



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

Telephone:

Adelaide	(08) 8110 8999
Brisbane	(07) 3211 5599
Canberra	(02) 6230 0888
Darwin	(08) 8911 0498
Hobart	(03) 6220 3000
Melbourne	(03) 9248 5678
Perth	(08) 6210 9999
Sydney	(02) 9217 0999

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

BRISBANE

..DATE 29/08/2012

Continued from 28/08/2012

..DAY 12

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.

29082012 01/ADH (BRIS) (Carmody CMR)

COMMISSIONER: Yes, good morning everyone. Mr Hanger. 1

MR HANGER: May I just raise a couple of matters, Mr Commissioner. I know that what I put to a witness is not evidence unless accepted, but I'd like to correct a mistake I made yesterday. I put to Prof Lonne that there was a 73 per cent drop-out rate in staff in one year.

COMMISSIONER: Yes.

MR HANGER: The figure should have been three years. That material is properly put before you, in fact, in the submission by the Social Work Association, but I just prefer to correct it, having put something wrongly. 10

COMMISSIONER: Okay, thank you.

MR HANGER: The second thing is that I will put before you at some stage, if you're interested - but I'll tell you informally now - I understand that for the three months, April, May, June 2012, a total of \$220 was spent on motel accommodation. Yesterday Prof Lonne mentioned massive amounts of money being spent on motel accommodation. So you'd be interested in getting that - - - 20

COMMISSIONER: So for the three months that would you buy you a night at the Hilton, Mr Hanger, in the off season.

MR HANGER: It's a total of two nights' accommodation costing a total of \$220.

COMMISSIONER: Okay. Obviously not at the Hilton, then.

MR HANGER: No, I don't think so. Again, I can put this formally before you - but since it was mentioned yesterday it's probably worth mentioning now - in terms of qualifications of the child safety officers, of 1011 child safety officers approximately 10 per cent hold either a graduate certificate or masters degree, predominantly in social work, psychology, or child protection case management; approximately 75 per cent hold a bachelor degree in social work, psychology, social science, human science, behavioural science or arts, including behavioural science, and so on; and approximately 15 per cent hold a bachelor degree from a range of different qualifications. 30

COMMISSIONER: Do we know how old they are? 40

MR HANGER: I can find out if you'd like that, Commissioner.

COMMISSIONER: I think it would be good to know how old the oldest one is.

MR HANGER: Yes, and the average age as well.

COMMISSIONER: And the average age. The mean age, anyway.

MR HANGER: We'll get that and put it before you through Mr Swan at some stage. 1

COMMISSIONER: And the length of service would be useful.

MR HANGER: Sure.

COMMISSIONER: Thank you. Mr Copley.

MR COPLEY: Mr Commissioner, I call William Hayward.

HAYWARD, WILLIAM JOHN affirmed: 10

ASSOCIATE: For recording purposes please state your full name, your occupation, and your business address?---William John Hayward, law and justice advocacy development officer, Aboriginal and Torres Strait Islander Legal Services, level 5, 183 North Quay, Brisbane.

COMMISSIONER: Thank you, Mr Hayward. Welcome?
---Thank you.

Thank you for your time. Mr Copley. 20

MR COPLEY: Mr Commissioner, I tender a statement from Mr Hayward which is 18 pages long, and a copy for you, as well as the attachments to the statement.

COMMISSIONER: That will be exhibit 44, Mr Copley.

ADMITTED AND MARKED: "EXHIBIT 44"

COMMISSIONER: No reason to suppress any part of it?

MR COPLEY: No. 30

COMMISSIONER: It will be published in full.

MR COPLEY: Mr Commissioner, Mr Hayward has said that he works with the Aboriginal and Torres Strait Islander Legal Service.

COMMISSIONER: Yes. Is that QLD? Is that Queensland?

MR COPLEY: It occurs to me that as the Aboriginal and Torres Strait Islander Legal Service is a party who has authority to appear in connection with terms of reference 3(a) through to 3(d) it would be in my submission proper to give counsel appearing on behalf of ATSILS the opportunity to ask questions first this morning rather than counsel assisting or counsel for the crown. 40

COMMISSIONER: Ms Ekanayake, are you happy with that?

MS EKANAYAKE: Yes, your Honour.

COMMISSIONER: Yes, all right. Thank you. You examine first and then you'll be followed by - Mr Copley, do you

envisage yourself being last or next? 1

MR COPLEY: I didn't envisage myself going last.

COMMISSIONER: All right, you be next.

MR COPLEY: Perhaps we then revert to the usual order after Ms Ekanayake.

COMMISSIONER: Excellent.

MS EKANAYAKE: Thank you, Commissioner. 10

COMMISSIONER: Are you happy with that, Mr Hanger?

MS EKANAYAKE: Mr Hayward, would you like to begin by paying your respects?---Yes, thank you. I'd like to acknowledge the traditional owners of this country, the Turrbal, Jagera and Yuggera peoples of the Brisbane area and the surrounding area. I'd like to acknowledge their Elders, past and present. I'd like to acknowledge their children and young people and families. And I ask for blessing from their country to be upon this inquiry. 20

Thank you. Could you explain the significance of the acknowledgments to the commission?---The significance of the acknowledgment is as Aboriginal and Torres Strait Islander people we recognise one another's cultural authority from the country that we're from and the place that we belong. So in respecting the Turrbal, Jagera and Yuggera peoples, we acknowledge their ownership of this land and we seek their respect to actually speak upon this country.

At paragraph 6 of your statement - do you have your statement with you?---Yes, I do. 30

At paragraph 6 you say, "Together we hold responsibility and authority as primary providers, nurturers and role models, that our children and young people seek guidance from in order to reach their full potential as future adults." Would you like to comment on that further?---Yes. I think it's significant to acknowledge that there's an amazing amount of resilience and strength in Aboriginal and Torres Strait Islander communities, peoples and families. The reality is that we face a situation where roughly 4000 Aboriginal and Torres Strait Islander children are receiving services from the department including out-of-home care services. However, there's 70,000 Aboriginal and Torres Strait Islander children within Queensland, or roughly 6.5 per cent. I think that we need to acknowledge that within our families, within our communities there is an amazing amount of strength, resilience, protective factors, and the ability to actually respond as a people and as families and as communities to the needs of our children and young people, particularly our most vulnerable children who are linked to statutory services. 40

COMMISSIONER: Mr Hayward, is that a universal Aboriginal and Torres Strait Islander people's cultural precept, that parents and their families have primary responsibility for children and young people in guiding them to reaching their full potential as future adults of the state and the country?---Yes, I would say that that's a universal concept across our peoples. I think that it differs from non-Aboriginal people, but may be similar to some other cultural groups within Australia. But there is a collective responsibility from within the extended family and the immediate family to actually raise and nurture our children. For me it poses a real opportunity when we look at cultural retention and preservation of children's identity, as well as actually fulfilling the mandate that's held within section 83 of the Aboriginal and Torres Strait Islander Child Placement Principle. So it's actually a real asset to child protection professionals, both within government and external from government.

1

10

20

30

40

50

MS EKANAYAKE: At paragraph 19 you say, "In my opinion, within the Queensland child protection jurisdiction we should draw on the national apology to the stolen generation as delivered by the then prime minister and in particular we should recognise the" - have you turned to that page?---Yes, I have my statement. I'll also just find the actual apology so I can speak from that and be informed as I speak - - -

1

So if you would like to expand on that further?---It must be acknowledged that Aboriginal and Torres Strait Islander people face a unique socio-economic status and disadvantage and within child protection we have the understanding that the past and present policies that adversely impact on Aboriginal people is a significant starting point when moving forward and Australia in that amazing acknowledgment and apology to the stolen generations by the prime minister's office is really a starting point for reconciliation and responding to the inter-generational cycles that we face within child protection. The reality is that the families that we are working with, many of those families have direct linkages through descendants or through their own experience to the era of the stolen generation and we can see within practice that the challenges that they face with socio-economic status and as a family unit and as a community is directly linked to the stolen generation era and eras of past protection acts over Aboriginal and Torres Strait Islander people. The apology that was made by the prime minister's office is a unique starting point and a shift in understanding within the Australian community and society and linking that to closing the gap and also linking that within the Queensland child protection settings. The fundamental pieces of legislation that exist to protect Aboriginal and Torres Strait Islander children's unique rights are there as an opportunity to fulfil that mandate and to achieve true reconciliation and to lift the status of Aboriginal and Torres Strait Islander future generations so that we participate and value add to the Queensland community.

10

20

30

At paragraph 20 you say, "I have practised for the best interests rights of Aboriginal and Torres Strait Islander children and young people." Could you explain that further, the best interests rights of Aboriginal and Torres Strait Islander children and young people?---Yes, as the statement reads there, it lays out 5A, the paramount principle, 5B, other general principles that apply to all children for their safety and wellbeing. Bearing in mind the history that our communities and people have faced, the benchmarks within the Queensland Child Protection Act, 5C, the additional principles for Aboriginal and Torres Strait Islander children, section 83, the additional provisions for placing Aboriginal and Torres Strait Islander children, more commonly known as the Aboriginal child placement principle, section 88, the chief executive is to provide contact between the Aboriginal and Torres Strait Islander child and the child's community and language group, 122, the statements of standards of care and the charter of

40

50

rights for a child in care are key starting points to work with Aboriginal and Torres Strait Islander children to inform our practice so that in every decision those best interests for Aboriginal and Torres Strait Islander children are taken into account regardless of the type of intervention or what phase of the child protection continuum we're working in, and also regardless of where that child is placed in the hierarchy of the child placement principle.

1

Thank you?---So it's really a legislative framework and I think it's a starting point to look at in achieving cultural competency within the child protection setting.

10

You say at paragraph 25 that you were employed at the Department of Child Safety, or Child Safety Services, as an Aboriginal child safety support officer. Could you speak to your time within the department?---I was in a number of roles in the department so I'll first speak to that position. Within that position I was actually strongly supported with the corporate will and support of the management team within Redcliffe child safety, which allowed that role to be utilised in accordance with its PD to strengthen the cultural responses both to family to support them whilst they were receiving statutory services as well as, most importantly, the unique needs of Aboriginal and Torres Strait Islander children and young people in regards to their cultural retention and preservation, which is fundamental for them as an Aboriginal or Torres Strait Islander person and their identity.

20

This role of the indigenous child safety support officer, can you describe what it involves and how it was used, how the role has been utilised so far, and how in your opinion it could perhaps be expanded or changed to meet the needs of the community and children?---The position description describes the role as being a balance between child protection, core child protection responsibilities, such as contact, supervising contact, assisting families and supporting non-Aboriginal staff internally, but it also speaks of the unique role that it has in actually supporting children and young people as Aboriginal and Torres Strait Islanders and their unique needs that are laid out in the legislation, as well as the required case work and required engagement to make those best interests and their needs become a day to day, weekly and monthly regular assistance and support for that child's wellbeing and best interests.

30

40

So do you see - what kind of involvement is that? Is that simply doing administrative tasks or is there a more - deeper involvement?---It should be a balance of both, cultural retention and preservation support, as well as assisting with the core child protection responsibilities such as contact, observing contact and providing advice around that internal statutory work. In my statement I actually speak about some of the challenges that that role

50

faces and the reality is that that role is not used at that level as a standard across the child protection system, and it should be, because it's fundamental to Aboriginal and Torres Strait Islander children's wellbeing and also internal engagement around the statutory system. If you look at paragraph 28 of my statement, some of the positive work that was able to occur by utilising that role effectively was that we actually had a number of group activities which involved Aboriginal and Torres Strait Islander families coming together and attending a more intensive learning process around the statutory system, covering off the core requirements that are needed for safe reunification and also successfully working with the department. There was a real lack of knowledge around what the expectations were and a real lack of knowledge around understanding the statutory system. So that level of support was actually needed for Aboriginal and Torres Strait Islander families. I personally believe it's needed for all families within the statutory system.

1

10

20

30

40

50

What that was able to do was explain and work through what people's current knowledge was of the child protection system and what their current experience was of the child protection system. That was an important starting point because often there's a lot of tension, a lot of fear around the statutory system, both grounded in history and current experience, so it was important to unpack that - people's understanding and experience to date. Then we then moved on to explaining the roles within the Child Safety Service centre and clearly defining what those roles actioned and what families and children could expect from those roles. We also covered off what is a child protection concern, what is harm, what is risk. There is actually a lack of understanding around the standards that are set by the department and we found that that was a great starting point and resourcing and educating parents around what the expectations are, I guess if you like, what are society's norms in terms of caring for our children and then also looking at the requirements of a case plan, to working to minimise that risk and address any concerns that may relate to harm and also explore the local resources that are available to assist those families to address those concerns, such as domestic violence services, drug and alcohol counselling, parenting groups, et cetera. So it was about bringing in those service providers into that group and actually having some hands on engagement and communication and locking in those important tasks with those parents. We also had an opportunity where the recognised entity presented on their role and the importance of that role and how families could work more effectively with the recognised entity to resource their voice on behalf of the best interests of children. As a step down approach, we covered off what are the strategies to address the child protection concerns and achieve successful reunification and then families receive follow up support and assistance to work towards reunification.

Would you see - - -

COMMISSIONER: Sorry, Ms Ekanayake.

Mr Hayward, so this role forms a bridge between the community and the various services that the department offers so that it's not seen within the community and Family Services as tertiary only, but offers less threatening or less permanent assistance as well?---I think the point I'm making, commissioner, is that the role isn't utilised effectively and to that degree and that's how it should be utilised. It sits within the statutory system so it is perceived and viewed as part of the statutory system. It's an important link between the statutory system, non-government organisations and particularly children, young people and their families.

But if it sat outside the tertiary level of the statutory system that would be a better perception and therefore more cooperation and goodwill created through the use of that role?---I think you need a balance of both, commissioner.

I think that you need Aboriginal and Torres Strait Islander professionals within the statutory system, particularly while we face a projected rate of 60 per cent over-representation. They play an important role in resourcing case work and case management of the CSO's team leaders and senior practitioners, if used correctly and they're also an important support in terms of family contact, assessing that family contact, and working with families in terms of coaching and modelling appropriate behaviour and so I see a space for it within the statutory system as part of a cultural competency framework. In fact, I would recommend that possibly it's explored whether more of those roles can be utilised, particularly where the demographic and population within the child protection system is the majority Aboriginal and Torres Strait Islander. 1 10

It might even have a broader use in the non-indigenous communities like where there are high over-representation rates, even say, Logan, Ipswich and other areas that it's a role that obviously has a good place in the indigenous community, but also non-indigenous could use a role that was partly tertiary but also partly family support and assistance and seen as performing both of those functions rather than just the one that comes and takes your kids away?---Yes, I would agree. It's probably important to note that - I feel best placed to speaking about Aboriginal and Torres Strait Islander practice, but the role also exists for non-Aboriginal people. There is a child safety officer role for the broader community, but I would add also that ideally that role would also be supported to carry out the balance of those functions within the statutory system. 20

So from your experience, can you tell me why have we reached the point where 6 per cent of our population is 40 per cent of the - in the system, in the statutory system? Why is there such an over-representation of indigenous children and young people in the child protection system from your point of view?---There's a number of factors, but I believe from my perspective from working in child protection for some time that we cannot move away from the fact that Aboriginal and Torres Strait Islander people face significant amounts of disadvantage and that relates to their socio-economic status and their status in terms of poverty and that that actually should be identified in terms of a root cause of neglect and some of the systemic issues that we face within our families, particularly parenting capacity and neglect. I also believe that the pressures of that low socio-economic status and poverty directly influenced the rates of domestic violence and substance misuse. So it has an overarching influence over the parental risk factors that we face around domestic violence, substance misuse and parenting capacity and, fundamentally, around neglect which is often reported for the majority of our families. 30 40

Is the indigenous concept of neglect the same as the

western European definition of it, do you think, or is there a variation?---I think there are cultural variations in looking at children, but I think it's very clear that we should use the child protection legislation and the agreed terms of neglect and harm and abuse as a measuring point. Culture should not view children differently in terms of those standards and I don't believe that it does. I think that if you unpack our culture, there may be different standards and different approaches in terms of child rearing or, say, the roles of older siblings taking more of a key role in nurturing and supporting their younger siblings. Those types of cultural frameworks differ and may be viewed as, you know - in the case of siblings taking a key role may be viewed as not appropriate supervision, et cetera. It's important to unpack those cultural considerations. However, I think that our starting point as a Queensland society should be what is in the Child Protection Act. I don't disagree with the definition of neglect and harm.

1

10

But you would say there's a common cross-cultural minimum standard?---Absolutely and from my experience when you actually sit and consult and talk with people within community, both urban, rural and remote, often there's a lot of commonality around the standards that children should be treated with and protected.

20

30

40

50

You know the collective responsibility you spoke about earlier for providing children with care that they need and meeting their other needs, does that apply to dealing with the drivers of abuse and neglect from the parent's side? I mean, is there a sort of labelled community extended family responsibility for supporting parents who are underperforming or having difficulty fulfilling and meeting the minimum standards of their parental responsibilities? ---I think that the point that I would like to make there is that currently the child protection has failed to engage appropriately the broader extended family and the broader community members within the process of child protection to effectively utilise those people to respond and hold responsibility for children who are entering care and it is an area of practice that we should improve and enhance because we're missing opportunities to actually support children from that broader support network. Often we approach Aboriginal and Torres Strait Islander families almost from a nuclear family concept and also within the family group meeting process, I think that to a degree some responsibility must be put on that greater extended family and community members who may be significant to that child and that some authority and respect must be given to those elements who are linked to the child so that solutions can be created and supported.

1
10
20

If they're not already doing it out of a sense of responsibility themselves, helping the immediate parents or if they need help to do it, what you're saying is that the department needs to engage with the extended family and indigenous community in a partnership rather than in a paternalistic way?---Absolutely. I think that the department as a whole must shift to a focus at the FGM stage to actually be more inclusive of family. I think that we've lost the core concept of family group convening that we see present in America and New Zealand and I think we should revisit that model to create a more family inclusive and restoration approach broader than just the immediate family who may be responsible for risk and harm for the benefit of children and young people and there's proven models internationally and also nationally that demonstrate that that can be much more effective.

30

Do you want to make a comment about the usefulness of those group meetings being convened by departmental officers as currently happens?---Yes. I actually feel that - I'll just turn in my statement. I do have some - - -

40

Have I jumped ahead of you? Sorry?--- - - - comments around that. I think the framework of family group meetings is sound. I think the challenge for Aboriginal and Torres Strait Islander families is that the reality is the statutory body holds authority and power through the act and that, combined with the past experiences that Aboriginal and Torres Strait Islander people have lived through and experienced can often be hindering and less than productive at the family group meeting stage because essentially the people who hold that necessary statutory

50

authority to protect children are also in a process where they're actually engaging that family to create solutions and to respond to the care and protection needs of children. It's an interesting partnership. Preferably, I think that the family group meeting conveners should be independent from the department. I think that would be a fundamental shift and I also would strongly encourage the inquiry to look at some of the models in New Zealand on family group meetings, but also within Australian jurisdiction we've also - it's been demonstrated that Aboriginal and Torres Strait Islander people can fulfil that role. In Victoria the Aboriginal family decision-making program where they actually convene that process to create the care plan and also interesting, I was quite impressed with the Youth Justice Department from Queensland where they've actually trialed and then made permanent Aboriginal conveners as part of their youth justice convening, so there's evidence there that Aboriginal and Torres Strait Islander people can be instrumental at those planning stages. I must point out, it's not an erosion of standard and it's not an erosion or move away from the core needs of safety or a child's care and protection needs. They are set by the department. The process is about facilitating responses to meet those needs and I believe that that could better sit with the Aboriginal and Torres Strait Islander professionals and also, more broadly, with mainstream professionals outside of government.

1
10
20

What about your own organisation, ATSILS? Could you have a role in convening family group meetings?---I think our area of expertise is legal services and I would be inclined to inform the inquiry that there is a strong Aboriginal and Torres Strait Islander sector that's available for the future and I think that if there was innovation in terms of integrating that service delivery model effectively within child protection that they could actually facilitate those outcomes and approaches.

30

I was thinking of more broadly perhaps that Legal Aid Queensland might perform a role in convening those meetings, given that they already have an existing Family Court mediation section. What do you think about that idea?---I think child protection is a unique area of practice and, ideally, I think the expertise should sit within the non-government child protection sector rather than with a legal provider.

40

Then finally from me on this topic, what do you think about the suggestion I made sometime ago about extending the testimonial immunity for statements made against interest in a family group meeting beyond criminal prosecution to child protection proceedings?---I think it's very relevant. If we're going to have an honest conversation around the challenges that parents face in terms of meeting the care and protection needs of children then it would go a long way to supporting and assisting parents to feel more comfortable within that setting and to have some strong and

50

constructive conversations without fear of that entering an affidavit before the court in the following court mention or without fear of that having other repercussions in terms of reunification. I think it's a valid point. 1

And it would be enhanced by the independence and confidentiality obligations of the convener?---Absolutely.

Okay. Thank you.

MS EKANAYAKE: Thank you, commissioner. 10

Before I move on, I just wanted to ask you if you have any further comment on the role of the CSOs, the indigenous child safety support officers?---Just to highlight the cultural attention program that is in the affidavit and I would just like to share the strengths and the meaning behind that program. It's the second dot point on 28. So the group was founded in partnership with the local Aboriginal and Torres Strait Islander community groups, elders, appropriate role models and also under the banner of the organisation Murray (indistinct) and it provided a unique opportunity for children to be assisted in a modern and traditional cultural context and it met the requirements of the then Child Protection Act 5A, 5B(83) and (88). In my experience I've seen Aboriginal and Torres Strait Islander children grow in strength and resilience from that program and that they began to build their cultural identity and their identity as an individual from within that program and I could see real strength in how that assisted them to overcome some of the challenges that they faced within out-of-home care, unattended impacts, but they were able to negotiate them and draw from strength within their culture. 20

30

40

50

It also created a strong community network and to a degree, even though all these - not all people were related to community members, it created that collective responsibility around these children, and although unspoken due to confidentiality requirements the community actually responded to these children's needs more broadly outside of that group. I guess I leave with a lasting impression. Two children who were a part of that program were receiving an intervention with parent agreement response from the department, so they were engaged with that cultural retention group at that point. Unfortunately the circumstances deteriorated and it was an appropriate response to provide a brief amount of respite for their mother and that actually meant removal during that time. So the strength of this group was that those two young men on the day of their removal as a part of that cultural retention program danced at the service centre who had removed them from their parents, and for me that is a testament to the strength and resilience that was provided in that program, but also, more importantly, what those two young men actually took from that program, that they could do that following respite or a removal taking place. I'm happy to say that they were returned once it was resolved quite quickly.

