



## SPARK AND CANNON

### TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950  
COMMISSIONS OF INQUIRY ORDER (No. 1) 2012  
QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 6/09/2012

Continued from 5/09/2012

..DAY 15

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

THE COMMISSION COMMENCED AT 10.02 AM

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COMMISSIONER: Good morning, Mr Copley?

MR COPLEY: Mr Commissioner, I call Wayne Gerald Briscoe.

**BRISCOE, WAYNE GERALD** affirmed:

THE ASSOCIATE: For recording purposes, please state your full name, your occupation and your business address?  
---Wayne Gerald Briscoe, public servant, 75 William Street, Brisbane.

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Please be seated.

COMMISSIONER: Good morning, Mr Briscoe, welcome.  
Thank you for coming?---Good morning, commissioner.

MR COPLEY: Mr Commissioner, I tender the statement of Wayne Gerald Briscoe which was taken on 24 August 2012 and is some 14 pages long and I hand up a copy for you.

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COMMISSIONER: Thank you.

Can it be published as it is?---Yes.

Thank you.

MR COPLEY: Thank you.

COMMISSIONER: Thank you, Mr Copley.

MR COPLEY: Mr Briscoe, you're the executive director now of the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs?---One of them.

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One of them?---Executive director of policy, yes.

I see, all right. The department that you're employed by was created after the election in March?---Yes, it was.

And it formerly was, would it be correct to describe, a service or an agency within the Department of Communities?  
---It was a branch within the Department of Communities.

A branch, okay. So it has now become its own department?  
---Yes.

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And looking at the ministerial arrangements order number 4 of 2012, there are only a limited number of statutes for which the Minister for Aboriginal Affairs is responsible, isn't he?  
---Yes, that's right.

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Of relevance to this commission of inquiry, among the statutes that are listed there perhaps the one that's the most relevant would be the Family Responsibilities Commission Act of 2008?

---That would be right.

Yes, okay, thank you. So to that extent we might spend a little bit of time speaking about that body shortly, but is it the case that since the department was established its primary role is to develop policy rather than to deliver services to Aboriginal and islander people?---Primarily that's right, although we have a service deliver arm or a frontline arm by way of seven regional offices across the state.

Yes, okay?---Also a community of personal histories branch which looks after archived records of Aboriginal and Torres Strait Islander people and we also operate six retail stores in remote communities.

Just as a matter of interest, which communities are those stores operating in?---Doomadgee, Lockhart River, Pormpuraaw, Kowanyama, Palm Island and Woorabinda.

Your department also collects information or data concerning Aboriginal and Torres Strait Islander children, doesn't it?

---Yes, it does from lead agencies and via the Office for Economic and Statistical Research, OESR.

You have included in your statement some information concerning Aboriginal and Torres Strait Islander children and their rates or trends concerning substantiated notifications and whether or not they were admitted to child protection orders in the last couple of years, haven't you?---Yes, that's right.

All right. We might just have a look at that information, please, and I'm looking at page 4 of your statement. To anyone looking at it, it will be immediately apparent that you don't record actual numbers of percentages in this table, do you?---No, we don't.

Your recording trends?---Recording trends by way of percentages.

Right?---The main reason being - - -

If you wouldn't mind explaining that, please, yes?  
--- - - - the small numbers of people in a number of the communities; for example, Wooril Wooril has a population of between three and four hundred. Reporting on numbers could lead people to speculate individual families or people.

Now, the communities that you're reporting on - they're

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communities that the commission could probably take as a notorious fact contact mostly people of Aboriginal or islander descent, aren't they?---Yes, in the majority of the cases; the exception possibly being Coen where there would be close to 50 per cent of the population would be indigenous.

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All right; and perhaps you can now just to explain to us for the record what the diagram or the graph at page 4 of your statement concerns. Probably we're interested mostly in the last three columns of the table?---The table indicates across six key indicators of not necessarily the level of harm but the state of being in those communities, trends over time against those key indicators. So, for example, in Aurukun in relation to semester 1 student attendance rates there has been a statistical increase or statistical evidence of an increase in student attendance rates between 2007 and 2011. The arrow going up means a statistical increase; going down a statistical decrease; arrows going to each side means things have statistically pretty much stayed the same.

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So between 2007 and 2011, leaving aside Aurukun, Napranam and Wooljil Wooljil and leaving aside Hope Vale for which there are no figures, the attendance rates for semester 1 in each of those years have statistically stayed the same? ---Yes.

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Right, but there has been an improvement in both Aurukun and Wooljil Wooljil?---Yes.

And a decline in Napranam?---Yes.

All right. Now, the third column from the right is children the subject of substantiated notification of harm for the year ending 2009-10 to the year ending 2010-11? ---Yes.

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And it would appear from your graph in Aurukun the numbers of children the subject of a substantiated notification statistically hasn't changed from either year, one end of one year to one end of the next year?---That's right, no statistical evidence of a detectable change.

But it's gone up in Cherbourg?---Yes.

Up in Hope Vale?---Yes.

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Down in Lockhart River and Napranam?---Yes.

And up in Pormpuraaw and Yarrabah?---Yes.

But otherwise stayed the same in all the other communities? ---That's correct.

Then the next column concerns children actually admitted to

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child protection orders over the same two-year period?  
---Yes. 1

And we can see that, for example, even though in Cherbourg the notifications went up for that period, the number of children actually admitted to care and protection child protection orders remained statistically the same?---That's right.

And in fact the numbers remained the same in every community except Palm Island where they declined?---Yes. 10

And the Northern Peninsula area where they increased?  
---That's right.

What community or communities are encompassed within the Northern Peninsular area?---There are five communities, Seisia Bamaga - my mind has gone blank. There are five communities, two Torres Strait communities and three Aboriginal communities.

So the Torres Strait Islander children would largely be captured within the Northern Peninsular area, would they?  
---Yes. 20

Is it the case that the other figures on this graph, the first one concerning hospital admissions for assaulted-related conditions - the statistical trends that you're trying to replicate there wouldn't be confined to hospital admissions for children, would they?---No.

So that's for all members or all people resident in each of those communities over the period from 02-03 to 10-11?  
---That's right, who have been hospitalised for assault-related conditions. 30

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COMMISSIONER: Mr Briscoe, would you have the figures for the population of each of these communities? Not on you, but could you provide them to me?---Yes, I do, and I have them here if you need them.

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Could I get them off you then at some appropriate stage? ---Yes.

Also do you actually have the figures that suggest these trends, you know, on a confidential basis, that you can provide to me?---I suspect we do.

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I'd appreciate that, as well?---Yes.

The other thing is I notice your hospital admissions and your semester 1 attendance cover a range of years; hospital from 2002, school from 2007?---Yes.

So you get a good idea of trends over that space of time, but your substantiation and child protection order only is for the 12-month period; 2010-2011?---Yes.

I just want to avoid any sort of possibility of distortion because of the short period. Would you have the figures going back to say 2004?---I would have to check with the Office of Economic and Statistical Research, Commissioner.

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All right?---But I suspect there may be some issues, particularly in relation to counting practices.

Right?---We can check that for you.

Would you mind getting back to me on that and tell us what the problems are?---Yes.

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And providing us with what you do have?---Yes.

We'll have a look at it and we'll work out what we'll publish?---Definitely.

And we'll bear in mind obviously the risk of identification of actual individuals in the smaller communities?---Thank you.

MR COPLEY: Mr Briscoe, probably no doubt pleasingly, except in the case of the Yarrabah and Woorabinda which I'll come to in a moment, the level of hospital admissions over those years for assault-related offences has either declined or stayed the same statistically?---Yes.

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Yes. Now, if we could just look at, first of all, for Yarrabah, we have an arrow that goes up suggesting they've increased, a slash, then an arrow that goes down suggesting they decreased, and a footnote which we can all read; but can you explain to us what those arrows are trying to

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convey about Yarrabah - - -

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COMMISSIONER: If you can just - think that none of us can understand?---As best as I can. My understanding is that for part of that period there was a trend upwards and for the other part of the period there was a trend downwards, so we're looking at a continuum of time. During that continuum, there was a trend up and there was a trend down.

But one didn't cancel out the other so that we have a blank, horizontal arrow?---No.

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So the trend up might have been - there might have been a greater disparity between the trend up and the trend down in the problem period?---I believe so, but I'm not an expert.

MR COPLEY: In the years period.

COMMISSIONER: Yes, years period. Yes, I see that?---Yes.

MR COPLEY: Yes, so it's 2002-03 onwards.

COMMISSIONER: Yes.

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MR COPLEY: Mr Briscoe, similarly for Woorabinda, there is a perhaps even more perplexing notation?---Yes.

Two arrows suggest no statistical evidence of detectable change, yet that other arrow says that there might have been a change in trend there. Can you explain that to us?---Yes. Two arrows in a table indicate a change in the trend during the reporting period. A sideways arrow indicates that there is no statistical evidence of a decrease over the reporting period. Two sideways arrows show that while over the whole two periods there has not been evidence of a trend, when you look at the period separating the arrows, you can see a change in the way the data is travelling. Again I'm not a statistician, but my understanding is there may have been a trend for part of the period and another trend which may be higher or lower for the other part.

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Okay?---So that's the best I can explain it.

COMMISSIONER: Are you going to have a crack at the Doomadgee assaults, as well, in the second column?

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MR COPLEY: Well, I was going to come to the second column now.

The second column is headed Reported Offences Against the Person. Does that mean to say it looks at the trends in those case where people have actually made a complaint to the police about an assault?---I'd have to take advice on that, but that is my understanding; where there has been an

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official report as opposed to a conviction. 1

Yes, and of course not every hospital admission for an assault might result in a person making a complaint to police, might it?---No.

No?---And that's a substantial qualifier, I think, but hospital admissions for assault also doesn't indicate that there were that number of assaults in the community.

Well, it perhaps doesn't say anything about whether the assault was lawful or unlawful. It's just recording the fact, isn't it?---That's right. 10

That a person has come in with, say, a broken nose or lots of bruises?---Yes.

Or a cut ear or something like that?---Yes.

It doesn't explain whether the person that threw the blow did it in self-defence or was provoked or anything like that?---No.

I think that would be probably accepted by the Commissioner?---Yes. 20

But if we look now at the second column about people making reports of assaults, the picture on the whole is either staying the same or reasonably improved, isn't it?---It looks that way, yes.

But with Doomadgee - and this is what the Commissioner was alluding to - there's a combination of arrows there?---Yes.

Could you explain those to us, please? They might suggest things were staying the same for a while before they improved?---That's who I interpret it. 30

All right. So I've answered the question?---Yes. Thank you.

And for the Northern Peninsula area, similarly there were trends - different discernible trends, but on the whole they cancelled each other out and things remained pretty much the same?---Yes.

These figures in the first two columns correspond from 2002-03 to 2010-11 in each case?---Yes. 40

Then the next column concerns charges resulting in convictions for breaches of section 168B and 168C?---Yes.

Now, which Act or Acts are those sections referable to? ---The Liquor Act.

The Liquor Act?---Yes.

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Okay?---So they are breaches relating to the alcohol restrictions applying in those communities.

And are these the alcohol restrictions that apply pursuant to the alcohol management plans?---Yes.

And does that account for why the statistical trends for that only begin from 2009-10?---Partly, although some of those restrictions came in as early as 2002, but that data may not have been available.

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Okay. All right. In that column at least in not one community did the level of charges for breaches of the Liquor Act increase over that two-year period?---Not for that period, no.

May I ask you why is it that for Palm Island, for example, and Mossman Gorge and Coen, there are no figures available?---For Palm Island, for example, my understanding is that a significant number - in the hundreds - of charges were not proceeded with or put on hold pending litigation relating to those provisions in the Liquor Act.

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Okay. Right?---With the allegation that they were breaching the Racial Discrimination - - -

Yes. To your knowledge, has that matter been - at least so far as the Queensland courts are concerned - settled by a decision of the Court of Appeal?---As far as I'm aware, yes, but I think the matter may be on appeal to the High Court.

And the judgment of the Queensland Court of Appeal was that the alcohol management plans did not breach the Racial Discrimination Act?---That's my understanding.

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We've probably already looked at the last three columns in sufficient detail. Is it the case that your department sees - and you can tell me whether this is based on any evidence or whether it's just commonsense at work - a connection between the level of assaults, either reported or unreported, the level of Liquor Act offences and the level of substantiations or child protection orders being made in school attendance? Do you see all those things being linked?

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---Yes, that and a large number of other matters, I believe are linked. But I think perhaps it should be pointed out that these graphs or these figures only relate to a small proportion of the indigenous population of Queensland. 1

Yes, of course, they only relate to the people that live in these places, don't they?---Yes.

And in the most recent quarterly report of the Family Responsibilities Commissioner he has set out the population of some of these places as at 30 June 2009?---Yes. 10

This might be - I'll perhaps just read these to the Commissioner because we'll tender this document shortly: At 30 June 2009 it was estimated that 793 people lived at Aurukun; 192 at Coen, which was not a discreet Aboriginal community; 582 lived at - estimated - at Hope Vale; and 99 people at Mosman Gorge, estimated. It's not a discreet Aboriginal community either?---Sorry, am I able to ask you a question? Is he referring to people who were referred to the (indistinct) in those communities, as opposed to population figures?

No, he's talking about - I'll tender it in a minute, but he says, for example, "The community of Aurukun had an estimated resident population of 793 people at 30 June 2009." So I really just had those figures read into the record now because you wanted to make the point to me that these trends and statistics on these graphs concerned only a very small proportion of the Aboriginal population of Queensland?---Yes, that's right. 20

And you are welcome to, if you can, to enlighten us as to what percentage of the population of Aborigines and Torres Strait Islanders actually reside in these communities that you've listed here, as opposed to the rest of the state, if you can?---What I can say is the total indigenous population in Queensland according to the 2011 census was in the vicinity of 156,000 people out of 4,300,000 people. So the indigenous people as a percentage of all people was 3.6 per cent in Queensland. The indigenous children as a percentage of all children in Queensland is 6.6 per cent. What we see is that approximately 80 per cent of indigenous Queenslanders do not live in the remote or the discreet indigenous communities, they live elsewhere in Queensland. So these statistics, I should point out, only relate to a small number of indigenous people in Queensland. 30 40

Yes. The word "remote" suggests that the residents or the township is a long way away from somewhere else. We understand probably what the word "remote" means, but what do you mean by the word "discreet"?---Discreet, it's a term of art that has been used for a number of years relating primarily to those indigenous communities which in the main are now council areas in themselves, shire councils; many of which are on what are referred to deed of grant in trust

lands, DOGIT communities.

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Okay?---So discreet indigenous communities is probably a preferable term of art now than DOGIT communities, which is how they were referred to notoriously.

Am I correct in my assertion that the word "remote" is not a term of art, it's just a statement that they're geographically isolated from larger towns where there's a broader cross-section of people living?---For most cases that's right. In some cases and for certain purposes less remote communities are still referred to as remote for certain purposes. For example, Yarrabah is very close to Cairns.

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It is, yes?---Napranum is extremely close to Weipa. But for some purposes - for example for indigenous social housing - at least in the recent past those communities have been classified as remote for the purpose of taking advantage of certain funding.

COMMISSIONER: So it's not proximity to somewhere else, it's proximity to the rest of Queensland?---Yes.

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You say in paragraph 46 that 78 per cent of ATSI Queenslanders live in urban and regional areas?---Yes.

So that's 12 per cent who live in remote?---Yes.

Is that right?---Yes. Including the Torres Strait.

Including the Torres Strait. And what's the bracket between the Aboriginal and the Torres Strait Islander population, of that 12 per cent?---I don't have those figures with me.

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I'm sure we could find out these questions from open sources, but I'm just sort of interested at the moment. Of the 78 per cent, how many live in urban as opposed to regional, do you know?---Again, I'd have to provide those figures to you.

All right?---But I understand the trend has been for a number of years towards the urbanisation of a number of Aboriginal and Torres Strait Islander people.

What's "regional" mean?---Regional is anything outside of the major urban centres, so leaving aside centres such as Cairns, Brisbane.

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All right, thanks very much.

MR COPLEY: If you can turn now to page 6. There's again a graph there. Could you explain to us what this table is purporting to do?---This is a summary of the changes in annual rates of children with substantiated notifications

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of harm and children admitted to child protection orders across the discreet communities. 1

So is it really just an amplification of the table we were looking at before in the columns that had the same headings?---Yes.

Okay. The substantiated notification of harm change or Aurukun to 09-10 to 10-11 seemed to be statistically the same?---Yes.

But in percentages terms there was an 18.1 per cent decrease, was there?---Yes. 10

Okay. And these are the percentages that you didn't necessarily want to put into the earlier graph for fear of creating a false picture. Is that right?---No, I think the percentages is fine, it's if you get down to numbers - - -

There's the numbers, okay?---But my understanding is that negative 18 per cent would not be a significant indication of an increase or a decrease.

Okay. For Cherbourg the arrow is going up for the substantiated notifications of harm?---Yes. 20

And the percentage says 156?---Yes.

