appropriate and don't have those risk elements or indicia of risk to exclude them having such intimate relationship or such intimate contact with children in a home environment?---Yes, and, as I said in my statement, it's not that we disagree with that. The issue is once we have that knowledge, if we had a third option to be able to - based on that information to be able to make an assessment whether in the context of the bigger picture what level of risk that person may pose.

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Would you accept that confronting a person with, firstly, a 19-page form for the department's application as well as a blue-card form and sending them on their way and say, "Fill it out" and perhaps "Just send it back to us if you're still interested," particularly when that form contains some very personal questions, as I put to Ms Jeffers yesterday, relating to whether you've been subjected to a criminal history in either Queensland, interstate or overseas; similarly, "Have you been subject to a domestic violence order? Do you have a traffic history?" and you when giving them a blue card have to ask them - notify them that if they're a convicted sex offender, they may be a disqualified person. Do you not accept that perhaps that deters some people from applying?---Yes, so as part of the process - like, obviously our staff when they're working with a carer - like, obviously they believe - particularly for indigenous people who are applying to be carers obviously we're very sensitive to whether they will need assistance to fill out that form and who may be best placed to provide that assistance to fill out a form. Similarly if we've got an older couple who, you know, may - you can see that they're not comfortable with filling out forms. Obviously you would offer that as opposed to sending it out to them. I guess I would agree with you in that when we actually get people to fill out a blue card, part of the form dictates that we have to go through, "If you are eligible to apply for a blue card, please see the disqualified persons definition list," which I'm assuming you have.

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Yes?---I don't have it with me. As part of the form we have to actually sign to say that we've explained all of that to them.

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Yes?---Yes, a lot of the time when we start that process, people will then refuse to fill our a blue card and that's where our problem lies.

What do they say to you? By saying, "I don't want to fill out the blue card," what do they say to you at that point? ---I haven't asked someone to fill out a blue card and had that said so I couldn't - - -

The anecdotal evidence that you've got from your experience in managing people and managing child safety officers or managing Child Safety Service centres, what's the response like at that point when you say to people, "We need you to fill out this form," and they say, "I don't want to do it"? Why do they say they don't want to do it? They won't proceed?---They don't believe that they will be eligible for a blue card.

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COMMISSIONER: Excuse me, Mr Capper, can I just ask while we're talking about time, how much longer do you think you will be?

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MR CAPPER: I expect five to 10 minutes at most.

COMMISSIONER: Ms O'Brien, how long will you be, do you think?

MS O'BRIEN: It's rather hard to say, commissioner.

COMMISSIONER: What's the outer limit?

MS O'BRIEN: I thought less than an hour.

COMMISSIONER: An hour, right.

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MS O'BRIEN: I will do my best.

COMMISSIONER: Yes, I'm sure you will.

MS O'BRIEN: I feel like I'm rushing all the time.

COMMISSIONER: Right.

MR CAPPER: Now, in relation to that, you suggest at paragraph 26 of your statement, "If provisions were made in relation to further assessments by the department, acknowledging the history of concerning information, details of the events and the current situation to be considered, it's envisaged that more kinship carers would be approved, permitting children to remain in family based kinship arrangements." That's what your statement says? ---Yes.

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What do you mean by that?---I guess, as I said before,

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we've got the information that they're not - that they're getting a negative notice so obviously from your perspective if you're talking about it from the first point, if we had the avenue where we could still - based on the fact that they weren't given a notice, they were given a negative notice, and there was some information there that there was still an avenue for us to consider that information and how that would impact on the child or if it would impact on the child or the risk to the child to have that avenue - - -

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Okay. So are you envisaging that you could overrule the determination of the commissioner not to issue a blue card or, as the commissioner suggested, perhaps the right to appeal that decision?---I guess through a right of appeal or to be able to risk-manage that situation, I guess, depending on what the process was. So obviously if there was a clear process where we could go back and say - like, do an appeal from our perspective saying, "This is why we believe" - like, it might not necessarily - it's not that we disagree with the fact that you haven't issued a blue card. It's the fact that the offences that may have related to that and the time lapse and what's happened to that person in that particular period of time doesn't actually have an impact on these particular children being placed there.