1
10
20

Moving on to your time at the Aboriginal and Torres Strait Islander Peak body, could you start by saying - or describing the role of the Queensland Aboriginal and Torres Strait Islander Child Protection Peak? So, "Senior policy officer." You start at paragraph 30?---I'm sorry, Jennifer, could you repeat the question? I think that paragraph 30 - - -

Yes, or if you go to - - -

COMMISSIONER: The role of the peak body. You wanted to know the role of the peak body.

30

MS EKANAYAKE: Aboriginal and Torres Strait Islander Child Protection Peak?---Okay.

At paragraph 32, "The duration of my employment at the Queensland Aboriginal and Torres Strait Islander Child Protection Peak as a family support services officer." So that was your role there. Could you start by explaining the role of the Aboriginal and Torres Strait Islander Child Protection Peak?---Yes. The Queensland Aboriginal and Torres Strait Islander Child Protection Peak is an essential agency. It supports the sector by developing and contributing to child protection policy legislation and program development implementation an evaluation. It monitors and influences policy legislation and programs and the impact that they have on Aboriginal and Torres Strait Islander children and young people. It identifies opportunities for applied research proposals, setting strategic direction for Aboriginal and Torres Strait Islander child protection agencies, assisting their members in their operations and particularly the approach towards

40

50

best practice child protection and developing state-wide practice frameworks, facilitating training with professional development opportunities, collaborative partnerships with key stakeholders and performing the (indistinct) functions of a peak body. 1

As a body specifically named the Aboriginal and Torres Strait Islander Child Protection Peak what is the special role of that body?---I guess the unique role is that they perform the functions that I've just described for Aboriginal and Torres Strait Islander child protection services and particularly the recognised entity services, the family support services, family intervention services and foster and kinship care services. 10

Thank you. So you spoke of your time at the Peak body, which is QATSICPP. Can you comment on the capacity of QATSICPP to respond to the needs of Aboriginal and Torres Strait Islander children and the over-representation and what work needs to be done?---I think the peak body should be highly valued and utilised by Child Safety Services to assist in setting strong benchmarks in practice across organisations. Government as the purchaser of services, you know, expects proficient governance, management and leadership and front line service delivery, so if the Queensland Aboriginal and Torres Strait Islander Child Protection Peak could be assisted and given some level of autonomy to further enhance those approaches then that would benefit its members and ultimately benefit Aboriginal and Torres Strait Islander children more effectively and that would result in front line - more proficient front line results and outcomes. 20

I have a few other questions on the recognised entity role as such, but I'll take that later on in your statement. When you say to be given a greater autonomy, what do you have in mind? 30

---I think it's important to look at the government structure over the non-government sector, and the reality is the department actually holds the contract management responsibility for the Aboriginal and Torres Strait Islander sector and its member organisations and so there is a dual responsibility in terms of assisting organisations and with that dual responsibility I would highlight that the funding and purchasing of non-government programs (indistinct) area and also the regional community support teams or contract management teams have a responsibility to assist organisations as to the Aboriginal and Torres Strait Islander Child Protection Peak. When I speak of more autonomy and flexibility, it must be understood that it's a membership arrangement and that Queensland Aboriginal and Torres Strait Islander Peak and its members work together collaboratively to set state-wide standards. There must also be some collaborative work with the Queensland Aboriginal and Torres Strait Islander Peak between government, particularly the contract management team, to assist the NGO sector to reach any expectations of government as a purchaser of services. 40

50

COMMISSIONER: Would there be any benefit, do you think, in subcontracting out the purchasing from the NGOs of services for the indigenous to the ATSI Peak, for example?--I think that would be a very strong move and commitment to Aboriginal and Torres Strait Islander people if the Peak was resourced to hold those responsibilities and it would actually assist the Peak and the sector to create strong state-wide standards as well as respond to any service delivery issues that we face on the ground within the recognised entity, family support and foster and kinship care services. So I reflect on the Victorian model when posed with the question and it somewhat differs in terms of VACCA is a lead agency and delivers (indistinct) or Peak functions but also had direct linkages to front line services. So essentially modelling the Peak body to have those linkages as an executive and strategic (indistinct) as well as the linkages to maintain standards and appropriate outcomes on the ground within its member services would be a strong move forward for Aboriginal and Torres Strait Islander children and young people.

Do you think the ATSI Peak is in a position now or could quickly be in a position of performing that role in Queensland?

1

10

20

30

40

50

---Looking at that logically there would need to be some assistance in terms of possibly increasing personnel and the function so that it could practically be delivered. Obviously, though, it would be a question for the Queensland Aboriginal and Torres Strait Islander child protection people, but I believe that they have the capacity and the ability to actually deliver those services, yes.

1

And as you say, whether they have the interest is a matter for the Peak, and obviously ask them. So you envisage the situation where the chief purchasing officer, if you like, for government would be the ATSIC Peak for indigenous products?

10

---Yes, I believe that that would be a strong move forward economically and it would certainly cut costs and would also allow greater autonomy and responsibility within our community-controlled sector to respond to the challenges that we face within child protection practice.

And it would be more respectful too, wouldn't it?

---Absolutely.

Thank you. I'm sorry Ms Ekanayake.

20

MS EKANAYAKE: At paragraph 32 also refer to para-professionals and their specific service delivery - the kind of assistance they might need. Could you speak to that further?---Sorry, Jennifer, what paragraph?

Paragraph 32, the last sentence?---Yes, I think it is important to acknowledge the skill level within the sector and the majority of the sector does hold definitely certificate and majority diploma level qualifications. In terms of transferring responsibility to our communities and our agencies in child protection I think a core step that needs to be taken is that accessible pathways are created for the sector into tertiary level qualifications in the core area of social work, social science, psychology and human services. That would actually lift the capability and the skill level to actually respond to some of the complex needs that our families and children have and I think that that is an important step in the future for Aboriginal and Torres Strait Islander professionals. Many of the sector have a number of commitments; first and foremost they are employed within the Aboriginal and Torres Strait Islander sector. It is also relevant for staff within the department, Aboriginal and Torres Strait Islander staff, so they have their core responsibility as an employee serving our community and child protection. They also have families and those responsibilities, as we all do, so we are roughly talking about 500 professionals and it would be a great asset to our community if a bridge between para-professional status and tertiary qualified status in the child protection environment and the low-on effect in terms of results and outcomes for children and young people.

30

40

50

Thank you?---It would create a much more proficient workforce that is at a similar standard to mainstream, and I believe it is highly achievable. At the moment people are being assisted to do that on an individual basis but I would be proposing a formal approach similar to what the department with a bridging of CFFOs to a - I believe it was a masters or a qualification at a tertiary level to move into CSO roles, so transitioning across through an on-the-job process where they could access time at uni and complete those tasks. A similar approach would be highly beneficial. My only point would be that I would prefer a standard degree so that the sector can actually - and individuals can have that diverse opportunity outside of child protection.

1
10

COMMISSIONER: So do you see CSOs as being a degree-based qualification position and that it couldn't be, in practice, fulfilled by an experienced mother or father who comes into the child protection industry late in life, not interested in acquiring any formal qualifications but can do the job?---I think that there is a significant risk with undertrained CSOs terms of - I can only reflect on my own experience and capabilities that have been instilled in me from studying at a social work degree level has actually flowed on into the assistance that I provide families and children and young people, and I have had to resource myself in decision-making with some of the complex knowledge, so I think that there should be tertiary qualifications as a requirement for child safety officers. What I would promote, though, that where people value-add to the child protection system from life experience, that they are supported to either enter in support roles, and if they are supported appropriately I believe a lot of those personnel would actually follow a tertiary pathway to was provided, and some increase their knowledge and skill set and draw on their life experience and to work with children and young people and families. But I can only speak from my own professional experience, and that is that the tertiary qualification that I have has assisted me throughout my career to work with complex issues within child protection.

20
30

It is the decision-making before the conundrum that you get the benefit from the formal learning, and it wouldn't be just experience-based? You need that underpinning of the principles a university degree has?---Absolutely. The practise frameworks and the theories that you can draw from inform your frontline service delivery and practise and they're essential. Some of those are comprehensive understandings of human development, attachment; some of the other assistance is working with people involuntary; you know, skill sets that require some strong thinking and strong frameworks to deliver in practice.

40

Do the relevant degrees contained a cultural competency component?---It's been some time since I've been at uni, but at the time that I was there they were generally elective, through the Aboriginal and Torres Strait Islander

50

studies unit. I would suggest that within a child protection setting, that they should be unique sections within social work, social science and psychology degrees so that people are industry-ready, and within that there should be a strong guidance and-support around developing cultural competency frameworks, given the fact that the majority of our clientele are Aboriginal and Torres Strait Islander.

1

So if you want to be a child safety officer in Queensland would be a mandatory requirement as part of your degree that you do that subject?---Absolutely, and it could be designed and provided by universities so that people are industry-ready with those core social work, psychology and social science frameworks.

10

So the child safety support officer then, the one with the experience without the degree, is your experience that they value-adds to the 23-year-old hot out of university with that shining new degree who is a child safety officer?--- There's a few layers to that question. I think that - - -

Take it onion by onion, then?---I think first and foremost we must recognise that as a part of cultural competency is to understand yourself, understand your own values, your own principles, your own practice framework and how are you, looking through your lens, how that will impact your decisions. I don't believe that anyone can be truly neutral or unbiased, but at best we can keep those values, principles and academic background and framework in check and be aware of that in making decisions. So I think people exiting university should be encouraged to enter into child protection but they should also be assisted around understanding themselves and their approaches towards family and children from a similar framework of understanding oneself and self-reflection.

20

30

40

50

Is that what you would call an ethical sound decision-making framework?--Absolutely and I think that there's unique challenges without child protection and people entering the workforce should be supported to overcome some of the challenges that they face, whether that may be inexperience or whether that may be coming from a particular value or principle or framework. The other part of that question is that the more experienced workers within the department at a variety of levels, whether it's senior prac, team leader, CSO or working strongly together, the child safety support officer role can actually assist people who may be inexperienced who have a broader understanding of the dynamics of families and approaching harm and risk in all decisions.

1

10

Does what you say apply equally to the indigenous component of the Child Safety system? That is, it seems to me that it's going to take longer to get indigenous university qualified CSO's, or child safety officers, in the system, but the system would be badly needing it right now?---Yes, they absolutely need it now.

How does the requirement for tertiary education qualifications and the need - how do we resolve a conflict between those two competing considerations that you need child safety officers now but they have to be tertiary qualified and there aren't many in the indigenous community who are?---Ideally, I think we have to take a long term approach to that and one way of doing that - I would continue to promote the department's approach to cadetships with Aboriginal and Torres Strait Islander university students and encourage that pathway maybe to be extended so that immediately as we have people graduating that they are brought into the child protection setting. Ideally, we would have a similar process for the non-government sector that people may be reluctant to work for government for a variety of reasons in child protection - - -

20

30

Perception - - - ?--- - - - that may be more comfortable in the non-government Aboriginal and Torres Strait Islander sector as an Aboriginal child protection professional with tertiary qualifications. A cadetship type approach within the sector would be welcomed. I think also we should look at strategies to transitioning the current workforce within the next four to five years over to tertiary qualifications through partnerships with universities and being a bit more innovative than just directing people to QTAC enrolment. I think that there needs to be a higher level of assistance and a targeted approach to transitioning current Aboriginal and Torres Strait Islander professionals to a tertiary qualification level.

40

Do universities still have an equity entry system where they do exactly that? They used to. I don't know if they still do and, if they do, is it being offered in the child protection area?---They do and it is offered.

Is it being available?---I would suggest that there seems

50

to be a blockage in transitioning the current staff over because of the challenges that they face with delivering frontline service delivery and the commitments that they have in their own lives. It would need to be a targeted program similar to the department's CSSO transition to CSO that was delivered by their training branch in partnership with universities. That would be the type of approach that would assist the sector and large numbers of the sector to transition to tertiary qualifications. There are a number of professionals already taking that responsibility on because they see the need for us to actually reach that level and standard across the state at higher numbers.

1

10

Could that be delivered externally?---External from?

That is from the university online - - - ?---Yes, it could be and - - -

What about, lastly from me on this topic, mentoring? Is there an aspect of that where the support officer could be supported by the CSO to become a CSO?---Yes. I believe that exists within the department and certainly within the Aboriginal and Torres Strait Islander non-government sector in partnership with unis and utilising currently qualified staff at that level we could assist in supporting people through that tertiary qualification process.

20

Like an apprenticeship as well as a cadetship?---Absolutely and that's the benefit of having skilled people already in the job who have been delivering child protection services for a number of years is that they have a strong grounding in practice already that would resource them in terms of their knowledge of moving forward at that level.

Actually, this is the last question, but I have been curious to know generally, but I'll ask you in relation to the indigenous community, if you can help me, are there many kids who have been through the child protection system themselves showing an interest in being child safety officers?---Yes. My experience - and I've been quite blessed to see some children who I've worked with enter the workforce. So there are members of the community who have had some level of contact with the child protection system and have then chosen to either work within the non-government sector, predominantly the non-government sector, and then also within the department itself and I think there is some motivation from children and young people who have been children in care who have then gone on and provided services to the community and taken on that responsibility as a person who has experienced it firsthand and been able to value add from a professional perspective to children and young people, drawing from their own experience.

30

40

One of the things I'm interested in - and ask the department to give me the figures - you know, whatever happened to the kids in care and where are they now. It sounds like a TV program, doesn't it? Yes, Ms Ekanayake?

50

MS EKANAYAKE: Paragraph 38 of your statement, you refer to a program or a partnership between (indistinct) and other services - plus paragraph 37, I'm sorry. Paragraph 37 and paragraph 38, could you speak to those or explain further what those partnerships achieved?---Yes. I think it's probably important to go back to 34 through to 38 when answering that question and I think the inquiry would be well informed that in 2010 and 11 there was a major reform in the Aboriginal and Torres Strait Islander child protection and community controlled sector. It was a positive reform, but also very challenging for the sector. It reduced recognised entity services to 11 regional hubs and the benefit was to allow for investment into 11 regional family support services. So during that reform process, the sector worked together to map some of the challenges that we would face in moving into the family support service delivery stream and it was felt very strongly that we needed to respond to the harm and risk indicators that our families present with at the department. So we had a series of meetings with Belinda Mayfield within the department and looked at what the harm and risk indicators were and then going back and working at the peak we explored some of the responses that would list skill sets, so there was training in PPP parenting to look at a program to give structure and routine in parenting to deliver; also a significant issue of domestic violence was a real need within the families that were presenting to the family support sector and I'd like to acknowledge Heather Nancarrow from the Domestic and Family Violence Research Centre in Queensland who delivered the responding to domestic violence.

1

10

20

30

40

50

So that actually provided the immediate skills to respond to domestic violence incidences and actually keep victims and children safe immediately, as well as some of the approaches that would be required following that incident. Families need options, and we also looked at the circle of security training which is around strengthening attachment between parents. Unfortunately there was a minimal implementation of that but we also explored that approach. The workforce council funded the recognised entities services manual and induction kit as well as the family support manual and induction kit and I'd just - I need to acknowledge Monica Oravic and Karen Salaam for the work that they did on that as well. Then working with our sister peak, the Aboriginal and Torres Strait Islander Health Council, responding to substance issues. We looked at alcohol, tobacco and other drug services, or ATODS, so that we were skilled in those core areas that our families would present with in terms of the risk, the major risk factors. The second - those were delivered to the recognised entity family support services. Also the WINAGAI resourcing stronger ways with Aboriginal children and families delivered a brilliant training program around Aboriginal and Torres Strait Islander care assessment and I believe that work continues with WINAGAI. So these were responding to the unique challenges that the sector faced with minimal resources, but through those collaborative partnerships with mainstream organisations as well as other Aboriginal and Torres Strait Islander organisations we were able to during the establishment phase or the first 12 months respond effectively to the needs of the sector and to grow and build that skill set in terms of the types of interventions that they were able to deliver to families.

1

10

20

COMMISSIONER: So this was the family support - you had 11 regions and they each had a family support service and the family support service was informed by all these ways that you've talked about. How did it link in with the child protection needs?---Well, the family support services take - it's part of the secondary system.

30

Yes?---So essentially it receives referrals from the department at a child concern report level.

Right?---Also at a notification level where a child is not in need of care and protection.

Yes?---So there's those diversion pathways out.

40

You're the first person who has told me that. I mean, I was wondering what happened to the 80 per cent that didn't meet threshold?---Yes.

So this is at least in these hub areas what happens to the reports that don't meet child in need of protection status. It does get diverted out to some secondary - in some areas, some secondary service?---Yes. Across the board the referral fact of intervention service plays a similar role as well as HOF. So there are those diversion pathways out

50

at the intake stage where a family may receive a CCR, or a child concern report, the notification stage where a child may not be in need of protection, and so if there's a pattern to show that the family is vulnerable at those stages that diversion can occur. It can also occur direct from health, education and accredited Aboriginal medical centres. So there's that secondary response. I think the key there, though, is that a family must be at risk and presenting with significant issues, so at risk of entering the statutory system. So to a degree it sits much more closer to the statutory system in terms of looking at the secondary supports.

1

10

Than the universal system. You want to see it closer to - - -?---I think we need a balance within the secondary system that allows access to these services prior to coming to the attention of government bodies.

So earlier entry to the secondary system to prevent entry later on in that tertiary level?---That's right. The services also provide assistance to - 25 per cent of their case load is statutory families, so supporting reunification of children with their families.

20

What about self-referral to the secondary system? Is that a realistic proposition or is it just more hopeful than likely?

---I think it's a realistic proposition, but there needs to be a process that quality assures that. I would suggest that there needs to be an intake process and a tool or a checklist, if you like, that measures the family's needs and that should be agreed by both government and non-government sectors around where that family is at so that it isn't misused but where families are vulnerable and are at risk of further escalating into the statutory but they self-identify that and seek that assistance, then

30

- - -

What's the entry point, a non-stigmatised entry point?--- Well, I think there's a difference between mainstream and Aboriginal and Torres Strait Islander secondary services in terms of referral pathways and I think the most important thing to acknowledge is that RAI and HOF can receive referrals from other community agencies, so other NGO services. So where that need is identified by other agencies assisting that family they can actually receive a referral direct from community agencies. Perhaps that's a method that increases that earlier detection and support for those families through a more controlled and determined process with a brief assessment process so that we're not assisting families that might be better utilising the universal support system.

40

But you're still referring to the tertiary - sorry, you're still referring to what is currently under its legislation a distinctly tertiary level agency and I'm wondering if there might be another way of getting somebody into the secondary level rather than virtually through the top

50

level. It's better to come in - if you're going to end up at the top, better to come through the bottom rather than top down, don't you think?---Absolutely. My professional opinion is that perhaps we need a service type that delivers family support services within the secondary without any linkages to the statutory through referral processes or - yes, basically no linkages in terms of the CCR notification or statutory stages.

1

So you keep family support within communities and keep the tertiary within Child Safety Services, as it's - if you're using current names and structures, and never the twain shall meet unless and until that child who you referred to the secondary service sadly required removal for its own protection when the secondary services didn't work?---I think that that's debatable, because we've had a structure like that in the past and we've failed to deliver for families - - -

10

That's the CMC model?---Yes. So I actually have a different view of the wholistic child protection model and I actually think that ultimately the government department delivering child protection and wellbeing services should be responsible for universal early intervention and statutory support systems through the NGO programs or (indistinct) area it is possible to remain distant as the statutory provider from that process but still overseeing funding. I think that would show - it's been demonstrated from the CMC stage and the reforms that took place that that didn't actually work to the benefit of families, children, young people and communities. In actual fact, to a degree, it fragmented the responses and there was limited integration and access and so the vulnerable families who required those services unfortunately weren't able to access them.

20

30

40

50

So you'd be thinking more of the current UK and Victorian models?---Yes, I think that we should accept responsibility that universal early intervention and statutory services in a child protection context should be held by one body within government.

1

And you'd adhere to the national framework triangle - the inverted triangle model?---Yes, I believe that that is the appropriate approach. The public health model is transferable to child protection. I think we need to realise, though, that it should be from the child protection context and it's not necessarily about dovetailing on supports to, say, universal health strategies or child care, although they are universal strategies that assist communities, I think that we need to understand our mandate and perhaps the universal strategies that we should be delivering is around awareness around the standards of parenting, around what is harm, what is appropriate protective factors, rather than limiting that to after the fact. So I am of the opinion that the universal early intervention and statutory support system should be overseen by one body within government, and that can be done feasibly with separation of those systems but the aim and the response is around child protection.

10

20

So that when we talk of universal and secondary services, we are being child-protection specific. Like, for example, you'd see PPP as a universal child protection service rather than health, which is available to all children?---Yes, programs like PPP, parents under pressure, circle of security, certainly would provide that more broader response, but it is around children's well-being and protection.

It's more of a targeted universal and secondary?---Yes, I believe so. And I think looking at the current service delivery structure I've found it frustrating to look at the dialogue around early intervention and universal as somebody else's issue when in actual fact it's all interlinked and we should be focusing, particularly in some areas in Queensland, of the strategies that could be implemented from a public health model as a child protection context.

30

That's what I would be really helped by, if someone could give me a list of what they mean by "in the child protection context of an intensive secondary service". I've heard that phrase a lot but no one has actually drilled down and given me a dot point list, and likewise the universal services. Can you give me a dot point list?---Yes, I'd be happy to provide information.

40

Excellent, thank you. Ms Ekanayake.

MS EKANAYAKE: At paragraph 42, the last sentence, you say "I view the Aboriginal and Torres Strait Islander child protection sector as a stable and logical method to address alarming rates of over-representation." The penultimate

50

sentence. At the last sentence you say, "In addition, the sector has demonstrated its ability to embrace positive reform for the benefit of children and young people." When you say "positive reform", what exactly do you have in mind?---I reflect on the 2010 and 11 reform and the maturity and strength that the sector showed in moving forward in that reform because the move towards early intervention and family support was essential for the best interests and well-being of Aboriginal and Torres Strait Islander children in child protection and their future freedom and equality as Queenslanders and as Australians. So the point that I make there is that we understand that this system is failing Aboriginal and Torres Strait Islander children across the continuum of child protection and we understand that there is limited universal and early intervention responses, and that this inquiry - certainly the dialogue - is moving towards a more balanced system. And so the point that I make there, in my experience is that this sector will respond to positive change and reform proficiently and professionally in the best interest of our children and young people because that is our motivation and that is the reason that Aboriginal and Torres Strait Islander professionals dedicate their time and effort to a very challenging business of protecting and assisting children and young people and their families within child protection.