Is that an alarming figure?---Yes. To me, it is. It shows over that period of time there was a significant increase in the numbers or the percentages of substantiated notifications of harm.

But even though the percentage went up 156 per cent the number of children actually admitted to a care a protection order from Cherbourg declined in the same period by 28 per cent?---Yes. 30

So although there might be alarm about the fact that there have been allegations that were substantiated, not as many were regarded as warranting the actually making of a care and protection order?---That's what it appears to say, yes.

So it might be suggesting that there were, on a hierarchy of concerns, a big increase in the reporting of concerns or issues that might fall at the lower level of the child protection scale which didn't warrant the actual making of an order. Could that be one way of interpreting the figures?---I imagine it could be, but again I'm not an expert in that area or a child protection professional. 40

No. Hope Vale had a 323.7 per cent increase in substantiated notifications over the two year period? ---Yes.

But only a 10 point - well, it at least had an increase,

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didn't it? Sorry, I should go back to Cherbourg. It actually had a 28 per cent decrease in the number of care and protection orders made, didn't it?---Yes.

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Whereas at least with Hope Vale if there is such a big increase in the rate of substantiated notification there is at least some increase in the number of care and protection orders being made as a percentage for that time?---Yes.

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And then other than Pormpuraaw and Yarrabah the other figures either improved or held steady?---Yes.

For Pormpuraaw there was 189 per cent increase on the substantiated notification, yet a 49.9 per cent decrease in the number of children admitted to care and protection. Is it a possibility that these figures are only capturing the children admitted to care and protection who remain in Pormpuraaw? By that I mean to say, is it possible that the children that are the subject of substantiated notifications have been removed from that area so that if a care and protection order is subsequently made against them at another court, it's not caught by these figures?---What I can say to that is that the data describes children who are the subject of a substantiated notification of harm and whose families were resident of one of the discrete communities. I really can't add any more than that, sorry.

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Okay?---It's just I'm hesitant to speculate what it might be without being - - -

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If you don't know, don't guess?---No, I don't.

Yes, I just thought I would posit that as a possible explanation because for there to be a 189 per cent change or increase in the rate of substantiated notifications, yet for there to be almost a 50 per cent decline in the number of care and protection orders made it seems to be - they seem to contradict each other, those figures, don't they?---Again I can't comment on that.

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Okay, thank you. Now, the Family Responsibilities Commission began operating on 1 July 2008, didn't it?---Yes.

And it's part of the Cape York welfare reform trial?---Yes, it is.

And the aim of the project that the commission is supervising is to restore or reinvigorate societal norms in Aboriginal communities and indigenous communities, isn't it?---Yes, that's one part of it.

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Okay; and the Family Responsibilities Commission only has jurisdiction over Aurukun, Coen, Hope Vale and Mossman Gorge?---That's right.

But even though it only has jurisdiction over those four communities, it has jurisdiction over all people who live in those four communities, not just Aboriginal or islander people?---That's right.

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And who are also welfare recipients?---Yes, that's key criteria.

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So if you're a person living in that community, white or black, but you're not a welfare recipient, is it the case you're not subject to the Family Responsibilities Commission's jurisdiction?---That's right.

Just so that we understand, the Family Responsibilities Commission will have jurisdiction over or the ability to investigate a family or group of people if a person's child is absent from school on more than three occasions in the one term without a reasonable excuse?---Yes.

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If a person has a child of a school age who is not enrolled at the school without lawful excuse?---Yes.

If a person becomes the subject of a child safety report?---Yes.

If a person is convicted of an offence in the Magistrates Court?---That's right.

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That's any offence, is it?---Yes.

Right; or if a person breaches his or her tenancy agreement?---Yes.

And the Family Responsibilities commissioner has set up a presence in these four communities, hasn't he?---Yes.

Can you explain to the commission what that presence involves or how many people it involves or what their designation is what they do?---As far as I know, under the legislation of Family Responsibilities Act there is provision for appointment of local commissioners so there may be four, five, six local commissioners appointed for each community. Those local commissioners sit with the commissioner in considering and determining matters. Also in two or three of the communities there is a person present to assist in the coordination and the facilitation of the meetings of the commissioners and to do the commission business in the communities, including, for example, delivering notices and organising hearings.

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And what happens is, is it not, that when the Family Responsibilities commissioner makes a visit to a particular community, then he and the community representatives, that is, the local commissioners, constitute a panel?---Yes.

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And they then inquire into the reasons why a child has been absent from school on three or more occasions?---Yes.

Is it the case that if there isn't in the view of the panel a satisfactory explanation for that, then the person is

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subject to having his social security payments made the  
subject of a supervision order?---That can be a result but,  
as I understand it, it's rarely, if ever, a first response.

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Right?---The first response would be most likely referring  
people, if relevant, to an appropriate service. The funded  
services in those communities is another significant part  
of the Welfare Reform Trial.

All right?---Relevant services such as parenting and  
financial support.

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Now, this trial has been running since 1 July 2008?---Yes.

Have there been any announcements in recent days regarding  
the future of the trial?---Yes; yes, the Minister for  
Aboriginal and Torres Strait Islander and Multicultural  
Affairs, Glen Elmes, and Noel Pearson, the director of the  
Cape York Institute which is one of the partners to the  
trial, issued a joint press statement within the last week  
announcing that the trial will continue for a further 12  
months. This will be the second 12-month extension of the  
trial but, of course, that's subject to the passing of  
legislation to amend the FRC Act to enable it to be  
extended for a further 12 months.

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All right?---It comes to an end automatically at the end of  
this calendar year.

COMMISSIONER: It's got a sunset clause in it?---It has,  
yes, and, as I've said, it was amended last year to extend  
it for this calendar year.

MR COPLEY: Right. Mr Commissioner, so that the  
commission might have some understanding of the Family  
Responsibilities Commission which operates under a statute  
administered by the department Mr Briscoe is an executive  
director of, it's probably appropriate to tender their most  
recent quarterly report which is quarterly report number 15  
for January 2012 to March 2012 which will give you some  
idea of what the commission actually does. I tender one  
copy and there are sufficient there for the witness to have  
a copy and for those at the bar table other than Mr Hanger  
and Mr Selfridge to have a copy because they have already  
got one.

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COMMISSIONER: Thank you. The Family Responsibilities  
Commission quarterly report number 15 will be exhibit 51.

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ADMITTED AND MARKED: "EXHIBIT 51"

COMMISSIONER: Mr Glasgow is the commissioner, is he?  
---David Glasgow is the commissioner, yes.

He is in Townsville. Is that where he - - -?---Cairns.

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Cairns, is he?---Cairns commissioner, yes.

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MR COPLEY: This is a report that Mr Glasgow makes effectively to the minister or to your department every quarter?---Yes, he does. The reports are presented to the Family Responsibilities Board and then have in the past been tabled in parliament, but the new government will need to make a decision about quarterly reports. The annual reports must be tabled in parliament. Commissioner Glasgow is preparing the annual report now for this year.

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Has this one been tabled in parliament yet?---As far as I understand, it has not.

There should be no difficulties with parliamentary privilege, Mr Commissioner?---There's no requirement for it to be.

Right. Have you read this one before today?---Some time ago.

COMMISSIONER: Is there a requirement for them to be done quarterly or is that just a practice?---My understanding is that's a practice or, if it is a requirement, it's simply a requirement for the commissioner to present the report to the board.

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MR COPLEY: Well, Mr Briscoe has a copy of that exhibit should any other party wish to ask him any questions about it. At this stage I have no further questions.

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COMMISSIONER: Thanks, Mr Copley. There's just one question I'd like to ask before I call on others.

The figures show that ATSI children placed with Kinship or indigenous care has been gradually reducing from 2004 when it was 64 per cent to currently, which is about 52 per cent. Can you give any explanation for that?

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---Anecdotally, Commissioner, from what I've heard through our regional offices, is that there are significant issues in recruiting Aboriginal and Torres Strait Islander Kinship carers and foster carers. One of the issues that keeps coming up in conversations I have at a regional level and at a community level as recently as June and July when we were consulting on the possible extension of the FRC, relates to blue cards. I haven't verified this with the Children's Commissioner, but it appears that there is an understanding that it is difficult for some people to obtain a blue card, particularly if other people in the household have had difficulties with the law in the past or it might be that there's a reluctance to endorse or approve a carer if someone in the same household has not got a blue card. That's an issue that keeps coming up. Our regional officers do a lot of work at a community level to try and encourage more Aboriginal and Torres Strait Islanders to consider becoming a Kinship foster carer. A lot of effort is going into that and there's a strong belief that it is far preferable for Aboriginal and Torres Strait Islander children to be within that type of relationship when they're in care.

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It's the placement principle?---That's right.

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It's a big hard to comply with the principle because of practical constraints?---That's right.

It's a tricky area, I guess, because when you have a standard that's applied universally, relaxing it for one group in the community might be taking an unacceptable risk in the eyes of some. On the other hand, it might be that although it does involve some element of hazard, it might be an acceptable risk in that particular case because you would increase the availability of Kinship and indigenous carers even though they couldn't meet the current standard; but for the purpose of looking after one of their own sibling's children or one of their own community children, they would (indistinct) do you see what I mean?---Yes, I do.

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Can you make a comment on that?---What I can say is that I have heard similar views expressed at a regional level and particularly in the context of the high significance given

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to those cultural links, and also to the strong connection that should be fostered between children and those in communities who have responsibility for lore - l-o-r-e - in those communities; so Aboriginal and Torres Strait Islander children are connected and continue to be connected with a very strong positive cultural context.

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Do you think it would be worthwhile having a look at perhaps relaxing the eligibility requirements for getting a blue card for that reason?---I think I'd prefer not to comment on that, Commissioner, apart from saying that obviously the welfare of the child has to be paramount.

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But you might be able to enhance that in other ways?---Yes.

By more vigilant supervision of someone who you've taken a risk on in giving a blue card, again for the purpose of the child's overall welfare?---I would think so.

It was suggested to me, as well, that the blue card issue isn't so much failure to meet the criteria, but it's the complexity of the process of application. Have you had anything that might confirm or disaffirm that?---I have heard that at community level, Commissioner. Again I'm unable to validate whether or not that is the case, but there's definitely a perception from the number of people I speak to that it is a complex process.

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It seems unless something is here to make it easier to get or easier to qualify for, we're going to sit at about 50 per cent compared with other states that are up near 80 per cent?---Yes.

I suppose we'll have to have a look at how they deal with the blue card issue there and see if that has got any relationship?---Mm.

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Mr Hanger, just in time. Yes, Mr Selfridge.

MR SELFRIDGE: Yes. Thank you, Commissioner.

Mr Briscoe, are you aware that there was evidence heard before the commission from a Mr William Hayward, who is from the Aboriginal and Torres Strait Islander legal service?---Yes, I am.

He gave evidence up to and including last Tuesday. Were you privy to that evidence? Have you had the opportunity to have a - - -?---I have looked over the transcript of his evidence, yes.

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Now, you'd be aware that Mr Hayward gave certain evidence in relation to historical legacy issues for Aboriginal and Torres Strait Islander people. You have read that?---Yes.

Prior to this commission commencing this morning, you had

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some discussions with me and you expressed a desire to elaborate from your perspective in relation to that particular point?---If I may. 1

Yes. Please go on?---Thank you. If I could refer to my notes, that would be great.

Sure. Thank you?---This is in the context of the work that my department does in relation to the historical records that we oversee and we have a responsibility to provide to Aboriginal and Torres Strait Islander people. 10

Yes?---This comes out of the Bringing Them Home Report of the last 1990s where it was highlighted that a significant part of moving forward in relation to addressing the legacy issues of the past was to enable Aboriginal and Torres Strait Islander people to have full access to the records relating to them and their families in their communities. The Industrial and Reformatory School Act in 1865 established and regulated industrial and reformatory schools for children under 15 who were neglected or convicted of an offence. That Act was repealed from 1911 by the State Children Act. However, the definition of the word "neglected" in the 1865 Act included "any child born of an Aboriginal or half-caste mother". 20

COMMISSIONER: By definition though?---By definition. No actual neglect needed to be shown and even though the illogical definition was not included in the State Children Act 1911 which repealed the earlier Act, the obsession with removing children who looked in any way more European to some people's eyes than Aboriginal, continued through to the mid or late 1960s. 30

Certain Aboriginal missions and government settlements which were established on gazetted Aboriginal reserves were registered as industrial or reformatory schools under the 1865 act. However, on every settlement or mission one of the first buildings to be established was the girls' or boys' dormitories. Some of the larger settlements also included nurseries for infants and small children. The rationale behind the introduction of the dormitory system, which segregated the children of an already segregated population, was to influence the young by separating the children from their parents, extended family and wider community. A well-known historian, Tom Blake, found that by the early 1930s in the Cherbourg Aboriginal settlement 66 per cent of all children between the ages of five and 14 were dormitory inmates. The dormitory system on government settlements and church-administered missions prevailed in most cases into the middle 1960s, with it being standard practise to allow children to remain with their mothers until they were five, then to enforce separation for schooling purposes. In many instances, though, these children have been institutionalised since birth, their mothers being housed in the settlement's mothers' dormitories. In a 1968 commemorative booklet on the history of the Yarrabah mission - and I can provide the reference - it was recorded that it was the policy for the boys and girls while in school to live in dormitories, their own families living many miles away. In government settlements such as Cherbourg many children were housed in the dormitories because their mother or mother and father were working away from the settlement under government administered work agreements. While not all settlement and mission children were housed in the dormitories, overall a very high proportion were, with the actual percentage varying between the various reserves. The numbers of children housed in the dormitories has been extremely difficult to quantify due to a lack of detail in extant records. However, on some church-run missions it was the usual practise for all school-aged children to be housed in the mission dormitories with children living at home with a parent or parents being the exception rather than the rule. In addition, parents living on the Aboriginal settlements and missions were not allowed to manage their own finances, nor in some instances even receive certain entitlements. Work agreements - government work agreements - were strictly controlled with wages earned outside the settlement being compulsorily banked with a small pocket money allowance with work undertaken on the settlement being paid in rations. Child endowment payments were introduced by the Commonwealth government in 1942, back-paid to 1941; they were pooled. A group cheque was forwarded to each of the superintendents who was responsible for its distribution under a specific arrangement with the federal and state governments. On some government settlements such as Palm Island, mothers who had preschool children at home with them did not receive any child endowment for these children as these

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children were automatically deemed to be in the care of the institution, meaning the Aboriginal reserve. Other mothers who would normally have received a cash payment to enable them to support any children 16 or under who were living with them were obliged to spend their child endowment payments in the retail store under a ration system. Child endowment payments were also used as a form of discipline with child endowment entitlements being denied to mothers by way of punishment for alleged misdemeanours. Furthermore, while initially maternity allowance was only made available to Aboriginal mothers who were exempt from the provisions of the Queensland Protection Acts, and then only if they were considered to be suitable; on the settlements and missions maternity allowances - a one-off payment - were distributed in a similar manner as the child endowment payments. However, as late as the 1950s women - and I quote - "with a preponderance of Aboriginal blood" were still deemed to be ineligible to receive this allowance at all. The point I'd like to make, Commissioner, is that the dormitory system therefore saw generations of settlement and mission residents experiencing their childhood in out-of-home care. The legacy of this practise spanning many decades and involving many generations has seen the development of adults who have not learnt to be parents as they themselves were not parented. In addition a range of controls over the income of individuals and families, coupled with prohibitions on the receipt of various entitlements, contributed to the development of a captive population who were forced into dependency on welfare. This is all within living memory and experience of Aboriginal and Torres Strait Islander people across Queensland. It's what I believe should inform our way forward in addressing Aboriginal and Torres Strait Islander issues generally. The overrepresentation in the child protection system is simply one aspect of it.

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Thanks, Mr Briscoe. Being informed by that, what should we do about it?---I think one thing that comes to my mind is that the availability of parenting programs to Aboriginal and Torres Strait Islander people in difficult circumstances should be available. This is one of the core services that's provided under the auspices of the Cape York welfare reform program in the four communities. What I heard on the ground during the consultations leading up to the proposed extension of the trial was that that is one of the most valued services available. If you speak with Glasgow C it would be worthwhile getting his perspective on that as well.

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I am seeing him, but for some strange reason, in Townsville as opposed to Cairns. That's why I asked you that question. Can you tell me from your researchers what drove the removals post-1911 despite there being no proven neglect?---As I understand it, Commissioner, it was still this belief that Aboriginal and Torres Strait Islander children who did not fit the image of Aboriginal and Torres

Strait Islanders should be removed for their own good. 1

For their own good?---Yes.

And was there a demand for the supply of these children who looked more white than black in the white community?---I could not say, Commissioner.

They were removed to where?---They were removed to live with white families and they were removed to dormitories and other facilities. I think the Forde Inquiry examined a fair amount of that. 10

That's those run by state institutions?---Yes.

Was that the predominant placement, was it?---Yes, is my understanding.

I'm just wondering how many were placed with private white families?---I don't know the breakdown, Commissioner.