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In your opinion?---Yes.

MR COPLEY: My learned friend asked her for her opinion and he's got it. Let's move on.

COMMISSIONER: He did.

What I'm hearing is that what you would rather have is a situation where because it's your job to risk-manage, you want to be able to risk-manage risks that you think, despite the refusal of a blue card, might still be manageable?---That's correct.

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MR CAPPER: Now, in relation to that issue, I will take you to the CMC report. At page 237 of that report for the transcript and those who are looking at these things:

The CMC was told the ability to find suitable carers both general and relative is difficult in general community and very difficult in indigenous communities for various and complex reasons. They include inadequate training and support for respite carers and criminal history checks preventing approval of some cases.

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So they acknowledge that at that point in time. They then go on to say, however:

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Other consultations suggested that the department will make inappropriate allowances when carrying out criminal history checks on indigenous relative carers. This was not always seen as being in the best interests of children. The CMC was told of instances where the department had allegedly placed children in high-risk placements when there is known violence occurring in that family.

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So certainly from there recommendations followed that adult occupants and family members need to then have blue cards or have some sort of screening process expanded to include them?---Yes.

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And it certainly suggests from that that there was a tension between the department's desire to find an appropriate carer and then the same department saying, "Well, should I put them here because even though there's a risk, I really need to get this carer." Doesn't that open up the reason and the basis for the independence? Wouldn't you agree?---I guess obviously those - like, I don't disagree with any of that, but I guess back then we - like, I think the concept of the blue card and gathering that information - as I said, I don't have a problem with it, but, I mean, that's valuable information that we need to be able to make that assessment. I guess what we're looking at is in - like, obviously if the blue card's rejected because the person's offended against children in some way, shape or form, then obviously we wouldn't be considering that person, but in those instances where the offences may be, you know, aged, where they're not in relation to children, you've got primary carers who are fully aware of that situation who can manage if there was any potential at all for anything. They have the capacity to deal with that, but at the moment we don't have an avenue to be able to override that.

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COMMISSIONER: Mr Capper, while the debate is interesting - and I mean that sincerely - it is still probably something that can be dealt with in submissions rather than - - -

MR CAPPER: Most definitely. It's just I needed to deal with it in that paragraph of the statement to identify what was being suggested.

COMMISSIONER: Yes.

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MR CAPPER: Make sure that I'm reading that paragraph, particularly paragraph 26, the way that I appeared to read it and I certainly wasn't taking this line of questioning any further. I was actually finished questioning.

COMMISSIONER: All right, thanks, Mr Capper. Yes, thanks, Ms O'Brien?

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MS O'BRIEN: Thank you.

First of all, I'm from Aboriginal and Torres Strait Islander Legal Service and so I will be asking questions directed to that. I hope to not take up too much of everybody's time. Just in terms of this vexatious blue-card issue, do you ever turn your mind or the department look at a possible solution under section 61 of the act in that you can apply for child protection orders granting custody of the child to a suitable person other than a parent of the child who's a member of the child's family? That's subsection (d) or under subsection (i) an order granting long-term guardianship of a child to a suitable person other than a parent of the child who's a member of the child's family or another suitable person. That's subsection (f). In effect, if someone puts up their hand to take care of a child and it's preferable and that's part of the objectives of the act to place them with family first, that's a mechanism that you could actually go for a child protection order that gave them custody or long-term guardianship and they don't have to have a blue card?--- Well, my understanding is obviously in the first instance we always work towards reunification so in those instances it's people that have actually been caring for that child for some time, in which case they would have already needed the blue card, but I could be wrong there.

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I'm just saying that it would be possible to get an order granting custody of that child to that person in that household for one or two years or long-term guardianship. Instead of looking just at the carer scenario, do you look at custody, guardianship scenarios for people who are not the CEO?---I think that I wouldn't like to answer that question because I'm not 100 per cent au fait with that and I think we would need some further advice on that.