1
10
20

COMMISSIONER: The 11 recognised entity hubs, the regional hubs that you spoke about in paragraph 23, is that enough? Is that the right number and other in the right place?---I think that they were determined based on demographic and population and demand with the child protection system. The reality is that post-reform, that the recognised entity has been significantly challenged to meet significant decision-making demand because essentially their workload has increased and the staff numbers have decreased and they have a greater area to respond to. So if I'm to answer that honestly - - -

30

Please?---The 11 regional hubs should be further resourced to actually meet significant decision-making demand within those 11 regions. I would highlight, though, that the sector within the recognised entity services do a good job in providing cultural, family and community advice to support children and young people, and many of the challenges they faced post-reform has been due to a reduced capacity. I'd also highlight that the department spoke about capacity for the sector and the fact that some capacity issues in terms of responding to families needs to be met. That's not relevant for the recognised entity service type; they are significantly pressured to actually meet demand. And I would also highlight that the Aboriginal and Torres Strait Islander family support services are in establishment phase, and in comparison to the mainstream secondary sector there is some unique differences and that should be put in the context. The reality is that there has been massive investment in infrastructure and flexibility for the health program. I

40

50

believe is roughly 30 million for one region, when the reality is that the family support sector, the 11 hubs, received 10.4 million. 1

So you think - - -?---So a dramatic difference. Also the case loads that they're working to achieve are proving quite difficult, and that's because of the dynamic of the families that we are servicing and the entrenched issues in terms of domestic violence, substance misuse, parenting, as well as neglect, and the practical assistance as well as the targeted support that is required before those families exit out. Without those services those families would certainly be entering the statutory system, or a large percentage. And I think it's important in the readings that have evidenced my statement the reality is that the referral to active intervention services, from my knowledge, took at least five to seven years to reach capacity, so to compare this service type two years into its establishment phase is actually mis-communicating, I believe, the context of capacity and what needs to occur. I think the services are demonstrating that they were on a par with RAI in terms of where they were at, at establishment phase. In fact, I think they're actually better positioned in terms of the families that they've taken on. Many of the services actually have a case load which would meet their annual target to close those cases. 10
20

30

40

50

So I encourage the inquiry to actually look at the qualitative measures and the positive work that's occurring within the family support sector in terms of capacity because I believe that it's been poorly demonstrated to date by the department around the true capacity of those organisations and what they're actually delivering on the ground for the Queensland community. I'd note that within my attachments or readings that are evidenced here, there is a RAI evaluation that the inquiry may want to look at in further detail. Many of the challenges that RAI faced in their establishment phase are the same challenges that the Family Support Services are facing now and I think that it's important to note that this is an investment into the secondary system and it must be allowed to take effect for the benefit of children, young people and families and from my perspective, those services are really well placed in comparison to RAI Services and the challenges that they faced when establishing.

1

10

So you would say give it time and it will be worth the wait?

---I think it's one of the best investments that's been invested in, in Queensland Child Protection for Aboriginal families. I also would suggest that it would be beneficial to increase the resources there so that those services can take on more families.

20

So you would expect, would you, a spike in caseload in the early phases because you're unearthing needs that would otherwise have been not seen and you've got to deal with them, but over time in the long term if it's being effective, you should actually be reducing - the secondary system should actually be reducing the tertiary system through its successors over time, shouldn't it?--- Absolutely. And I think the reality is this is about the freedom and equality of Aboriginal people and the entrenched inter-generational cycles that hinder that freedom and equality; that this service type is dealing with some of the most vulnerable families and children and young people and having a real impact in empowering and supporting people to overcome those challenges and to be more successful and reach a better potential within the Queensland community.

30

Are you a HOF and RAI fan or not?---I think HOF takes a significant amount of infrastructure and support, but I am a strong fan of HOF and RAI because families require options and there should be options available, both Aboriginal and Torres Strait Islander and mainstream for our families. That's their choice. So I am a fan of the secondary support system because I can see its benefits in reducing statutory intervention, but I can also see the future benefits of reducing the rates of over-representation and creating an opportunity for Queenslanders, both Aboriginal and non-Aboriginal to participate and be more included within our society and community.

40

50

And the Family Support hubs in the regions are a good way of achieving that and if you're going to put 30 million in HOF at Logan, there's no reason why you shouldn't put at least two million or more in the regions?---I would suggest if the same infrastructure and support that HOF has received was put into the Aboriginal and Torres Strait Islander community that you would see a dramatic impact in the service delivery that is designed to reduce over-representation and it would ultimately benefit the most vulnerable families, children and young people that our sector or the Aboriginal and Torres Strait Islander sector is serving.

1

10

So is there any fat in HOF that we can move across or do you say that the regional hubs just need more but HOF doesn't need any less than the 30 million investment?---I'm not an accountant, but what I would say is that the Aboriginal and Torres Strait Islander family support sector is significantly underfunded and when you look at the comparison to HOF, I believe that a stronger investment and perhaps the diversion of funds from other areas within the child protection portfolio would serve the Queensland community well because it would resource that sector to better respond to over-representation.

20

Thank you.

MS EKANAYAKE: At paragraph 43 you refer to meetings between the Child Protection and officers of Child Safety Services. You make a comment there, "In my view, these meetings were productive in nature. However, in future a great corporate commitment and mutual trust could benefit implementation at a state regional and local level." Could you comment on that further?---Yes. I guess the point that I would make there is to over-representation there needs to be a strong corporate commitment and corporate will from the government of the day and I acknowledge that this inquiry has been called for that purpose and also the senior levels of the Department of Communities, particularly Child Safety Services, and that that corporate will and commitment and mutual trust between the Aboriginal and Torres Strait Islander community and the department is what is required to significantly impact over-representation. Aboriginal and Torres Strait Islander people have been led in many ways throughout the history of Australia and I can say confidently that in the area of child protection that it is time to transfer greater responsibility and authority to the sector to respond to over-representation, but that needs to be a strong and collaborative partnership with the government of the day and the department for that to have a strong and defining impact and so my point there is that I prefer to remain solution focused. That's what has been lacking and that in the future is what is required, a stronger partnership with the sector and mutual trust in terms of understanding that it is a strong and viable investment; that we're dealing with unique challenges that both the department and mainstream organisations deal with, but we are also best

30

40

50

placed to actually respond to some of those challenges. I think that's a true demonstration of the capacity of that sector.

1

Thank you. At paragraph 44, you refer to the Queensland Aboriginal and Torres Strait Islander Peak being an essential agency. Would you like to talk through that?--- Yes. I wouldn't have anything further to add than my previous comments other than to say that it's an essential body that could be a conduit between government and the sector to drive, you know, necessary reform to create the strategies and the responses and integration between the current service delivery types to respond more effectively to the issues we face within all of those dreams, including the needs around children and young people with the child placement principle and cultural support plan.

10

Moving on to your employment at the Aboriginal and Torres Strait Islander Legal Service Queensland, at paragraph 45 you refer to the submission on the development or implementation (indistinct) Queensland Aboriginal and Torres Strait Islander cultural support plans. What is the cultural support plan? Could you explain further your submission on cultural support plans?---I'll just get my submissions so I can speak to it.

20

You put it in as an exhibit?---Yes, I have a copy. The cultural support plan is actually a section within the child statutory case plan which is within the ICMS system or the departmental database and for all Aboriginal and Torres Strait Islander children who are identified as such, the cultural support plan automatically procreates within that ICMS template. There's some key questions within that template that support cultural retention and preservation activities and nurture the cultural identity of Aboriginal and Torres Strait Islander children whilst in care.

30

40

50

That strategy is a further continuation of the child placement principle but also the sections within the standards of care and charter of rights, so it is an important resource to actually nurture and support children with their unique needs as an Aboriginal and Torres Strait Islander child. That response is very appropriate given the historical context of the stolen generation and the knowledge that we have from the Bringing Them Home report, et cetera, around the detrimental impacts of disconnection and dispossession from your family, community, cultural and language groups. So they're required staples, if you like, or musts for Aboriginal and Torres Strait Islander children, and for that matter, for children of unique cultural backgrounds.

1

10

Are cultural support plans currently in existence or being created for children in care - Aboriginal and Torres Strait Islander children in care to your knowledge?---I would have to speak honestly before the inquiry and I question the department's recorded cultural support plan percentage. I can stand here with good conscience and integrity to say that that figure is incorrect and that consistently across the state the cultural support plans for Aboriginal and Torres Strait Islander children are not of acceptable quality and do very little to support the preservation and retention of that child's culture. Often they're quite trivial and minimal actions that are often based around annual and local events rather than the true engagement of culture as a family and community level.

20

COMMISSIONER: By how far is the reported percentage out?--I think that that's something that the inquiry could explore. I'd be interested to see the 4000 cultural support plans be presented so that you could discern that amount - - -

30

But they say there is 100 per cent?---Yes. But the reality is - and 73 current with the data I have in front of me - but the reality, Commissioner, is at ATSILS we actually represent families who are before child protection matters and as a requirement a cultural support plan or a child's case plan must be attached. The department will argue that there's always going to be some - - -

A document headed Case Plan?---Yes, that's right. That's a part of the affidavit that is presented. The department will argue that there is always a cohort of children entering the statutory system who won't have a quality cultural support plan. I absolutely accept that and agree with that, but the reality is that we see consecutive short-term orders and long-term orders being granted with very poor quality cultural support plans attached to that case plan and affidavit. It is evidenced quite clearly that these aren't being performed at an appropriate standard. There's also conflicting evidence from the Commission of Children as well as the department in terms of the kinship reconnection project. If those figures were to be put across to the whole cohort - that sample figure

40

50

was to be put across to the cohort - the reality is that at the time I did this analysis there were 3017 Aboriginal children in out-of-home care. If that sample from the Aboriginal and Torres Strait Islander kinship reconnection project is projected across - I know some data analysis would probably have some problems with that analysis - but I think it demonstrates the reality is 1508 children would have no cultural support plan. 1

That's a third?---And 697 would only have a partial cultural support plan, and 811 would have a completed cultural support plan, which I would suggest there is limited quality assurance in terms of the real impact in cultural retention and preservation and identity. 10

So how many times you say they got the cultural support plan right?---Unfortunately I have only seen strong cultural support plans delivered initially when Mark Budd produced the practice paper, and I've seen that practice drop away more recently, and unfortunately I have not seen quality cultural support plans being developed.

Do you think quality cultural support plans are an essential - - -?---It acts more broadly, Commissioner. It actually is a tool for family restoration. It creates positive connections and contact. It broadens out the possibilities for the child placement principle. So ultimately it could actually reduce costs in that regard. And also most importantly the well-being and best interests of Aboriginal children can be strongly met within those plans. 20

You might have heard the express interest in this before, and I'd like your comments you could: of those children who are said to be in need of protection for a long time and placed in out-of-home care for many of their childhood years under long-term orders, how many go back home and reunite with their family at 18 as soon as they're let out?---From my experience - I can't speak with data - but from my experience the majority of Aboriginal and Torres Strait Islander children return to their family and community. I feel that a cultural support plan as well as transitioning from care plans should have strong cultural elements in them because it is important to create a safety network around children. I don't believe they're less vulnerable at 18 and they were at 17. We have to look at the support network and community supports that can be wrapped around children as well as a strong understanding of who their families and community members are; who is appropriate, who is a role model, who are the people that you could draw strength from. The reality is some young adults are returning to situations where the harm and risk indicators still exist and so we have a responsibility within the cultural support plan to prepare the that at 18, and also within the transition from care planning. We need to build resilience and strength in preparation for what we see as the trend, these children returning back to those communities. 30 40

I suppose the older they get the more self-protective they are?---Absolutely, so it is an opportunity to build that.

1

So protection capacity-building. What do you think about the idea that we've raised from time to time with witnesses, status reviews of children periodically to see whether they still really are in need of protection or whether there is more scope than there was in the previous 12 months because of changes in the family or changes in themselves or effective departmental interventions make home a safe enough place for them now?---I believe that that would be a strong practice and I think it should actually begin much earlier in the process, particularly from our perspective of Aboriginal and Torres Strait Islander families. The reason I flag that is that there's been a number of occasions where parents have agreed that at this time they aren't appropriate to care and meet the care and protection needs of their children but they would like an alternative non-statutory arrangement to be an opportunity for extended family members to become involved. I think that that debate at the earliest stages, whether that's supported through section 113, having non-parties actually present at court as extended family members and give their perspective on how they can meet the care and protection needs of that child, or even under section 61 where the magistrate can grant direct custody or guardianship to a family member. I think that those debates would be welcomed by the Aboriginal community throughout the continuum on a regular basis, but also at those initial stages, revisiting the initial placement and revisiting the initial decision around whether fostering and kinship care is really the most appropriate course of action.

10

20

30

40

50

Unfortunately, I can confirm that I've seen those opportunities missed recently and in my experience within child protection.

1

So debated early before they get stuck in the system. What do you say about Prof Lonne's comments yesterday that the jealousies that can be a barrier within families to kinship participation, especially through formal guardianship orders where the parents lose their child endowment to the guardian appointed or are possessive of their own children, even though they can't care for them themselves, and that creates inter-family kinship tensions that affect adversely the child?---The first point I'd like to make that our only measure should be children and young people and that actually makes it easier in looking at that context and then it's in the process that people are supported. The family group meeting, again, is an important process for family to have an opportunity to create solutions and discuss the challenges that they face in meeting the care and protection needs of their children. So it is a process. Yes, there are foster and kinship care services that do that. The department also does that. The family group meeting does it to a degree. Do we do it well? No. I believe that we need to look strongly at supporting kin and community members to take on that responsibility and it's a process in which it's delivered both to the immediate and extended family and the broader community members. There needs to be a raising of the profile of caring and also an understanding of the roles and responsibilities and, importantly, the support that's available to extended family members and immediate family members who are experiencing that in child protection. The other thing that needs to be clearly defined throughout that process is the boundaries and the fact that this isn't in the best interests of children and young people at that time and that by making the boundaries clear, similar to the program that we run in Redcliffe Child Safety that there is an understanding and there aren't any unknowns and so that it assists immediate family members to better cope with that challenge and the extended family members. To leave it to chance and not conduct that process thoroughly, it actually promotes those tensions arising. I think we need to expect that those tensions will always exist. It's how we respond to that as practitioners.

10

20

30

So you would have to manage it accepting - and the conferencing, negotiation meetings have to be truth based and they could have Child Safety?---Absolutely.

40

All right. Now, the other thing I wanted to ask you about in this context is what do you say to the argument that repeated unsuccessful reunification attempts is damaging to the child, so much so that for their own good they're better off staying in the out-of-home care system than being shunted repeatedly to home and back into the system? Can you comment on that one?---Yes. Well, first and foremost, I would take a case-by-case approach to that. However, I would agree that it is detrimental for children

50

to be subject to repeated reunification attempts where that is assessed as a pattern and there is limited opportunity for the immediate parents to meet those reunification requirements. It is detrimental to put or to subject children to that repeatedly and there are children within the system who require long term care. My biggest point for those children, particularly children who are placed outside of the hierarchy of the child placement principle, is that section 83(7) is strongly actioned in conjunction with section 84, the placement agreements between the foster carer and the department to ensure that the requirements of maintaining connection with the community language group, maintaining connection to culture, most importantly, preserving and enhancing that child's sense of identity is met. Because of the unique challenges we're faced following the 1970's and the clear evidence that the stolen generation and dispossession and disconnection from culture and family and community has detrimental impacts into adulthood and creates inter-generational cycles, it is really important that that is driven strongly within the department. I think the Children's Commissioner talked about only 15 per cent full compliance with the child placement principle. I think there's a lack of understanding about the child placement principle being far more greater than an immediate placement with an Aboriginal person. There are other responsibilities that should be integrated with other sections of the act that promote the best interests and wellbeing longer term for those children who require permanent care.

1
10
20

Of the indigenous cohort 4000 out of the 8000, or thereabouts, who are in long term out-of-home care, what do you think is the level, the tolerable level, of indigenous children in permanent out-of-home care?---I guess my response to that is that I'd like to see a reduction of the rates of children entering long term out-of-home care, so I - - -

30

It will find its natural level, like water. If you only let the kids who need it and keep the kids who don't out?--
-Yes; and, importantly, assist families through a more therapeutic restorative model, not just immediate family, but greater extended and community members to possibly respond through a non-statutory arrangement.

Do you think - and this is a general question, but do you think within the context of those children, indigenous children, who are in out-of-home care at the moment that their kin and extended families are adhering to that universal tenet that you mentioned at the outset of your evidence about having a collective responsibility for their upbringing and wellbeing enough? Are they pulling their weight or are they leaving too much of it to the statutory system? I don't want to be unfair to anyone. I know how burdensome it is to bring up your own children?---I think it's a relevant point, but it's a point that must be viewed in the context of history and some of the reasons why people aren't engaging in this process is around that fear

40
50

and around the - you know, the meaning of what it actually is to allow a statutory body into your life so that you can care for a child - I mean, there's some real factors and influences from history that impact people, but I reflect on paragraph 6 of my statement and I agree with you and I'll just read it out, "I acknowledge all Aboriginal and Torres Strait Islander women and men and I call for us to stand in unity, integrity and honour. Together we hold the responsibility and authority as the primary providers, nurturers and role models that our children and young people seek guidance from in order to reach their full potential as future adults, as Queenslanders and as Australians." So I agree with you, commissioner, and I think that through a universal strategy that we could build that responsibility and create a cultural shift within our community. I think that what is needed is that - it's difficult to lead Aboriginal and Torres Strait Islander people to overcome this challenge. What needs to occur is that Aboriginal and Torres Strait Islander people have to have some level of ownership of this issue so that they can hold their dignity and work towards, you know, freedom and equality in their communities, particularly in this setting, their family life, and hold their children and young people central to our future.

1
10
20
30
40
50

I'm just going to get Mr Copley to give you some figures that I'd like your comments on, if you could. Mr Copley, those figures with the different states with kinship care, can you help me with that.

1

MR COPLEY: Yes, I can deal with that now.

COMMISSIONER: Thanks.

MR COPLEY: Perhaps just to make sure that we're all talking about the same thing, I'll just ask you, Mr Hayward, is it correct that the indigenous placement principle is that when placing an indigenous child in out of home care a culturally appropriate placement is looked for?---The legislation policy procedures would suggest that that is what should occur.

10

Yes?---I think a significant challenge that we face is that the current model that we work under with the placement services unit within the department, it relies on foster care. Kinship care is demand driven, so when a child enters care that's when you would seek a kinship carer. Foster care is supply driven and predominantly that's managed by placement services unit and so I think there's some limitations to the core practices that need to occur during the INA stage of working with families to actually bring forward those kinship care options in accordance with the preferred hierarchy of the child placement principle, because the reality is that human nature is to take short-cuts and to do what's easiest at times and with the amount of pressure that front line child protection staff are under it is hardly their fault that often the most easiest approach is to place an Aboriginal children immediately with a foster carer that they have on their list.

20

COMMISSIONER: Than explore kinship availability?---Yes. I believe that it's very minimal actioning at the initial investigation and assessment stage and engagement of families at the initial family group meeting stage and there are some difficulties and reluctance to actually support provisional approvals under section 82 which links to the child placement principle and also some reluctance to utilise section 61 which could bypass the challenges in terms of care assessment, et cetera, by discussing at a magistrate or court level whether a person is appropriate to meet that child's care and protection needs in accordance with section 83. So I believe that more work could occur in those initial stages and, yes, the framework suggests that that should occur, but there are unique practice challenges and limitations in current practice that hinder that.

30

40

MR COPLEY: According to the productivity commission's report on government services for 2012, the productivity commission says that in New South Wales 5712 Aboriginal or Torres Strait Islander children were in child placement and 82.4 per cent of them were in a preferred placement and 17.6 per cent weren't. In Queensland, 2850 Aboriginal and

50

Torres Strait Islander children were in placement and 52.5 per cent of them were in preferred placement and 47.5 per cent weren't. In Western Australia, 1446 were in placement. 71.2 per cent were in preferred placement and 28.8 per cent weren't. Are you able to offer any explanation for why the figures for Queensland are so much lower in terms of the preferred placement for children compared to the states of New South Wales and Western Australia?---I think it's around that earlier comment around the mechanisms that are needed at the earlier stages of the INA and also the initial family group meeting and the willingness to manage risk appropriately in provisional approvals as well as seek less intrusive approaches under section 61. We could increase the adherence. One would also - - -

1

10

What do you mean by manage risk appropriately?---Yes - - -

What are you alluding to there?---Do you have a copy of the Child Protection Act, because it's important that we turn to section 82 to have that discussion.

Yes?---I may need a copy of the act myself.

20

We've got one.

COMMISSIONER: I've got one here. Sorry, Ms Ekanayake, I've interrupted you, but I'll get back to you.

MR COPLEY: Okay, we've got section 82 there?---So if you turn to section 82E.

Yes?---If it is not possible or not in the best interests - not in the child's best interests for a child to be placed in the care of an entity mentioned in paragraphs A to D, which is kin carer, foster carer or an entity conducting departmental services or a licensee; so basically residential, a provisionally approved carer for the child can be sought.

30

Yes?---In my experience, I've seen a number of families become successful carer applicants or be approved as carers two to three months into intervention when the reality is that the department, in the best interests of the child under 82E in conjunction with section 83 of the Aboriginal and Torres Strait Islander child placement principle and also looking at some alternatives in section 61, could be more innovative, and when I say "risk manage" I mean assist and support those provisionally approved placements in the interim period before the formal approval process is conducted and finalised.

40

Well, can we just get down to tin tacks, really? Is the department - do the figures that I read to you from New South Wales and Victoria - and I'll just remind you of them. 82.4 per cent preferred, New South Wales - sorry, when I said Victoria I meant Western Australia, 71.2 per cent, versus 52.5 per cent, suggests that the

50

department in Queensland may be less inclined to - or more inclined to adopt a risk averse approach to placement than those other states?

1

---Absolutely, and I think that there needs to be a shift that does not compromise the safety and wellbeing of children but a shift towards supporting kin and community placements for Aboriginal and Torres Strait Islander children. On one hand we can manage, you know, risk through secondary and also IPA arrangements with family, but there's a reluctance to actually provide a similar level of assistance to foster and kinship carers to reach carer status, not necessarily people who would be inappropriate to care but who may face challenges of overcrowding, remoteness, some of our elderly members caring. So there is a range of innovative approaches that could be taken to assist carer with clear training around their roles and responsibilities and some level of assistance from foster and kinship care services and the department to increase that cohort of Aboriginal and Torres Strait Islander carers. An example is that the process is very administrative and very formal, so perhaps adapting some of the styles of assessment to be more culturally appropriate and acceptable - not minimising standard, I must stress that - and also creating mechanisms that actually assist people to achieve blue card status. It's an important issue to raise, because it's one of the staples that keep our children safe and protected. The reality is that

10

20

30

40

50

The reality is that with the rates of the linkage to the criminal justice system, that a large number of people have criminal history. In my experience the majority of the time that history didn't actually fit the category of disqualification for blue card status but people withdrew from the process because it was difficult to access and there was limited support to be walked through that assessment and blue card process. And so approaches that assist carers to move more appropriately through that process, so it's more culturally appropriate, more user-friendly for them, not minimising the standards that keep children and young people safe, as well as some hands-on practical assistance in placements in community, both urban and rural and remote, would go a long way in increasing that cohort and would actually, I believe, reduce statutory spending elsewhere.