The other thing you mentioned that interested me was that mothers didn't get the maternal welfare or pregnancy payment unless they were exempt from the Queensland Protection Act?---Yes. 20

Who was exempt?---Again I can provide you with the details, Commissioner, but there was a process where you could seek exemption and there were various criteria to fulfil.

Can you give me some of them?---Yes. So if for example you were able to show - it's my understanding - show that you were independent, that you were living a more, I guess, European-type life than a traditional life; you also had to go into an undertaking that you wouldn't - if you were exempt you would not associate with Aboriginal and Torres Strait Islander people following the exemption, otherwise the exemption could be removed. There's a history of this, Commissioner, which we could provide to - - - 30

Yes, I'd be interested in that?---Yes.

So what you're telling me, I think, is that if you could prove a tendency to integrate and rebut the presumption of the need for protection on the basis of race you could be exempt?---There was a possibility of exemption, yes. 40

Thank you?---Equally there was a possibility that that exemption could be removed for a range of reasons. 1

If you didn't maintain - - -?---The European life.

- - - the European lifestyle. Okay, thank you. Yes, Mr Selfridge?

MR SELFRIDGE: Thank you, commissioner.

Mr Briscoe, these historical legacy issues that you speak of and that you have explained an historical perspective you put before the commission - that ties in with and correlates with evidence of Mr Hayward in relation to what he expressed as intergenerational trauma?---Yes. 10

That is the reason, in your view, that you had to express that historical aspect in some finer detail?---Yes, it is.

Thank you, Mr Briscoe. No further questions.

COMMISSIONER: Thank you.

I wanted to explore something with you. Just going back to that question I asked you before about why you have 50 per cent of kinship or indigenous carers out there and I'm wondering if the legacy has got some connection with that on the basis that the parents of the child in need of protection come from the same traditional - come from the same background and no doubt have the same legacies as the kinship or the potential kinship and indigenous carers so they're suffering the same parental problems or problems with not being parented themselves. Would that be a correlation, do you think?---It could be, commissioner, but from my experience just over the last seven or eight years in indigenous communities and working very closely with people who have gone through the system that I just described I don't want to give any impression at all that Aboriginal and Torres Strait Islander people cannot be the best parents that you can imagine because the vast majority are. All I wanted to emphasise is that one of potentially a range of issues that contribute to what you're examining is likely to be the legacy issues that people are operating under. 20 30

Does that apply equally to the Torres Strait Islanders as it does to the Aboriginal members of the community?---To an extent, although my understanding is that the control over Torres Strait Islanders was not as severe as it was for Aboriginal and mainland Torres Strait Islanders and the institutionalisation of Torres Strait Islander within the Torres Strait wasn't the same. 40

You have responsibility for other cultures as well, don't you?---My department does, yes.



Your department does?---Yes.

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All right. Can you make any comment about the comparison between the state intervention in non-Aboriginal Torres Strait Islander communities but in other cultures?---I really can't elaborate, commissioner, other than what - in addition to what I have said in the statement.

Okay, thank you, yes. Now, Ms Ekanayake?

MS EKANAYAKE: Thank you.

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Mr Briscoe, I'm Jennifer Ekanayake of the Aboriginal and Torres Strait Islander Legal Service. In paragraph 11 of your statement you say one of the most critical elements to the success of the inquiry is to ensure that meaningful consultation is undertaken with Aboriginal and Torres Strait Islander children, young people, families, communities and representative bodies?---Yes.

What is your definition of meaningful consultation?---My definition over - and I can base this on the experience that I've had over the last seven or eight years and involved in a number of consultations. Meaningful consultation to me is, in simple terms, sitting down with Aboriginal and Torres Strait Islander people and talking through the issues rather than going into the communities saying, "This is the way it's going to be." Sometimes we have to do that as public servants, but meaningful consultation to me is taking the time and listening and approaching the community in a culturally appropriate way. There are ways of doing that and the ways of doing it may differ from community to community, but there is a respectful way of engaging and what I promote is that in all cases we attempt to do that in the best possible way.

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And is that what you're proposing in this instance when you say in your statement - - -?---Yes; yes, and what it was also indicating though in the statement was that there are a number of mechanisms that have been established with the assistance of my department and its predecessor agencies to facilitate those discussions such as negotiation tables which is a term that was originally applied to them and which has stuck but there's not necessarily negotiation but which is a facility where our regional offices primarily bring Aboriginal and Torres Strait Islander peoples together with relevant agencies to talk through issues and to come up with preferably jointly owned responses, and that has been happening for a number of years now across a number of communities in Queensland. There are also ministerial round tables that have been operating under the previous government for a number of years with the discrete communities so that would be primarily with the mayor and other representatives from the communities and key ministers from government.

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So what do you say - you mention all of these round tables and discussions that have been taking place over a period of time?---Yes.

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Would you say that those have not been successful or what has not happened for us to come to this stage and say there's overrepresentation of Aboriginal and Torres Strait Islander children in child protection system?---Personally what I think it gets back to is that there's no one mechanism and there's no one issue that needs to be addressed which could solve the problem of overrepresentations. That overrepresentation perhaps it just one indication of a range of issues that need to be addressed and that there are intergenerational issues which need to be tackled on the very basic levels such as in relation to employment, housing and education. So my department as effectively a central agency overseeing work in the indigenous space in Queensland needs to be looking at all those areas because the change, if it's going to come, is going to come by tackling a range of issues.

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Thank you. On page 8 at paragraphs 33 and 34 you make reference to the Closing the Gap agenda?---Yes.

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Do you recognise that low socioeconomic status which you have just mentioned or the Aboriginal and Torres Strait Islander people is a contributing factor in the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system?---Yes; yes.

You also said at paragraph 36 that your department performs a key role in leading and coordinating Queensland government to close the gap in indigenous disadvantage?---Yes.

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Do you believe this particular initiative will reduce the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system, the Closing the Gap agenda?---Yes.

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---The Closing the Gap agenda is what it says, to close the gap between life outcomes between Aboriginal and Torres Strait Islanders and other Australians. If that gap is closed that would mean that Aboriginal and Torres Strait Islander people - children - finish school, get employment, have the ability to own their own home, to leave an inheritance to their children, travel freely and aspire to do what every other Australian can do. So yes, if the gap is closed that will have an effect on overrepresentation, not just in the child protection system, but as we all know, Aboriginal and Torres Strait Islander peoples are overrepresented, not just in the child protection system, but also overrepresented in the criminal justice system and they're overrepresented in a range of key indicators of wellbeing. So yes, I think if the gap is closed, and that's an intergenerational thing, then yes, it will have an effect.

Thank you. At paragraphs 37 to 44 of your statement you refer to the Cape York welfare reform trial, which was in your evidence. You say that the Family Responsibilities Commission is the key plank of the (indistinct) at paragraph 38. How do you see the FRC as a case management model and how that works in practice between the two statutory systems, that's the FRA Act and the Child Protection Act?---Yes. And I probably can't comment in any great detail in relation to the child protection legislation itself, but in my experience with the FRC, including most recently during the consultations on the extension of the FRC, the case management approach that is adopted by the FRC is highly regarded as a very effective mechanism for trying to address significant family issues. If people come before the FRC as a result of a child protection notification then the ability of the FRC to talk through issues with the family, to refer the family to key services such as parenting services, income management services, then that's a very positive thing.

Wouldn't the child protection system be doing the same kind of thing, working with families?---My understanding is that the child protection officers, the FRC commissioners and other key players in the four communities work closely together and it would be, I think, interesting to talk to David Glasgow in more detail how that has evolved over the last four or so years. But particularly the remote communities, the closer people work together, the better. I think the FRC has drawn people in where they may not have been working as closely together before.

So you don't see it as a duplication of two systems working, perhaps doing the same thing?---Not necessarily, no. Sorry, if I could add, one thing that the Cape York welfare reform trial aspires to do is to increase leadership capacity within communities, and particularly with the appointment of FRC commissioners, who are local people - highly respected local people - they have been

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authority that perhaps in recent times has been denied to a lot of Aboriginal and Torres Strait Islander people within community settings by giving them the authority of being an FRC commissioner and involved in some significant decision-making in relation to families, then I think that has been a lever to bring agencies and people together where they may not have come together before.

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Thank you. In relation to your comment on the - or what you said to the commission about information that you have about the non-availability or the lack of Aboriginal and Torres Strait Islander carers, your comment was that the blue card system or the fact of making that application might be putting off or off-putting to some carers. Would you not agree that if there were more secondary agencies working with these families and working at the initial stages who might be then able to prepare these families to become carers, might be a better way of arranging for - or providing for carers - Aboriginal and Torres Strait Islander carers - for more higher numbers of Aboriginal and Torres Strait Islander carers?---I prefer not to express an opinion on that if that's okay.

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Thank you. At paragraph 27 of your statement you refer to the Aboriginal and Torres Strait Islander women's taskforce on violence and acknowledgement of the many factors influencing violence. Are you aware of - or could you tell the commission what efforts and approaches have been taken by the department to address perpetrators in terms of educational or other programs; and would you agree that there is a lack of programs specifically designed for Aboriginal and Torres Strait Islander perpetrators or persons?---The department and its predecessor agencies have been responsible for developing and leading a range of strategies, primarily under the previous government - which the current government is currently examining. One of those strategies is what's being referred to as the Just Futures strategy. We've provided the commission with copies of the publication, Just Futures. Just Futures is a range of initiatives which are led by various agencies in the Queensland government to try and tackle the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system, but as was previously discussed there's a strong correlation between the justice system overrepresentation and the child protection system overrepresentation. The focus of that Just Future strategy has been on preventing people getting into the justice system or to prevent people from reoffending if that is possible in all the circumstances. So a range of initiatives are being implemented right now, and a number of those relevant to your question. I can refer to those if you need.

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But specifically in relation to domestic violence or perpetrators of domestic violence; any programs that are targeted towards those groups?---There are a number. One

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that I'm aware of that doesn't necessarily fall under the Just Futures strategy is the Ending Family Violence program, which again is one the - I understand - one of the well-respected programs that is being delivered in the welfare reform communities under the auspices of the Department of Community Safety. That is tackling or looking at people in prison or who are in the process of leaving prison or detention who have violent tendencies, and working with them to address those issues.

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But those programs are not specifically tailored towards Aboriginal and Torres Strait Islander peoples?---There is a - in those four communities that would be the case.

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COMMISSIONER: Ms Ekanayake, how long do you think you'll be?

MS EKANAYAKE: Not too long.

COMMISSIONER: Not too long?

MS EKANAYAKE: Maybe a couple more minutes.

COMMISSIONER: What about everybody else? Mr Capper, are you going to be long?

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MR CAPPER: Probably five or 10 minutes, 15 minutes at the most.

COMMISSIONER: Well, we have a break, or we could keep going until we finish around midday. Anyone got a - okay, we'll keep going.

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MS EKANAYAKE: At paragraph 57 of your statement you refer to community safety plans being developed. Is this in conjunction with those communities, specific communities, or is it a general community safety plan?---Community safety plans are being developed in conjunction with the communities. These are being developed as part of the previous Queensland government response to the CMC inquiry into policing indigenous communities and the community safety plans are being developed as we speak at a community level, but with the community with the intention that they are owned by the community.

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When do you think these safety plans might be completed? ---It's a slow process. Three or four are well developed. The Wooljil Wooljil plan has been finalised. It will take some time.

Mr Briscoe, you're aware that Queensland currently does not have a fully accredited Aboriginal and Torres Strait Islander interpreter service?---No, I wasn't aware of that.

I had further questions, but if you're not aware of that, I won't - than you. I have nothing further.

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COMMISSIONER: Thank you. Just before I call on anyone else, at paragraph 11 you talk about meaningful consultation and engagement, and you suggest I hold hearings at discrete indigenous communities at Torres Strait?---Yes.

And in the urban and regional areas that you mentioned. Hearings are planned in those regional areas?---Yes.

And I am hopeful of being able to go to Aurukun next month. I had to postpone that for various reasons that don't matter. I have two questions arising from that paragraph. Is holding hearings the most meaningful way of consulting and engaging with the discrete indigenous communities?---It depends very much, Commissioner, on the community and what we would strongly encourage is that the - and potentially through our regional offices, if they can be of any assistance - is to contact the community leadership in the particular community to talk about how best to engage for this particular purpose. In my experience formal hearings can be effective, but in other cases, particularly if it's an inquiry, if it's seeking information, there may be better ways of doing it; and particularly if you can have informal settings and talk to different groups rather than all groups together.

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Yes, we were going to do a combination of groups at Aurukun that we've planned there?---Yes.

And I understand caucusing is a good approach?---Yes.

Which discrete indigenous communities apart from Aurukun - and bearing in mind the time and budgetary constraints that we all have - would you advise me to go to, time and other factors permitting. Given that Aurukun is part of the trial - - -?---Yes.

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- - - for the Cape York Welfare Reform, is there any particular place I should try to get to over and above Aurukun?---In relation to the discrete communities?

Yes. We don't want to go to all - - -?---To go to all of them, that would be extremely expensive and time-consuming, but I would have thought, Commissioner, one of the gulf communities such as Doomadgee or Mornington Island. Both those communities could probably be facilitated in the one trip.

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The one go?---Yes.

I'm going to Cairns Council, so we look at Palm Island. Bringing people into those areas if they're available? ---Yes.

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As well as going out to them?---And to Yarrabah.

Yarrabah?---Very close to - - -

(indistinct)?---Yes, but there are also - sorry, Commissioner - smaller communities within driving distance of Cairns, such as the former Mona Mona reserve, or current Mona Mona reserve but it was a mission, and there are residents of Mona Mona who have experienced and continue to experience a range of issues, particularly as a result of the legacy issue that I referred to earlier.

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What about the Torres Strait community?---Yes.

Any particular community that - - -?---Again I'd recommend to the commission that they contact our regional office. I understand one of our officers is with the commission.

Yes?---And he would be able to provide good advice.

Well, I think there are Islander groups we've got on our agenda, as well?---Yes.

Just insofar as you mentioning from paragraphs 30 to 32 the importance of all - you know, the linked up government agencies working together and the whole of government approach - and I think that's probably non-controversial, but are all government agencies, you know, all relevant government agencies, working together with communities like you say they should in paragraph 32?---There is certainly the will and willingness of all agencies to work together to address indigenous issues. The extent to which

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individual agencies work with communities, I think it may be worthwhile talking with representatives of those agencies; but we certainly get great cooperation across government when convening high level committees, officer level committees, to talk about issues. For example, Commissioner, only this week we had a meeting chaired by my director-general of senior officers across Queensland government to talk about, amongst other things, the range of national partnership agreements relating to closing the gap in indigenous outcomes. The willingness to share information, to work together, is very evident, but the coordination of government on the ground has been a challenge for a range of reasons in the past.

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And I think you mentioned the determination of the current government to focus on the whole of government approach. At paragraph 44, you've already dealt with the extension of time. It has been extended for 12 months?---Subject to legislation and significant appointments being made.

And that's a Queensland government concern?---The Welfare Reform - the FRC Act is a Queensland Act. The Welfare Reform Trial, of which the FRC is part, is a partnership between the Commonwealth government, the Queensland government and Cape York Institute.

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Now, we've got over-representation in other ethnic and cultural communities in the statement - as well as the ATSI community?---Yes.

The Multicultural Child Protection Working Group which was convened by the Ethnic Communities Council, you set out the aims of learning together child protection projects. Can you tell me how that's progressing?---If it's appropriate, Commissioner, I can provide that information to you following this.

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All right. I will follow that up with you. We will probably give you an information notice on a couple of things in your statement?---Yes, that's fine. 1

Follow that up?---Yes.

Okay, thanks. Now, Mr Copley, do you have any questions?

MR COPLEY: No, thank you, commissioner.

COMMISSIONER: Thank you. Mr Capper? 10

MR CAPPER: Thank you.

Craig Capper for the Commission for Children and Young People and Child Guardian. In relation to your evidence, you've indicated that - paragraphs 17 through to 24 certainly indicates that discrete communities are showing signs of improvement over two years, particularly Lockhart River and Napranam. In addition, Palm Island is showing a decrease and there's improvement in other key indicators, but some of the other areas, Cherbourg, Hope Vale, Pormpuraaw and Yarrabah, are showing signs of stability but there are still some issues there. Do you have any idea as to why the differences if these are - you know, what's causing those differences in those communities?---Not necessarily, although what I would like to emphasise is that every community is very different and although a lot share common issues, they are individual communities so there - for example, the leadership in a particular community can have a significant influence on how that community is operating from day to day, but also we have - and my department is the program owner or the policy owner in relation to alcohol management plans and we have the Welfare Reform Trial as well so there is a range of strategies and things operating in different communities which may have different impacts according to the circumstances of those particular communities. 20 30

So there's no one silver-bullet-type argument. Would that be right?---That's right.