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COMMISSIONER: I think it is a higher-level policy issue.

MS O'BRIEN: I think that's ordinary what it is, but it's not - - -

COMMISSIONER: You are after the practice is to whether or not they do it.

MS O'BRIEN: What the practice is, but it's not legally impossible. That's all we're saying. There are things already in place that might be utilised.

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COMMISSIONER: There are solutions, yes.

MS O'BRIEN: Yes.

COMMISSIONER: There are ways to legally get around the blue-card problem.

MS O'BRIEN: Yes, there are.

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COMMISSIONER: Okay.

MS O'BRIEN: Yes, and it seems to me it's not just the blue card. It can be a bit of a red herring.

COMMISSIONER: To want to get around it the way you're suggesting you have to be prepared to take a bit of a risk.

MS O'BRIEN: Yes, a little bit.

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COMMISSIONER: Ms Lagana is sort of suggesting that maybe they can take some manageable risks.

MS O'BRIEN: Yes. So that's all I wanted to ask there.

Now, you've been asked a lot about removal of children and data and again you may not know the answer to this question so I'm just asking it. You're talking about children that are under formal orders or where there are agreements and how they're removed and things. Are you aware of an ad hoc practice of perhaps suggesting that people move their children or that children move from the family home absent an order? They're not removed. They're sort of more displaced. Do you keep any records of those sort of occurrences?---No.

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I'm just putting it to you because ATSILS has become aware of people who have moved or relocated - this is young children; I mean, teenagers mainly - because they have been told they shouldn't stay in the home, but there's no formal order. They've been told by Child Safety to move and assisted, but there's no formal order so you wouldn't be keeping that sort of interaction in your databases?---I haven't heard of instances that fit that, to my knowledge. If that was done, I'm just trying to think if and where it might be done. If it was done as part of, say, an investigation and assessment, then that would be recorded within that investigation and assessment as that was the processes that were taken or if it was done as part of an IPA, then it would be recorded as part of a document that would happen there. It wouldn't - you know, obviously we don't have interactions with people unless they're in the system somewhere - - -

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In the system, yes?--- - - - whether that's at an I and A stage or whatever, so therefore whatever happened would be documented but obviously it wouldn't be something that you can again press the button to find out if it did and, as I say, I don't know of situations of that nature.

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Yes, they are referring to just some scenarios that have arisen within the Aitkenvale district so that's where that came from. Now, look, you did say the most important

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point, I think, is it all comes down to the dollars and a lot of this inquiry is directed to the most efficient use of the resources to get - the current use of available resources across the child protection system, whether it's adequate, whether resources could be used more efficiently, and I'm going to go here to some matters of concern for indigenous people, but you mentioned in your - for instance, that boy who absconded and how you had meetings with police services, discussions with the RE, a forum about - mentioned quite a few other meetings you had with various stakeholders. I'm wondering in certain circumstances whether that is the best optimal use of resources, and I'll take you to what I mean. Yesterday it seemed that - it was stated that Child Safety had a rather large budget or spending of about \$780,000,000 which is a substantial amount of government money. You also mentioned the involvement of other services like the police and Health and non-government services that must cost money somewhere but perhaps are not even included in that budget. It's a very large amount of money being spent here and I'm going to take you to the statement of your deputy director-general Mr Brad Swan who appeared earlier in the proceedings and highlighted that there were significant economic disadvantage within ATSI communities. Would you say that that is the case with indigenous people within this particular region?---I think that's the case with indigenous people in any region.

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Yes, and further to that there is a large portion, is there not - and my figures are very rubbery, so around 30 per cent of substantiations are for neglect?---I don't have those figures with me.

Neglect, according to your own child protection practice manual, is inadequate housing, inadequate clothing, not enough food - - -

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COMMISSIONER: Ms O'Brien, is your question: does she think that they can redistribute that \$780,000,000?

MS O'BRIEN: Yes.

COMMISSIONER: Redirect it and target it more to fixing up neglect than spending it on removing children from home?