1
10

Could these figures that I've read out to you possibly be explained on the basis that in Queensland Aboriginal or Torres Strait Islander people are less inclined to want to take on foster or kinship caring roles compared to people in Western Australia or New South Wales?---No, I don't believe that. I believe that it is a systemic issue in terms of the cultural competency and the engagement processes with Aboriginal or Torres Strait Islander families who are possibly carer candidates.

20

Is there any way that you know of, of being able to know what the reason is for why these figures are so disparate beyond your belief?---You could ask the community. That would be the most important - - -

Has any survey work been undertaken by ATSILS?---Pardon?

Has any survey work being undertaken by ATSILS or the Peak body to understand why these figures are so different?---Yes, I think that the Losing Ground report that the Queensland Aboriginal and Torres Strait Islander Child Protection Peak provides an alternative view towards the child placement principle, and I believe ATSILS requested previous submissions to reduce over-representation and the prior report to that, the Child Placement Principles Pathways, if I can recall, would also provide you with an alternative viewpoint to the child placement principles.

30

COMMISSIONER: Is that the ATSILS - is that at a footnote 8 on page 5 to paragraph 24 of your statement?---Yes.

40

Have we got that? That's a 2012 report? We've got it, have we? Okay, excellent. While you're on your feet, Mr Copley, and while we are still on this topic, and then I'll get back to Ms Ekanayake.

It just seemed to me -I was wondering just how the department linked up 82(e), which is the provisional approval of a non-entity carer and subparagraph 82(2), which is actually placing a child in the care of a parent; and principal 5B(j), which is only placing a child, "In the

50

care of a parent or other person" - a provision of care, for example - "who has the capacity and is willing to care for" - presumably "and protect" it should be - "the child with assistance or support." So I'm wondering in applying 5B(j) properly to 82(e) and 82(2) considerations, whether they give enough consideration to placing the child provisionally with a kinship carer or a parent, even, even though the child strictly needs protection and therefore doesn't have a parent able and willing, might have a parent or even a provisional carer able and willing to protect with support? Do they look at: at the moment unassisted this person doesn't qualify or this parent doesn't qualify for a placement of a child in care, but with proper support and assistance maybe this person would?---I can speak from ATSILS' experience. I assist our family law and child protection law team in conflicts matters and so there have been a number of cases where at the interim stage of CAO and TAO we felt strongly that with an appropriate diversion to the secondary support system, that with that assistance that that parent could be deemed willing and able, and we've been successful in running those interim arguments on a number of occasions. So clearly it is possible and it is an appropriate response for some families; and ideally I would suggest for the best interests of children, if there is minimal risk that can be appropriately managed through a provisional and approval process, then the same concept should be taken if children and young people are our only measure.

1
10
20

But not wait for ATSILS to get involved?---No.

And - - - ?---Realistically, if we arrive at court to determine an outcome, the stakeholders have failed Aboriginal and Torres Strait Islander children. It's not the most appropriate place to make decisions, but it's a necessary layer that brings accountability and strong discernment in those initial arguments and later court hearings.

30

So you would say that the people who have to make these 82 decisions need to be aware of the principles that they're supposed to be promoting in making them and also know the difference between an unacceptable risk and an acceptable risk with or without assistance?---Yes. I'd also like to respond to the previous question. After reflecting, the reality is there's 70,000 Aboriginal and Torres Strait Islander children within Queensland and there's only 4000 linked to the Department of Communities, Child Safety Services, and I think that's a pretty clear measure to suggest that there are appropriate Aboriginal or Torres Strait Islander adults who could offer care to children who require out-of-home care. I really do believe that it is the mechanisms that we're using to engage the community that is failing rather than the community not actually taking on that responsibility and ownership.

40

Thank you. Thanks this to Copley. Ms Ekanayake, back to you.

50

MS EKANAYAKE: Moving on to paragraph 46 of your statement, you speak of universal services and you say there, "Community development faculty building quote is required, create community ownership of and community responses to their identified needs." What would you say is needed from the community development model?---In my experience with working with both Aboriginal and Torres Strait Islander communities and community members in the rural and urban context often there was another layer of people outside of professional organisations who have a strong commitment and willingness to work on some of the issues that the community faced in terms of children's well-being and protection needs. And so by utilising a community development approach within a child protection context we could capitalise on those groups of interest and promote localised responses and strategies to keeping Aboriginal and Torres Strait Islander children safe and secure within their own community environment.

So is this something that could be introduced, or what do you think might be the response to that kind of - - -?--- Currently it's lacking. It is often attached to a certain program type or service. There is certainly a lack of response at a universal service stage around promoting awareness around child well-being and protection, so some of the ideas that community members have come forward with, not only meeting the care and protection needs of children within the system such as a cultural retention program, but also looking at basic life skills around health and hygiene, more informal playgroups, so modelling parenting and providing a positive opportunity to grow and develop as a parent as well as model yourself on other parents and facilitators who have a strong skill set in parenting.

So those types of initiatives that aren't necessarily - you know, that people can't access at the moment due to the restrictions around needing a referral from the department to a Family Support Service. If they were opened up more broadly as an early intervention universal approach, I think that that would be a positive investment in terms of growing the awareness and acceptance of some of those expected norms in a positive, proactive, engaging way that's community owned. 1

Would you like to add to what you say at paragraph 47 or what you just said covers it all?---Yes. The reason I put that paragraph in there is because there is a real lack of knowledge within the Aboriginal and Torres Strait Islander community around, you know, what is harm, what is risk, how to establish protective factors, what are the accepted community norms, you know, what is appropriate parenting, how do we promote safer and stronger environments. There needs to be another layer where the community owns and is supported to develop responses prior to any secondary or statutory service becoming involved. There needs to be a shift in focus to actually grow that strength within communities and empower people to actually own this issue. The commission counsel assisting has spoken about whether the Aboriginal and Torres Strait Islander community is more willing to care or respond to these issues. The simple answer is yes, but we must also look at the universal services and the possibility of actually growing that capacity and empowering people to actually have ownership of those issues. 10 20

COMMISSIONER: You mean universal services in a child protection setting rather than within the general community?

---Absolutely. I see it quite differently from relying on other programs that are funded within that universal strategy. I see this as a more targeted universal approach to some of the needs that our communities and community members face, both in urban, rural and remote areas. The community development model would work particularly well in Aboriginal and Torres Strait Islander communities. 30

So to make sense of the phrase universal services, you would need to look at it in terms of the vulnerable families and within that group, even more specifically the indigenous cohort?---Absolutely. And the universal strategy offers an opportunity for parents and families who may be quite secure and strong in their nurturing and parenting of their children to actually act as role models and coaches and support in leading the community as a whole and, more specifically, those at risk families at reaching, you know, a more appropriate standard, but a lot of it also comes down to education and information provision as well as that coaching. I see a real space for those universal services responding to Aboriginal and Torres Strait Islander community need. 40

Of the 40 per cent - and this is rounded up, it's probably

closer to 37 or 38 per cent of the children under long-term orders, and it's about the same percentage, actually, of substantiations in out-of-home care, 40 per cent in each category is indigenous, what contribution to that figure do you think inter-generational factors which, hopefully, over time through the provision of targeted universal and secondary services will dissipate as opposed to those critical factors, the acute or chronic familial, drug, alcohol, child abuse, family violence, homelessness, poverty, those things? Putting them as one driver to those figures and then the inter-generational factors that have been inherited from occupation in 1788, what contribution do you think?---I don't think we're talking distant history. People were living under the act here in the 1970's and faced significant oppression from policies and legislation and so I would encourage the inquiry to look at the Healing Foundation in Canberra that was set up to respond to inter-generational trauma and those cycles that we face and I think there is a body of evidence there to suggest that the grief and loss that Aboriginal and Torres Strait Islander people experience is directly linked to the past and it also influences some of those other aspects, such as drug and alcohol misuse, parenting capacity. So I see them integrated and interlinked. I think it's important to have parallel approaches and so the staples in the act around cultural retention such as sections 83, 88 and also the strong Aboriginal voice with section 6 is important to ensure that the experience of children in care in the future isn't one of disconnection and dispossession. I think that that will go a long way in reducing that inter-generational pressure that some of the stolen generation members have experienced and, unfortunately, some of those issues being past through generations. So I think it's important to have the strategies that respond to the unique needs of Aboriginal and Torres Strait Islander people who are within the system, but also I think it's important to balance those strategies with core child protection responses to neglect, domestic violence, substance misuse and parenting capacity, but I see them very much as interlinked.

And so therefore dealing with the inherited trauma, even as recently as since 1970, you see as an important step to relieving the pressures caused by the more immediate drivers to entry into the system?---Yes. I don't want to minimise the challenges that we face in terms of the main harm and risk indicators, but it must be - from my perspective, it must be accepted, that history, and the unique oppression that Aboriginal and Torres Strait Islander people have faced under past protection acts as well as policies and processes that led to the stolen generation do have a compounding impact to the current rates of over-representation. From my opinion, we do run a risk that the cohort continues to grow because the inter-generational trauma from that past is being passed through generation, so essentially it's really important that we respond both to the unique cultural and legal rights that are in the Child Protection Act for that reason

because of that inter-generational issue and the importance of not having a large percentage of Aboriginal children leaving with a similar experience, but also responding to those immediate harm and risk indicators. So I see it as a parallel process. 1

We have got to do something of the ongoing impact of the unhealed trauma from the past?---Absolutely. I would encourage the inquiry to look at an expert body that's been established on that and that is the Healing Foundation in Canberra - - - 10

Canberra?--- - - - and a key contact there would be Lisa Hillan, who has been a major driver in seeing some of these healing programs being delivered throughout Australia and within Queensland.

20

30

40

50

They're being delivered now, but could they be enhanced, more Queensland specific?---Well, I think that there's minimal resourcing for the foundation. They do have resource limitations, so they're only in a few locations. So definitely within Queensland more work could be done. Within child protection there's the unique opportunity to really unpack and grief and loss and that inter-generational history and how that is impacting a person today through culturally appropriate processes such as counselling and some of the other work at looking at how that's actually impacted your parenting now, or why - you know, why are people drinking, why are people taking drugs? It could be masking some of that pain and some of that hurt that families face. Yes, they might not be appropriate at this time to care for their children, but if reunification and end to over-representation is going to occur we need to factor in history and the current environment - - -

1
10

So it would be money well spent?--- - - - in any future intervention.

Sorry. It would be money well spent then if the department purchased some of those programs from the ILAC Foundation in Canberra that it's not currently getting?---I believe that those types of programs could be designed and developed for a Queensland setting in the universal strategy, absolutely.

20

Okay, thank you.

MS EKANAYAKE: Moving on to paragraph 48 of your statement you say, "In my experience the current early intervention model is actually responding after the fact, often when harm or risk is already entrenched within a family," and you go on to discuss that. Would you want to speak to that further?

30

---Yes, I think it is really important that we look at the stigma that is linked to the statutory system and by opening up those referral pathways similar to Helping Out Families and referral to active intervention to include other community agencies. It would go a long way in assisting vulnerable and at risk families engaging earlier, self-identifying and having more of an opportunity to have ownership of their issues in a non-stigma referral option, have no linkages to the statutory system. So it would be of great benefit in terms of accessibility and some of the pressure that families may face by being subject to any links to the statutory system.

40

Your comment on current models of funding at paragraph 49, would you like to develop that, or speak to that further?--I am of the view that the complex dynamics of the families that Aboriginal and Torres Strait Islander family support services are working with requires case management for longer periods of time to address those entrenched issues and at this stage if you were to do the comparison with the RAI evaluation and where the services are at, they are well placed, but from my perspective it's actually only holding

50

the tide of over-representation and we should look more closely at how we can expand the case loads and the amount of families that that service type is responding to. So the funding levels are in my opinion inappropriate and too low to adequately address over-representation and they should be increased so that more families can engage those services and benefit from that service type. Ultimately that would be about achieving sound and safe environments in the best interests of Aboriginal and Torres Strait Islander children.

1

Moving to paragraph 50, you say, "Within Queensland a significant issue and limitation for service delivery and planning and implementation is the fact that to date Aboriginal and Torres Strait Islander dual youth justice and child protection order breakdown data is unavailable." I recall raising that with Mr Steve Armitage. I believe he said that information is available. Is that what knowledge you have or - - -?---It's certainly not publicly available. We've been searching for that data analysis for some time so that we can look at service delivery strategies to respond to those needs in terms of dual case management by the department as well as trends between youth justice and child protection. I would note that the Commission for Children and Young People and Child Guardian is in the process of making this information available as part of their monitoring framework of youth justice, so I would welcome that in the future. To date we can only draw anecdotally that 69, I think, off the top of my head, per cent of children have been known to child protection and are within the justice system and then draw the comparison that there are significant rates of Aboriginal and Torres Strait Islander children in youth justice. Unfortunately that data is not publicly available, the exact breakdown, but the trend is very evident and clear. The reality is that Aboriginal and Torres Strait Islander children who we serve within a child protection setting at ATSILS we also serve within the youth justice setting. So the point is that we are dealing with often the same families and a root cause to offending at youth justice and then in the future as an adult may actually be grounded in child protection concerns and family functioning and the key that I would suggest to addressing that would be to actually look at the early intervention and universal intervention in a child protection setting as also being a benefit to reducing the rights of over-representation in the criminal justice system both in youth justice and as an adult. There is evidence in the Bringing them Home report that identified that correlation and it's well documented in other reports and readings.

10

20

30

40

You say further in continuation on page 14, "A renewed focus on effective early intervention activities could, however, serve to simultaneously help address the underlying causes of and hence reduce Aboriginal and Torres Strait Islander over-representation with both systems." Could you expand on that?---I'm sorry, Jennifer, I didn't quite hear you, sorry.

50

On page 14 you make reference to a renewed focus on effect early intervention activities and how that could help address the underlying causes?---Yes. I believe that an investment into the universal and early intervention areas in child protection would have a flow-on effect in reducing over-representation in youth justice, basically because the evidence that Steve Armitage brought before the commission of inquiry was that 38 per cent of families were - of children and young people were at risk of reoffending and family functioning was identified as a key risk indicator. So I think that the relationship is there, particularly for Aboriginal and Torres Strait Islander children, and that any response in universal and early intervention would have a flow-on effect into the rates of over-representation in youth justice.

You refer to attachments B and C. Is there anything you wish to say in relation to the United Nations Permanent Forum on Indigenous Issues, 11th session, New York and the shadow report to the UN Committee on the Rights of the Child?

---They've been provided as part of attachments, so I would encourage the people with leave to appear and the inquiry to explore those documents.

1

10

20

30

40

50

Attachment B talks about the correlation between Youth Justice and Child Protection, more broadly, in Australia. I would point out that there was only a short time period that you get to read that out, that's why the document is quite succinct and short and attachment C is a shadow report to the UN Committee on the Rights of the Child, around the rights of Aboriginal and Torres Strait Islander children. I think it's briefly known as the CROC report, so they are pieces of work that relate to Aboriginal and Torres Strait Islander children that ATSILS has conducted and delivered at the UN.

1

You've spoken on this topic before in relation to the statutory system. At paragraph 52 you say, "In my experience, statutory power and authority imbalances significantly, hinder the engagement of families and the recognition of maternity responses to risk and harm experienced by children and young people." Would you like to expand on that further or have you spoken on that subject?---Yes. In my experience and assessment that the statutory and power that's necessary to protect children and young people may actually hinder and restrict the other responsibilities of the department in terms of working with families towards family restoration to achieve reunification. It delivers some conflict in terms of engaging and supporting families through the processes that they need to meet to meet reunification and ultimately meet the care and protection needs of their children, so there's a role - you know, a strong statutory role to meet the care and protection needs of children and the body is Child Safety and then I think the commissioner spoke about: on one hand the investigation and assessment team is responsible for assessing the initial harm and risk and possibly removing the child and then a team a few cubicles away is responsible for then working and engaging that family. So I highlight that there is a power imbalance and families feel that and it impacts the level of engagement and the level of success within the system and I think that that's something we should be mindful of and look at processes and solutions to making that more based on a family restoration and supportive model rather than allow that power imbalance to actually impact; that it's something to be mindful of in practice and its needed requirement in the future child protection system.

10

20

30

You then go on to say, "I would strongly recommend the reconsideration of the original New Zealand approach which aligns with the more inclusive family restoration model." Could you explain what this model is about or the approach is about?---Yes. I've just got a document here that I'd reflect on. If you could just bear with me, I've got to - yes, I think that the family group meeting is a fundamental element of the child protection system and I feel that within the Queensland setting that it serves the department's interests far more than it does serve a family restoration model and I think that that statutory power and authority is very evident within the family group meeting process. The act reads and speaks about an exclusive

40

50

participation based process, but in reality my experience is that it is actually something quite different from where families are sitting and so within the New Zealand model, the framework is actually a lot different and it's a family restoration approach. Yes, the department still deals with their bottom lines in terms of the care and protection needs, but the family actually owns the process and has an opportunity to develop the solutions and the strategies to respond to the harm and the risk that's been identified. In my experience, that isn't occurring effectively. It also is still very much child focused, but it looks at the broader - and from an Aboriginal perspective aligns quite well - extended family, community, people who are significant to the child, not just the immediate parents who are often responsible for the harm and the risk and allows that family and community to respond effectively to the harm and the risk and from my understanding, there's data to suggest that the solutions and strategies that families come up with under that New Zealand model, there was a high percentage of them - I believe over 80 per cent - that were accepted by the department. So I would suggest that we return and revisit some of the models - not just in New Zealand but, you know, perhaps look at national jurisdictions as well, such as Victoria and the Aboriginal family decision-making framework, and revisit that to give family a true role and ownership of the issues and an opportunity to respond and I'm speaking more broadly than just immediate parents. Aboriginal and Torres Strait Islander children have the benefit of that collective approach and it is a process that should be looked at to draw out the solutions and strategies, both non-statutory and statutory at that stage.

1
10
20
30

Thank you. Moving to paragraph 53, Professor Lonne in his evidence yesterday explained the structured decision-making tools and how they operate or function. He also expressed his views about structured decision-making tools. Would you like to express your position on structured decision-making tools from your experience with working within the department?

---Yes. Well, I've used the tools as a child safety officer and also looked closely at the tools as a senior policy officer in the department and then assisted recognised entities to engage strongly at those decision-making points, as referred to in the manual that's an attachment to my statement. So that's a snapshot of my understanding of those tools. In my opinion, currently, the structured decision-making tools are an important aspect of decision-making that keeps children safe, but I would like to highlight that it has an over focus on deficiencies and risk and it would be much more beneficial for that process to incorporate the strengths and needs of families and that, in my opinion, would actually create more opportunity for secondary supports or some strong initial statutory work around strength and needs to reduce the amount of children that are actually coming into statutory out-of-home care and families into statutory intervention. So the tools should be supported to be more

40
50

balanced and it's required to take on more of a therapeutic strength based approach as well as look at deficiencies and risk. If you look through one lens, it can often impact the options and strategies that are available to you throughout the child protection continuum.

1

10

20

30

40

50

It's a major driver of practise and it is a major driver of the culture within the department. It is a framework that leads all major decision-making. And so I believe it's an area that the inquiry should look at to look at alternative approaches or enhancements to the current tools to make them more balanced so that they not only protect children and young people, they also are balanced in terms of the interventions that are possible with families and communities. 1

And the New Zealand model is one you recommend I have a look at?---Yes, and more closely within Australian jurisdictions there's child protection departments that don't have structured decision-making tools and have alternative frameworks. The New Zealand framework - - - 10

It's structured, isn't it?---Structured decision-making; it's important to - there should always be structured decision-making, so it is a methodology. But at the moment we've got Queensland - - -

But not prescriptive?---No. But at the moment in Queensland we've invested in an American model from the Children's Research Centre who have designed and developed tools on our behalf. 20

Based on American data?---Based on child protection research. I believe that we've got two options available to us: a complete move away from that assessment process; or we look at the tools and work to create a more balanced approach that incorporates therapeutic approach to need and strength, and I believe that that would reduce the rates that both non-Aboriginal and Aboriginal and Torres Strait Islander people were entering the system, as well as appropriately respond in terms of the secondary supports that are required and assist them to exit the statutory system quicker and more supported. 30

And would you have decisions being made at points along the continuum that currently?---I think that the decision-making points are fairly appropriate where they are now, structured decision-making.

Save and except for more periodic reviews of the status of children in care and whether they still need to be in care?---Yes, a case work audit would be an appropriate method to look at children across all their needs, including whether they should remain in care. 40

Or under a long-term order?---Yes.

Or whether you can be under a long-term order but still placed at home rather than permanently placed out of home?--They would be options that an audit could look at.

MS EKANAYAKE: Moving to paragraph 57, recognised entities - - -

COMMISSIONER: We'll make this the last question and answer before lunch. 1

MS EKANAYAKE: - - - decisions about Aboriginal and Torres Strait Islander children. You say, "One of the fundamental flaws of the recognised entity model is that professionals have (indistinct) to participation and consultation roles in decision-making." Could you expand on that?---If we explore section 6 of the act, the first point I'd like to make is that section 6 is a substantial piece of legislation for the benefit of Aboriginal and Torres Strait Islander children and so by raising issues within legislation I would point out that in my opinion there needs to be a non-government Aboriginal and Torres Strait Islander child protection presence to ensure the best possible decision-making for Aboriginal and Torres Strait Islander children as part of the cultural competency framework. And so the suggestions here is that the reality is the role is limited to participation in consultation and that in practice that has minimised and restricted the level of meaningful engagement and proactive outcomes that Aboriginal professionals could have within that stream. So it hinders the good work that they are already doing by placing limitations and restrictions on the level of family engagement and active work they can do during the statutory stages. 10 20

Are you aware of the limitations or are you aware of the types of agreements that exist between recognised entities and the department?---Yes. When looking at the recognised entity model the first starting point is the Queensland Child Protection Act, section 6; another area that we should look at is the policies and procedures within the department, both the practise manual and other supporting practise papers; and then we should also look at service agreements between the department and recognised entity. In my opinion I think that we have faced an environment where instead of capacity-building and really utilising the act and significant decision-making more strategically and more professionally, I believe that policy procedures and the service agreements have actually further restricted Aboriginal and Torres Strait Islander professionals from being actively involved in key areas of the statutory system such as family group meetings and playing an active role in convening those meetings, et cetera. So the limitations of participation and consultation in significant decision-making has been the sole responsibility of the recognised entity with minimal time to engage a family and actually explore the cultural, family and community advice that needs to be incorporated into that decision, in effect it is actually minimising its role. So I think that that wording is well intended but in reality, in practice it's a limitation and restriction to the level of engagement that recognised entity services can have with families and the meaningful results that can be facilitated out through some more hands-on statutory assistance if an innovative government chose to look closely at that essential piece of legislation and release 30 40 50

some of those restrictions and barriers to strong Aboriginal and Torres Strait Islander practice which would flow into results and outcomes for the best interests of children.