Thank you. Now, the only area I won't address you in relation to or ask you to address is the issue of blue cards. You're certainly indicating that that may be having some impact on the number of kinship carers in those areas or in regional communities or remote communities?---I think my main point was that's what I had heard anecdotally so I've got no evidence apart from that to suggest that it is an issue, but it has been raised with me on a number of occasions. 40

Are you aware that there's been an Aboriginal and Torres Strait Islander blue card reference group established, including state, federal and non-government agencies and in particular the Aboriginal and Torres Strait Islander Legal

Service to try and address and to create some strategies on the ground to address that issue?---I was aware of that, yes. 1

And certainly in relation to that, are you aware that the Commission for Children and Young People has visited Palm Island, certainly a teleconference with Mornington Island and in the last six months been to Cherbourg, Woorabinda, Yarrabah, amongst other regional communities, remote communities, to promote blue cards and to assist people in that area?---Yes, definitely, and I met one of the commission's people in Aurukun recently so I know the commission is doing a lot of work. 10

In fact over the last 12 months the commission has seen a 15.4 per cent increase in the number of blue cards issued to Aboriginal and Torres Strait Islander people over the last 12-month period?---I wasn't aware of that, but that's good.

And the current figures that appear to be in place seem to suggest that 14.6 per cent of non-Aboriginal or Torres Strait Islander population of Queensland have a blue card compared to 14.9 per cent of Aboriginal and Torres Strait Islander population in Queensland. Would you be aware of that?---No, I wasn't, but that's encouraging. 20

Thank you. Thank you. That's all I have.

COMMISSIONER: Can the commission make me aware of that in an appropriate way?

MR CAPPER: I will certainly make you aware of that and certainly the latest figure of 15.4 is coming in the annual report as well. 30

COMMISSIONER: So the commission has identified that there is a problem as well. Is that why we have set up the reform group?

MR CAPPER: Most definitely. It's certainly an issue that has been raised. In relation to it, there has certainly been the issues raised through the witnesses as well which is certainly in our knowledge that there is a perception at least that there's a problem, but we would say that it's more of a perception rather than a reality.

COMMISSIONER: Are there any figures of, for example, the number of applications that are made and then not pursued compared with the number of - - - 40

MR CAPPER: In relation to that, I can indicate there's the current applications where people are challenged after they have lodged an application. 1.58 per cent are withdrawn when they're challenged.

COMMISSIONER: Right. I suppose you don't really know of the ones that never got started.

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MR CAPPER: In terms of ones that have lodged applications - - -

COMMISSIONER: It's all too hard or - - -

MR CAPPER: That's those who have withdrawn after they have lodged an application for whatever reason or particularly after they have been sent a request to make submissions.

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COMMISSIONER: Yes, I'm just thinking of the candidates who never even got as far as making an application.

MR CAPPER: Obviously we don't know that.

COMMISSIONER: Don't know.

MR CAPPER: No.

COMMISSIONER: I suppose you could ask, but what about Mr Briscoe's point that it's not just the application process. It's the fact that there are other people who might be in the proposed home, the placement, that created a difficulty for the applicant.

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MR CAPPER: Certainly I think that can create a difficulty for some persons, but I guess then what we're doing is, as you have suggested, we create this double standard between the standard of care that may be provided to an Aboriginal and Torres Strait Islander child compared to a non-Aboriginal and Torres Strait Islander child and if the playing field is the same and the same standard is being applied across all - - -

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COMMISSIONER: It is just more culturally appropriate.

MR CAPPER: Obviously that's one of the issues that needs to be considered.

COMMISSIONER: All right, thanks, Mr Capper.

MR CAPPER: Thank you.

COMMISSIONER: Anything arising from that?

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Mr Briscoe, thanks very much for coming?---Thank you, commissioner.

We will follow up. There are some paragraphs in your statement that I would like a bit more detail on, but I will tell you what detail that I would like and I'm sure you can provide it?---Yes.

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BRISCOE, W.G. XXN

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You have been very helpful.

WITNESS WITHDREW

COMMISSIONER: Mr Copley, I believe we have another witness today.

MR COPLEY: Yes, but won't be ready to proceed till noon so if you would adjourn until 12 o'clock.

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COMMISSIONER: I certainly can do that. We will adjourn till 12.00.

THE COMMISSION ADJOURNED AT 11.39 AM UNTIL 12 NOON

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THE COMMISSION RESUMED AT 11.59 AM

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COMMISSIONER: Yes, Ms McMillan.

MS McMILLAN: Yes, Mr Commissioner, I appear in relation to this witness, Scott, with Mr Haddrick. Call Alexander Scott.

**SCOTT, ALEXANDER PATRICK** sworn:

ASSOCIATE: For recording purposes, please state your full name, your occupation and your business address?  
---Alexander Patrick Scott, trade union official, 27 Peel Street, South Brisbane.

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COMMISSIONER: Good afternoon, Mr Scott. Thanks for coming. Yes, Ms McMillan.

MS McMILLAN: Thank you. Commissioner.

Mr Scott, would you have a look at this document, please. Mr Scott, do you recognise that document?---Yes, I do.

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Is that a copy of your statement made in relation to this commission?---Yes, it is.

All right, thank you. I tender this, Commissioner, and there's a spare copy for yourself.

COMMISSIONER: Mr Scott's statement will be exhibit 52.

ADMITTED AND MARKED: "EXHIBIT 52"

COMMISSIONER: And it can be published as it is, can it?

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MS McMILLAN: I see nothing that would prohibit that.

Mr Scott, there's nothing confidential in that that couldn't be published?---There's nothing confidential, no.

No, thank you. Mr Commissioner, I should just outline too, yesterday afternoon we were supplied with a document, Workload Management Guide for Child Safety Service Centres, which apparently Mr Scott may wish to refer to in his evidence, together with a survey that is being prepared and will be disseminated to members of this union. I understand that in fact the answers to that will be incorporated into a larger submission made to the commission in November this year. I don't propose to tender either of those documents at this stage.

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That's correct, what I've just outlined, isn't it, Mr Scott?---Yes.

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11.59

SCOTT, A.P. XN

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Yes, all right. Thank you.

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COMMISSIONER: They can be appendixes to the submission, perhaps.

MS McMILLAN: Yes, thank you. Mr Scott, do you have a copy of your statement with you?---Yes, I do.

All right, thank you. Now, can I just ask you, firstly, you are the secretary of Together Queensland. Did it have a previous incarnation?---Yes, several incarnations and name changes. Last year it went through a union amalgamation process. Prior to that one of our predecessors was the Queensland Public Sector Union.

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Yes?---It existed for a period of about 10 years and during the 10 years has been known both as the Queensland Public Sector Union and the State Public Services Federation Queensland. In 93 the Queensland State Service Union and the Queensland Professional Officers Union amalgamated to form that entity and that existed for a number of years.

All right. Is it affiliated with any other unions?---It's an affiliate of the Queensland Council of Unions and it has a relationship - it's an associated body of the Australian Services Union, which is a federally officially registered entity.

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What does that exactly mean in layman's terms?---In layman's terms there are legal separations between the two entities, but for the purposes of representation in the federal jurisdiction our members are members of Together but a number of our members are also members of a separate limb of the Australian Services Union which represents members in the Fair Work jurisdiction, where Together members are represented through the State Industrial Actions jurisdiction.

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Thank you. On page 2 of your statement you say that, "An overwhelming majority of eligible workers are members of Together." Can I just ask you how many Together members are from the child protection sector and what proportion of the eligible workforce does this represent?---Our members are a bit difficult to track because of a machinery of government changes in terms of where people have moved post the change of government and the change to departments and we haven't been able to get accurate staff lists at this point in time, but we have - to the best of my knowledge we would have about 1400 members who we believe remain within the child safety area of the Department of Communities. There has been some loss of positions over the last six months, so that might be slightly (indistinct) 50 to 60, but it's about 1400 roughly. And in terms of the membership density, the number of workers who are in the union is much higher in the child safety officers than head

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office, so we have them. Getting close to all the workers in the union in those kind of frontline areas, but in corporate offices it might have dropped to 50 or 60 per cent. 1

Right. Just so I understand, as at about March this year when the election occurred was it about 1400?---Yes.

Were in that child safety sector, if you like?---Including the child safety head office part.

Yes, right. So all those who worked within the then department, about 1400 are members of your union?---Not the then department, because that would have been just in relation to child safety. We would have had 4000, 5000 in the broader Department of Communities, it just spills into other areas. So we're trying to - that's why our numbers aren't completely accurate - is trying to fine the number down from the broader communities departments to the more specific child safety area. 10

But doing the best you can, as at around March it was about 1400, if you like, in that component of that overall department - - - ?---Yes. 20

- - - workers relating to child safety issues?---Yes.

Correct? Right, thank you. And in paragraph 7, (a) through to (m), I take it those are the categories of employees that make up that 1400 number?---Yes.

Right, thank you. What are the membership rates for workers providing child protection services directly, such as child safety officers?---Clearly on the method of payment, around \$500 a year. 30

No, I meant membership percentage, rather than - - - ? ---Sorry.

In terms of the actual child safety officers providing child protection services directly, how many of that 1400 would you have?---I haven't got that number off the top of my head. It would be - our membership is very high amongst the child safety officers, so most of the child safety workplaces are outside of the CBD and we would have around 90 to 100 per cent membership. But in terms of the break-up between how much of the CSOs in that 1400 versus how much are head office, I don't have that figure in front of me, but I can get that - can make that available. 40

How does that compare to other areas of government in terms of the percentage of members that you have in those child safety officer areas?---It's the highest. We have a significant density also in correctional services membership and plus a large health membership, but child safety officers are the most likely - the highest

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percentages we have in the public sector areas.

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All right. Paragraph 8 of your statement, you say that there have been - since the election both temporary and permanent child protection employees have been directly or indirectly impacted by decisions to cut departmental budgets and staffing levels. Can I just ask you what sectors of the department and what levels and how many employees are we talking about?

---We're not able to provide exact numbers because we've been seeking information off the government and the department, both ourselves and through Industrial Relations Commission, and the government has issues new directives to limit our access to staff lists. So we can use some best estimates, but in terms of the information, we can't - we can give you minimum numbers, but there'll be other agencies of government we aren't aware of.

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Right. Even if there's some restriction, you say, through the government levels, located through your own membership you would have some - obviously that's probably the best evidence, isn't it?---Sorry, our best evidence in relation to the child safety officers themselves are numbered are - and (indistinct) head office are more limited because density is lower. But we believe in terms of - as a minimum number we believe about 425 workers have gone from the broader department. That would be primarily in head office. Some of those head office numbers wouldn't have been within the child safety head - parts head office, so that would be the combined communities department, because they're going through a restructure. So while that isn't coming off the 1400 figure, that's coming off a- because the 1400 figure was head office. Child safety only (indistinct) 400 figure is corporate office. But in terms of the child safety-related positions, as a minimum we've been able to identify at this stage about 75 positions have gone for a variety of different processes. But that's people going rather than necessarily vacancies not being filled as well, so there's been a range of changes occurring at the moment, but there has been a significant loss of positions in child safety officers.

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So can I just try to unpack that, perhaps in layperson's terms. You say that you understand about 425 members, but some of those relate to other positions within the broader Department of Communities. Correct?---Within the broader - with the head office department.

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Yes, which encompasses more than child safety?---Yes. 1

So it incorporates, we know, disabilities services as an instance. So of that, then you say the best estimate, if you like, is that 75 members who relate to child safety, as far as you can tell, they are positions of either contracts not extended, for instance, if they're temporary, or they've been perhaps what?---Generally the processes that have been undertaken in government at the moment - as I say, child safety in communities is the least transparent in terms of a current change process. A number of departments have provided accurate figures, but in terms of child safety in communities there has been no communication either to us or to the media. But there was one amount of programs taken under - which is what's called the EMP program, the Establishment Management Program, that started just after the election. 10

And is this what you speak about at paragraph 9 of your statement?---Paragraph 9. That was in - - -

Can I just stop you there?---Yes.

I just want to understand this. So the 75 positions are, for instance, as you say in paragraph 9, including existing temporary contracts. Correct?---Yes. 20

And is that the main type of category that you understand these 75 positions have fallen into or is it - - -?---Yes, that's the main category it has fallen into.

Right. Okay?---But there would be - some of the 425 will have gone from programs outside of the EMP program because of a restructuring of - - -

Now, in terms of paragraph 10, you talk about critical front line roles. In fact quite a degree of your statement relates to issues of front line workers, doesn't it?---Yes. 30

And indeed I take it from that - is it fair to infer - that you regard them as an important part of the child safety workforce?---No. We regard a range of groups that the government doesn't regard as vital, as being vital. I think the front line - - -

Can I just bring you back to my question?---Yes.

The fact that you've spent a considerable part of your statement in relation to front line workers, does that indicate that you, speaking on behalf of the union, regard them as important positions?---We regard these as critical, but we also regard as critical some other positions that government doesn't find as front line. The definitions provided in my statement are the government definitions, not the union definitions. 40

I want to go on to that, please, if I could?---Yes.

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On the third page of your statement in paragraph 18, you then talk about front line services. Now, what do you understand "front line worker" in the child safety context is?---In terms of my statement, I've used the terminology as used by the government, which I fundamentally disagree with.

No. My question - perhaps if I - - -?---Yes.

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I'm not asking you to comment at this stage?---Yes.

I'm just asking you for your understanding of what the front line worker means?---I think front line workers are those directly involved in the delivery of child protection or intimately involved in the support of those groups. I think there's a fundamental difference between my interpretation and the government's interpretation.

All right. Again, can I just ask you to pause there. So you say that it is people directly providing services to the public. Correct?---Yes.

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An interface with the public - and those who support them you regard as front line?---Intimately support them, yes.

Intimately?---Yes.

So, what, as part of their duties they support - - -? ---Yes. Particularly in the child safety area, officers with - administrative officers, business support officers and a range of those - and records officers - are fundamental to the overall position in relation to front line services because of - so if could go back to point 7 of my statement, there are a range of titles of jobs in relation to that. What we've found at the moment is that the people who are working - in terms of the staffing of the area officers or the child safety officers, we think all those positions are fundamentally front line in terms of how they operate.

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Could I just ask you to slow down a bit, Mr Scott?---Yes.

COMMISSIONER: Could we just go to paragraph 7 and maybe by reference to the subparagraphs, you can tell me what the front line are from the union's point of view?---Well, certainly child safety officers would be front line. Team leaders, senior practitioners, court reporters, records officers, child safety support officers, SCAN coordinators. The administrative officers employed in the regional locations, so not necessarily administrative officers employed at 111 George Street. Business support officers would be the front line and also in most cases the Child Safety Service centre managers.

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MS McMILLAN: Sorry, can I just - - -?---So basically the whole list.

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COMMISSIONER: The whole list.

MS McMILLAN: You say the whole list of front line staff? ---No, the whole list up to point L and N would start to become - so what we were doing was producing a list of the positions we felt were front - well, child safety and we think they're all front line in that context.

10

COMMISSIONER: So the work groups that are covered by the union are all regarded as front line?---No. We've not regarded some of the people in the CBD. This would be in relation to those people - the child safety office, and those people working there. If you go to 111 George or somewhere like that - - -

Who would I find there? Who wouldn't I find?---Well, you'd have kind of corporate support, finance, HR, some of the policy areas. There would be some front line work at 111 George in terms of some of the work directly supporting - I think we make mention of - I make mention of that in my point in relation to the - - -

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Maybe you can tell me by figures. Of the 1400, how many are front line? Not by category, but by the figure?---I think on - I couldn't give a - which I think is the same answer, which I think would be in the vicinity of 11 to 12 hundred, but I'd have to - I couldn't confirm - - -

So that would leave 300, based on the accuracy of the 1400 figure, in the back room?---I'd have to check. I wouldn't be able to swear to that today. I'd have to check my - how that 1400 was collated in terms of the CBD - - -

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All right. In paragraph 13, you say that at current more than 20 positions have been lost from front line child safety areas?---Yes.

And that's the areas you've referred to in paragraph 7? ---That would be the ones that government defines as front line, rather than what we define as front line.

So those 20 positions have been lost from front line. Let's drop front line, because it's confusing. Can you tell us, by reference to the paragraph 7 categories, where those 20 positions have gone from?---I'd have to - with the indulgence of the commission, if I could give an explanation of how the front line process has developed, it might explain some of the questions.

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MS McMILLAN: Perhaps it might be easier - with reference to 7, it might be best if you could categorise those, because I think it leads to greater clarity if you could do

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it that way?---I think if I explain the EMP program, with your indulgence, it might explain why there's this focus on front line.

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Well, perhaps I can come back to the debate on it. I think if we could get some clarity about what of those front line positions there, the 20 or so - where they come in those categories in 7, then I'll give you an opportunity to explain the process of EMP as you've reported it.

COMMISSIONER: I mean, you may not be able to do that, Mr Scott, and that's fine?---Yes.

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But do I take it the last sentence in paragraph 13 is that there are 20 positions lost from the government front line? ---The 20 positions of the government - wouldn't dispute are front line that have been lost.

MS McMILLAN: So are you able to do that from paragraph 7 or not at this stage?---I'd have to check - go grab some paperwork before - I'm not sure I'll be able to identify them specifically today.