MS O'BRIEN: I was just going to put a scenario.

COMMISSIONER: Right. I would do that now.

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MS O'BRIEN: Yes, I'm trying to hurry.

There is an interface between this neglect and socioeconomic disadvantage. I take it you would sort of agree with that.

COMMISSIONER: She isn't a social worker, but go on.

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MS O'BRIEN: Yes, I know.

COMMISSIONER: We will take that as read.

MS O'BRIEN: All right. Now, just take this scenario. There was a lady with - she's rather like Old Mother Hubbard or the woman in the shoe. She has rather a lot of small children and she doesn't have a working fridge or washing machine and there seems to be a bit of an absence of food in the cupboard. The department obviously intervenes because they're concerned that these children are being fed and whatever. There are these meetings again with large numbers of stakeholders, you know, REs and support providers and people flown in to attend to this, you know, maybe 20 personnel taking all day of their paid time and the children are removed again at quite a lot of expense obviously to the taxpayer, but at base this lady needs maybe some training in budgeting but she needs the washing machine and the fridge basically. It seems like an awful lot of money is spent in some of those circumstances that would be better directed maybe to some other agency to provide the wherewithal or the means - what eventually happened to this lady - someone put up their hand, another agency, and said, "We've got a have it now, by later policy and you pay us back out of your Centrelink," and just looking at that very basic thing might have obviated the need for very expensive intervention. Is that something - - -?---Well, I would need to know the entire circumstances because obviously - - -

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I can't obviously tell you?---No, that's right, so therefore it makes it very difficult for me to answer because - - -

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I don't want to identify - this is an actual - - -?---No, but, I mean, you know, like, when we're talking about obviously removal of children, it's not just - I don't want to simplify it and say day-to-day neglect. We would have to see that there's significant harm to these children, so whether that's, you know, neglect in the form of there's failure to thrive or they're not being taken to medical appointments which obviously isn't something that happens overnight and I would also think that for those particular - like, to get those particular items replaced there are also other avenues in the community that I would have hoped would have assisted in that, if that was the whole and sole issue of the matter. I mean, I guess I don't feel comfortable in actually answering that question unless I knew the whole - - -

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COMMISSIONER: No, it's a bit unfair, but if you wanted to give me the name of that case, I will consider asking the department to give me the file.

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MS O'BRIEN: I can give you that case.

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COMMISSIONER: Later through some appropriate method.

MS O'BRIEN: Yes, Commissioner.

COMMISSIONER: That would be good.

MS O'BRIEN: Now, just in terms of maybe looking at these basic things before spending a lot of money on intervention and removal and all those sort of things, it seems to us at ATSIILS - and I'm just going to put it to you - that in other jurisdictions but not Queensland Child Safety Services are forced to look more closely at that issue and dealing with it before it becomes an intervention. For instance, the New South Wales Young Persons (Care and Protection) Act says:

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Parents' failure to meet a child's basic needs constitutes grounds for a care order to be made but a court may not conclude that the basic needs of a child have not been met only because of poverty.

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For instance, in Victoria the court must be satisfied that the Department of Child Safety has taken all reasonable steps to provide the services necessary to enable the child to stay with its parents before it will make - - -

COMMISSIONER: Again I think that might be a worthwhile submission to me, but I'm not sure it adds anything.

MS O'BRIEN: All right, thanks.

COMMISSIONER: Regardless of what Ms Lagana says in response, I'm not going to give what she says, with great respect, a lot of weight because it's not really - - -

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MS O'BRIEN: All right. I'm just going to say: is it fair to suggest that sometimes resources might be better applied in cases where there is neglect related to entrenched poverty?

---I guess as it stands at the current moment we only remove children if the harm that's been identified is significant. So we do where possible - as I said, because we do strive for the least intrusive form of intervention, if there's some way that we could keep that child in the house, then we would already be doing that.

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COMMISSIONER: That's what I mean. That's the best answer Ms Lagana can give understandably, but if you were to give me the information, I will pull the file and I will make my own assessment about whether what Ms Lagana said held up I that particular case.