1

COMMISSIONER: So the recognised entity is being underutilised at the moment? You can do a lot more than it being asked to?---I believe that the model of the recognised entity is ill designed. I believe that there needs to be a strong Aboriginal and Torres Strait Islander NGO statutory presence and that we should explore in this process of the inquiry what those limitations are and where that statutory body could be used more effectively to produce outcomes for Aboriginal and Torres Strait Islander

10

In place of the recognised entity?---I believe that the recognised entity should transition to that body rather than a body replace it. I think that we have the skill set and the knowledge within that sector are accustomed with statutory intervention and working with the department and the limitations that they face are in a design rather than an ability or capacity to be more actively involved at in Aboriginal and Torres Strait Islander children's lives. You look at Victorian models where they actively convene family group meetings. To me that is a much more meaningful process that draws out positive outcomes and results for families and children than being restricted to participating and being consulted on a decision. We could provide the most sound advice in the world but unless it is entrenched in action the professional has a minimal impact. By facilitating family responses and elements of the family group meeting they could have a more hands-on practical approach in assisting families, children and young people in meeting their needs.

20

30

And you could be more influential in the outcome?
---Absolutely.

All right, I think we might break there for lunch. We resume at quarter past 2 if that's convenient to everybody.

THE COMMISSION ADJOURNED AT 1.05 PM

40

50

COMMISSIONER: Mr Haddrick?

1

MR HADDRICK: May it please the commission, Haddrick, H-a-d-d-r-i-c-k, initials R.W, of counsel, counsel assisting the commission, instructed by officers of the commission. A couple of bits of housekeeping first of all, commissioner. The witness who was here before lunch, Mr William Hayward, at the request of counsel assisting has kindly agreed just to come back on another day or at a time to be appointed by the commission with the commission's leave so that the next witness could go this afternoon. The next witness we propose to call is Prof Karen Healy who is unavailable tomorrow and, therefore, we couldn't run the risk of the evidence bumping back until tomorrow, so with your leave I'll be calling Karen Healy.

10

COMMISSIONER: Sure.

MR HADDRICK: But before I call Karen Healy, I should just raise a small little issue that's come up here at the bar table just before you took the bench. Others at the bar table have raised with me the little question of what the commission would expect for the Aurukun sittings in terms of presentation by legal practitioners. You're aware that the usual rule in a rural commission proceedings is a suit and tie (indistinct) given that the commission is going to Aurukun, you might have a different view as to what you would expect of others who are appearing before the commission. Do you have a view on that, Mr Commissioner?

20

COMMISSIONER: No, I don't think I'm the fashion police. Mr Hanger should be wearing a suit and tie, but otherwise I don't care. What's appropriate.

MR: Did you hear that?

30

MR HADDRICK: Okay. Very casual, isn't it?

COMMISSIONER: No. Well, yes, I don't know. I'll take it on notice.

MR HADDRICK: Thank you, commissioner. I call Karen Healy.

HEALY, KAREN ELIZABETH affirmed:

ASSOCIATE: For recording purposes, please state your full name, your occupation and your business address?
---Karen Elizabeth Healy. I'm a professor of social work at the School of Social Work and Human Services at the University of Queensland.

40

Please be seated.

MR HADDRICK: I tender the statement - - -

COMMISSIONER: Good afternoon, professor.

50

MR HADDRICK: - - - of Karen Healy dated 23 August 2012, 1
which I think might be exhibit number 45.

COMMISSIONER: Is it? That will be exhibit 45, as you
say. Thank you.

ADMITTED AND MARKED: "EXHIBIT 45"

MR HADDRICK: Thank you very much.

COMMISSIONER: And it will be published in full?---Yes. 10

MR HADDRICK: Professor Healy, do you have a copy of your
statement in front of you there?---Yes, I do.

What I propose to do is walk you through different aspects
of your statement - - - ?---Sure.

- - - and the submission attached to your statement and ask
you a series of questions. Just for the purposes of the
commission, I just highlight for other members of the bar
table the topics that I propose to cover this afternoon.
There are effectively six topics. They are: the child 20
protection workforce qualifications, support for social
workers and community workers, early intervention and
prevention activities, services to Aboriginal and Torres
Strait Islander families, decision-making frameworks and
transitioning through the child protection system. So
they're the six topics that I propose to ask you questions
about. First of all, it says in your statement you're the
national president of the Australian Association of Social
Workers and you have been involved in that organisation for
21 years. How long have you been the president for?
---10 months.

Did you have any other executive roles in that organisation 30
prior to being the president?---No.

In your statement you identify your academic
qualifications, that is, that you have a bachelor of social
work with honours which were achieved in 1986 and a
doctorate in philosophy and social work and social policy
in 1997. Where did you get that doctorate from?---The
University of Queensland.

Thank you very much. Can I just take you to the end of the
first page of your statement, paragraph 5?---Yes. 40

You say in the second sentence at paragraph 5 that, "Some
of my" - I'll give you a quote and I'll ask you to comment
upon it please, "Some of my previous interactions with
Queensland government agencies with primary responsibility
for the child protection system have indicated a limited
preference for evidence based decision-making based on
international studies." Could you just tell the commission
what you meant by that statement?---When the transition of
the department from the Department of Families to the
Department of Child Safety occurred, being a person with a

50

long interest in child protection practice and research, I sought to develop collaborative relationships with the executive of the Department of Child Safety. As a result of that, I was asked initially to attend a number of meetings and was in fact called to be their keynote speaker at their first child protection research conference, which occurred in November 2006. Shortly following that conference, I was called to a meeting with the executive director of policy and practice and she said to me at that meeting, "Your research on the workforce is a problem for us," and I asked her why because the research was looking at national and international trends and workforce issues and she said, "Because there is no place for social workers or people like them in this department any more."

1
10

Who was that person you had that conversation with?
---Cath Mandler.

Sorry, who was it?---Cath Mandler.

When did that conversation occur?---It occurred in early 2007.

And how did you react to that information being provided?
---Well, I questioned her about why she held this view and she said, "Because social workers see grey where there is none," and I really remember that term and I said, "Well, who do you think would be more suited to this work and she said 'police'" and I asked her why and she said, "Because child protection is black and white and this is the sort of workforce we want here and the only work that social workers should be involved with is family support work and that's no longer the work of this agency."

20

What role in the department did she have at the time you had that conversation?---Executive director of policy and practice, Child Protection.

30

Where do you understand her position is in the pecking order of things?---She was third in line - - -

Third in line in the department?--- - - - to the director-general.

So it would director-general - - - ?---General - - -

- - - deputy director-general - - - ?--- - - - and then executive director.

40

Okay?---She's responsible for all the workforce policy and so forth.

The workforce policy of the entire department or just Child Safety Services?---Child Safety Services, which was at that time the entire department.

Okay.

50

COMMISSIONER: Did she say what shades of grey social workers see?---No; and that was the - and I encountered several conversations with the directors of human resources as well of a similar line, but I particularly remember that statement, "Social workers see grey where there is none."

1

MR HADDRICK: Did you see any change in policy or managerial behaviour in the department that accorded with her statements?---Absolutely. The workforce consultation documentation that came out later that year was very clearly of that view and I think I included in my submission a particular quote from it where it said something along the lines of, "Historically, social work and behavioural sciences degrees were relevant to this work. It is no longer because the role has changed."

10

Did you find that view being replicated by any of that person's subordinate officers in the department?

---Absolutely. In the training branch it was the dominant view and many social work graduates of my acquaintance who then went on to become child safety officers were dismayed when they went for training and they were told that their educational qualifications were no relevant to this work and they had to forget what they had learned at university.

20

Did you raise your concerns about what had been told to you by a senior officer at the department with anyone else in the government?---Actually, I made a written complaint to the minister.

Which minister was that?---Well, I complained to both Desley Boyle and later to Margaret Keech about the marginalisation of social workers in the department and I felt that it did not fit with international evidence about the sort of workforce you needed to deliver quality services to vulnerable children and family.

30

What response did you get from either of those ministers of their officers?---Just a formal letter response that, "We will - thank you for your inquiry."

So you were left unsatisfied by their responses?---Yes, yes.

Did you get any feedback from officers of the department subsequent to writing to those respective ministers?---No.

Just for the purposes of the transcript, can you tell us, as you're a professor of social work, what is social work? ---Okay. Social work is the study and practice of understanding people and their environments. It is about addressing social disadvantage and working with people in ways that promote a more just society and a better fit between the individual and the society in which they live.

40

How does it differentiate from other human sciences? ---Okay. Well, in Australia there's a standardised education curriculum for social workers so - - -

50

29082012 20/RMO(BRIS) (Carmody CMR)

Is that part of the Australian Qualifications Framework?
---It will be part of the Australian Qualifications Framework of which it's still being developed, but, yes, our standards are recognised within the Australian Qualifications Framework. Every social work graduate has to have at least 1000 hours of supervised field experience or equivalent, they have to have a foundational education in human development, social policy, social justice and injustice issues, and also, of course, core curriculum content in child protection, work with Aboriginal and Torres Strait Islander people, mental health and cross-cultural practice.

1
10

How long is a social work degree?---Four years for an undergraduate degree or two years for a masters qualified.

What is the entry standards into most Queensland universities for a social work degree?---On average it's a 12, an OP of 12, but there's also, of course, alternate entry pathways which the previous witness referred to.

So mature age applicants can find their way into university without necessarily having an overall position?---Yes. The average age of a social work student is 29 years. We're the oldest average age of any group apart from counselling.

20

Can you give us any sort of indication as to what is the make-up of the cohort at any one time in most Queensland universities for social work, be it male, female, people with an Aboriginal and Torres Strait Islander background, non-English speaking background?---Well, the student cohort tends - as I said, the average age is 29 years, but a very big age range within that. There's 6 per cent Aboriginal and Torres Strait Islander students, approximately, and the gender composition is around 85 per cent female, 15 per cent male.

30

What's the sort of breakdown in terms of - or what sort of percentage would go directly from school into a social work degree at university?---I hesitate to comment off the top of my head, but as I teach and I have taught this cohort for more than 12 years, I would say around 40 per cent are direct from school.

What are the other occupations - I appreciate just like a law degree you don't necessarily need to become a lawyer when you finish a law degree?---Yes.

40

What are the other occupations that persons who finish a BSW go on to do?---Interestingly, the research shows that the majority do in fact go into some sort of health or welfare occupation. So actually the majority do go into direct service work initially, however the other career pathways - the longer term career pathways tend to be into administrative or managerial roles, and this is in part due to the lack of a career structure in the front line.

What sort of percentage end up in what could loosely be

50

described as child protection services?---Around
40 per cent again.

1

Can I just take you to your submission, which is an attachment to your statement? Can I take you to page 2 of your submission? In the middle of the page there you summarise a number of the recommendations that your organisation, the association, has made to this commission in its submissions. At the second dot point you highlight that you believe there needs to be further work in the area "early intervention and prevention" - sorry, "Early intervention and prevention activities are recognised." Can you just tell us what you mean by that?---That currently within the legislation it is stated that the department has some responsibility to support early intervention or preventative activities, but in fact, in practice, those tend to be devalued and get very little funding and workers at the front line frequently provide me with feedback that they find it very difficult to access any sort of early intervention or prevention funding.

10

When you say workers at the front line, what sort of people are we talking about there?---I'm talking about, say, for example, current senior practitioners and child safety officers who are members of our association will tell us that, for example, if they have a family who they know is vulnerable, they want to keep the child with that family, it's very hard for them to access the sort of supports in the home for the biological family that might prevent that child coming into the system.

20

So you're telling the commission that the people who work in - child safety officers are telling you as the head of their sort of professional organisation that there isn't enough early intervention and prevention activities?---Yes, correct.

30

Can I just take you further down that same dot point? You say, "We argue for greater emphasis on non-stigmatisation"? ---Yes.

Can you tell the commission what you mean by that?---That families need a way to access services that is not only through a tertiary system. So, for example, families - there are some services that families can only receive currently if they've already been notified to the department. Some of the RAI services are of that nature, and so having alternative pathways for these families where they can engage with a service and say, "I need help," but not have to be sort of stigmatised as in the child - as child abusers, if you like, before they get that service is very important.

40

It might be self-explanatory but it's perhaps useful for the commissioner to hear this. What do you mean by stigmatised by being in the child safety system?---You're right, it seems so sort of self-explanatory it's hard to explain. The idea that someone has the label of having

50

abused or neglected their child is a very difficult way for them to engage with a system. Instead, saying, "I want to be a better parent," is a much more positive way for people to engage with the system. 1

Where do you or the people you hear views from in the profession, what is your evidence base for hearing - or forming the view that there is some opposition to stigmatisation, or there is a belief that there is stigmatisation?---Well, for example, I work a lot with a non-government service called Micah Projects that engages with some of the most vulnerable families, often families that the department has described as impossible to reach. That service just spends time forming a relationship with those families and seems to have very little difficulty in engaging homeless, families with drug addictions and so forth, because of the relationship. They develop a relationship of trust and a sense of a common goal with the family that, "We're all here for the best interests of the child." 10

COMMISSIONER: Professor, specifically in the context of child protection, what are early prevention programs? ---Well, there's both the universal early prevention programs which I heard yourself and the witness speaking about this morning such as the triple P program that anyone in this room might use, and then there's early interventions that are more targeted, that are more available to vulnerable families, and one example of this would be the young mothers for young women program that is jointly run by the Mater Mothers' Hospital, the Mater Hospital, and Micah Projects, where they identify people who may be at elevated risk of child abuse and neglect but they engage them with a sort of targeted family support service. 20

Okay, now, just stay with that one for the moment. Say we've got an ideal candidate for that. The department has identified the candidate presumably through a report that doesn't reach threshold. Does the department refer to that - currently refer to that program?---Yes, it does refer to that program. 30

Is it referring too late because it doesn't identify the candidate because it's report based?---No, I don't think it's referring too late to that program. I think that's a very effective program. 40

Okay?---Yes.

So it's using a very effective program at the moment? ---Yes.

Well, what isn't it doing that it should be doing?---The whole department?

Well, I'm looking at the child protection system, so whatever your concept of that is, what isn't it doing to

protect children from an early intervention approach that it could be doing?---Okay. In Queensland it's the particular mix of services that I believe is the problem. We spend far too little of our child protection budget on early intervention and prevention services. I think in my submission I've quoted it's around 4.5 per cent of our funding is directed towards that. In Victoria it's more than twice that, and yet we've put a lot of money and resources into the tertiary end of the system but that tertiary system seems to have no capacity anymore to engage therapeutically with families, whereas ironically when it was the Department of Families, workers did understand their role as involving a therapeutic element. I should add that I was a child protection officer in the former Department of Families.

1

10

All right. So the current department, the current system, is not acting therapeutically, like it used to?---Correct.

Is that right? That is a process because of the CMC report, is it?---Yes.

It didn't change when the department changed names. The policies of the previous department are still being continued, maybe except for the Helping Out Families program and the other one that was mentioned?---The practices and the policy of the department change very much at the front line, where workers were given very clear messages in their training and through various directives that I understand the work was no longer about helping families.

20

This was post CMC report?---Post CMC, yes.

Okay, and then it became the child safety department? ---Yes, when - - -

30

40

50

And now it's been changed again since April this year? 1
---Yes.

And what do you know about - currently - - - ?---Yes.

- - - have the policies, ideologies, approaches changed
with the change government - with the change of - - - ?
---With the change of - - -

- - - department?---It's too early to tell, yes.

Okay. Sorry, Mr Haddrick, I just want to - - - 10

MR HADDRICK: That's all right.

COMMISSIONER: Can you hand the witness a copy of the act
for a moment, please.

Professor, would you have a look at sections 5A, B, C and D
for me?---Yes.

You might be familiar with them?---Yes.

You might be able to answer my question just be refreshing
your memory quickly?---Mm'hm. 20

These are the principles that govern the exercise of powers
and making decisions?---Mm'hm.

You say that the social workers are equipped to make
decisions and exercise powers under the act by reference to
those principles?---Yes, I do.

Is there any other profession better placed than, or
equally placed, or almost, than social workers in making
decisions and exercising powers in accordance with those 30
principles?---I would say that some parts of other
professions are well prepared; for example, some human
service degrees that have specialist training in child and
family work are well prepared, but that's only some of
them. And in psychology there are some psychology training
education programs that include a child and family stream.

So on the basis of the assumption that these principles
include, either expressly or by implication, a therapeutic
element and a family support approach?---Yes.

Are you saying that at least while there was a Department 40
of Child Safety it was placing emphasis on the forensic
aspect of child protection inconsistently with some of
those principles?---It's very hard to say because I think
they would argue that their interpretation was just
different to mine.

All right. On page 3 you mention - the explanation given
in the middle of the page - for why the change of role from
the CSOs?---Page 3 of my submission?

Of your submission, yes?---Mm'hm.

1

"That was not repositioning department to a solely statutory child protection focus, but in the specialisation of roles and the sophistication of systems and processes essential to working in a high-risk statutory environment"?---Mm.

What's the difference between a solely statutory child protection focus and a high-risk statutory environment?---I didn't write that.

10

No?---So exactly. Quite.

But is there a difference?---I don't know that there is a difference and I think there was an exaggeration of the difference, though.

And, "This sophistication has occurred in the form of increased evidentiary requirements, familiarity with the pseudo-legal discourse, records management, forensic investigation work, workload management and other specialisations"?---Mm'hm.

20

So my interpretation of that is that the social worker, although historically useful in a broader definition of a child protection system, was surplus to requirements in a tertiary intervention-focused child protection agency?
---Yes.

What do you say about the validity of that?---I think it's absolutely incorrect. And the reason I say it's absolutely incorrect is even within a tertiary agency the fundamental role is investigation and assessment, and assessment is a human process, it is not primarily a policing or a legal process.

30

Is that where you see shades of grey?---Yes, it is.

What do you say about the need to see shades of grey, if that's the point of the process?---By "shades of grey" I mean that we always have to understand families in their context; we have to understand how we might best help families to be as cohesive and as safe as possible, and that's part of the assessment process.

And even with this more sophisticated high-risk situation, you say that it was a mistake to move to black and white as opposed to maintaining the grey?---Absolutely.

40

And what is the consequence of that mistake?---The consequence of that mistake was the enormous increase in a child safety bureaucracy with a diversion of Queensland government resources to a system that was about policing families rather than helping them, and seeing families as needing service only if they present at high risk to their children.

50

And then they rescued them and locked them up?---That's part of it, yes. Although left them until they became high risk, so there was no intervention and the family became in the highest risk category.

1

And then do you have any criticism of what they did after they got a hold of the high-risk child from a - who needed rescuing from the family?---Yes, I have very deep concerns about the out-of-home care system that we've developed, particularly the fact that it doesn't seem to do anything to children over 12 years. So a lot of very young children have come into this system since 2004, a very large increase in the number of children in out-of-home care, but the statistics show a lot of them get released when they're around 14 and no one knows where they go. There is no government follow-up in terms of what's happening to those children and I think it's a disgrace.

10

MR HADDRICK: You operate in that arena. Anecdotally do you have any knowledge of where kids end up going when they get that age?---Australia has a very high rate of child homelessness and that's where I think they go. I think they go into a unstable accommodation. Some children call it couch-surfing, living in motels, in refuges, things like that.

20

I just want to return to some of the questions the Commissioner asked and return to page 3 of your submission. The first dot point under the heading there you, in your submission, wrote to the commission in regard to, "The deprofessionalisation of the child protection workforce since 2004."?---Mm'hm.

Can you just tell the commission what you mean by the expression deprofessionalisation?---By deprofessionalisation I mean the employment of people without professional qualifications, and so I mean the increased employment of people with generalist qualifications. So for example I don't regard a bachelor degree without a particular professional discipline to be fully a professional qualification.

30

I just want to put a scenario to you and ask you to comment upon it?---Mm'hm.

Just say for instance the department had a choice between employing two people?---Mm'hm.

40

One person is 22 years old, has a bachelor of social work degree, might have got a university medal, outstanding student, done lots of placement as part of their course. I think you spoke about 1000 hours required as part of a course earlier?---Yes.

And the other candidate is a 45-year-old semi-retired paediatric nurse with 25 years worth of nursing under her belt, knows how children present to hospitals with various problems. Just faced with those two scenarios, which one

50

should get the job in the department?

1

COMMISSIONER: And you can only employ one?---I can only - - -

MR HADDRICK: And why?---Well, frankly I would still say the social worker should. The reason why is because the social worker would have had a compulsory education in child protection, including the history of things like the forgotten Australians, the stolen generation, and would understand the enormity of the impact that social workers' decisions in child protection have for people's lives and future generations.

10

But surely you would accept that the role of a child protection worker, however described, is a multidisciplinary function, and that involves the person performing the function acquiring skills and experiences from a number of different walks in life?---Yes.

Why would you exclude the 45-year-old paediatric nurse? ---Because I would imply her as a paediatric nurse. That's where she has the professional experience. So I completely agree that other disciplines have a place in the child protection system, but it's in the professional roles they have experience in.

20

Do you accept the proposition that with life experience a child protection worker is able to better develop informed and sustainable professional judgements in exercising the functions they're required to exercise under the Child Protection Act?---I really think that's a very difficult proposition to agree or disagree with that. Life experience compared - I would agree professional experience gives you that and I would really like to see a reduction in the turnover rates so that people could have a career in the front line. But people can make all sorts of sense out of life experience that might be quite unhelpful if it's only their personal experience.

30

40

50

Okay. Just continuing on that same topic on page 3 of your submission, can I just take you to - and it just builds on your answer there - you say, "By contrast, the Child Safety Services agency adopted a deliberate strategy of diversifying the workforce away from people with qualifications relevant to working with vulnerable children." What types of people did the department bring in which you say are not core to the function of a child protection worker?---There was a very strong focus for a time on bringing in people with criminology and justice study backgrounds. There was also a focus on people with backgrounds in records management. I do not see these as primary qualifications for working with vulnerable children and families in a child protection context. I'll just say my core issue is that child protection work is a human process and people really need the skills primarily to engage with vulnerable human beings.

1
10

Yes.

COMMISSIONER: This is consistent with the sophistication of the - increase in sophistication of systems and processes which require a familiarity with pseudo-legal discourse, which you get from justice studies - - - ?
---Yes.

20

- - - and records management, which you get from, I suppose, records management degrees and forensic investigations?---Yes. Yes, yes.

MR HADDRICK: Can I just put a proposition to you?---Yes.

On the first days this commission sat, on 13 August, we heard from a Mr Bradley - or Brad Swan - - - ?---Yes.