All right. Now, you say that the government has a different definition as you understand it of what front line means. What do you say you understand the government position is?---The government position has changed a number of times over the last six months. Prior to March, the government position was people working in area offices, child safety officers, were all front line. Following the new government being elected, they embarked on the EMP program, which was the Establishment Management Program, which meant that front line became a matter of significant debate because they were saying that front line positions would be replaced, but non-front line positions could be abolished or not filled by agency. So at that point in time the previous definitions of front line which were primarily controlled by the Public Service Commission, were revisited by the director-general of the department and they introduced the concept of front line and critical front line in the department. So in terms of our understanding in relation to the government's position, they would say that the - in terms of running through the list on point 7 - child safety officers are determined to be critical front line; team leaders are determined to be critical front line; Child Safety Service on point (c) is critical front line; senior practitioners is critical front line; court reporters are critical front line; record staff, records officers, are front line.

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Sorry, did you mean court coordinators?---Court coordinators, sorry, yes.

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Yes?---F are not frontline in terms of records officers. G, child safety support officers, are not frontline. SCAN coordinators are critical frontline but the administrative staff - administrative officers are non-critical frontline. Administration officers are non-critical frontline and business support officers are non-critical frontline.

Right?---So in terms of most departments have a view of frontline versus non-frontline the Department of Communities has a view of frontline - critical frontline and non-critical frontline.

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All right. I don't know if you are apprised of the evidence of Ms Healy who gave evidence last week and yesterday?---No.

I indicate to you that she's the national president of the Australian Association of Social Workers. She worked for three years as a child safety officer. She is the professor of social work at the University of Queensland and has conducted extensive research into the department's workforce. Now, her evidence - and I will recite it to you directly - is at page 105, day 12, Mr Commissioner, about line 15:

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*For almost a decade the Queensland government has included the term "frontline" to refer to a range of officers, including those with no direct service responsibilities and with no client contact.*

Now, does that reflect your understanding of what the government's position was at least prior to March this year?---Yes.

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She then says in answer to a question on page 106 what she referred to as a frontline worker was:

*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.*

So that is her view of it. That would seem to make, would it not, some logical sense, wouldn't it?---Yes.

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Because one would think to the average person "frontline" means someone who's having a significant degree of contact with members of the public?---Mm.

Right. So is it fair to say, Mr Scott, out of all of that that it's a pretty slippery-slope definition of what a frontline worker is?---Yes.

Depending where you sit?---Yes, I think particularly in relation to the 40 per cent. The previous definition, as I understand it, from the Public Service commissioner was 50 per cent time and the government has changed the definition to be 75 per cent time. So you have a worker at the moment who spends 65 per cent of their time doing direct client work and the government discerned them as being frontline.

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COMMISSIONER: When you say "the government", you mean the director-general?---And the Public Service commissioner has changed the broad definition which is then reinterpreted by the director-general, but there was a change to the definition of "frontline" to being not half your time but 75 per cent of your time is now required to be doing direct client work and that's - - -

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And between 40 and 75 per cent of direct contact time - what's the union's position?---We would believe that the change to 75 per cent is ridiculous. If you're spending more than half your time on direct-client time, you should be deemed to be frontline.

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So 50 per cent or more?---50 per cent, yes, but I think it's also - the whole concept then becomes rather arbitrary.

Of what, frontline?---Yes.

Yes, that's what happens when people use terms like "frontline" that don't get any constant meaning?---Yes.

MS McMILLAN: Indeed, Mr Scott, Ms Healy gave further evidence in terms of what she understands positions that are currently extant in the department that - just excuse me for one minute.

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COMMISSIONER: In any event, whatever definition you use for "frontline", what you say in paragraph 13 is that only 20 of them would be lost?---20 of the ones determined by the government to be lost. We think 75 of the ones as a minimum we've been able to identify have been lost, but we're also not sure what amounts each week in terms of - - -

None of us are sure what's going to happen next week.

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MS McMILLAN: So I understand, clearly you mean by "lost" means either left or contract not renewed?---Yes, made redundant or contract renewed wouldn't cover people who've - there would be some people that we don't know about who've just retired or resigned and we haven't - they haven't notified us so that would be in terms of contracts not renewed or redundancies.

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SCOTT, A.P. XN

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Retirement and redundancies - that would be a fairly natural sort of path, wouldn't it, to a large extent?  
---Yes.

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Right. Now, has the union conducted any research or aware of figures of the proportionality of staff since particularly March of this year and what levels they're employed at? So in terms of, as I understand your statement, you've obviously expressed some fairly grave concerns about the loss, to use your term, of frontline workers. What about those in other more administrative positions? What's your sense about that?

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---I think we would - there are certainly 75 positions which some of those 75 positions would be administrative positions who are - in the child safety officers. There would be some administrative positions in health which we haven't got as the details on yet because of the different chain of process occurring in health. There would be a minimum of 425. Some of that 425 would be in office positions.

Now, Ms Healy again - this is page 104 of the transcript on day 12. In her submission - and she was asked to clarify it and she said that there still appears to be a significant proportion of staff at SES, A08, A07 and A06 levels. Now, just pausing there, to those of us not familiar with the categories in the public service they would be seen as senior positions, wouldn't they?---A06 probably would be, yes.

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Employed in both central and regional offices their value proposition to the frontline needs clarification. She then went and clarified this further. There is a strong section within all of that dot point based on both 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 frontline work because a lot of our experience is that it's about protecting senior staff rather than by ensuring that all the administrative work is completed rather than helping those workers do their frontline service better. Does your experience accord with her impression?---I think we report back managerial rather than administrative because it becomes more a complication down the track, but certainly we were very concerned with the change from the Department of Child Safety to the Department of Communities and we expressed concerns both in terms of a philosophical concern around the funding of it but also that that has resulted or did result in significant additional layers of bureaucracy that weren't assisting in terms of the department.

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SCOTT, A.P. XN

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Given that you've spoken in your statement of budgetary pressures, it would be fair to say that the child safety officer who are, let's just say, doing 50 per cent or more are certainly not that classification, are they, A06 or above generally?---They would be in the PO saddle and they would be - some of the child safety officers would be PO4 who would be equivalent to A06 in terms of some of the team leaders above.

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COMMISSIONER: "AO" means administrative officer?---That's correct.

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And "PO" means?---Professional officer, so those with professional qualifications and the team leader positions would have been PO4's or PO5's and they would be the equivalent of A06.

So if I'm a PO, I have got a professional qualification, that is, a tertiary-level qualification, have I?---You should, yes.

If I'm an AO, I could but I don't have to?---Yes, normally it would require a level of registration as well as qualification so legally qualified and accountants and others would often be in the admin stream where - people acquiring a professional certification, health professionals and social workers.

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So the people making decisions about whether or not to remove a child or whether a child is need of protection would be a PO?---Yes.

And they would be closest to the frontline than anyone else, wouldn't they?---Yes.

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Just in paragraph 13 you talk about a significant number of positions and/or employees so you draw a distinction between positions and employees?---Yes.

And then in the last sentence you say, "At current count more than 20 positions have been lost," so do I take that to mean 20 positions? That's not the same necessarily as 20 workers?---Yes, it would be that the person has resigned or retired and they have then failed to get back so there's been less warm bodies, but they haven't been - that person hasn't been sacked necessarily but there's been a choice. When a child safety officer has got a job in Queensland Health or something, they haven't been replaced.

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So using your terminology earlier in the paragraph, it's the position that's gone, not the employee?---Yes.

MS McMILLAN: Right. Just so I understand this, therefore that being the case, is the union concerned and, if so, what are they doing in terms of looking at the

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SCOTT, A.P. XN

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prioritisation, if you like, of these budgetary pressures,  
and you're talking about the critical or other ways you  
want to term it about the frontline delivery services?  
What's the union's position on this?

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SCOTT, A.P. XN

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---Our position has been we want to try and address from a child safety perspective the issues around numbers and workload, which comes back to some recommendations from a previous inquiry around a cap on workloads for child safety officers. And we sought to engage around that in an industrial context and we haven't been able to get agreement from the government to introduce the recommendations. But we then negotiated a document, which was the Workload Management Guide for Child Safety Service Centres, and that was what we had tried to establish as a longer term methodology for ensuring that there wasn't an excess amount of cases per child safety officer. But that was predicated on a previous definition of "front line" and predicated on a level of support - - -

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Can I just stop you there. Just so I understand, you're talking about workload for staff, and I'll come to that in a minute. But in terms of if you've got budgetary pressures, so if one assumes from that that there is a limited pie that needs to be divided up, you're talking about the critical, if you like, nature of frontline workers. We understand that they're - as I put to you, Prof Healy's evidence about administrative staff and really effective the value-adding of it to assisting frontline staff. Have you represented to the government whether there should be a prioritisation and perhaps you should not be prioritised in terms of jobs being filled and positions being held?---From our perspective, we're taking it from the closest possible environment to the kids, and that is developing it up from the child protection model.

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Right?---So all we're trying to do is make sure we have enough resources to do the job properly at the child safety setting. We haven't been in a situation of saying abolishing different parts to pay for that. But our view is the government needs to be responsible for putting enough warm bodies on the ground to make sure that we can properly have a child safety system that doesn't result in excessive workloads for the practitioners. In terms of that, that has been an ongoing argument and something that we are continuing to prosecute. But the size and structure of the government department isn't a problem. But in terms of the current situation, what we're seeing is that the - told that the professional (indistinct) abolished, but the recommendations previously about child safety workloads can't be done independently of those people intimately working closely with them. So the abolishment of administrative support and then requiring a child safety officer to pick up extra duties and functions that wasn't previously required. That is our meme, that there is a lesser ability for the child safety officer - that they will see less kids as a result of the fact that their stripping away of the administrative support. That's why we were saying that there's a question about (indistinct) officers and a range of other groups which are being stripped out of the child safety officers, which the

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government doesn't so far mind, but we're now saying are critical in relation to the ability to come up with a formula that ensures that there are appropriate numbers of professional staff to deal with the cases as they come through.

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COMMISSIONER: That assumes that all the records that are currently being kept need to be kept by somebody?---Yes.

So when you're talking about work case loads, you're talking about caseloads for the PA-ers, the child safety officer?---Yes.

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And that was a CMC recommendation, that - was there a cap of 15 per worker?---Yes.

And that's never been met, has it?---No. We engaged in the previous bargaining round to try and seek the governments to adopt it and the government refused. The workload management tool, which is a much thicker document, was an industrial negotiation that we tried to get as close to 15 as we could, but then it provides some greater level of texture than a straight number. So this goes through a process of trying to look at the clearly different sort of cases, not in the case that - - -

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That's it, you've got a building; you can't just look at how many are doing it, you're looking at how many each of them is taking your time to do?---Yes.

First there would be some sort of qualitative as well as quantitative?---That's what we're trying to get through with the guidelines, which means it's not a straight 15, there's a kind of scaling of different style cases and - - -

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So if I'm a particularly effective worker I might be able to 30, whereas somebody else who's not as experienced or as hardworking might only be able to cope with 10?---But also - there's that issue about the competence of the worker, but there's also a question about rural and remote being more time intensive. But also as a case works through the system different - intake versus different parts, stages, there are different amounts of work involved in the one child or the one case, and so you need to have a combination, not only the capacity of the worker, but also the 15 gave the impression that you could have - a caseload of 15 in Mount Isa with quite remote cases is quite different to - even if they were identical - 15 cases in Brisbane; or a combination of different stages of the intake process - the workload volume. So that's what we tried to get through that one.

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So what you're saying is you need to have an adequate supply to meet the true demand?---Yes. I think the charge with the guidelines was - apart from the historical problem

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now that they don't have as much support as they used to - was trying to find a way of dealing with significant escalation of cases; that there is a lag between the ability of the department to employ someone versus - because the department doesn't control how many cases come through the door - process as to what happens if you have an emergency situation where you unexpectedly get 40 cases in the one night.

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But if there was a way to control the number of intakes, through the definition or tighter filtering, then that would reduce the need for supply, wouldn't it?---Yes.

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So there are two parts of the equation - - - ?---But even if you improve the definitional issues, there's still going to be no capacity for the department to know how many children might be at risk. They'll be able to better define them and that might reduce some issues of it, but there still needs to be - - -

All you've inferred - - - ?--- - - - flexibility.

- - - so far is that 80 per cent of the reports from the police service don't meet threshold?---Yes.

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So that's a lot of work being done by somebody, whether they're an AO or a PO, that doesn't really need to be done - - - ?---Yes, and it's - - -

- - - from a child protection point of view?---Yes, and certainly from the recommendations we'll be making - our submissions in November - we'll be addressing that issue, because we certainly think that in terms of the nature of some of the notifications at the moment, we want to have the professionals dealing with the issues that matter rather than having to go - whether the nature of some of that intake in terms of dealing with notifications at the moment (indistinct)

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And I'm sure no-one is going to dispute the proposition that there has to be an adequate number of properly trained and experienced people to deal with the true demand of children in need of protection. The argument will be - the debate will be about who those children are?---What we find in terms of an industrial - and also from our members who are professionals in the area, is that the department doesn't always maintain its commitment in reality and in terms of maintaining enough resources when numbers changed.

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How long have you found that to be the case?---10 years. The follow-on has been that particularly as cases come through, the work loads are always quite difficult to manage because of high staff turnover in the internal labour market leaving the public sector. But the reality has been that what we were trying to establish with the

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caseload management was that there needs to be a flag system that someone - if people have low staff numbers for leave reasons or for resignation reasons there needs to be the ability to ensure that the department takes corporate responsibility to ensure that there are enough staff to deal with the cases that come through the door. That hasn't been the case where traditionally the department has sought to make that the child safety officer's problem and they have to carry the maximum that they - divide the number of - that the workload is based on dividing the number of cases by the number of staff available in the office, rather than changing the number of staff.

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Just as with the workload issue, you'd agree that it's just not a matter of having a warm body on the ground, it's having the right warm body with the right temperature on the ground?---We certainly think that's the case. That was one of the other areas of major disagreement between ourselves and the government, that in relation to the high turnover, the government has sought to broaden the definition of who could be employed as child safety officers. From my perspective we think that that has been a retrograde step in terms of quality of the support people provided to - and the work being done.

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How do you measure that?---We can't measure it in actual terms, but I think from a qualitative point of view, from the members who are social workers and psychologists in the area, looking at it from a professional framework point of view, they think that it's fundamentally a different skill set that they're bringing to the work than people who were potentially qualified teachers or a police officer, like who are now being brought in to do that functionality, and our members - - -

When you say "now being brought in", I heard evidence before from a professor who said that that happened in post-2004 when the child safety department was set up under the CMC recommendation?---It's been happening for a number of - I'm not sure - it's certainly a number of years ago, it started, and we opposed that at the time and continue to oppose it.

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I thought there was some ministerial direction in 2007. Is that what?---2007 seems more likely than 2004, but I'm not certain of the date. But certainly - - -

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They moved from social workers - whoever was the head of the state - - -

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MS McMILLAN: 2008, it actually came in.

COMMISSIONER: Is it 2008?

MS McMILLAN: Yes.

COMMISSIONER: She was complaining that what used to be social workers were then being - because it moved to forensic instead of therapeutic, she was complaining in 2008 then that there was a gutting of the staff, properly qualified and trained staff, and a movement towards more forensic staff like police to do the child safety officer's role?---Yes, and I think we were deeply concerned about that at the time and remain so. That was driven - a range of arguments were put forward about that, but our view at the time was that was driven by the high turnover of staff and they were trying to find more bodies for the - and trying to find ways of being able to find extra people to do the work. We think that's fundamentally compromised.

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What you would say is you've got to be able to attract and retain appropriate staff?---Social workers, psychologists and people with a professional framework rather than anybody who's a professional, and that becomes an issue about saying police officers' intentions may bring something to the - they are people in the community, but they're not going to have the professional structures and framework to - - -

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And what is the preponderance in the members at your union? Are they social workers, the ones that you referred to in point 7, or are they wider? Say human services-type people, like criminologists, for example?---In terms of the members who are in point 7, we would have members who were qualified for other things, other than psychology and social work, but - and some of those under point 7 are AO positions.

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Yes?---The PO positions, we would have a mix of them given that obviously we would - our members would be members of all those different groups.

What about the preponderance though?---The preponderance would have been - the majority would be social workers and certainly from the elected decision-making structures that we're working through in terms of our survey and our response, our clear position is that - - -

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Would you have any police or criminologists?---We would have - well, they would be ex - people who were trained as police officers now employed as child safety officers. They'd no longer be sworn police officers, but they were

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people who got employed into the child safety officer positions with qualifications other than those which we - - -

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And people who you would say preferably shouldn't have been?---We think should have been employed - that they should have employed social workers, psychologists, instead.

Okay. Thank you.

