

Telephone: 07 3900 6000
Reference: F22/700 – D22/18788

Mr Michael Brennan
Chair
Productivity Commission
PO Box 1428
CANBERRA CITY ACT 2601

Dear Mr Brennan

Thank you for providing the Queensland Family and Child Commission (QFCC) with the opportunity to make a submission to the Productivity Commission's *Closing the Gap review paper 2: Proposed approach and invitation to engage with the review*.

Under the *Family and Child Commission Act 2014*, the QFCC has been charged by government to review and improve the systems that protect and safeguard Queensland's children, and to promote and advocate the safety, wellbeing and best interests of children and young people. Our purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families and we have a specific focus on the child protection and youth justice systems.

The QFCC is committed to promoting systemic accountability for the rights, safety and wellbeing of Aboriginal and Torres Strait Islander children and recognises the rich and resilient cultures that continue to sustain and strengthen children and their families.

The QFCC is encouraged by the *Queensland Closing the Gap Snapshot Report 2022 edition* that highlights gains that have been made across several outcomes, particularly those relating to Aboriginal and Torres Strait Islander babies being born healthy (outcome 2) and children's participation in high quality, culturally appropriate early childhood education in their early years (outcome 3).¹

Support for Closing the Gap reforms

We support the move towards the priority reforms and note that they 'represent a new way of working for governments and set the Agreement apart from its predecessor, which largely focused on setting targets for socioeconomic outcomes'. We strongly believe the overrepresentation of First Nations people in statutory systems is directly correlated to their underrepresentation in universal and secondary systems.



In our experience, the process of the adoption of targets by governments has narrowed responsibility, and siloed actions and outcomes into traditional portfolios where the opportunity for collective impact and momentum has been lost. Specifically, and by example, the target to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care became a target for the Minister and Department responsible for child safety – however, the solutions to this issue lie outside that portfolio.

A case study of the Queensland implementation of delegated authority in the child protection system would be beneficial in producing learnings about the scope, speed and process by which governments are able to empower and share decision making. The introduction of delegated authority in the *Child Protection Act 1999*, allows the Chief Executive to delegate functions and powers to the chief executive of an Aboriginal and Torres Strait Islander organisation. This is currently being trialled in two sites across Queensland, and it is having positive outcome for reunification of children with their families, in these communities.

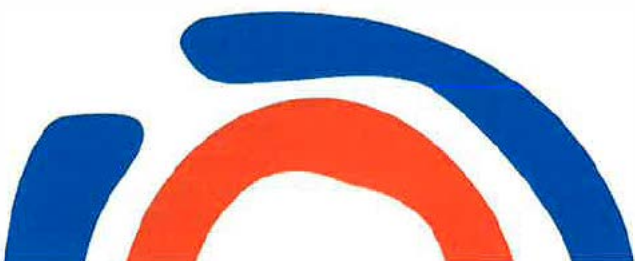
Achieving the outcomes sought by the Closing the Gap initiative requires all governments to work holistically. Consequently, there should be greater visibility of how government decision making (ie. new programs and funding allocations) are made with Closing the Gap outcomes in mind. This will require governments to project and assess the impact of their decisions prior to taking action, thereby replacing a retrospective reporting system, as occurred in the first stage of Closing the Gap, with a system of accountability and transparency.

Community voice in decision making

Self-determination is essential to the design and planning of effective actions and the QFCC recognises that self-determination, healing, dignity, and respect are all fundamental elements needed to improve outcomes. There remains a significant opportunity to achieve outcomes through self-determination in Aboriginal and Torres Strait Islander communities. The measures for priority reform 1 includes numbers of partnerships, however the quality and kind of partnerships are important.

We believe there is a role for the views and voices of First Nations people to inform you, and governments, about the outcomes of the Closing the Gap initiatives.

The QFCC has recently engaged with children and young people and listened to them describe their lived experiences of Queensland's youth justice system and its effectiveness in reducing reoffending. The current conversation around the topic of youth crime has largely ignored the voices and perspectives of those most impacted, children and young people, meaning an opportunity has been missed for them to contribute to solutions that can address the causes of offending. The recently released *Yarning for Change: Listen to my voice* report captures children's and young people's uncensored insights and stories of their lived experiences of the youth justice system. They spoke powerfully about the importance of relationships, showing it is people, not programs, that make a difference.ⁱⁱ



Each year the QFCC surveys members of the Queensland community for their perceptions on matters relevant to children and families. In 2022, there were 224 responses from Queenslanders who identified as Aboriginal and/or Torres Strait Islander. In comparison to the non-Indigenous respondents they were:

- less likely to agree they had overall confidence and trust in the Queensland child protection system (50% versus 60% overall)
- more likely to agree that Aboriginal and Torres Strait Islander children and young people in their community are supported to connect with their culture (69% versus 58% overall)
- more likely to disagree that children and young people in their community are supported to live safely at home with their families (38% versus 24% overall)
- more likely to disagree that systems make decisions in the best interests of children and young people and that children and young people are listened to and valued by systems
- more likely to disagree that the community prioritises the safety and wellbeing of children and young people (36% versus 26% overall) and that young people are portrayed fairly in the media (49% versus 40% overall)
- more likely to agree that children and young people who identify as Aboriginal or Torres Strait Islander, living with a disability, living in rural and remote areas, in contact with the child protection system and in contact with the youth justice system experience discrimination in terms of having their rights upheld at least sometimes
- less likely to say that children under the age of 14 should be able to be incarcerated (that is, held in a police watchhouse or placed in youth detention) (39% versus 57% overall)
- more likely to agree that there is sufficient oversight of the child protection system (52% versus 43% overall) and youth justice system (51% versus 40% overall)
- more likely to disagree that youth mental health services in their area were accessible (35% versus 24% overall) and culturally appropriate (39% versus 19% overall)
- more likely to agree that youth mental health services in their area were affordable (44% versus 33% overall) and timely (36% versus 27% overall)
- more likely to report lack of transport (38% versus 13% overall) and concerns that services were not culturally appropriate (32% versus 11% overall) as barriers to accessing youth mental health services.

If you or your officers have any queries in relation to this matter they may contact me at

Yours sincerely

Luke Twyford
Principal Commissioner
Queensland Family and Child Commission
12 December 2022



¹ Department of Disability, Seniors and Aboriginal and Torres Strait Islander Partnerships (Qld) 2022, *Queensland Closing the Gap Snapshot Report 2022*, <https://www.dsdsatsip.qld.gov.au/our-work/aboriginal-torres-strait-islander-partnerships/reconciliation-tracks-treaty/closing-gap>, accessed 8 December 2022.

² Queensland Family and Child Commission 2022, *Yarning for change: listen to my voice*, <https://www.qfcc.qld.gov.au/node/298>, accessed 8 December 2022.