- - - who was the executive director of Child Safety Services in the current department, Department of Communities, and he was asked by the commissioner in respect of his submissions - he was asked by the commissioner the following words, "You say in your statement that - I'm paraphrasing to you - the highest demand time wise in staff is the preparation and involvement in court matters." He answers yes. He then goes on to say - and identifies the paragraph number and then says - this is Mr Swan, "But participating in court proceedings is the most time consuming and intensive part of a child safety officer's job." That's from the person who's currently running the system in Queensland today. If he is of the view that the largest chunk or certainly a particularly large chunk of the job - - - ?---Yes.

30
40

- - - of a child safety worker or officer is to be involved in and actioning matters through the court process, isn't it reasonable that some of the workforce in Child Safety Services have a justice studies law, administrative background?---Well, firstly, social workers do have an essential legal study component of the degree structure. So, firstly, that profession is trained in that area and,

50

moreover, it's trained in relation to the child protection system. So social work graduates would possibly have a better understanding of the Child Protection Act than people from a general justice studies area. The second thing is that even if your work involves going to court, when you're at court, you are speaking about the family and the child. So the content of the work that you're presenting in a legal context is about professional practice with vulnerable children and families. The third point that I keep on coming back to is that it is just so important in Australia and in Queensland that any frontline human service worker and child protection worker has an understanding of our history; has an understanding of the stolen generation, forgotten Australians and forced adoptions and the intergenerational impact that this has had on different groups within our society.

1
10

But those three things you just mentioned as the key features of what you would say is a properly informed and educated social worker, how do they equip a social worker to properly progress a matter through the Children's Court when the department is making an application to get a custody order or a guardianship order in respect of a child?--Well, in relation to the first part that I said that there's legal training, for example, social work graduates know how to write an affidavit. They understand how to read the Child Protection Act. They understand how to assess risk and they also understand how to assess capacity and that's very important that we balance risk and capacity so that we can help families do the best that they can. We can't just focus on risk and that in the quote that has been read out several times today is what this department, the Department of Child Safety, came to emphasise. It emphasised risk at the expense of not recognising capacities, resilience and strength.

20
30

COMMISSIONER: Is that 5B(j)?--5B? Yes, yes.

Looking at a parent or a person with the capacity?--Yes.

Do you think there should be a principle that says that you should take the least intrusive intervention preferably? There isn't, but should there be?--I thought there was somewhere in the act that said "minimal intrusion into a family's life" but I'd have to do a word search. I think there is later in the act.

There are in other acts?--I think there is in the Child Protection Act. There's a - - -

40

Do you think that's a laudable aim, anyway - - - ?
--Minimal intrusion in families' lives by a statutory agency, sure.

Okay. Now, what do you say about the use of care as a protective strategy?--Out-of-home care or - - -

Yes, any care. You see, protection is defined to include

50

care in our system?---Yes. I think that systems that tend to keep children safe offer families a lot of support in the home, including alternate care options within the home, such as, for example, helping with child care for families who are vulnerable; making sure that children get out of the house and into highly supportive and stimulating environments, such as better access to family day care and child care.

1

Do you say this change and emphasis post the CMC report resulted in alternative out-of-home placements really becoming the preferred, if not the only available, plan for a child in protection?---There was certainly a substantial increase for a time in the number of children in out-of-home care. You can see those in the figures. It seems to have dropped a little again now. Yes. It became a preferred option for a while. Yes.

10

That's highly resource intensive, I suppose?---It's resource intensive and it's also - - -

Damaging for the child potentially?---Sorry?

Damaging for the child?---It's very damaging for the child. I think a decision like that must be a last resort and there are families for whom this should be the action, but really when we make these decisions we have to understand the intergenerational consequences of them.

20

So are you saying that - and that's for both indigenous and non-indigenous?---Yes, absolutely.

So are you saying that there were some families who were overly interfered with?---I believe so.

And that as a result some children went into protective care and were placed out of home who didn't need to be? ---Well, they may have needed to be in a system that provided absolute no early intervention or too little early intervention and secondary support to keep them safe in the home.

30

Because that system had defined itself so narrowly that it didn't have anything else to offer?---Or very little else to offer. Correct.

Yes. Sorry, Mr Haddrick.

40

MR HADDRICK: That's okay.

I just want to finish off on that topic of workforce composition?---Yes.

Please correct me if my understanding of your position is not correct?---Yes.

Am I to understand that you think that the vast bulk, if not all persons, who perform the function of a child safety

50

officer or related positions should have a social work background or degree?---No, I don't think that. 1

Okay. Do you accept the proposition that there should be some other people with different disciplines who work in the field?---Yes, in the field. Yes. In the field, but not as child protection officers.

So you think all child protection officers should have a bachelor of social work or experience as a social work? ---No. I think there should be a narrow range of qualifications that are allowed for this important role and all of those qualifications should include a mandatory stream and professional experience in working with vulnerable children and young people and families. The social work degree does that, so do some human service degrees and some behavioural studies degrees. 10

Now, you indicated in an early answer that you said that graduates with a BSW were experienced - - - ?---Yes.

- - - in or trained in preparing an affidavit, you gave as an example?---Yes, yes. 20

And you would be aware that an affidavit is the primary piece of evidence put before the court - - - ?---Yes.

- - - for the court to cite under the Child Protection Act whether an order should be made in respect of that child? ---Yes.

So I just want to make sure I understand this correctly. You believe that the BSW programs on offer - - - ?---Yes.

- - - adequately equip the graduates of those programs to participate in and carry out their functions in a court setting?---At an entry level. They still need to be supported to develop. Just like when you become a solicitor, you usually have some sort of post degree training, such as what used to be called articles or what the post graduate qualification is 30

40

50

Yes?---The degree is not the end of the road, but I think it's an essential starting point.

1

So you accept that someone who simply has a bachelor of social work degree requires further training on the job, so to speak, or wherever?---Yes.

So that they can actually perform what Mr Swan describes as the larger part of the function of a child safety officer? ---I think that's ideal. I think any social work graduate is equipped to perform at an entry level child protection officer.

10

Can I just take you to page 4 of your submission, please? ---Okay.

The dot point in the middle there, the very last sentence, you say, "There is no pool of readily available or accessible funding for supports such as intensive in-home supports or respite care." Could you just tell the commission what you mean by that and also what you would like to see?---Okay, well, under the current child protection legislation there's an option for child safety officers to offer families intervention with parental agreement, which means that the child may stay in the home but there may be still ongoing involvement with the department of - well, Child Safety Services. I am told by members of my association who are current child protection officers that they simply cannot access any kind of funding such as support to pay for child care or other sorts of in-home support services for these children who are remaining with the family because the department takes the view that the family is responsible.

20

Now, can I just take you further down that page, page 4 of your submission?---Okay, yes.

30

The last dot point, you say there - and this is in respect of Aboriginal and Torres Strait Islander children in care. You say, "The proportion of Aboriginal and Torres Strait Islander children in care has more than doubled since the CMC inquiry"?---Yes.

Why do you believe that that has occurred?---I attribute it to several issues. One is the increasingly risk averse nature of the work undertaken by the Department of Child Safety with the introduction of the SDM tools which were quite culturally insensitive. So the SDM tool that we use in Queensland was developed in the USA where they had no comparable population to the issues facing our Aboriginal and Torres Strait Islander - - -

40

Can I just stop you there? Just so I get this clear, when you say risk averse decision-making, am I to understand that you mean persons making decisions, if faced with a choice between that child should be subject to an order or not they choose to attempt to make that child subject to an order to protect themselves or protect somebody?---Yes,

50

because the family in accordance with the structured decision-making tool is in a high risk category and so if the worker then proceeds to leave that child in the home they themselves will be potentially liable for the outcome.

1

COMMISSIONER: So they're averse to the risk to themselves?---Yes.

Not the risk to the child?---Yes. Well, I mean, I think that of course if you look at what happens if there's a very adverse outcome is that the officer gets investigated as an individual, so one would expect them to be concerned about their liability in that situation.

10

They wouldn't want to be left hanging out to dry if they were - - -?---No, the - - -

- - - abandoned by the department?---Sorry. Yes, exactly. Such an inquiry would then say, "Well, your structured decision-making tool told you this child was at the highest risk and your own eyes, you thought you saw something different, but what would you know, you've only been in the job for nine months." So people - the risk averse environment in part happened because of the increased turnover, people not having the professional experience or even the educational background necessarily to make their own calls in certain situations, but also the structured decision-making tools came to dominate a lot of the decision-making.

20

MR HADDRICK: What is fundamentally wrong with structured decision-making?---There's a lot of debate around structured decision-making and it's hard for me to represent - - -

Because the contrast of that is discretion, isn't it? ---Well, the contrast to that is professional discretion.

30

Okay?---So in some countries where there are very low rates of child death from child abuse and neglect they don't have structured decision-making tools, and the reason is that those countries tend to be countries where you have a very experienced front line workforce who can make the professional decisions. So my professional view is there's nothing per se wrong with a structured decision-making tool, because I think the advantage of such a tool is it can remind you as a worker to consider all the possible risk factors. Just like life experience, professional experience can sometimes make you look at certain factors and weigh them more heavily than others. A structured decision-making tool makes you equally weigh all different sorts of factors. The problem is that when that's not balanced with professional discretion that might tell you something about the local context that's not in your structured decision-making tool.

40

So am I to understand that you would prefer the decision-making basis for child safety officers to be a

50

greater degree of professional discretion?---Professional discretion supported by a team. So where a worker knew if they made a call based on team discussion and that had a negative outcome that the decision would be reviewed in light of all the factors, not an individual blame that you didn't follow the tool.

1

COMMISSIONER: So it's a discretion based on a judgment, professional judgment?---Yes, professional judgment.

But you say something more than that, don't you? You say there's nothing wrong per se with the structured decision-making tool but the problem we have with the one that's used by the department is that it's based on - it's out of context, it's a fish out of water?---Yes.

10

In the sense that it comes from the US which doesn't have comparable problems?---Yes, comparable - particularly the challenges, as the previous witness pointed out, with the Aboriginal and Torres Strait Islander population. So this tool was not developed with these populations that we're dealing with in mind, and as far as I know, there's been no attempt to redesign these tools in the Australian context.

20

So it's not contextualised?---It's not contextualised, and then it's - and we've a highly individualised system.

MR HADDRICK: But just going back to the broad proposition, what do you say to this idea. The vast - many Queenslanders would hold the view that persons who are performing functions under the Child Protection Act should be given greater guidance rather than less guidance on how they're to perform those functions?---It depends who is giving the guidance.

But isn't that what structured decision-making is about, giving them that structure?---Well, I have no problem with a structured decision-making tool. I have a problem when it becomes more than a guide. It's become, if you like, a straitjacket around many people's decision-making.

30

So you say it's a question of degree, really?---Yes.

Okay?---If I were a child protection worker today I would happily used a structured decision-making tool, but I would also expect to be able to override that if in my years of professional experience I could see that there were other factors here that needed at least the chance to be worked through.

40

COMMISSIONER: It's a bit like the GPS in your car that tells you where to go - - -?---Yes, exactly.

- - - and you know that there's a quicker way?---Exactly.

You can either override it or hijacked by you?---Exactly.

MR HADDRICK: You would be aware of the child safety

50

practice manual, wouldn't you, which we have had tendered to the commission?---Yes.

1

So you would hold the view that the pendulum has perhaps swung too far in terms of relying upon what's in that book rather than professional judgment?---Yes.

Can I just take you over to page - sorry, I should do a follow-up. Why do you think the pendulum has swung too far?---Unfortunately I think that's the history of child protection, that the pendulum is always swinging in this area, and we - unfortunately in the child protection system, what I hope at some point our society has the maturity to realise is that there are wicked problems in this system and that there will always be some adverse outcomes. I hope we can come to the point where we can review decisions in a non-blaming way, just as they do in the airline industry if there's a crash. They try to work out what happened and make systems better rather than try to hung, draw and quarter individuals.

10

Can I take you again to page 4 of your submission? At the bottom you say:

20

A range of factors have been associated with increased removal of Aboriginal and Torres Strait Islander children, including -

And then over on page 5 on the third line you say -

difficulties in finding suitable kinship and foster carers due in part to blue card requirements.

30

What do you mean by that?---This was feedback provided by members of our association who are current front line workers and this is the feedback that they gave us, that they find it difficult to always enable the kinship carers to make their way through the various administrative systems.

How do you - if I can just tease that out a bit more? ---Yes.

How do you understand that difficulty arises?---Sometimes people don't have the original identity papers that are needed to get various administrative processes through.

40

It has been suggested earlier, perhaps on another day, that there might be a degree of opposition within Aboriginal and Torres Strait Islander communities to obtaining a blue card.

50

Have you observed or heard feedback along those lines? 1
---No, I haven't, but that suggestion would seem logical to me.

I just take it further down on page 5, you provide the commission with a recommendation and you say the commission should recommend the establishment of a task force of Aboriginal and Torres Strait Islander people with responsibility for engaging those communities in developing further solutions?---Mm.

I don't want to sound like the person who hates government, but why another task force?---Yes. To my knowledge there's not been a task force that is primarily of the community - the Aboriginal and Torres Strait Islander community - working through solutions for their community. The taskforce in government have tended to have large representation of non-indigenous people and developing solutions for indigenous communities. I would like to see greater involvement of Aboriginal and Torres Strait Islander people in finding solutions that work for them. 10

What would the task force that you propose offer that couldn't be already accommodated through the consultation processes?---Leadership of the process rather than just being consulted. 20

What do you see as the tangible outcomes of the task force? ---Developing systems by Aboriginal and Torres Strait Islander people for Aboriginal and Torres Strait Islander people that work for them, not being told what they should have.

What sort of systems?---Well, I think you'd have to ask the Aboriginal and Torres Strait Islander people for the answer to that question. 30

Okay. Going further down on page 5 in the middle chunk underneath the heading regarding frontline staff resources? ---Mm'hm.

You say there in the fourth line:

There has been a substantial expansion of record-keeping activity with the majority of their time -

being child safety officers -

now spent on administrative activity rather than direct service practice.

---Mm'hm.

You would appreciate, and in this modern day and age we all have to do record-keeping?---Yes.

This commission does, every government department does, your university needs to do that?---Yes.

1

Can you please tell the commission as to what record-keeping activities you think that or have heard from your membership are surplus?---Again, that's actually a very difficult question to answer. I think again what I would like to see as a process for working this out is some sort of consultation or involvement between frontline staff and the executive in what sorts of administrative tasks need to be done by the frontline compared to those that can be done by an administrative worker. I can't really answer that of the top of my head.

10

I don't say this pejoratively, but you say that there is too much administration but you're unable to identify what administration is not necessary. I don't say that pejoratively - - -?---Yes, I know what you're saying. My experience of both working with the executive and with frontline workers is that the executive will say, "There needs to be another form for that," or, "We need to add that to the administrative work that the frontline has to do." And there doesn't seem to be any consultation with the frontline as to what is reasonable for those workers to do and what is reasonable for an administrative worker to do.

20

You told the commission earlier that you yourself worked in the department or as a child protection officer some time ago?---Yes.

You'd appreciate therefore that in the tertiary sector it is all about channelling applications through the court process for the protection of children?---Yes.

30

Surely you'd accept the proposition that the major task facing the tertiary sector is to go through the court process is to dot the Is and cross the Ts. That in itself is going to necessitate a significant amount of administrative workload?---I agree with that but I guess I would question the first part of your proposition that this is the major task. The major task of the child safety authority is keeping vulnerable children safe and promoting their well-being and court - - -

That's all very well as a general statement?---Yes.

40

But how was that actually put into place?---Well, I don't think the courts are the primary place of that is put into place; I think it's through effective frontline work with these families, as far as possible diverting them from the court system. We heard the previous witness talk about effective family conferencing, better use of intervention with parental agreements, better diversion into early intervention and secondary services.

We all read on a daily basis the state has finite

50

resources?---Yes.

1

We have a choice between primary, secondary or tertiary?
---Yes.

Maybe not a choice - - - ?---Yes.

- - - according to you. We've heard in this commission previously that the bulk of expenditure in activity is weighed heavily at the tertiary end of the spectrum?---Yes.

Am I to understand from you that you would like to see some of those resources redirected to primary and secondary?
---Yes, I'd also like to see the medium tertiary change, so a reorientation of what tertiary work means in this state to involve a therapeutic element.

10

But surely it is incumbent upon the state that where a child is at need of protection, where the situation in that family or for that child has got so dramatic that the child is in need of protection, the state's economic resources are best deployed to - I put it in inverted commas - "saving that child" rather than spending money that may or may not be hitting the mark in primary or secondary services?---Yes.

20

What do you say to that proposition?---I'd say of course if a child's life or long-term well-being is seriously compromised, of course the state has to act, and act sometimes in very dramatic ways, but I see that form of intervention as truly a last resort and I would like to see a reorientation of the way that our child protection funding is allocated to a reduction in the amount spent on child protection investigative elements, more spent on early intervention and targeted interventions to vulnerable families.

30

So can I just stop you, did you say you would like to see a reduction in the amount spent on investigative activities?
---And the bureaucracy that's grown around it.

Do you appreciate that those investigative activities are integral to the integrity of the tertiary process?---Yes, but I also question why we had such a substantial increase once we got a child safety system and no really appreciable difference in outcome, such as child death rates, and we saw large increases in the number of children in care. There is something more going on than just children at risk, there is a change in the way the state is relating to vulnerable families.

40

COMMISSIONER: Professor, can you have a look at section 7 of the act, go to the copy you've got?---Section 7 of the act, yes.

This sets out the chief executives functions?---Mm'hm.

If you have a look at paragraphs (b) and (c) you'll see the

50

function there assigned or allotted to the chief executive is: 1

Providing, or helping provide, preventative and support services to strengthen and support families and to reduce the incidence -

perhaps should be the prevalence -

of harm to children; and providing, or helping provide - 10

this is in (c) -

services to families to protect their children if a risk of harm has been identified.

---Mm'hm.

And then: 20

(e) Providing, or helping provide, services that encourage children in their development into responsible adulthood; and (f) helping Aboriginal and Torres Strait Islander communities to establish programs for preventing or reducing incidences of harm to children in the communities.

And then:

(d) providing, or helping provide, services for the protection of children and responding to allegations of harm to children. 30

Are you saying the chief executive is putting too much emphasis on (d) and not enough on (b), (c), (e), and (f)?---I'm saying, yes, that is too much emphasis on (d), but it's an impact of not putting enough on (b), (c), (e), and (f). And just as evidence of that, Queensland is the only state to have had a reduction in its expenditure on intensive is family support services in the last seven years. Every other state has dramatically increased its expenditure; we decreased our expenditure on intensive family support services and markedly increased our expenditure - close to doubling it - on the child protection services. 40

And what's happened in those states that increase their family support services budget, though? Did they increase their child protection tertiary budget as well, or not? ---No, they didn't. Queensland has got a very unusual change in its state finances and there's different areas of child protection services. You can get this from the Australian Institute of Family Studies.

Yes?---Where the proportion of expenditure on tertiary child protection services has markedly increased while the amount on early intervention intensive family support services has markedly decreased.

Okay, conundrum: it having increased, and according to Parkinson's law the number of children in the system having expanded according to the amount of money that was available for tertiary intervention?---Yes.

1

10

20

30

40

50

How do we work with the money available to both deal with the too many children we currently have staying in the system, on the one hand, and providing services at the front end, the secondary, universal targeted and intensive services to the children who are at risk but not yet in need of protection - - -?---Yes.

1

- - - without spending any more money?---Yes. Well, I think we really have to look at the bureaucratic overhead that we have in Queensland, which is enormous. So we have to look at how much of that bureaucratic infrastructure is really helping the frontline to do their work and how much isn't. You might note later in my submission I talk about the misuse of the term "frontline" and for several years the Queensland government has used the term "frontline" to describe all of its staff and for some time was stating that 80 plus per cent of Child Safety agency staff were frontline. When I investigated further, it was in fact more like 40 per cent were actually working with clients and when I questioned them about that, they said, "We call the policy officers frontline because they supported the frontline staff." So I think we have to look at the bureaucratic overhead. We need some more accurate figures on who is engaging with families and who isn't, but I don't think you can cut back the workforce that's actually engaging with families any more than we do.

10

20

So looking for savings?---Yes, yes.

MR HADDRICK: Thank you, commissioner. Can the witness please see and have a look at section 73 of the Child Protection Act?---Section 73?

Yes?---Sorry, can you just give me a page?

The commission's officer has a copy of the section there for you?---Thank you. Yes, thank you.

30

I'll just let you read that section?---Okay. Yes?

Now, in your submission on page 6 - - -?---Yes.

- - - you say - and you quote that section and you say: section 73 subsection (2) of the act, the role of the state is currently confined to, quote, "Steps that are reasonable and practicable to help the child's family meet the child's care and protection needs." You go on to say, "The act thus limits the responsibility of the state towards the prevention of maltreatment and support of vulnerable families." Can you accept - what do you say to the idea that what you're advocating for, a much greater and larger child protection system - - -?---Am I?

40

Well, that section - I'll quote it back to you:

The act thus limits the responsibility of the state towards the prevention of maltreatment and support of vulnerable families.

50

Don't you, by criticising that section, indicate that the state should take greater responsibility for vulnerable families and children rather than the responsibility already taken in section 73?---Yes, but that is not the same as arguing for a bigger child protection system. I think our child protection system suffers from an enormous bureaucratic overhead and I think you only need to visit the offices in 33 George Street to see exactly what I mean - or maybe not today, but, you know, there has been an enormous growth of the bureaucratic and the public need more accurate statements about the proportion of people in administrative roles compared to frontline service roles.

1
10

You say that you don't argue for a much larger child protection system, but the next sentence in that same paragraph says:

In the absence of a legal compulsion on the state to specifically provide adequate, accessible and effective supports to vulnerable families, this responsibility is currently discharged on a variable and discretionary basis.

20

Aren't I to read from that sentence that you think the state should have a much larger legal responsibility for the protection of vulnerable children?---I think it should be more responsible for early intervention and prevention, more accountable for it.

Okay. Now, also in your submission on page 6 under the heading The Failure to Provide for Non-Adversarial and Impartial Decision-Making Forums, you go on to say or criticise section 51G of the act - - - ?---Yes.

- - - and family group meetings. Can you just tell the commission what family group meetings are?---Okay. Family group meetings are held as a mandatory step prior to a child protection order being taken. They are an attempt to develop family based responses to identified child protection needs, so in everyday terms it's really a meeting for the family to be engaged in making decisions about what happens with a child to keep them safer, but it's not part of making a decision about whether the state will act or not.