MS McMILLAN: Just in terms of workload issues, you are probably aware of the CMC recommendation in 2004 that a reasonable case load for a child safety officer was one worker to 15 cases. Now, understandably at this stage, understandably on the evidence we've heard, it's about 20 cases at the moment, although that varies from region to region. I understand you probably wouldn't cavil with one worker to 15 cases as being an appropriate level?---That was our position three years ago and that's what we pursued with the department. We've now developed this guideline which we think is slightly higher than one to 15. This is an agreed outcome. If we have our way, the numbers in here would be lower and closer to 15, but we do think that there is value in having something of a higher texture than just a straight 15 because of the ability for departments to misinterpret a straight number. 50 might be a low workload for some people, but might be an excessive workload for a different style of cases. We think there's a need for clear and transparent processes for determining what is a reasonable workload for a reasonable worker for a reasonable style of case.

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All right. Now, we know also that in 2004 - recommendations 5.1 and 2 of the CMC in 2004 - that it concluded that the size of the current Department of Families, as it then was - front line protection workforce is inadequate, and another recommendation that they made was that the increased workforce will be required to address expected increase in child protection workload. Furthermore, at recommendation 5.5, that the regional structure used by the then department be critically reviewed with a view to improving the ratio of direct service delivery staff to management and administrative staff. At that stage it concluded that only 52 per cent of the current Department of Families child protection workforce appears to be engaged in direct service delivery and therefore the structure is unwieldy, and may be contributing to an imbalance between front line staff and management administrative positions. I take it you wouldn't cavil with any of those recommendations and rationale, would you?---Sorry, what - - -

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What I put to you about the CMC's recommendations and their rationale, obviously saying there needed to be an increase in front line child protection workforce - - -?---Yes.

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- - - but also very much drawing into sharp focus the ratio of direct delivery service as opposed, if you like, to administrative?---Yes.

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Indeed, again coming back to where we currently stand, there must be, from what you've said, that important aspect of getting the front line case load correct and therefore it must be, if there are budgetary issues, that some roles are going to be more critical than others, aren't they? ---Yes.

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So with reference though to paragraph 7, what do you say are the less critical positions if we're looking at it from that perspective?---We don't think you can make those less critical. I think in terms of the proceedings, (1) I think in terms of the CMC recommendations, if the - we were always supportive of a stand alone child safety department, but the Department of Family and the Department of Communities has provided a lack of transparency in relation to the funding for the system and we certainly think there needs to be the opportunity to maximise the resources put into front line child safety versus non-front line. A stand alone department we think assists with that. There has been - and the ability for the community and others to determine ways of entering into child safety. How much of that is - - -

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COMMISSIONER: Could I just interrupt you there, Mr Scott? ---Yes.

The counter-argument for that that I've heard is, yes, while you do have a stand alone agency, you can see what it spends its money on, but with the child safety department set up under the CMC report, two things happen: (1) prophetically, the workload did increase exponentially because the reporting went through the roof, because you now have a forensic based stand alone agency that looked after and rescued kids in risk of harm; so that's what they got to do. One criticism is that that gave a lot of work to do that it didn't really need to do within its statutory area, so of course you're going to need more people to do it and you're going to need a lot more money, too. The budget went from 400 million to nearly double than what it is now, for that very reason. So while it's more transparent and needs to see where the money goes, that's exactly what you do; you see it go?---I think in terms of the - we don't necessarily suggest that the department - I think the creation of the departmental structure of child safety was not necessarily exactly right. In terms of the break between the old Department of Families and Child Safety, it took a few chances in a few areas. I think they got the (indistinct) child safety, but I think in terms of the general concern we have about the experience of the re-creation of the Department of Communities was that the mix between front line and non-front line was wrong,

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indicating that there was a - both in the Department of Families and post the Department of Families, the percentage mix of front line versus non-front line ended up with a higher level of managerial structure rather than more people doing direct work, so our practical experience has been that child safety departments have a better focus in relation to front line only. But I think also when there has been crises with increased workloads, there are a range of other things which are vitally important in what the Department of Communities does in relation to Disability Services and other things. The ability of governments to not prioritise child protection or support for disability or a range of other things, it's easier for them to rip money out of Disability Services and use that to deal with a crisis in child protection if it's from the one agency rather than making it a governmentwide issue to say this is issues that - I think from a funding perspective having it clearer to say this is child protection, this is how much needs to be resourced rather than mixing it between potentially competing interests of social activities is important - - -

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While transparency in following the money is an advantage of a stand alone agency, you can also make a combined agency more transparent. You don't necessarily have to set up a stand alone agency to achieve the objective, do you? ---That's a variable possibility. In 23 years in the public sector, I've never seen a larger combined agency become more transparent.

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All right. The other problem that has been suggested about having a stand alone agency, apart from focusing too much on the tertiary intervention and removing too many children who don't need it for their protection, and them staying in out of home care for longer, is that it defeats the whole of government approach and means that preventative and early intervention becomes more difficult because you're not part of the system; that is, the whole system. You don't sit in the broader framework. You sit outside of the satellite, and that's not a good thing according to all the international and - the inquiries that have been held and the inquiries in the other states?

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---That was my point also about the previous Department of Child Safety wasn't the right definition of "child safety", but having combined with disabilities and a range of other portfolios, housing and those others, it's too broad a mix. Child safety - because they're graded, I think, specifically in relation to CMC guidelines, the recommendations, that that covered between some of those other things which would provide a more holistic response would be - would have been better than the exact Child Safety Department they set up, but the move back to the Department of Communities reduced the focus and led to a higher level of managerial structure and confused focus, but I think also the previous department found it also had a range of other bits and pieces added to it so it wasn't - - -

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Yes, this one has just got communities, child safety services and disabilities?---Yes.

But we have heard a lot of evidence that there's an overlap between children with a disability and children who need protection?---There's an overlap with almost every public sector agency with another public sector agency.

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That's the problem.

MS McMILLAN: Mr Scott, if I indicate to you that really the evidence has been as one that the best delivery for children is in an integrated service, and you may have heard of programs such as Evolve and others that look at - because many children in care, for instance, have disabilities and this idea of a No Wrong Door that they're integrated. Surely from your perspective that must be good in terms of delivery of service which is a holistic one rather than bureaucracies talking to one another, one would think?---If the structure is right, yes, but my experience has been that the No-Wrong-Door policy has also resulted in numbers of managerial structures that aren't appropriate so in a practical - in a way support from a kind of professional point of view that are making sure that that doesn't result in a managerial and bureaucrat structures above frontline which has been the case both before and after Child Safety - - -

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COMMISSIONER: When did that come in, the No-Wrong-Door policy?---In the last three or four years. I'm not sure which specific year.

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MS McMILLAN: About 2009 - would that accord - - -?---That would be roughly right, yes, two years.

That was the evidence, as I recollect it, of Ms Apelt when she became the director-general. It was about 2009. So summarising your evidence, if I can, in terms of stand alone versus an integrated department you're really saying that when it was the Department of Families, Department of

Child Safety, they didn't ideally provide what they should have because of structural issues. Correct?---Yes. 1

And that the integrated one you have concerns about with transparency of funding but from a professional level, if I can put it that way, you think that is a good fit in terms of proper delivery of services to children?---Yes, we're - - -

It's getting the structure right, you say?---At this stage we say that, but we're also consulting our members and will come up with a final position on that in relation to our November submission because that's one of the questions we are - - - 10

But I take it it must have occurred to you - from 2009 we have had the super department, as it's been described? ---Our members in terms of the - believe that the No-Wrong-Door policy was good, but they also believe that the post-2009 structure had resulted in high levels of managerial oversight and reduction of focus on frontline services.

Now, can I ask you - you are probably aware that paraphrasing one part of this commission's role is to make recommendations that are deliverable and affordable which is clearly in the current climate, one would think, a significant challenge. You're nodding. I take it you agree with that?---I understand. 20

Yes, all right. Understanding that, in terms of trying to from your perspective, if you have got to look at, for instance, keeping your numbers of child protection workers, particularly those who deliver 50 per cent or more of client services, where do you go in terms of either looking at higher pay rates as opposed to trying to preserve jobs? Where does the union sit on those?---I think there's a range of complex issues at the moment and the government has created in terms of the issue of jobs versus wages an internal labour market that's quite skewed at the moment. So Queensland Health workers get paid - social workers get paid substantially more than social workers in the Department of Child Safety which is driving up - - - 30

Do they have commensurate qualifications and experience? ---Yes.

Right?---So the base for a child safety officer - the base rate PO in the public service gets paid about \$54,000. A similar base rate position in relation to health get paid 63,000 so there's a substantial pay differential which is driving to a large extent the internal labour market and I think the problem being faced by Child Safety generally has been high staff turnover and low staff turnover will mean that will have more experienced child safety officers. I think from - the government's response previously was a 40

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broadening out of professional qualifications to try and grade equally and we proposed that for reasons we think they don't have the right professional - - - 1

COMMISSIONER: Mr Scott, it seems to me though it depends what your experienced in?---Yes, and I expressed our concerns. We're saying there needs to be experience social workers and psychologists, but the government are saying anybody experienced in - - -

The previous government said that?---Yes. 10

Have you been keeping a track on whether the people who came in in the intake in 2009 when it changed into a more forensic approach are still there or have they moved through the system and been replaced by social workers who didn't stay very long or what is the - - -?---I haven't got statistics on the professional background and the turnover rates, but the - you know, I couldn't give - I couldn't break that down, but from our review the response to the internal labour market was to broaden the base rather than trying to address is and I think there needs to be a commitment by the employer to try and have experienced people because while there's issues around cases like that style of case, the more experienced people will be able to - in terms of social workers the more experience they have in the department, the more likely they are to handle a higher level or number of cases which is reflected in the guidelines we've negotiated. So from that aspect our primary focus is saying that we need to get the workload right. We need to make sure that we are able to provide a high quality protection system for workers, but they also can't ignore the reality of the industrial labour market that they create and that means that there is staff turnover because there's cost of staff turnover in terms of the loss of experience. 20 30

MS McMILLAN: When you say "they", do you mean the government?---Yes.

The current government?---The previous government. The wage rates - this government has set any wage rates but the previous - - -

That's what I was going to ask you. I take it's not just the current government. You mean prior governments?---Yes.

COMMISSIONER: How long has the disparity between those two key owners been prevailing?---There's been some disparity of a small amount for a number of years, but with the health action plan there was a significant review of health wages for a range of professional groups, doctors, nurses and other health professionals and that introduced - the health practitioner saw a significant reclassification and moving away from - I mean, previously they were both on the PO scale approaching the HP scale for health. 40

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Sorry, when was that?---2006.

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So it has been around for about six years. So if I was a social worker and I wanted to be paid more, I would try to get into health rather than - - -?---Not only do you get paid more but you also pay less tax because of the - there's a tax differential, attractive tax rates for - so previously prior to HP coming in the labour market was driven by beneficial tax rates and health don't apply in the public service which isn't a state government issue. It's a Commonwealth government issue, but since then it's been exaggerated by a large wage differential. I think it's 2006 but I have to - - -

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Okay?---There was a health practitioners agreement certified which provided a new classification and a significant process to ensure that the hospital system was able to attract and retain professional - - -

Did your union negotiate that for the benefit of the health people and the disadvantage of the other social workers? ---For the benefit of the health people with the department and we sought to ensure that that was rectified through previous - subsequent negotiations and the government's refused to - they've agreed one part but not the other.

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And you have be trying to rectify the disparity for six years or so?---For about four years. In terms of earlier with the department we've only been able to do it in the 2009 agreement so probably almost since 2007 the HP - - -

So presumably the health people won't go back. You have got to bring the other ones up?---Well, the health people needed it because of the international - like, there's a national and international competitive range. Health was losing staff interstate. That's now stabilised, and child protection isn't keeping up with the labour market generally.

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MS McMILLAN: Right. So in terms then - was your answer to the commissioner's question that you are then seeking to bring the child protection sector up to the health sector in terms of wages?---Well, negotiations for the public service wage rates have broken down and they're in arbitration. It's our general position that we should be seeking to bring them up, but in reality, given the current wage - given the current situation, the primary focus in terms of our log of claims has been around the workload issues.

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Is that a yes in terms of bringing them up to parity with health?---In terms of the current marketing process we arbitrate everything, but the reality is that we're focusing on the workload issues. We're realistically

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seeking to - but the bargaining has broken down. 1

COMMISSIONER: Looking to achieve the achievable.

MS McMILLAN: Yes.

So, in other words, compromising in what's achievable at the current time?---Well, we're bargaining through arbitration and let the Industrial Commission determine what they think is fair and reasonable.

COMMISSIONER: Ms McMillan, it's 1.00. 10

MS McMILLAN: Yes.

COMMISSIONER: Do you want to break now?

MS McMILLAN: Yes, thank you.

COMMISSIONER: Yes, quarter past 2.00?

MS McMILLAN: Yes, thank you.

COMMISSIONER: Mr Scott, would you mind coming back at quarter past 2? 20

THE COMMISSION ADJOURNED AT 1 PM UNTIL 2.15 PM

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THE COMMISSION RESUMED AT 2.17 PM

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MS McMILLAN: Mr Scott, you just indicated to me that there are a couple of points that you made mistakes about earlier in your evidence that you wished to correct?  
---Thank you. In relation to - I was asked a question in relation to point 7 about the government's definition about which groups were critical front line and which weren't.

COMMISSIONER: Yes.

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MS McMILLAN: Paragraph 7?---Sorry, paragraph 7. I think I may have said that in relation to child safety support officers, that the government hadn't defined them as critical frontline; the government has defined those as critical frontline but I'm not quite sure what my answer was, whether my answer was - - -

COMMISSIONER: Was that (g)?---(g), yes.

Yes, you said that they were non-frontline?---Yes. I was incorrect in that.

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MS McMILLAN: You understand that they're allied, they support the child safety officers?---This was just in relation to what the government defined them as.

Yes. No, but you understand what their role is, to assist and augment the child safety officer's role, isn't it?  
---Yes.

What was the other - - - ?---Just that we have a list of the government ones and I misprised the commission in relation to that. There was some confusion around my answers that may not have been easy to follow in relation to where cuts have occurred in the last six months. I gave a figure of 425 across the whole department, which was accurate, and then talking about those areas which were - where positions had been lost in relation to frontline, and I gave a figure of 75 at one point and then also gave some answers in response to paragraph 13 about the 20 positions which have been lost to frontline; that 20 had been lost at the count - as at when I signed statement a few days ago. Since then we've been able to identify a further 55, so the 75 figure is the same classification definition as the 20.

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Can I just ask you to slow down a little bit. So that's almost four times what you identified before lunch?---Yes, that was - - -

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So I understood you said 75 members earlier on, of which 20 were what we would call frontline if you use the definition of more than 40 per cent of their time directed to client service, if you like, or client delivery; that is

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frontline?---Yes, it I was incorrect when I said the 20, that was 20 when I signed the statement. We've since been able to identify a further 55. The definition of frontline was a definition provided by the government, which is the 75 per cent definition, not the 40 per cent definition which was provided by another witness.

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And when you answered some questions from the Commissioner before lunch about positions at paragraph 13, as I understood it you said they won't necessarily 20 employees, they were positions, that is they weren't replaced?---Yes.

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So that might have been a contract expiring, someone retiring, taking redundancy?---Yes.

COMMISSIONER: I'm so just so I can understand - sorry, it's 20 positions, not 20 workers?---Yes.

And it's been lost from whose frontline, the union's frontline or the current government's frontline? That is 50 per cent contact with clients, or 75 per cent client contact?---75 per cent.

Okay. So is that what the government calls critical frontline or just non-critical frontline?---The definition of critical versus non-critical is a departmental - nobody else in the government uses that distinction but us, critical frontline, as I understand it.

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So you understand that from the critical frontline classification, which is the department's, there have been 75 positions, as distinct from workers, lost in the last six months?---Yes. When I signed this statement we were going through a process of talking to delegates about how many had occurred and we'd identified 20 when I signed the statement. Since then we are continuing to talk to delegates in each office and we've been able to identify a further 55, which is why the number has gone from - - -

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Okay - - -?--- - - - 22 to 55 but I was getting confused when I was giving the answers this morning.

Sure. it would probably be even more helpful if by reference to the categorisation in subparagraphs (a) to (m) in point 7 of your statement if instead of using the term "frontline, you were able to tell me which 75 positions - that is how many child safety officers, how many team leaders, how many business support officers, how many admin officers - that would be more helpful?---In terms of my final submission for November we will be able to give a detailed breakdown, but I haven't got that.

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While we're on that definition of "frontline", does the definition affect whether a position is exempt from a job cut?---Yes.



Okay. And you're definition of a frontline worker, as I understand it - that is the union's definition - is a worker who has 50 per cent intimate client contact as their workload?---That was the previous government's definition. The union definition would also be those who are intimately involved in the support work for them, so the previous government's - the definition prior to March this year was 50 per cent, and that would have been the child safety officers. Our view is that some of those groups, such as the administration officers in the child safety office locations - - - the centres - would be frontline as well.

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I wonder if again I reference to your paragraph 7, you can tell me this time rather than who is a frontline worker by the union definition, who isn't a frontline worker in 7 (a) to (m) according to the union's definition?---The list at 7 doesn't include all employees in the child safety area.

