

Commissions of Inquiry Act 1950

COMMISSIONS OF INQUIRY ORDER (NO. 1) 2012

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Short title

1. This Order in Council may be cited as the *Commissions of Inquiry Order (No. 1) 2012*.

Commencement

2. This Order in Council commences on 1 July 2012.

Appointment of Commission

3. UNDER the provisions of the *Commissions of Inquiry Act 1950* the Governor in Council hereby appoints the Honourable Timothy Francis Carmody SC, from 1 July 2012, to make full and careful inquiry in an open and independent manner of Queensland's child protection system, with respect to:
 - a) reviewing the progress of implementation of the recommendations of the *Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Inquiry) and *Protecting Children: An Inquiry into Abuse of Children in Foster Care* (Crime and Misconduct Commission Inquiry);
 - b) reviewing Queensland legislation about the protection of children, including the *Child Protection Act 1999* and relevant parts of the *Commission for Children and Young People and Child Guardian Act 2000*;
 - c) reviewing the effectiveness of Queensland's current child protection system in the following areas:
 - i. whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently;

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- ii. the current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, front line staffing;
 - iii. tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court and tribunal processes; and
 - iv. the transition of children through, and exiting the child protection system;
- d) reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system; and
 - e) reviewing the adequacy and appropriateness of any response of, and action taken by, government to allegations, including any allegations of criminal conduct associated with government responses, into historic child sexual abuse in youth detention centres.
4. EXCEPT that the inquiry is not to have regard to the following matters:
- a) Recommendation 39 of the Forde Inquiry;
 - b) any matter that is currently the subject of a judicial proceeding, or a proceeding before an administrative tribunal or commission (including, but not limited to, a tribunal or commission established under Commonwealth law), or is, as of the date of these terms of reference, the subject of police, coronial, misconduct or disciplinary investigation or disciplinary action;
 - c) the appropriateness or adequacy of:
 - i. any settlement to a claim arising from any event or omission; or
 - ii. the rights to damages or compensation by any individual or group arising from any event or omission, or any decision made by any court, tribunal or commission in relation to a matter that was previously the subject of a judicial proceeding, or a proceeding before a tribunal or commission; or
 - iii. any Queensland Government redress scheme including its scope, eligibility criteria, claims and/or payments of any kind made to any individual or group arising from any event or omission;

for any past event that, as of the date of these terms of reference, is settled, compromised or resolved by the State of Queensland or any of its agencies or instrumentalities; and
 - d) the operation generally of youth detention centres (other than those matters relating to historic child sexual abuse in youth detention centres identified at paragraph 3(e) of these terms of reference), including but not limited to the progress of implementation of Recommendations 5 to 15 (inclusive) of the Forde Inquiry relating to the operation of youth detention centres.

Commission to report

5. AND directs that the Commissioner make full and faithful report and recommendations on the aforesaid subject matter of inquiry, and transmit the same to the Honourable the Premier by 30 April 2013.

Commission to make recommendations

6. IN making recommendations the Commissioner will chart a new road map for Queensland's child protection system over the next decade. The recommendations should take into consideration the Interim Report of the Queensland Commission of Audit and the fiscal position of the State, and should be affordable, deliverable and provide effective and efficient outcomes. The recommendations should include:
 - a) any reforms to ensure that Queensland's child protection system achieves the best possible outcomes to protect children and support families;
 - b) strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children at all stages of the child protection system, particularly out-of-home care;
 - c) any legislative reforms required; and
 - d) any reforms to improve the current oversight, monitoring and complaints mechanisms of the child protection system.

Application of Act

7. THE provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry except for section 19C – Authority to use listening devices.

Conduct of Inquiry

8. THE Commissioner may hold public and private hearings in such a manner and in such locations as may be necessary and convenient.

ENDNOTES

1. Made by the Governor in Council on 28 June 2012.
2. Notified in the Gazette on 29 June 2012.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Justice and Attorney-General.