MS O'BRIEN: Yes.

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COMMISSIONER: That would be the best way to do it.

MS O'BRIEN: Now, if I could just take you to some of the - you're familiar with the intake process and just some areas there. In particular you mentioned the structured decision-making tool and you did qualify that by saying professional expertise and I presume you also meant judgment had a part to play. Could you elaborate on that?--So the structured decision-makings are a tool to assist in identifying whether it meets the thresholds of a notification or not, but overlaid with that is also obviously professional judgment.

So are you aware that a doctor Philip Gillingham has made submissions to the inquiry about that structured decision-making tool?---No.

No, all right. Basically I think he doesn't favour it, but when you're applying it to indigenous children, do you perhaps - how do you do that in practice? I mean, do you take it with a grain of salt? Do you - - -

COMMISSIONER: You don't use it, do you?---I personally don't use it, no.

MS O'BRIEN: You don't use it. I'm sorry, I was assuming that - - -?---I mean, I guess what I can say there is that - like, there are certain questions on the structured decision-making tool which they answer, but having said that, I can certainly say that in this region all intake matters relating to indigenous children are also provided to the RE for consultation and for their recommendation as into whether they support the outcome or not support the outcome. So that is also added to that process.

Yes, look, I guess my question really goes to the weighting in that structured decision-making tool about previous criminal history and previous involvement with the Child Safety system itself in terms of indigenous parents that because of the removals and whatever that happened in the past, they automatically generate scores which may be disadvantageous to them and what you do to work around that. For instance, if someone is using that decision-making tool, would they consult with the recognised entity or are those two separate processes?---So the intake process involves - so they receive the information. They gather - they do the history checks. They might do pre-nate checks. They form some sort of a basis of an assessment which includes the structured decision-making tools and they consult with the RE around those findings and do they have any other information that may assist in the assessment of that so, you know, what other cultural considerations should be made, you know, do they know something about the family that we haven't been

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able to source as part of that intake, and that advice is provided back which forms part of that assessment in total.

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Have you been involved in working with REs at case-management level or not? I'm just asking so that I know whether you can - - -?---I've had considerable discussions with the REs around, I guess, procedural components; also around general communication or how things are working; not working; how can we do things better? At a recent meeting we talked about - a suggestion that I offered was that, you know, the REs actually come out on a regular basis and participate in workgroup meetings with staff so we could have those open and free discussions on the ground. We actually have quite an open relationship with the REs and in my various roles that I've been in we've actually had those discussions. So, like, we've had them up to the intake team so that, you know, we can talk out the processes and how things could best work and meet everyone's needs and what that might look like.

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So you're committed to adding quality and value to their role in the process. Is that what I'm hearing here? ---Well, it's all about what's in the best interests of the children so obviously the more information that we have to make assessments around the safety or the ongoing involvement with a child is beneficial to all.

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Do you know how the RE would go about gathering information? Do they do it according to any standards that you've set? How does that work?---I don't know.

All right, that's fine. It's a bit of a difficult question, I suppose?---Yes.

The next thing I was going to ask you about was family group meetings, particularly in respect of indigenous people. Are you familiar with family group meetings or this is not your field of - - -?---I haven't actually attended a family group meeting, but obviously we have family group meeting convenors so I have an understanding of the process.

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All right. So you have an understanding of the process. What I'm just wondering here is, if I can take you - are you aware that it developed from a model in New Zealand, for instance?---No.

No, and it was intended to focus a high level of decision-making and participation by people who would be involved long term in the child's life, the family and other people?---Yes.

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And there are also requirements in section 51 of the act about participation. How do you feel that's working? How do you engage indigenous people? What does your Aitkenvale office do to make sure that the right parties are there at

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the family group meeting and you've got all the input you need?---I guess it's - obviously it's something that they strive for all the time and obviously - well, I would expect that obviously they had the relationship with the family and those key people that they would invite to the meeting. We also obviously use the recognised entity to help us facilitate those meetings and to get the relevant parties involved and they are also currently - they do their obviously body of work with the families as well in assisting us to do that eco-mapping to find other parties that might be relevant with that family.