30

Now under that introductory paragraph in your submission, you go on to identify some observations or criticisms in respect of the way family group meetings are managed or set up or run and the first one then is: FGMs, family group meetings may be used by child safety officers, "As a forum for collecting evidence against families." Why is that a bad activity of a family group meeting?---Because if the family group meeting is about finding solutions with the family and yet it is somehow confused in the participant's mind as part of a legal process then the family cannot openly engage in solution finding and acknowledging the problems that it's facing. I think we have to decide: is

40

50

this part of the court system and the adversarial system or is it separate to it and the original model, the family group conferencing model, was definitely expected to be separate to it. 1

Why can't it be both?---Because it becomes very adversarial if it becomes associated with the court system and, for example, legal advisers would advise families not to disclose information at those meetings, which is reasonable for them to say that if it's part of an adversarial process, but it could be a without prejudice meeting where people could truly acknowledge the challenges that they're facing. I think we could get some solutions there. 10

The second dot point under criticisms, you go on in the second sentence to say, "The FGM," the family group meetings, "content has been diminished"?---Yes.

You use the word "diminished". What do you mean by diminished and perhaps this is an expansion of what you've just said?---Yes. I mean, the FGM model was developed out of what's sometimes called the FGC model, which grew from New Zealand, and it was an idea of involving families, extended families and communities in the care of children. So this was developed from Maori cultural traditions and it's being used around the world and there's certain understandings that come from the international use of the term "family group conferencing". In the family group meeting model - and this is the feedback we get from our members as well - is that they believe the original intent was to divert people away from the court system to help families find solutions together, to have a more collaborative relationship with the department and yet it's become an adversarial, evidence-finding setting for these families. 20

If I could just summarise your answer to the last two questions - - - ?---Yes. 30

- - - do you believe family group meetings are diminished in their effectiveness because of the likelihood of court action following from an FGM?---Yes.

Okay?---And also the way they're held.

Sorry, what do you mean by "the way they're held"?---Well, the previous witness alluded to this as well that most of the family group meetings are held in the same office; that the officer who took the child away is employed in. It's hardly a neutral venue for the family going to that meeting. The mediator works - facilitator, family group meeting convener or facilitator actually works in the same office as the person who removed the child and so families have very little trust in this. I mean, I've done observational studies of these meetings. I've actually been there when this has happened. 40

That's why I'm asking the question?---Yes, yes. There is

one agency in this state, the Logan Youth and Family Service that runs family group meetings and the difference between how they run those meetings compared to the meetings that happen in the department is astonishing.

1

What is that difference?---The difference is it's a much more collaborative decision-making forum in the Logan Youth and Family because - - -

What does that mean in laymen's terms?---That means that the family is truly engaged in the decision-making. There's always private family time, for example. So the professionals leave the room after the problems have been discussed and the family then comes up with some solutions themselves that they then put to the professionals who return to the room.

10

But those meetings that are held in Logan, the material acquired by the officers of the department can still be used in the court proceedings, can't they?---They can still be used in the court proceedings, but there's a lot more - the whole forum is set up differently to the meeting that typically happens in a Child Safety office.

20

So there's a way of restructuring the way those meetings work without taking away - - -?---Yes.

- - - the information gathering process for the department's further action that the department may take? ---Yes. Although my professional view is that I would rather see the meetings really separated from that, yes.

30

40

50

Okay, going on to the last dot point on page 6, you say - and this builds on your last answer. You say: 1

There is a perceived lack of impartiality of the family group meeting convener.

---Yes.

What do you mean?---I think I outlined this in the previous question, so forgive me for repeating myself. 10

Certainly?---It's exactly as I say in the next point, is that the convener is usually employed in the same child safety office where the child is being removed. They will be - and the meeting is in the same venue. It's not an appropriate venue and it's not appropriate to have the convener be in the same employment centre as the person who is taking the action.

Is it always not appropriate for the convener to be an employee or sometimes not appropriate?---I'd say you'd have to have an exception for the convener to be an employee in the same office because it's not independent. Any effective - if it's got to involve mediation principles the mediator must be seen to be impartial and independent. 20

But if the meeting already occurs between the department and the family and the family already know that the material that they disclose in the meeting could end up in an affidavit and then end up in the Children's Court resulting in a protection order, what difference does it make if one particular officer at the meeting does or does not have their feet behind a desk somewhere in that locality?---It's all about perceptions and families' trust. Just to give you an example in our observational study, one of the conveners said at the beginning of the meeting when the mother was not happy about being there, she said, "If it wasn't for what you've done we wouldn't be here." Now, that was the mediator, the convener. That immediately conveyed to this mother that the mediator had to some extent made up her mind about what should happen. It's hard for a person coming along who is from a family who has been accused of child abuse and neglect, maybe there's some finding against them, to believe that they're going to get a fair hearing, the opportunity for their views to be heard, if the convener is saying at the beginning of the meeting that they already know a lot about this case and they've made up their mind. 30
40

But you would accept the example you just gave is most definitely poor practice by that individual?---Yes.

That doesn't colour every single person who is an FGM convener?---No, absolutely, look, and there's very good practice. I'm not - you know, if I've implied that I don't think the conveners are high quality, that is not what I have meant to imply. What I meant to say is that the 50

structures are not appropriate. It's not appropriate for a convener who is supposed to be in an impartial mediator role to be employed in the same location as the person who removed the child. They're just not perceived to be independent and in fact are not because of their structural location.

1

Can I get you to have a look at section 51H of the act? Do you have the act in front of you on your right-hand side? ---Yes. Could you just give me the page?

It's on page 72 of the reprint?---Okay.

10

Have you got that section in front of you?---Yes.

Can I just direct your attention to subsection (1) there, please? Can I just get you to read subsection (1)?

---Subsection (1)(g), was it, or (h)?

Sorry, (h)?---(h), okay.

See, what you've just told us and what your submission says is that you protect the role of convener as you described in your submission or facilitator as it is described under the act. The act says, "The chief executive must convene a family group meeting, or have a private convener convene a family group meeting, to develop a case plan for the child." Do you recognise that the act actually facilitates a process whereby someone who is independent to the department, or at least independent to that particular investigation, convenes and runs the meeting and the act says - you would probably describe, the honest broker? ---No, I don't accept that's what happens.

20

No, my question was do you accept the act contemplates that?---It contemplates the possibility of the private convener option, but that's almost never exercised.

30

How often is it exercised?---Well, as I said, there's only one agency in Queensland funded to do that. There used to be more and they were defunded. Occasionally, if it's a highly sensitive matter a private convener will be engaged, but it's in a very small number of cases.

But shouldn't we leave it to the professional discretion of those child safety officers to decide whether it's them who mediates the - sorry, facilitates the meeting or an external facilitator?---No, because they're not independent. The child safety officer is an active party in this, just like why wouldn't you ask the family as well? In Canada, for example, they have family group conferences, at least in Ontario, and it's necessary, I understand, to apply for special dispensation in order to have the convener - the meeting even happen in the same place as the child safety officer is employed. In this country, or in this state, sorry, we not only have it in the same office, we actually have someone employed in the same office being the convener, which I think is just - - -

40

50

I just want to summarise - and I don't say this pejoratively?---Yes.

1

The answers to my last four or so questions seem to - the underlying tenet of your answers to all the question, the last four or so, has been that you see the process whereby the departmental officers who do the investigation prepare a case plan at the family group meeting, that process is horribly adversarial?---Yes.

And diminishes the role those officers can play in providing protection for the children?---No, that's not what I'm saying.

10

Okay, what part of that is wrong?---I don't think it's horribly adversarial. I think it's appropriate that a child safety officer prepares a case. I think that's absolutely appropriate. What I don't think is appropriate is that someone they work with, probably could have had lunch with, may be at the next desk to, then goes and mediates the meeting between themselves and the family. I don't think the family can have any faith in that process.

20

Is it your experience that the families are actually particularly conscious of the - - -?---Yes.

- - - linkage between the facilitator and the other officers around the table?---Absolutely, yes.

I see. Okay, turning over to page 7 of your submission, and still on the issue of family group meetings, the second dot point, you say, "Children or their separate representatives are rarely included in these meetings." That seems self-explanatory. Can I just ask you, what are your observations in respect of separate representatives attending those meetings?---Well, we studied 12 family group meetings. We observed them and we also followed up with all the participants. At none of those meetings was a child representative present. At best, at the meetings the children were represented by pictures of them. I'm not sure that a child should be at a meeting like that, quite frankly. It's - - -

30

Well, that was my next question?---Yes.

You place - in your second dot point, "Children or their separate representatives are rarely included in these meetings"?---Yes.

40

What is your view about children's presence or otherwise? ---I think it depends on the nature of the issue, I think it depends on the age of the child, and the child's view of the situation. So, say, for example you had an 11-year-old and it was a matter of neglect and the child wanted to remain in the home, you may say the child should be present for some of that meeting. Similarly, I know in other countries if it's an infant who cannot yet comprehend

50

what's going on, they often will say, "We want the baby present so that we can all keep our focus on the baby," but my view is that I think there should be some sort of separate child representative there.

1

But if a child has - focusing on the issue of a child and the child's attendance or otherwise at those meetings, doesn't the attendance of a child at those meetings diminish the ability of - the child safety officer's ability to articulate to the parents their criticisms of the parents' parenting style?---It would depend again on the nature of the issue and the age of the child, but in general, yes, so that's why I think a child representative would be usually preferable, but again, it really does depend on the age and the issue.

10

It would be an absolute rarity, wouldn't it, that a child would attend those meetings?---Well, I have not once seen a child attending those meetings.

No, that they should attend those meetings. It's an absolute rarity that they should attend those meetings? ---Yes, it would be rare; yes.

20

Do you accept that the attendance of a child at those meetings could on a case by case basis damage that child? ---Yes.

What safety mechanisms do you think should be in place so that that meeting doesn't actually end up in the family going backwards?---Yes. Well, I think for a start you need a highly skilled convener of the meeting. I think you need at a minimum someone who has a strong background in mediation principles so that they, for example, adequately prepare the family, set up appropriate ground rules for the meeting, have strategies for if the meeting becomes heated, but also, I think with regard to children, I think that the meeting needs to be prepared in such a way that the child's views are represented. I think the act says that the child should be represented at those meetings.

30

Can I just turn to further down page 7, please, under a different heading. Your heading is Onerous Liabilities formed by Individual Child Protection Workers Building a Culture of Non-Blame?---Yes.

40

50

In the paragraph under that heading you say, "There is an unacceptable level of personal responsibility for these outcomes," and by these outcomes, I'm to understand that you mean the decisions that child safety officers are making in respect to their statutory functions?---Yes.

1

Can you explain what you mean by that?---I'm concerned that when there's a very adverse outcome, such as a child death, which is the most adverse outcome one can have, that the child safety officer themselves is part of the investigation - there are questions about whether they might be personally culpable or liable. In other countries it is well recognised that child safety outcomes are never the result - or almost never the result of a single decision and instead there's a review of the whole decision-making tree rather than a focus on an individual liability.

10

In the fourth line of that paragraph - - - ?---Yes.

- - - you go on to say, "The child safety officer faces the possibility of criminal liability if they are found to have been negligent in their practice"?---Yes, yes.

20

Surely, you wouldn't oppose a person being criminally liable if the negligence rises to the level of gross negligence?---Not gross negligence, but the threat of this being an outcome for them, when people are doing their very best in their work, is something that bears heavily on many child safety officers' minds.

Now, I understand the irony of me asking the next question as a barrister - - - ?---Yes, yes.

- - - in a judicial proceeding, but why shouldn't social workers be subject to the same liability as any other professional in the engagement of their professional activities?---Well, they should be, but they should also be supported by the system that employs them and so, for example, if you have a system as we do with incredibly high rates of turnover, where in fact many of the workers in the frontline do not have the professional qualifications or the professional support that they need to do their job at a very high level. Is it really fair to then hold them responsible or completely responsible for adverse outcomes?

30

Wouldn't their academic qualification arm them with the skills and knowledge and expertise so as to avoid negligent conduct?---It should, but I'm talking again - when I made the point earlier around this, I say that the qualification prepares people for entry level practice, at which point we would expect, as with any other profession, that at entry level, at least for the first year of practice, you are adequately supervised by an experienced qualified professional. Currently - or at least my most recent study at the department - this wasn't the case.

40

If I could just go back to my question about the liability,

50

can you be more specific as to what fears child safety officers have in terms of liability? What are they afraid of? What consequences or what activities resulting from their negligence are they afraid of?---Well, they're particularly afraid of the kind of professional discrediting that they could experience from being involved in a very complex case that ends up having an adverse outcome, the then stress of being personally investigated, often by people who have not been in those complex decision-making situations themselves and people standing in judgment out of the context of the decision that they made.

1

10

But that's exactly the same as for a 22-year-old child safety worker, as a 22-year-old entry level teacher, as a 22-year-old entry level nurse. What makes child safety officers any different to the same professional stresses that any other relatively - - - ?---Okay.

- - - junior officer in a profession is faced with?---Okay. It's an interesting question and it's interesting you choose teaching and nursing as examples because I think, particularly teaching, also has this same problem, but if we compare other, if you like, more established professions such as medicine, I can give the example that if you break your arm now and you went down to the Royal Brisbane Hospital, you may well be treated by a newly qualified doctor, but if he quickly sees that your break is complex, he will bring in a consultant who might have been in that job for 15, 20 years, who will probably have postgraduate qualifications and work alongside them so that there's opportunities when cases becoming complex to call in a more experienced person. In a child safety system, what we've done is to have a very limited professional pathway where people are often being supervised by people who have very limited career experience themselves, while the more experienced people tend to go into the administrative stream of the work.

20

30

So just refresh me, what is the title of the person who's in charge of each child safety office?---There's child safety service centre manager and there's a senior practitioner.

Those two particular designations - - - ?---Team leader.

- - - are you suggesting that perhaps they themselves lack the expertise or experience to perform that same supervisory function over the entry level officers?---It's quite variable. Some offices have people with fabulous levels of expertise, but I am told, again by our members, that the turnover rate is such that a senior practitioner can have very little experience, over less than two years' experience, and really be what in other fields would still be referred to as a novice practitioner.

40

Can I just take you over the page to page 8 of your submission please - - - ?---Thank you.

50

- - - and recommendation 8 - - - ?---Yes.

1

It talks about the child death review panels and in reading up for your appearance today before the commission, I've discovered that you espouse or promote the idea that perhaps the Child Death Case Review Committee system in Queensland - there are errors to it or it is perhaps unnecessary. Do you have any views about that particular committee structure?---I don't have a particular view about the committee structure. I'm more interested in the process or the perceived process of the committees, which is a sense that often the broader organisational and service system features are not adequately taken into account in review of a child death. There's more attempts to find out who did the wrong thing than how might our system not being working properly.

10

So what changes would you make to the Child Death Review Committee process?---Well, I would like to see it more as a process of reviewing how decisions are occurring and involve necessarily a review of how the organisation itself may have contributed to the outcome that was observed, for example, things such as the caseload of the worker, the average years of experience in the office, the professional qualifications of the workers involved, or lack thereof, things like that.

20

Okay. On the same page, page 8, you have recommendation 8 there and you go on to make a recommendation about panels who perform that and other functions and in the final sentence there you say, "As this could be achieved through a staff rotation system." Could you just enlighten the commission as to how you see that working?---Okay. This recommendation was based on feedback from our members in the Australian Association of Social Workers and many of those members have considerable experience in child safety and, for example, may be senior practitioners and roles like that and they feel that they would be judged by these panels and they would like the opportunity to participate in them, so to bring their experience so that the panels understands the complexity of the decisions that are being made at the frontline, to bring some sort of current frontline experience, both to shed light on how the problems that led to the adverse outcome happens and then solutions that would work on the ground.

30

Further down on page 8 of your submission, you make a further recommendation to the commissioner that there should be forums for serious case reviews - - - ?---Yes.

40

- - - established in all regions of Queensland - I assume you mean by that?---Yes.

Surely the establishment of a system of further case reviews is just another layer of administration bureaucracy that you spoke about earlier?---Yes.

50

How do you respond to that?---I don't agree with that. I'm
critical of the high level of bureaucracy. There's a lot
of policy work that's going on, the value to the frontline
of the work of the agency - the frontline work of the
agency isn't clear. I would see these review panels more
as professional panels where people are collaborating with
the most advanced practitioners around how to manage a
serious matter. Now, this recommendation again came from
feedback from our constituents within the ASW and their
view was that the only time cases are reviewed in any kind
of broad collaborative manner is when the worst outcome
happens; when a child dies. As I said, there's lots of
outcomes that are very adverse that don't ever get that
sort of review before the worst outcome happens and we
often know the cases that are very high risk and might have
long term adverse outcomes for the children involved and we
think it would be helpful for the frontline workforce to
have a professional review process with those cases.

1

10

How do you see these panels or forums, as you describe them
- what do you see their relationship to the SCAN network?

20

30

40

50

---It's interesting. I think it's quite similar to the SCAN network apart from my understanding and experience of SCAN is it quite medically orientated, so it tends usually to be facilitated within a hospital and by a medical supervisor. I would see this more as a professional bond where a child protection authority itself may run the meeting and call in a range of professionals as required.

1

Isn't it in some sense duplication with SCAN?---Well, I think it is a less medical approach to review, yes.

Could SCAN be amended or - - - ?---Possibly

10

- - - rejigged so as the composition of SCAN better reflected the skill set that your organisation thinks should be in these panels?---Possibly, yes.

And then if that occurred wouldn't need to duplicate with additional panels or forums, would you?---Yes, exactly. This might be more broadening that process and perhaps making it less medically dominated.

Over on page 9 of your submission, in the first dot point there you say, "Family support services need to be enhanced and better support vulnerable families to achieve child safety and child well-being outcomes." That's a general proposition but I want to give you the opportunity to explain to the commission what those features are that you think need to be enhanced to protect vulnerable families? ---Okay. From my 25 years in this field I have seen very vulnerable families engage with services that work with them to identify the goals that they share. I have rarely - but I have on occasion - met families who present such a risk to their child that they can't be helped. The vast majority of families who might enter this system can be helped to achieve a more safe and better environment for their children. So I'm talking about services that engage in a constructive, non-threatening way with families to look at what practical needs those families have and help them address them. For example, the sorts of issues that would face many families entering the child protection system relate to inadequate housing, perhaps mental health issues, domestic violence issues, drug and alcohol issues. And to have a way of engaging families before those matters bring them to the high-risk status that brings them into the tertiary system is important.

20

30

I just want to take you more broadly, previous witnesses before this commission of inquiry have been asked variants of the following question: do you see a need for a role to be played in the child protection system for the state of Queensland bringing applications to permanently remove children from their families where it is in the best interests of those children?---I couldn't contemplate that within the current Queensland child protection system.

40

Do you know of it occurring at all?---In Queensland?

50

Yes?---Forced adoption?

1

Effectively?---No.

Okay. And you don't see any role of that in the policy mix - sorry, the tools available to authorities to protect children?---Not in the Queensland child protection context.

So not even if neither parent was totally and utterly unable to provide for their child, and indeed the presence of that child around their parents was sending that child backwards?---I'd say take a guardianship order. I'm really worried about the human rights implications of any idea of forced adoption.

10

When you say "human rights implications", whose rights are you at two, the parents of the children?---Both. We know from the history of forced adoption, forgotten Australians, that children often feel extremely damaged from being disconnected from their families and that culture. We've heard repeatedly at this commission that children, when they turn 18, often return to those families, and actually in fact they often return a lot earlier. There are some countries where there has been forced adoption. Interestingly, those countries do not tend to have better child protection outcomes. So I don't - - -

20

So you don't accept the proposition that there are certain circumstances where it is - we are considering the rights of the individual child, that it's not in their best interests that the link between the parents and the child be permanently cut?---Not in the Australian context, no, because the state is not in a position to really have said that it has fully exercised the range of options to help that family.

30

So you - sorry.

COMMISSIONER: what are those reasons, because of the intergenerational damage that have recorded as a result of other inquiries, generally to indigenous children who were forcibly removed permanently from their families and communities?---That's one of the reasons, but of course this year in 2012 we've just had a federal inquiry into forced adoptions during the 1960s and those children were removed because the mother was deemed to have been unable to care for the child. Those children are now adults, those parents all talk about the lifelong trauma and damage that they have suffered. I just can't see how we can support forced adoption. Long term guardianship, sure; but not forced adoption and under no circumstances, closed adoption.

40

And if it was deemed by somebody to be in the best interests of the child at that point in time, that would be a short-sighted view because further down the track that child is going to pay the price for that decision in adulthood and throughout life?---Mm.

50

And the parents who were deprived of the child will pay a similar price for their life?---Yes, I believe so. I believe we know a lot now about the dramatic effects of forced adoption, that is not something that we should entertain.

1

Could you address this suggestion, this is a more social worker thinking, the paradigm?---Yes, sure.

And it relates to what you've just said. Is it a core belief, an embedded value of social work that forced adoption is always inappropriate?---No, it's not.

10

Okay. So is that your personal view?---It's my professional view.

But other professionals in your profession disagree with that view?---Sure.

Is there a consensus view?---Absolutely not, no. There's not a consensus but there is a strong awareness, and I think that awareness is particularly acute right now because of the recent Commonwealth inquiry into forced adoptions in the 1960s. Those children were removed because their mothers were young, those children were removed because the parents were deemed inadequate because of the social circumstances, to look after their children. We now, by today's standards, say those decisions were on the whole incorrect, and I think if we moved towards forced adoptions here that's what will be saying.

20

But there's a difference between the invalid assessment or the false positive assessment and the consequences of that, and the consequences of a correct assessment?---Sure.

30

What was the view taken in respect of the forced adoptions in the cases of the assessment which seemed to be correct; that is that the mother was in fact unable?---Well, it's interesting that that doesn't seem to have ever been accepted within the forced adoption inquiry, that the full separation of the parent and the child has been seen as a mistaken position of the state.

Regardless of the fitness of the mother at the time?---Yes. There was never a proper assessment of that. This is part of my reservation, is that I do not believe that in the Queensland child protection system we have the capacity to make that call. That's part of my problem. But my second problem is around the long-term traumatic effects that we know a lot about now.

40

But as you say - sorry to interrupt you but before I lose my train of thought - as you say, what we know about the forced adoptions through the inquiry was those adoptions where there was no valid assessment made of the fitness of the parent, so therefore - and you have to see the conclusions in that context, don't you?---Mm'hm.

50

Why don't you have a system that can accurately assess that there is no parent capable of meeting the needs of that child; that is, protecting the child from abuse and neglect causing significant detriment to their overall well-being?
---Mm'hm.

That would be the assessment that would have to be made, and that there was no real chance that they would ever be capable and willing to do those things?---Sure. Well, I think of course we want permanency for children. I think that that is quite clear, but to be forever denied the right to know their family and have contact with their family is unacceptable.

1

10

20

30

40

50

That's what you mean by forced adoption - - -?---Yes. 1

- - - that it would be not only a severance of parental responsibility or a relinquishment, even - - - ?---Yes.