No, I understand that will stop I'm just wondering of those ones you have mentioned, which of them is not a frontline worker according to the union definition?---There were potentially be some non-frontline workers in (k), (l) and (m), but they will be primarily - most of those - what we've listed there was primarily the frontline workers, so we didn't list the non-frontline workers, but there will be a small number, potentially in (k), (l) and (m) who wouldn't be frontline.

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Prof Healy gave evidence on 29 August, which was two days after your statement was signed to this effect - I'll quote - that, "In the annual reports of the former Department of Child Safety" - that's the one that existed up until 2009 - "they would happily report 80-plus per cent of staff were frontline." Does that - - ?---Can you repeat the question in relation to the Department - - -

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Sure. "In the annual reports of the former Department of Child Safety they would happily report 80-plus per cent of staff were frontline"?---Child Safety Department prior to 2009 or post-2009?

When did they cease to exist as a separate department? ---Child safety would have been - the Department of Communities from my recollection was created in the machinery of government changes post-2009 election. The Department of Child Safety existed between the CMC review and 2011, so it would have been - I can't remember be - - -

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Up until 2009?---Up until 2009.

Okay. In the five years from 2004 to 2009 she's saying that they used a claim in the annual report that 8 per cent of staff were frontline.

MS McMILLAN: 80 per cent.

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COMMISSIONER: 80, 8-0. Right?---Mm'hm.

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Then she said, "So then I sought out figures for how many of those workers actually have client contact and it turned out that was half of those workers had client contact - had any client contact." Right? On your definition, even, that 40 per cent - or 50 per cent of the 80 per cent - wouldn't be frontline, would they, if she is right? If they had no client contact then - she said half of the 80 per cent had no client contact when she dug deeper. That means 60 per cent of them didn't have client contact?---In a professional sense or in a total sense?

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She's talking about frontline and she said that the department claimed 80 per cent were frontline. She found out from the department that half of the 80 per cent actually had no client contact. If that's right - - -?---I think there's questions around how frontline is defined and whether she's saying professional contact or otherwise, because I would say in terms - from a union perspective - that someone who is in an administrative role working on front counter and some of those things has direct client contact but other people would say that they don't.

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I will clarify because she went on and said:

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*So I asked them why were they using the term "frontline" and they said to refer to these other workers because they help the frontline but they were never able to tell me how it helped the frontline.*

So it's more than just helping the frontline. It's having direct client contact, intimate client contact, for 50 per cent of the time on the union definition, isn't it? ---Yes, I think the definition of "frontline" has been used in a range of times for different things. I think in terms of that it's the current - the definition prior to March was almost everybody in child safety offices was frontline.

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Why?---Because the definition didn't mean much. Nobody used it apart from reporting.

Not only did it not mean much - I mean, I will tell you what it probably means to the ordinary Joe Blow out there. If you say, "Look, 80 per cent of our workers are frontline," they're going to take you to mean that 80 per cent of the people you have got employed are in the trenches - - -?---Yes.

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- - - with at least 50 per cent intimate client contact, to use your words, with the people they're looking after. So it's not that it was meaningless. It actually had a meaning?

---The department made it meaningless by its misapplication. I think in terms of our concern around it at the moment in relation to - in terms of its application within the agency that's what happens. It has a real meaning in relation to the EMP program.

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Yes, it might, but then, as you say, since then it has been broken up into even further subcategories, but I'm concerned to think that a department that was a stand-alone department was reporting 80 per cent of - having 80 per cent of frontline workers when in fact the truth was half of them had no client contact at all?---I'm not sure if I'd accept how the - not half getting there because I think there may be some questions on that.

That is what she said she was told from the department?

---Yes, I understand that was the statement made to the commission but I'm not necessarily accepting that - - -

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No, but if she was right, if she was told the truth, then the claims in the annual report of having 80 per cent frontline workers wouldn't be true, would it?---No, but I think the real concern that we have around the definitions of "frontline" being limited only to professional staff has significant implications for the longer term efficiency of the department, but in agencies, whether it be in police or

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child safety or other areas, there is a temptation from the government to say, "Frontline is purely people who are professionals or wear a uniform." 1

The importance of that and not to use generic terms like "frontline" and actually be specific is that, for example, where we are now. We're having arguments still about refinements to a term "frontline" when you try to work out how many you can afford to pay to do what?---Yes.

The thing about it is that we now have one government saying 80 per cent of their workers are frontline and the subsequent government saying, "Look, hang on, that's not true. In fact we say it should be 75 per cent client contact before they're truly frontline and they're the ones we should be paying. They're the ones that actually give value for money and they're the ones who make the important decisions about children in need of protection and all that's fair enough, isn't it?---No, because I think the question is value for money. I think the real question that comes in in terms of these arbitrary figures and arbitrary definitions to isolate some groups as being non-frontline means that, using the example of the police service, the government then becomes purely focused on the number of sworn officers and therefore it's able to substantially reduce the number of unsworn officers because they're not defined as frontline. That then means you have sworn officers in a police service context doing administrative work much more expensively than an admin worker doing it. 10 20

Okay?---So in terms of the current definitions around "frontline" - while it doesn't make a difference except for communication purposes, what we're now seeing is a number of jobs being cut in the physical locations for people who aren't professionally qualified. That work which has to be done at the moment is now being transferred to the frontline people, the child safety professionals. 30

But that's the frontline on your definition?---No, on their definition. We're saying the admin staff are frontline and the government is saying they aren't.

Somehow you have got to have an arbitrary division, don't you? Someone has to say what "frontline" means because it's important to you because if they're frontline, then they're protected from job cuts, aren't they?---Well, they were protected from job cuts but - - - 40

Or they get paid more money?---No, they don't get paid more money. Our argument about frontline versus non-frontline doesn't have any implications of salaries. We did think they were getting protected from job cuts but that clearly isn't the case in more recent days. We're no longer thinking that protection from job cuts exists for frontline workers. Our concern goes to the efficiency of the - in

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terms of the previous questions around in a budgetary context how you develop the best child protection system in terms of the process. We want to make sure that there is a sustainable system of assessing how many cases child protection officers can have in a way that is able to deliver the best quality outcome for the children involved. If you have a situation where the government is only accountable for the number of people with professional qualifications, there will be attempts to employ more of them and have no administrative support for them which then means you're paying people - the child safety officers' workloads go up to do administrative work rather than work with children and that's costing the government more money, but in terms of the document we've negotiated and previous recommendations from inquiries around the 15 caseload cap that's based on a social worker or professional having some other people doing other parts of the job. If they start getting all those other parts of the job lumbered back onto them because the government's cutting the support workers and you can no longer do 15, that figure has to drop. So in terms of a combination we're keen for this inquiry to make recommendations that are sustainable for us to implement in the future. We've had problems with the arbitrary number that the previous inquiry had because of the government's refusal to implement it. We're keen for recommendations that come forward which are financially sustainable but also will deliver outcomes for the kids and in terms of that that's why we're so concerned about a decision to say, "Okay. Well, this is a number on a methodology we've developed," and we held the ones - is quite detailed about how both in terms of the complexity of cases or whatever, but that was done in a context where you had three or four administrative staff or five administrative staff picking up a lot of the work. This inquiry might reduce some of the administrative work but there's still going to be administrative work. If we don't factor the administrative functions into the longer term combination, the government will cut potentially the administrative functions and therefore there will have to be a different assessment process and if that assessment process ends up only having professional staff in those offices, it's a very - - -

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No, obviously you don't want the butcher sweeping the floor instead of chopping the meat. I understand that. I do understand that, but the criticism that's being made by the experts now of this system as it currently exists is that it is over-bureaucratic now and that has arisen because of the risk-averse approach that's been taken by the stand-alone Department of Safety post the CMC report and that means what happens is instead of the focus being on doing the right thing the focus has been on doing the thing right, that is, according to the book, and the more you do that, the more forms you have got to fill out and the more records you have got to follow?---We would not dispute that, but I think we would say that there's a difference

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between the bureaucratisation at senior management levels versus the administrative support at the child safety centres and that's where - we're concerned at the moment that they're - we were critical of the previous department structure and the level of management structures and some of the - made in relation to management for the process rather than outcomes, but in terms of a tight financial environment we're concerned also at the moment that we don't have recommendations that come up and say - that talks about that we need to make sure that there is an appropriate workload for child safety officers, that is, manageable and gives the best possible protection and is implementable in the future and can ebb and flow as caseload applies, but it can't be just a methodology about the professional side. To be the most cost effective, if you're employing administrative people in the admin stream, they will do a lot of the work for less money because they're not qualified, but that needs to be factored in, otherwise it will be a situation where because of the kind of reporting to the department or whatever about frontline jobs that there will be questions they have to make saying, "Well, we want more frontline staff." We'll have more frontline staff, pay them more and have them doing the wrong things as opposed to a more rational assessment which is - some of the recommendations came out of Fitzgerald about the police service. Civilianisation is better because you get people - you don't have professionals wasting their time.

You get more value for money, yes?---That's the challenge.

The thing that concerns me with this frontline business is that it can deceive the public into thinking that they're actually paying for 80 per cent of the workers in the department to actually be in the trenches when that's not true?

---The definition of frontline is all about deceiving the public.

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Is it?---That's why it existed. There is no other reason for it to exist.

And who invented that?---Previous governments. In terms of the previous definition was meaningless and supplied, the current definition is incorrect and supplied; but politicians want to go out and say that X number of people are frontline. The problem when politicians start talking about frontline versus non-frontline, they're not managing - - -

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The difference is this government is saying there is less frontline because they've got to be by definition within 75 per cent of close contact, whereas the previous government was saying even if you didn't have any intimate contact or any contact at all with a client you could be classified as frontline?---Now you have a situation if the 75 per cent definition stands, both in this agency and other agencies, professionals who are team leaders who spent 40 per cent of their time managing staff and 60 per cent of their time with clients, would they be frontline and therefore - - -

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Not if you do your job and I do mine properly. But if the government said to me, "Wipe him off (indistinct) have a look at what we've got, find out what's working and what's not and you come up with some road map that gives the people of Queensland the best child protection system they can have for the money that is available"?---And we are suggesting in terms of that there needs to be discussions around the number of staff and the right staff mix in the child safety officers without necessarily the headline figures from the title which are misleading - - -

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That's what you were dealing with in detail in your submission, I expect. I just want - and maybe this is to help with the refining of your submission - you just say a little - I'm not sure here, that - and I understand that it is a statement rather than a submission, but you've said that - paragraph 22, "The decision to split the frontline child safety workforce between those who are critical frontline and those who are non-critical frontline" - and if I can just perhaps suggest that it is better to do that then falsely call 80 per cent of your workforce frontline when they're not - "will damage the ability of service centres and the system as a whole to deliver good practice and essential services to Queensland children (indistinct) sounds like a - I'm not quite sure what that means. How will the definition classification affect the delivery of good practice?---Because the government will say that there's 20 people working in a child safety centre and they split that, 15 critical frontline, five non-critical frontline, they can sack or not replace those five, and

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that the 15 can deliver the same level of service as the 20 did before. While that will mean - even with any recommendations you may make around improving administrative (indistinct) there will still be less people doing that work. There's always going to be an administrative and other support function, that will now be being performed by the child safety officers. They will have the same case load as they had before but they'll have less for doing the work, and so therefore less time and effectively a 15 benchmark would have to be a 30 benchmark to provide the same quality. So the definitional issues are allowing for a reduction in the front - and I think that's our concern, about where there's extra bureaucracy and management levels, maybe in head office, but in terms of the actual child safety centres, if you define them as non-critical frontline and you can say that you can provide the same service as 20 with 15, and the government has made that argument this week.

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I don't think this government wants to spend more on doing less with as much. I don't think that's fair - - - ?---No, they made comments this week to say that you can remove frontline workers from a hospital and not affect frontline services. They're trying to make a difference between services and jobs.

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Yes, and hospitals, obviously they get different payment levels and things, so they're a different - - - ?---I think the government says that they can afford to - that they - if they make people - if they had 1000 people who were critical frontline and (indistinct) employ 1000 people, they're saying the service is unaffected, but if they rip out 200 jobs from the administrative functions, that would automatically increase - - -

I accept the argument, that that's what happens?---That's our point on 22.

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And you've got to make sure that doesn't happen?---Yes.

But if you had a situation that you inherited where 80 per cent of people were being said to be frontline when in fact only 40 per cent were truly frontline, you would want to make some refinements to the definition, wouldn't you, so you didn't mislead people into thinking you had more people than you actually did?---But I think it's - yes, we would say that the government should be transparent with the community, but trying to simplify the definitions as being abused by the previous government, as being abused by the current government, doesn't make it either right or wrong. Changes were needed to the agency, and we accept that, but we don't want those changes - - -

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Did you get listened to when you said changes had to be made to the previous Child Safety Department?---No.

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Were you given reasons why you were ignored?---Well, the government - all governments have always said that they don't consult with unions about machinery of government changes, so we were disappointed when the government abolished child safety, but we also lobbied in the lead-up to this election - both the then government and the now government - to say that child safety is (indistinct) should be. We agree, but we were critical of the size of the structure previously, but in terms of the prioritisation of the industrial issues we pursue, we try to deal with it from the bottom up. While we make criticisms of high levels of management structures, we don't expect the people in those structures to listen to us.

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But in your submission you tell us what you thought was wrong with the Department of Safety when it was stand-alone?---Yes.

MS McMILLAN: Just so I can be clear, you're saying that the term "frontline" is a deception practised upon the public?---Yes.

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But nonetheless clearly the union has entered into that dialogue because you've come up with figures of 40 or 50 per cent, haven't you?---We're forced into that by (indistinct)

All right. So a member of the public could be forgiven for thinking that it is a term of utility if they hear - from what you say - the government talking on the one hand, the unions on the other?---Yes.

Right. So can I then ask about this: there is an importance to frontline in the sense of how else do you benchmark what's administrative support? An officer that's from, say, frontline, but someone who's - as Mr Commissioner said - intimately connected with the public, you do need to know how many of them you've got because I take from that you then work out - extrapolate how many administrative staff you need. Correct?---Yes.

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Right. So can I then as you: in terms of the expansion of the qualifications in or about 2008, did you make submissions to government about that? I mean you, the union?---We certainly made comments. I can't remember the main comment at the time, but we certainly make comments in our submission.

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I take it that some of your current members who work in the child protection sector would fall into that category - that expanded category of qualifications. Correct?---Yes.

And your criticism then, I take it, is not meant to be that they shouldn't be fulfilling their current occupations.

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Correct?---We think that they should be employed by the department based on the value of - form - in terms of the design principles, that the design principles should involve a professional framework which recognises the value of social worker or psychologist as a fundamental for a CSO, and then - - -

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I'm sorry, I'm not clear. Are you saying that - you're certainly not saying that those people shouldn't be occupying the jobs they've currently got?---They should be employed, but in terms of whether they should be CSOs, I think there's a question about whether they need further training in terms of bridging programs and other things.

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Right, but in terms - - - ?---But we're not saying that they should be (indistinct) value you attribute to the system.

But you say not necessarily as child safety officers?---We would say that if there's recommendations to change the qualifications there needs to be a transitional processes to work that through. But as a longer term starting from scratch position - - -

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You understand, do you, that the rationale for expanding the base qualifications was because there wasn't the ability to obtain and retain those qualified solely in social work and psychology. Correct? That's why it was broadened?---That was the excuse used.

Well, excuse, but that's what you understand. That's what you anecdotally understand, isn't it, there weren't enough people - - - ?---They weren't able to compete in the marketplace, but they also weren't able to arrange other - we said there were a range of other things that should have been done to improve the recruitment and retention with particular attention to (indistinct) which we think is fundamental to the longer-term outcomes.

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Whether or no those suggestions of yours were taken up, that was what you understood, that there was a shortage of people who were appropriately qualified to take up positions as child safety officers. Correct?---Also address the turnover rather than the lack of - it wasn't a short-term - I think it was the fact that they couldn't retain (indistinct)

Okay. Let's presume - centre's don't grow overnight in terms of eligible people, let's presume that's still a problem in terms of being able to do that. You've made some suggestions and comments upon retainment of child safety officers, but what do you say - are you aware Prof Chenoweth gave some evidence that there had been university courses available and you could do a diploma in child protection. It might be a year to two years. What would you say about that as some appropriate way - in your view,

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if you're still critical of this expanded qualification for child safety officers, of having that? 1

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---We say he supported that for non-qualified groups within the workforce as a way of increasing the number of child safety officers and support for this group, as well.

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Perhaps I can ask it this way: would that assuage your concerns if you have something like that to augment someone who may have other qualifications?---Yes.

Right. Thank you. Now, in terms of administrative load, we've heard evidence already that child safety officers already spend a lot of their time at administrative tasks. Is that your understanding?---Yes.

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And in fact we've heard evidence that it takes some four to five hours for a child safety officer, whether they're in crisis care or otherwise taking a call - four to five hours to log back, have it approved up the line so to speak. Now, we know that there were 112,000 reports made in the last financial year, so there's clearly a great deal of their time spent doing administrative tasks in large; entering data, those sorts of things. In terms of suggestions on how that might be alleviated, has the union got any view on that?---We certainly think there's the ability to review both the systems and processes in place, but - - -

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I suppose one could say that about everything, but in terms of concrete - - -?---We'll make some submissions in our November about that.