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COMMISSIONER: What's eco-mapping?---I guess it's
genogram, in simpler terms.

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MS O'BRIEN: Right, so I suppose what you're saying
therefore is that it's an ongoing process. The first time
you might not get it quite right?---Well, I mean, depending
on the parties that want to be involved initially. So
depending on the circumstances. You might have, you know,
what's happening in the family, people might not want to be
involved, but you might be able to build relationships, or
the RE may have got some other parties involved and some
different agencies might be involved. So obviously as
family group meetings happen the parties might change in
that process, or as part of just casework, general
casework, when they're actually engaging with people,
different parties or family members may be involved in that
process.

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When you have these family group meetings it's part of
really the court process, is it, that you convene them, so
you can have a case plan? Is that the reason?---No, we - a
family group meeting, yes, is conducted initially when an
order is taken, or when any subsequent orders are taken as
part of that court process, but we can have a - like, so we
do case planning every six months and depending on what's
happening in that case planning, at any of those times we
can have a family group meeting, depending on what's
happening. We don't have to have one every six months, but
depending on what's happening in those circumstances we may
have one, because obviously the case plan is informed by
the level of casework that's been done along the way and
the parties that have been involved in that case plan. So
if it's at a significant juncture, so maybe we're looking
at - you know, things have been going along and we're
looking at reunification, then obviously we might get all
of the - well, at this point, "Let's have a family group
meeting, get all the parties in. What can we do to make
this process work and be most successful and who can best
help us in that process?"

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Just in terms of that, would you see any utility in having
that or something similar quite early in the process so
that parents who are able to are perhaps able to address
and rectify the concerns of the department without going
down the statutory legislative path?---Family group
meetings are always held for the first case planning
process.

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Yes, but before - - -

COMMISSIONER: You mean before intervention.

MS O'BRIEN: Before intervention.

COMMISSIONER: A forensic - - -

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MS O'BRIEN: Would there be any benefit in that?---I guess in some ways we probably do that as part of the investigation process, because obviously we're looking at what is the least intrusive way that we can intervene with that family. So if we have a number of parties, you know, it wouldn't be done in a family group meeting, I guess, setting, under that name.

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Yes?---But obviously if there are key people who want to be there and have those discussions then we would go through that process to actually identify who might be best placed to keep that child out of that scenario..

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Yes, because I suppose what I'm going to here is that with indigenous people if you manage to get some other key people in there often I find that there's a lack of understanding of what the department is requiring or just - people don't quite get it, and if they have, you know, other players from their community or relatives who are senior to say, "Hey, you've got to do this. This is what they're saying," then that might be of some utility and might - the penny might drop?---I guess when we're doing investigations for indigenous clients we invite the recognised entity to participate in those with us, obviously depending on their capacity and what they're doing at that point in time is whether they actually come out with us or not and whether obviously we can delay the process so that we can bring them along, depending on the time-frames - - -

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COMMISSIONER: Maybe this is the better question. How do you find the recognised entity system works in this region? Does it achieve its objectives?---I think probably similar to everything, it has - in certain areas I think it works very well and then probably in other areas, due to a whole range of factors, it would not necessarily work so well. Certainly in the front end, which is probably something that I'm more familiar with, I think they are very actively engaged and they provide their information and it's very useful to us.

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What are the factors that militate against effectiveness of the REs?---I guess it's about competing demands for all. So obviously the RE in this area services the three service centres. It also services Bowen and Mackay.

What is the RE?---The recognised entity.

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Yes, I know. What is it here? Who is it?---Townsville Aboriginal and Islander Health Service. That's the trading name.

Yes, and how many people do they have available to do the RE work here?---I couldn't tell you off the top of my head.

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Okay, right?---So, you know, obviously if all service centres have currently got a 24-hour notification going and, you know, there's a range of other things happening, then that limits their capacity to be able to participate in everything.