- - - but it would be a secret between the child and the parent?---Or usually adoptive parents expect that there will be no ongoing contact between the parent and the child.

Can you have a variation on that?---Well, possibly you can have a variation on that, but I think we really - before we could even contemplate decisions like that, there are a number of questionable points. One is: can we actually ever have a system that can assess that because in fact assessments were made with those women in the 1960's and the assessment was at the time that a single parent can't possibly do this on their own. In the future, our decision-making systems may similar have been seen to have been flawed. So I think we have to be very careful about these decisions. We have to look at it in the context of what we now know. 10

That's the false positive argument?---It's the false positive - - - 20

And that's an argument in respect of preventative detentions - - - ?---Yes.

- - - and lots of things that are part of our society?
---That's a - - -

You're not going to get it right 100 per cent of the time?
---Yes.

But if you get it right 90 per cent of 80 per cent of the time - - -?---Yes. 30

- - - the society will still be better off on a utilitarian assessment?---Yes. So there's the false positive argument and I would say there's a real danger of that and we've seen that in the Queensland child protection system where we see something like a 30 per cent increase in the number of children in care.

If we put the social workers back into the equation, how would we go with the assessment process?---Well, again, you would need very experienced workers to - it's not just having the qualifications. It's also having the professional experience and, okay, we might then address the false positive question. 40

But that won't be - - - ?---Yes, it won't be appellable, but we've still got the trauma question that we know a lot about now.

MR HADDRICK: The example you used earlier about single mothers in the 50s or 60s being seen as reasonable grounds

for - - - ?---Yes, yes.

1

- - - forced adoptions, I'm not going to ask you to say - we all accept that values change over time?---Yes.

But, surely, in a situation where in a family unit there is significant and substantiated allegations of sexual abuse of a child, that might rise to the level whereby it is in the best interests of that child that that child no longer be parented by that parent who is either the persecutor or has turned - or more probably turned a blind eye to the persecution of that child. Surely, in those circumstances the state has a responsibility to step in and sever the link between the parent who is not putting the child's best interests first and to give, as you say, the child a sense of permanency with other parents, if possible. How do you respond to that?---Well, I have no problem with the concept of permanency. I think it's very important for a child to have stability. There's no argument with me around that. It's the idea of the severing of the link with the family because, yes, so a family member have sexually abused a child, but that is one person within the family. There may be many other people within this family that are very important to that child's sense of identity. Adoption will effectively sever the links with that family, whereas long term orders do not have the same effect.

10

20

The example I put to you was a parent turning a blind eye to that going on?---Yes.

You would appreciate that when allegations that occur in families, members of the family may take different views on the - - - ?---Yes.

- - - accuracy or otherwise of the allegations?---Yes, yes.

30

Where it is the view of the department that some allegations of that nature have been substantiated and a parent who is in the position of caring for that child fails to put that child's best interests first and exposes that child to potential further acts, why shouldn't the state step in and permanently take away that child from that parent?---Because a parent is - well, firstly, I do think you can argue for long term guardianship orders. I, as a child protection workers, was involved in seeking such orders, so I have no professional problem with the idea of a long term order. The example that you've given of sexual abuse, of course, is alarming, but they're also the rare cases - the majority of cases - the vast bulk of the cases that Child Safety deals with are neglect cases and these are cases that can be helped with the right level of family support that are not being helped with right now. One of my concerns is if you allow this sort of policy in relation to one case, it soon becomes, "Well, you know, this neglect case is pretty bad, too," and then where do we stop that? I just keep on coming back to the well established idea of the trauma to the child and even if both parents - one is commissioning the abuse, another is part of that abuse,

40

50

there may still be a broader family network that is important to that child's sense of identity and so that's why I cannot accept forced adoption.

1

COMMISSIONER: So, professor, you would say: look, the permanent severance of parental responsibilities and contact with the child will almost always be an overreaction to the particular risk or harm?---Yes. That's part of my - - -

The permanency of it - - - ?---Permanency.

10

- - - will always be an overreaction and - - - ?---It's more than - yes. It could be an overreaction. I can see cases where it wouldn't be an overreaction, extreme cases, yes.

All right. But there are less extreme ways of protecting the child, keeping the child safe from that harm or risk than permanently severing their relationship with the family?---As a parent, yes.

In any event, even if at that time the child needed to be isolated from the family, that should be something that shouldn't be seen as ever permanent because if you do it on a permanent basis, the child and the wider family will suffer intergenerational trauma - - - ?---Yes.

20

- - - that is not justified on the basis of the protective concern?---Yes.

MR HADDRICK: Can I give you another example. So put aside the example of sexual abuse in the family dynamic?---Yes.

What if the mother, in particular in this situation, was a disabled woman, had suffered a significant intellectual impairment - - - ?---Yes.

30

- - - does that change your view at all?---No. It certainly does not change my view. I think, if I may be so bold, but in future that sort of statement will be regarded as disablist, you know, it's a discriminatory attitude towards people with disabilities that we - if the person had a physical disability, we might not say that and parents with intellectual disabilities, depending on the level of disability, can parent with support and there's a lot of support programs that are developing in this area and that's what we need, is better support for these families.

40

Surely there is a certain level of parenting skill that parents need to get to, to exercise their parenting function. I'm not suggesting that we start issuing licences for parenting?---Yes.

But surely there is a certain level of skill that needs to be present in a parent before the state allows that parent

50

to continue to exercise the legal and practical aspects of the parenting function?---Yes. I agree with that and there are circumstances where one would take a long term guardianship order because of the inability of the parent. To sever their parental rights is a completely different proposition. Forced adoption is a completely different proposition and I feel that I've just - - -

1

Can I just stop you there. You said to sever their parents rights?---Yes.

You would appreciate that sometimes rights conflict with each other - - - ?---Yes.

10

- - - so there will be parental rights and then there's children rights. Why do you appear to - in the way you answer the question and please correct me if I'm wrong - - -?---Yes.

Why do you appear to elevate parental rights above the child's rights?---Because that's to my way of thinking a false opposition. As we've heard repeatedly in this inquiry, children will often seek out their parents again; that having a connection with their family is important to most children - and I'd say pretty much all children - and children who go into the care system will often be seeking some kind of safe relationship with their family.

20

You just used the expression "it's a false opposition"? ---Yes.

Do you deny that there is a substantive difference between a parent's rights and a child's rights?---When it comes to attachment and family relationships, I don't think there is a huge difference, but I can see that a parent can perpetrate harm against a child and that has to be acted upon, but in my professional experience, it is rare for a child not to want to sustain some sort of relationship with their parent and it is rare for a parent not to want to sustain some sort of relationship with their child.

30

COMMISSIONER: But even if there is a conflict between - a difference and a conflict between parental rights and child rights, the paramountcy principle would require you to prefer the child's rights, wouldn't it?---Yes.

40

50

But I suppose a child's right includes the right to have a meaningful relationship with their family?---Correct. 1

So it's really a conflict between - or a competition between two rights of a child for priority?---Yes.

Rather than a clash between the parents' rights and the child's rights, it's a competition with the child's own rights - system?---Yes, and children - I think certain solutions deny some rights over others and we can come to solutions that allow both. For example, long-term guardianship that's well supported can still mean that a child maintains a relationship with their family. Forced adoption does not mean that. 10

MR HADDRICK: Do you accept as a general proposition that there are some parents who shouldn't be parents?---It's rare. Yes, I can accept it as a rare proposition.

Can you give me an example?---A parent who is threatening to the long-term - the life of a child, yes, and without a parent who can support that child, but I still would say that the child should have the opportunity to know that parent in a safe way if they so wish. 20

Okay, you've just given us one example where the parent is threatening to the life of the child. Are there any other examples where you think that the parent doesn't come up to scratch in terms of being a parent?---Yes. Well, I still - - -

I'm not saying that in a - - -?---No, no - - -

I'm not trying to be rude or pejorative about that, but are there any other examples other than where the parent threatens the life of a child?---Well, I can see circumstances where there is a need for child removal where the parent is unable - who threatens in some way the child's long-term wellbeing and may present significant trauma to that child. 30

When you say you accept that there is a case for removal, aren't we effectively there talking about forced adoption? ---No, we're not. It's quite different.

Why not?---Because when there's long-term guardianship orders there can still be rights for regular visitation, regular contact, and that - I just come back to what's repeatedly said at this inquiry. Every person that I've listened to has said these children go home. The majority of them will want to seek a relationship with their family and they want to maintain that relationship. What the majority of children I know want is to be safe - yes, safe in the connection with the family. So it might mean they can't live with them - and the other thing we have to recognise is that for many children the parent is not the only caregiver. There can be a much broader kinship relationship that's also important to their identity. 40

COMMISSIONER: Does what you say about this, even in a case, for example, an extreme case, where - and regrettably too often happens in Australia with the result of family violence, that one spouse kills another?---Yes.

1

There are children that then have a situation where their mother has been killed by their father, or disabled by their father?---Yes.

But to those children that father will still be more than the worst thing he's ever done to them?---Well, you see, in those cases - my knowledge of some of those cases is that the children go and live with another relative, you know, and they maintain their relationship with the family. It could be much more traumatising for them to go and live with a complete stranger who knows nothing about that situation.

10

Well, yes. There's a lawyer on trial in Perth at the moment who is being supported by his daughters in a trial where he's accused of killing their mother?---Yes.

So it's complicated thing even in extreme cases?---Yes.

20

Does the forced adoption argument underestimate the resilience of children and the bond of family ties? ---Absolutely underestimates the bond of family ties and the trauma of permanent separation that involves no opportunity for ongoing relationships not only with parents but with other family members.

Made by a government authority?---Yes.

Even though on the basis of their best interests?---Assumed best interests.

30

Yes?---I don't have - - -

You know, even well meaning but still completely got the wrong stick, the bull by the horns, by making that decision?---I don't have confidence in our ability to make all the right answers there and - - -

And the risks are too great to take?---I believe so.

All right. I think just going back to the parental rights versus children's rights argument, maybe we were wrong to characterise it that way. Maybe it's more of a competition between the children's - the competing interests of parents and children rather than their rights?---Yes, that's right. It's the competing interests of children, and I think unfortunately under the child safety regime the interest of the child in maintaining safe connection to their family was devalued.

40

MR HADDRICK: Okay, just going to page 9 of your submission, the second dot point, the first sentence there

50

says, "The failure of the child protection authority" - by that I understand you mean child safety services, an arm of the Department of Communities?--Yes.

1

It goes on to say, "To involve Aboriginal and Torres Strait Islander workers in a meaningful way." I just want to give you an opportunity to flesh out what you meant by that? --Well, I thought William Hayward's submission this morning was very clear on that. The Aboriginal and Torres - again, our members give us a great deal of feedback about their experience, that Aboriginal and Torres Strait Islander workers are not really well connected into the child protection process, that the recognised entities do not really have an active role in a lot of the child protection decision-making. So that's what I mean by that.

10

With the greatest degree of particularity possible, what extra functions or activities would you give the recognised entities?---I would really like, first of all, to involve - or see the child safety authority really involve the recognised entities and other Aboriginal and Torres Strait Islander agencies in a discussion around what roles they could take on. I think there needs to be - it's very difficult, I think, for European people to make decisions about what that should look like.

20

So you don't have any particular functions or activities which you recommend or your organisation suggests, you merely say that the department should speak to those organisations and elicit more functions and activities for them?--Yes, and involve them more in the real decision-making around how funding is allocated in a way that will keep Aboriginal and Torres Strait Islander children safe.

Over the page on page 10 of your submission, the first dot point, halfway down through the page, you say despite the recent cutbacks to staff, "There still appears to be a significant proportion of staff at SES, A08, A07 and A06 levels employed in both central and regional offices. Their value proposition to the front line needs clarification." I'll give you an opportunity to explain what you mean by that?---Yes, okay. Again, this is based on feedback from our members and there is a strong perception within all of that dot point based both on my research and the experience of our members that there's a very large bureaucratic overburden, or has been, in the Department of Child Safety - or in Child Safety Services, and we as an association but also our members in particular, would like to know what are these administrative officers offering of value to the front line work, because a lot of our experience is that it's about protecting senior staff rather than - by ensuring that all - you know, all the administrative work is completed, rather than helping these workers do their front line service better.

30

40

So you identify those people who are SES, that's senior

50

executive service, A08, A07 and A06, if I can paraphrase you, not central to the front line delivery of child protection services?---It's not clear how they're central, and if I may take a little bit of time on that point, as I said, or I've said earlier, that in the annual reports of the former Department of Child Safety, they would happily report that 80 plus per cent of the staff were front line, and so then I sought out the figures for how many of those workers actually have client contact, and it turned out it was about half of those workers had client contact. So I asked them why they were using the term "front line" to refer to these other workers, and they said, "Because these workers help the front line," but they were never able to tell me how they help the front line.

1

10

You speak of that at the top of page 11 of your submission? ---Okay.

You say, "For almost a decade the Queensland government has used the term 'front line' to refer to a range of officers, including those with no direct service responsibilities and with no client contact." Is that what you mean by the no contact?---Yes, that's what I do mean.

20

What do you - - -

COMMISSIONER: How does that sit with the evidence you gave to the Queensland Industrial Relations Commission that led to wage increase for community service workers of between 18 and 37 per cent in 2009?---Well, they're different areas. Non-government agencies do not have anywhere near the level of bureaucratic overhead that government agencies have.

Were they the beneficiaries of the wage increase?---Front line - well, non-government front line workers were the beneficiaries, yes.

30

Yes, and were government front line workers?---No. They're covered under a different act.

What about the comparability of their wages?---Well, that's a lot of what the case was about, was that these non-government front line workers were working for the same clients, doing the same level of complex work and being paid up to 40 per cent less.

40

50

And it was really a gender discrimination, you would call it, wasn't it?---Yes, because it was - they also compared it to public service officer positions and how much they were being paid at each technical level.

1

So NGOs doing the same work, but cheaper than government employed AOA (indistinct) officers?---Not so much anymore, but yes, yes. There's not so many of them, either.

But they're better value because they are truly frontline? ---Well, there's less - there appears to be less bureaucratic overhead. I would like further explanation as to why that number of workers was needed; why we needed over 1000 administrative officers.

10

MR HADDRICK: Can I ask you what do you call a frontline worker?---I refer to a frontline worker as any person who spends a substantial proportion of their time, at least 40 per cent of their time, in contact with clients.

COMMISSIONER: It sounds like it's a war?---Yes. Well, it's the term that's been used, okay, so - yes.

I know. But form follows function, you know. It needs a better term?---Yes, we're happy to change the term. Yes.

20

MR HADDRICK: So you believe that certainly in the past, maybe not now, I'm not turning to matters in the papers, but certainly in the past the department in its various manifestations tend to classify most, if not all - - -? ---Yes.

- - - of it's Child Safety workers as frontline for what purpose?---I'm not sure what the purpose was. I don't know what the purpose was. I think it was to appease a public that was dissatisfied with high levels of bureaucracy and I think they were really public statements.

30

So you suggest that perhaps one of the reasons why that definition of frontline was chosen was to give the people of Queensland some sense that there are more people doing the job than really are?---I think so.

COMMISSIONER: There are more in the trenches than there really were?---Yes, I think so. I mean, I think part of the CMC inquiry was that there was not enough frontline workers or they might have used different words, case workers, so following that the term "frontline" was used, but oddly, the very first reports that came out started talking about 80 per cent being frontline and I started to ask, "How could that be?"

40

MR HADDRICK: So you think the government just changed the goalposts and got a better story?

COMMISSIONER: Changed the label?---Yes. That's what all governments do, isn't it? I think that happens with a lot of areas.

50

MR HADDRICK: Further down on the same page, page 11, you say in the last sentence some of your members report that some members of the Child Safety executive, quote, "Failed to demonstrate the critical understanding of damaging impact of child removal on individuals, families and communities"?---Yes.

1

Can you tell the commission where you got that view from or how you formed that view?---Well, there was a great deal of talk amongst the political leadership and some of the executive about keeping children safe. This was the constant talk and when I would ask them about how they were to do that or I heard them at various public engagements, it was often about child removal and we see in the statistics that there was a huge increase in the number of children being taken into care.

10

What period of time are you talking about here?---I'm talking in the sort of post 2004. If you look at the figures up to about 2008, there was about a 30 per cent increase in the number of children being taken into care and there was over two years - I think it was 2007 to 2009 there was a complete doubling of the number of indigenous children.

20

Now, you said "the political leadership". Are you referring to the government of the day or the department or other commentators?---I'm talking about the ministers. Ministers would often proudly cite the fact that we were - world first was the term they often used - the world first child safety authority and that we were keeping children safe, but there didn't seem to be any critical understanding that they were also keeping children safe at a possibly very big cost to those children with such a big increase in out-of-home care and, as I've repeatedly said, we know the trauma of removal. Is this the only way to keep children safe? At the same time there was a decline in the amount of expenditure in early intervention Family Support Services.

30

You just said "ministers", which ones are you referring to? ---I, in particular, remember Minister Keech being very pro - being the world first child safety authority.

And then you go on to say or you use the expression, "They demonstrate a critical understanding of damaging" - or the exact words are, "Demonstrate a critical understanding of damaging impacting on child removal on individuals." Are you suggesting that minister and those around that minister failed to appreciate that consequence?---Yes. There didn't seem to be a balance between what we know in the public domain about removal and what was happening.

40

What about in the senior leadership of the department at that time?---I would say the same, that I heard a lot of discussion at the executive level about keeping children safe by removing them, but no concern raised about the fact

50

that the proportion of expenditure on Family Support Services to keep children in their homes was plummeting and there was no tag being kept on how much expenditure was happening on early Family Support Services, so there were reports to the Productivity Commission but the Department of Communities seemed unclear. It didn't report in any of its public statements about how much it was spending on Family Support Services.

1

COMMISSIONER: So the costs were the costs of removal?
---Yes.

10

The removal costs, which were heavily resourced - very expensive - - -?---Yes.

- - - to look after the child once removed, to keep safe?
---Yes, yes.

Then there's the cost to the child of having been removed, perhaps unnecessary - - -?---Yes.

- - - the cost to the family of the needless removal - - -?
---Yes.

20

- - - the ongoing social costs of having a child and a family who are still wounded by the government action taken against them?---Yes, yes.

Okay. So it's not just financial. There are other intangible costs, such as still bearing the burden of?
---Yes. I guess I just would like to emphasise that at the same time, we were the only state or territory that was reducing our expenditure on early intervention and Family Support Services.

And we're paying a price for having done that as well, I suppose?---Yes. Well, we have developed a very expensive system this way.

30

Because people who could have been helped at that point by an early intervention maybe end up in a system of tertiary intervention that could have been prevented?---I believe so. I am perplexed as to why we needed a 30 per cent increase in our children in out-of-home care between about 2004 and 2005.

And now it's going down?---It's going down again, but one of the consequences of that may be because of ageing and care. A lot of children get released when they're between 14 and 17 because there's no placements for them.

40

It's a bit like the baby boom because they all went - - - ?
---Yes.

- - - in around the same time, they will all be going out around the same time, if they're around the same age when they went in?---Yes, that's right. Correct. Yes.

50

MR HADDRICK: I took you to that paragraph in your submission. Did you raise these concerns with anyone in government?---Yes, I did have - - -

1

You or your organisation?---I wasn't on the executive of ASW then. I repeatedly raised these concerns with the members of the executive.

10

20

30

40

50

So the executive, the executive of what?---The executive of child safety services, people who are like executive directors and so forth. 1

So departmental executives?---Yes.

Okay?---And - - -

And what was their response?---Their response was very dismissive, that it was in a sense: that this was a typical social work response, that social workers had no place in this agency any more, that we're keeping children safe. It's typical of social workers to want to keep families together. And there was a complete dismissal of that knowledge that we as a profession bring and that I guess I represent, of the traumatic impacts of removal and the financial, social and personal costs of doing so. 10

COMMISSIONER: So you became exhibit A in the departmental case against you?---Well, myself and my profession and people who advocated that viewpoint. Basically anyone in the agency who upheld the views that I'm expanding was told maybe they should consider a career in the Department of Communities. 20

MR HADDRICK: You mentioned Minister Keech before?---Yes.

Did you ever raise these concerns with her?---Yes. I was present at some pretty interesting discussions. I recall on one occasion I had invited Prof Eileen Munro from the London School of Economics, who's included in your witness exhibits. She had a meeting with Margaret Keech and I. Again I remember her exact words, which were, "The system you've developed in Queensland is bizarre and you cannot keep children safe - - - 30

So this is the person who wrote the report in the United Kingdom - - - ?---Yes.

- - - described to the then responsible Queensland minister that her system is bizarre?---Bizarre. The exact words.

When was that meeting?---I think it was around 2008, but I'd have to go and check my diary.

And you were present for this meeting?---Yes.

What was the then minister's response to this international academic's view?---She again came back with that we are a world first. We're trying something new. So to me it's like saying we've got the world's first and biggest diabetes system because we didn't do anything about treating diabetes. I think we became very focused and very proud of being a world first of something without thinking about the consequences of that. 40

Other than Minister Keech did you raise these issues with senior members of the department at that time?---Yes.

Again I raised it with the executive director of policy and practice. 1

Who was that at that time?---Again it was Cath Mandler. That was a person who I had a lot to do with.

And presumably her response was similar to the statement that you made earlier in your affidavits?---Yes.

Going over to page 12 of your submission - - -

COMMISSIONER: We might leave page 12 till tomorrow if that's - - -?---I can't come. 10

MR HADDRICK: The witness is not available tomorrow.

COMMISSIONER: You can't come tomorrow?---Yes. I can come back - - -

MR HADDRICK: We might have to bring the witness back, subject to her availability, on our next Brisbane sitting? ---Yes.

COMMISSIONER: I can do what I did yesterday and excuse those who don't want to stay, or can't, and we can continue that. How long - - - 20

MR HADDRICK: Are you happy to - I've probably got around another half an hour, Commissioner.

COMMISSIONER: Yes. We'll call that 45 minutes, yes. You'll be a while.

MR HADDRICK: Some time, yes.

COMMISSIONER: Okay. 30

MS EKANAYAKE: Not long.

COMMISSIONER: Not long. Not long?

MR CAPPER: I would expect probably half an hour to an hour at this stage.

COMMISSIONER: I think we might call it quits for today and ask the person to come back to conclude your evidence. Thank you very much for your evidence you've given to this point?---Thank you. 40

WITNESS WITHDREW

COMMISSIONER: We'll adjourn until tomorrow at 10.00. Will we resume with Mr Haywood tomorrow?

MR HADDRICK: I'll have to check with the other counsel assisting.

COMMISSIONER: Okay. I think we should.

29082012 32/ADH (BRIS) (Carmody CMR)

THE COMMISSION ADJOURNED AT 4.30 PM
UNTIL THURSDAY, 30 AUGUST 2012

1

10

20

30

40

50