All right?---That's what we're settling - those solutions will only go so far and we say the challenge for the department is that the most sufficient way of delivering those services is by having administrative support to do that functionality rather than - and also the appropriate IT support.

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But I suppose that's predisposing that the gateway is the correct way to go, isn't it?---Yes.

If you've got 112,000, is that the correct way to do it? If you're saying, "Well, we need more administrative staff to task that," is that not perhaps looking at it the right way?---In our submissions in November, we'll be addressing a number of those issues, but I think we don't - going back to my earlier comments around front line, this is non-front line. We're very nervous about the failure to recognise that administrative support and a range of other groups can make the department more efficient if the department is committing to looking at it a holistic way rather than a front line.

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My question really is are you then going to, in your submission, address perhaps some of the issues about the child reports rather than notifications and how that might

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be dealt with?---Yes. We'll be particularly making recommendations around the notification process, but the members are still considering their positions.

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Right. Now, you're aware of the role, no doubt, of a court coordinator within the various area offices of child protection regions?---Yes.

Is it your understanding that their role was to assist in child safety officers doing their court preparation? Correct?---Yes.

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And we've heard evidence that about 47 per cent of a child safety officer's time is spent doing court work; preparing documents, preparing - et cetera, when court work is only 12 per cent of their case load, so obviously a disproportionate amount of time is utilised in that. Are you aware through the union of whether those court coordinators have been effective in assisting that position; been effective in assisting child safety officers with their workload?---That will be one of the issues we're addressing. We have some views, but not that I'm able to - - -

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COMMISSIONER: They're currently classified as critical - - -?---Our November submissions has to be authorised by our members and that's one issue that will be included, but I can't give a position on that.

MS McMILLAN: Anecdotally you're not aware of that? ---Information is provided, but in terms of the union's response, those are - the delegates, the health - the social workers and the psychologists in the area will be making the determining position.

COMMISSIONER: It's not finalised yet?---It's not finalised, no.

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MS McMILLAN: In a submission that has been received from again the Australian Association of Social Workers, it indicates about issues in turnover, staff retention. It's due to high case loads, lack of professional support and valuing the front line staff, including an absence of appropriate supervisory support by appropriately qualified and experienced staff, the increased policing nature of the role and administrative burdens. Now, what is your union's view of the current structure of supervision offered to front line staff, and I mean by that - let's just say child safety officers. That might be the question - - -?---Once again that's an issue that will be - we'll survey at the moment. It varies from geographical area to geographical area, some of our views - - -

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Just one thing I wanted to ask you: the 75 positions that you talk about that have been effectively lost since March of this year, do you have any idea regionally where that

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has occurred and at what level?---They would be lower level positions in terms of the A06 - equivalent to A06 in terms of what was high level or low level. They would be lower classifications than that, so they would be PO3 or AO positions below - - - 1

So both professional and administrative?---There would be some administrative staff I think in that, but in terms of geographics, that would be across the board and we'd be able to provide - but in November we'll be able to put a full number on that, subject to what we'd expect of a number that high - as the matter progresses during the year. 10

Has the union conducted, in terms of turnover of front line staff - you know that the CMC inquiry in 2004 stated rates at high as 73 per cent. What is the feedback from your members about current levels of retention and the reasons why they leave?---The numbers have stabilised previously. They're still at higher rates for the public sector general statistics, but that - later in the year, but clearly while we'll deal with it in more detail in November, there are questions both about the nature of the work, but also the internal - that I referred to previously and the fact that the government values social workers more in hospitals than they do in child protection. 20

And no doubt in that submission you also discuss what sort of supervision and support hospital workers get?---Yes, and also on a range of issues around professional development and other things that are important - - -

Because if one is going to compare apples with apples, you'd need to do that, wouldn't you?---Yes.

All right. Now, regional and remote staffing issues, again would your comment be in terms of feedback from members working in those areas about pressures working there - would you say that you would address that further in your November submission?---Yes. 30

And again what incentives might be offered to workers to stay in those areas and work there?---Incentives and also in terms of ensuring that some of the structures are appropriate for the - in terms of the workload. Modelling to make sure that complications are - and if I can say to you some of the problems around arbitrary case load numbers in the past has failed to identify some of the greater challenges in rural remote, which makes the nature of the work more difficult and higher workloads which we think has to be factored into it. Not just the nature of the conditions of employment and the structure of the work, but also the departmental allocation of processes and the speed at which the employer responds to increasing case loads. 40

Perhaps can I put that more in layperson's terms. Are you

saying that issues such as proper supervision, support - - -?---Proper supervision, support, professional development access, travel and recognition of the travel time, safety issues in terms of the ability for - there are a myriad of problems in terms of the ability to ensure that there is retention of experienced staff in those areas. It's much more broader than just industrial issues.

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COMMISSIONER: Mr Scott, do you know what percentage of the budget is allocated to professional training and development?---No, I don't, but I know one of the submissions we are likely to make in November is the lack of clarity around that compared to other agencies.

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But do you know enough to say whether it's currently adequate or inadequate?---It's certainly inadequate at the moment, but other agencies provide greater certainty around it than Child Safety.

MS McMILLAN: Will you be addressing in your submission perhaps innovative ways? We've heard some evidence, for instance, from Prof Chenoweth that for social work graduates, they offer for instance Podcasts and things like Skype and those sorts of ongoing training and supervision modules. Is the union looking into those sorts of methods of being able to assist workers in remote and rural settings?---Yes.

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We've heard a lot of evidence about over-representation of Aboriginal and Torres Strait Islander children in care. Again has the union focused on this and what strategies it can offer through its workers as addressing that over-representation and the best way to both investigate and manage issues of child protection?---It's certainly a primary focus for us, but at this stage I'm not in a position to provide - there are a number of things being considered internally to put in the submission. I'm not able to comment - - -

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COMMISSIONER: Do you know whether - and you can talk in terms of adequacy or not - how much money is invested by the department from its current budget to supporting foster carers and developing their skills?---I don't know about the percentage of the money, but I do know that there is concern from members in relation to support provided to the foster carers. So we can talk about the outcomes but not amounts.

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What about the amount that's dedicated to supervising the non-government organisations from whom services are purchased by government to ensure that they meet minimum standards?---I think we'll make some written submissions in relation to the non-government sector. I think there is a fine line to tread between bureaucracy and outcomes. In terms of that process we certainly think that there is need for supervision but there's - I mean, I think we're also very mindful of the previous - there's been over-bureaucratisation of process for the sake of process and I think in terms of we have - - -

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And the idea is obviously to spend money in a targeted way rather than there being duplication of non-essential services whether it's government or non-government, isn't it?---Yes.

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If the government is the purchaser, then it has got to make sure that it is competitive and it's not paying too much for services that it should and the services that it's paying for are of a quality and fit for the purpose?---Yes, but it comes down to the amount of money you spend. It's not efficient to spend \$1000 checking that \$100 is efficiently spent and I think in terms of the balance between outcomes versus process, given the limited resources available, we certainly are very supportive of a range of those agencies but we also want to make carefully worded responses in relation to how the level of supervision occurs because it's - you know, we want to make that carefully.

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Delicate?---Delicate.

MS McMILLAN: Just, lastly, you made mention earlier in your evidence about negotiations, I think, with the department about caseload management. Could you have a look at this document, please? Is that a document reflecting the negotiations you had with the department about those issues?---Yes, it is.

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I will tender that now given that there has been significant mention made of it.

COMMISSIONER: The Workload Management Guide for Child Safety Service Centres which was developed in November 2011 will be exhibit 53.



ADMITTED AND MARKED: "EXHIBIT 53"

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MS McMILLAN: It says it's to be reviewed later this year. Do you understand that that is still subject to review later this year?---Yes, I mean, it's still being rolled out, but a review - this goes to the document which was developed to provide the (indistinct)

I have nothing further, thank you.

COMMISSIONER: Thank you. Mr Hanger?

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MR HANGER: Thank you.

Mr Scott, I just wanted to ask you a couple of questions about the establishment management program. You had no part in designing that, I take it?---No.

No, and when you say it was designed to do something, you are giving your own opinion to the commission?---Yes.

Could I refer you to paragraph 9 of your statement? That's where you deal with it. Do you see in paragraph 9 you say that it was designed as a process to review and wherever possible conclude existing temporary contracts within public sector agencies?---Yes.

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I would like you to have a look, please, at this document. That is a document taken from the Internet under the logo of the Queensland government. It comes from the Queensland public services and it's headed "Establishment Management Program EMP" and issued by the Public Service Commission. Could I take you down to the third paragraph and ask you to read the third and fourth paragraphs into the record, please?

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*---The EMP was implemented on 27 March 2012. It incorporates a vacancy review process. The program is designed to ensure recruitment decisions regarding non-frontline vacancies are aligned with government priorities. EMP is also designed to ensure critical frontline positions continue to be filled as a matter of priority so there is no detriment to the service delivery to clients. The definition of the frontline employee is set out in the minimum obligatory human resources information (MOHRI). Click here for MOHRI service delivery definitions.*

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Thanks very much. I will tender that document, sir. It's, I think, best described as Queensland Public Service Establishment Management Program.

COMMISSIONER: The document so described will be exhibit 54.

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ADMITTED AND MARKED: "EXHIBIT 54"

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MR HANGER: Can I suggest to you that that document clearly sets out what the purpose of the design of the EMP was and that's inconsistent with what your statement says? ---No, I think - if I can have a copy of the document - the EMP program was designed by the government in relation to reduction of staffing numbers across the public sector. Clearly in terms of that process there are two attempts to occur in relation to that. There was a high level of temporary employment in the public sector as a result of mismanagement of the sector by the previous government, but the EMP program was clearly designed to enable - to drive down the number of temporary workers and particularly in the lead up to 30 June to do that. So where in the private sector the ability of employers to sack workers had been reduced because these people would have been determined as permanent, we have people who were there for 20 years who were temporary but the option of their contract, their current contract, coming to a close which normally would have been rolled over - the EMP was designed to provide the government departments with the requirement not to sever their employment, so the fundamental in relation to EMP program despite what this document says was to reduce the number of temporary workers in the public sector and cancel their contracts.

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COMMISSIONER: Do I understand you to say that's because there were too many of them because of mismanagement by the previous government?---There was too high a percentage because of mismanagement of the previous government of temporary employment, but in terms of this government's desire to initially cut 20,000 workers out of the public sector for ideological reasons they were seeking to initially cut temporary workers and the temporary - because of the high number of temporary workers, the EMP program - while it doesn't talk about it, the real issue with it was the cancellation of temporary contracts and using the HR wording around vacancies is false and misleading in that in fact it was targeted towards the fact that they were seeking to not renew long-term temporary contracts and also change - - -

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MR HANGER: Sorry, Mr Scott, I suggest you're being false and misleading. It is filling vacancies because a temporary contract has expired, isn't it?---But these temporary contracts weren't - - -

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Just answer my question. It is to fill vacancies or deal with vacancies because temporary contracts have expired? ---I would reject the notion that these were vacancies. This was in relation to people who have been up to 10 years in the public service. They had ongoing roles and functions but - - -

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And their contracts had come to an end?---Their contract had come to an end. There was still an ongoing role and in terms of the loss of positions within child safety there was a significant loss of positions because of - while there was still the ongoing need for these roles, there was an attempt to downsize the public sector for ideological reasons.

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Now, would you have a look at this document? I'm sure you have seen it 100 times. It's called "Establishment Management Program Frequently Asked Questions". It comes from the Public Service Commission?---Just in relation to the previous document as well, I think you need to be clear in terms of that document about when the change of definition occurred in relation to "frontline". I think this document was on 13 April. I'm not quite sure - - -

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I'm sorry, I can't help you there?---But I think the commission should be aware that the definition of "frontline" occurred at some point during the last six months, so the EMP program started under one definition and changed halfway through the definition from 50 per cent to 75 per cent.

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Have you identified the second document I handed to you?  
---Yes.

Frequently asked questions - this is in relation to the establishment management plan and published by the Public Service Commission. Yes, thank you. I tender that.

COMMISSIONER: Exhibit 55.

ADMITTED AND MARKED: "EXHIBIT 55"

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MR HANGER: Thank you.

COMMISSIONER: Yes?

MS EKANAYAKE: Jennifer Ekanayake from the Aboriginal and Torres Strait Islander Legal Service. Paragraph 17 of your statement says at line 3, "Matters of concern review unit" - or says "necessitated the closure of the matters of concern review unit". Could you explain what the matters of concern review unit is?---This was a review unit that was created out of the recommendations from the CMC and I think - from recollection, it was one of the appendix to the CMC in terms of its recommendations so it was a specialist unit to deal with the assessment notifications in relation to foster care and it provided - while it was in the operations - it was in central office. It provided support in relation to advice training for departmental officers but also was closely linked to providing assistance in terms of the cases which were seen as needing particular attention and assistance.

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Any reviews of matters of concern - were they conducted by that unit or by another section of the department? My question is: have the matters of concern - have they stopped looking into or investigating matters of concern? ---I'm not in a position to know the answer.

It will be useful to know?---It would be a matter that you would have to ask the department.

Thank you?---I should say you have to ask the department.

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Thank you. Paragraph 26 of your statement - you might have answered that question. I just want to go through that. You say, "These workforce priorities and issues include" and I'm just going to "I" on the last page - "strategies for reducing overrepresentation of Aboriginal and Torres Strait Islander children in care." Do you have a comment on that?---We (indistinct) further submission. The members are still analysing it so - - -

You don't have any - - -?---It's a matter of great concern to us but it's not one (indistinct)

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Thank you.

COMMISSIONER: Thank you. Yes?

MR CAUGHLIN: Thank you, yes, just a couple of brief questions.

My name is Caughlin. I appear for the Crime and Misconduct Commission. You mentioned in your evidence earlier that it was your view that the recommendation of the CMC inquiry about establishing a stand-alone Child Safety Department was a good one and I think you identified that one of the benefits of such a stand-alone department was that it allowed for some transparency in terms of funding. Just to expand on that, do I understand your evidence to be that it allowed for transparency in terms of how much money was dedicated particularly to Child Safety Services and that there's no the same degree of transparency under the merged department?---Yes, I think our general view has been that it's easy for governments to under-resource child safety unless there's a crisis or a recommendation from an inquiry and that's why we value what the CMC had to say as well as previous inquiries, but the merging of the departments makes it much more difficult from the broader community aspect to see the level of commitment that the governments of the day, whether it be the current government or previous governments, have in relation to child safety and that while there were some complications around whether the Child Safety Department was exactly right in terms of its structure and its breadth, we still think that a stand-alone department provides more opportunity for governments

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to be held accountable for the resourcing of child protection. 1

Aside from questions then of transparency and accountability, have you through your members identified any other benefits from having a stand-alone Child Safety Department?---We certainly think that on the assumption that there would be some linkage between ministerial portfolios and departmental structures that there is value in having a strong voice within government around child protection and also at a ministerial level. I think while there are values - significant opportunities in relation to getting a kind of professional framework or structure right through a stand-alone department, in terms of the decisions made by government in a broader context there - the structure of departments affects the ability - determines how commentary is made about legislative provisions or options for government at cabinet level and also responses on a range of issues but also provides some changes and opportunities in relation to how structures work within government and for that reason we think that the Department of Communities with amalgamations dilutes the voice of child protection within a broader governance framework within the state government and in terms of a legislative priority. 10 20

COMMISSIONER: When you say "child protection", do you mean child protection via tertiary intervention?---No; no, I mean child safety. Sorry, I was using the wrong terminology there, but I think in terms of - the Child Safety Department provided a stronger voice for those issues. It wasn't so much in relation to protection but more in terms of the challenges around the strength of the voice for the broader issue in the systems of government.

MR CAUGHLIN: It's fair to say that one of the rationales for that recommendation of establishing a separate Department of Child Safety was to provide a dedicated and specialised tertiary child protection service over their officers with specialised qualifications in child safety and child protection. That's an accurate assessment?---That would be, yes. 30

Would it follow from that that in any merged entity it would be your view and the view of your workers that there should be some particular focus and dedication on specialised child protection workers and a specialised and well-trained workforce?---Yes. 40

Thank you.

COMMISSIONER: Thank you, Mr Caughlin. Yes, Mr Capper?

MR CAPPER: We have no questions, thank you.

COMMISSIONER: Right. Ms McMillan?

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MS McMILLAN: I have nothing further. Might this witness be excused?

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COMMISSIONER: Yes, Mr Scott, thank you very much for your time. I appreciate the evidence that you have given and we look forward to receiving your submission in that.

WITNESS WITHDREW

MS McMILLAN: That's the evidence for today, Mr Commissioner. We have Mr Sean Moriarty tomorrow.

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COMMISSIONER: We will adjourn and we will resume again at 10 o'clock tomorrow, thank you.

MS McMILLAN: Thank you.

THE COMMISSION ADJOURNED AT 3.14 PM  
UNTIL FRIDAY, 7 AUGUST 2012

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