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MS O'BRIEN: I know you don't convene or go to family group meetings, but just recently at Aitkenvale is it the experience that the RE - the people from the recognised entity who have been invited to the meetings don't attend and that therefore the meeting loses the benefit of their input?---So if they don't attend because of their capacity we still send them the case plan to review and to provide us any input and information that they may have before that case plan is finalised.

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Is that input and review in a written, accessible form, or do they informally advise people of what they think about the case plan?---It's usually in an email format, unless - obviously if they want further dialogue they will ring and talk to the relevant team leader, et cetera, but generally it's in an email format.

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You said at the front end it seems to be working well. That's assuming there's a back end. What's the back end?--Well, that's the ongoing intervention. So that's around the case plans and the placements, et cetera. It's not that it's not working well, it's just that obviously it might where - as a general rule, they try and attend every INA or they do review every intake matter within - because obviously we might give it to them, but we have certain time-frames that we need to complete that intake and sometimes obviously when they've got staff shortages or whatever or they might not necessarily be able to get their information back, but as a general rule, because we don't have a backlog they get through the majority of our intakes and provide us advice on them. So on those components they are actively engaged, where obviously when they're doing that then it's about availability, et cetera.

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So just reading between the lines, and I might be wrong here, you're saying that sometimes there are, to you, discernible staff shortages in the RE, or lack of adherence - - -?---Look, I mean, I guess I couldn't really comment on that. That would be something that you would really need to talk to them, but obviously staff contact - we're having a family group meeting and they might say, "Yes, we're already doing X, Y and Z," or something, "and we can't attend that." So it's not - because they're working across three service centres obviously we don't coordinate necessarily when we're all having case plan meetings or family group meetings or whatever. So it's about those components.

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Just in terms of like going back to where I started, I

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think, it's all about the dollars and - - -

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COMMISSIONER: Does that mean we've done the full circle?

MS O'BRIEN: Yes, I've done the full circle. Yes, and it's all about the dollars and getting some best bang for this buck, I suppose. Would you see that resourcing the recognised entity or something that fulfils maybe in a different shape a similar function of cultural engagement thing is - - -

COMMISSIONER: Can you think of a better model than the RE?

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MS O'BRIEN: Yes?---I can't. I mean, I guess - you know, like, we only see from a service centre perspective and the information that we're provided what's happening. Obviously the funding agency in their interactions with the RE would have an understanding of what their capacity is and their resources, et cetera. So it's only a one-sided, you know, what see in a service centre view that I could provide.

Well, what do you see?---Well, that's what I was saying - - -

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As it - so there's - - -?---You know, like, yes, sometimes they can participate with us and sometimes they can't. Now, why that is I can't really comment on.

So just one last thing is these cultural plans that are integrated in the case planning. If the REs - what goes into those? Do they get cultural attention - - -

COMMISSIONER: Have you ever seen one? Have you seen one, a case plan?

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MS O'BRIEN: Yes. Yes, I've been there.

COMMISSIONER: So you know what goes into them?

MS O'BRIEN: Yes, I know.

COMMISSIONER: Okay, well, so I think Ms Lagana knows what goes into them as well, so what's the point of that question?

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MS O'BRIEN: Well, I'm just wondering how - sometimes those seem to me - and obviously you don't do them so I - they seem to be a ticking the box.

COMMISSIONER: Is there something you would like to see go in them that's not in them?

MS O'BRIEN: Perhaps a little bit more inquiry into

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people's kinship background.

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COMMISSIONER: So why don't you put that proposition?

MS O'BRIEN: Yes.

COMMISSIONER: Ms O'Brien thinks that you could make a bit more culturally related inquiries to put in your case plans. What do you think about that?---I think that's something we can always strive to improve.

MS O'BRIEN: Yes, and that would come back, I suppose, a little bit to the cultural awareness of the family group meeting convenor and members of your staff as well as relying on the input of the RE or similar body, wouldn't it, so what do you do about that in a region which has a huge clientele base of - what are you doing at Aitkenvale about cultural awareness and knowledge? Do your staff - - -?---I guess we have a number of staff within the service centre that are indigenous that our staff seek advice from in regards to those matters and obviously, as I said, you know, we're always talking to the RE about them coming along and providing us - you know, like obviously they're seeing those cultural support plans, so when they're going to be coming to the service centres - and they have been to the service centres before. I think what we're trying to do now is put a bit more structure around it. So, I mean, yes, they have been part to it, so there are discussions about, you know, how can we improve it, what can we do differently, better.

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Yes, look, I guess my question was just directed - could you do it better, but you - - -?---Yes, and, I mean, I guess that there's a couple of things there, in that the case plan is a document, obviously, and it's a very long document. So is it about what you might see in a cultural support plan? Summarised in a few words might not necessarily be exactly what is actually occurring. So there's a few things there, but I think, you know, it's always something that we can improve on as far as particularly where we have to place indigenous children in non-indigenous placements or children that aren't with kin.

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Yes, look, I just guess my question finally is that, you know, section 88 I think goes towards cultural retention, and I'm wanting to know - 83(7). Why I have got 88? But anyway, that's supposed to be one of the goals. How well do you think you're doing that given that you're placing - you have to, at the moment, place a lot of indigenous children with non-indigenous people? How are you managing their retention and continued connection to their culture, which is something that - - -

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COMMISSIONER: How do you give the goal practical expression?

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MS O'BRIEN: Yes. If the chief executive must provide contact between the Aboriginal or Torres Strait Islander child and his community or language group - and it is section 88 - - -

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COMMISSIONER: Yes. How do you make that happen?---I mean, obviously that's - you know, as we've talked about, it's about we try and do the least intrusive. So if possible we try and leave the child there. We obviously look for kin. If that's not an option obviously our next port of call is looking for indigenous foster carers. If that's not an option then obviously we have to go to non-indigenous carers again. The RE is consulted about that and the appropriateness of that. We continue to, like, as part of the case plan, have contact obviously between those groups. So, for example, the other day I know one of the things I approved was a sibling group who are currently living in Townsville in a non-indigenous placement. We flew them over to Palm Island to visit some relatives over there so that they could have that contact and interaction during the school holidays. So as part of that case planning process we look for those avenues to try and ensure that that's happening continuously.

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See, that seems to be a very costly and unsatisfactory - minimal expression to that goal, isn't it, and it's because they're living in Townsville. So what you need to work out is: is living in Townsville the best option for those two children?---Well, I mean, the parents are actually over here on the mainland

Yes?---So they're having that contact, but this was just a holiday thing that everyone was seeing was a good move, for them to actually have that engagement as part of the policy.

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With the extended family in Palm Island, I see?---Yes.

MS O'BRIEN: Yes. So it's just perhaps ATSILS' perception that that's a work in progress. I'll leave that there. Just one last thing. In paragraph 17 of your statement - - -

COMMISSIONER: I've heard that before.

MS O'BRIEN: Have I said that before, about the - - -

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COMMISSIONER: About four times.

MS O'BRIEN: - - - the state house - sorry, about one last time?

COMMISSIONER: Yes.

MS O'BRIEN: No, I am ending. The state house on Palm

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Island, how many children does that accommodate at a time? 1
---I couldn't tell you off the top of my head.

All right. That's fine. Yes, thank you. We'll perhaps
seek out that - - -

COMMISSIONER: I was there this morning. You can ask me,
if you like.

MS O'BRIEN: All right. How many children does it
accommodate? 10

COMMISSIONER: Well, I'm not on oath. Is that it?

MS O'BRIEN: Thank you. Thank you very much.

COMMISSIONER: All right. Ms Lagana, thank you very much
for coming and for answering the questions you've been
asked. It's appreciated. You're our final witness in
Townsville, so we'll be farewelled at Townsville, with
thanks, and adjourn to Beenleigh, is it? Wednesday, 3
October. Thank you all for your help.

THE COMMISSION ADJOURNED AT 4.55 PM 20
UNTIL WEDNESDAY, 3 OCTOBER 2012

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