

# Queensland Protection Commission Bill 2026

**PeakCare's Submission to the Education,  
Arts and Communities Committee**

18 September 2026

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## Introduction

PeakCare welcomes the opportunity to contribute to the *Queensland Protection Commission Bill 2026* (the Bill) and the proposal to establish the Queensland Protection Commission (QPC).

The creation of the QPC represents an important opportunity to strengthen oversight, safeguarding and accountability for Queensland's children and young people, as recommended in the *In Plain Sight* report. We strongly support the intent to establish a stronger and more coordinated body with responsibility for oversight of the child protection system and key child safeguarding functions.

Our recommendations are intended to strengthen the QPC model proposed by the Bill. In particular, there are opportunities to maintain and strengthen the Queensland Family and Child Commission's (QFCC) current institutional independence, ensure important sector development functions continue through the transition from the QFCC, maintain appropriate representation and breadth of oversight, and establish a stronger foundation for independent accountability as Queensland implements the recommendations of the Child Safety Commission of Inquiry.

PeakCare recommends that:

1. The Queensland Protection Commission's independence must be consistent with its oversight role and functions. To achieve this, the Bill must be amended to:
  - a. establish the Queensland Protection Commission as an independent statutory body for the purposes of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*, consistent with the current arrangements for the Queensland Family and Child Commission, with appropriate control over its staffing, administration and financial resources to independently perform its statutory functions.
  - b. remove or constrain Ministerial direction over the Commission's core functions relating to oversight, advocacy, evaluation, investigation and reporting, or decisions about whether and how to publish reports, recommendations and findings.
  - c. provide that the Commissioner and Deputy Commissioners may only be removed from office on clearly defined statutory grounds, including misconduct, incapacity or serious failure to perform the duties of office, consistent with the security of tenure provided to Commissioners under the current *Family and Child Commission Act 2014*.
2. The Bill be amended to require that at least one Commissioner or Deputy Commissioner position be an identified Aboriginal and Torres Strait Islander position.
3. The Bill be amended to retain explicit reference to the safety and wellbeing of children and young people involved in the youth justice system within the Commissioner's advocacy functions.
4. As part of the transition from the Queensland Family and Child Commission to the Queensland Protection Commission, the Queensland Government identify how existing functions relating to workforce development, research, evaluation, sector collaboration and capacity building will continue to be delivered and appropriately resourced, including consideration of functions that may be more appropriately delivered by sector peak bodies and other independent organisations.
5. The independent implementation and reform assurance function recommended by the Child Safety Commission of Inquiry be structurally independent from the departments and agencies responsible for implementing reform. Consideration should be given to whether the Queensland Protection Commission could perform this function, with authority to monitor and

publicly report on implementation progress, quality and fidelity, frontline impact, risks, delays and reform drift.

6. The Bill be amended to provide a legislative foundation for the independent child safety complaints and escalation framework recommended by the Child Safety Commission of Inquiry, including dedicated leadership, clear functional separation and appropriate safeguards to ensure the independence of the function.
7. The Queensland Protection Commission establish or commission a regular and independent mechanism for systematically gathering and publicly reporting the views and experiences of children and young people in care, with findings used to inform system oversight and evaluation.

## About PeakCare

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare represents small, medium, and large local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

## PeakCare's Submission

### Independence as a crucial foundation for effective oversight

PeakCare strongly supports the establishment of the QPC and the intent to create a stronger, more coordinated child safeguarding and child protection oversight body. For the QPC to perform this role effectively, it must be able to operate with sufficient independence from the agencies and government structures it is required to oversee.

#### **Financial and administrative independence**

We are concerned that the Bill in its current form will reduce the QPC's structural independence in relation to financial and administrative decision-making. Under the current *Family and Child Commission Act 2014*, the Queensland Family and Child Commission (QFCC) is a statutory body for the purposes of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*. By contrast, the proposed Bill expressly provides that the QPC and Commissioner will not be statutory bodies for those purposes. It instead provides that the relevant departmental chief executive will be the accountable officer for the Commission for financial accountability purposes and in relation to Commission staff. The "commissioner must do anything the chief executive requires for the

performance of the chief executive's functions" in relation to financial and administrative statutory functions.<sup>1</sup>

It is crucial that the Bill includes stronger safeguards to ensure that administrative and financial arrangements cannot be used, intentionally or otherwise, in a way that constrains the Commission's capacity to perform its statutory functions. This should include consideration of protections relating to budget allocation, staffing and organisational structure, recruitment and the allocation of resources between regulatory and child protection oversight functions.

## **Ministerial oversight and public and Parliamentary reporting**

PeakCare recognises the legitimate role of the Minister in setting broader policy priorities and maintaining appropriate accountability for a statutory commission.<sup>2</sup> However, these arrangements should also preserve the Commissioner's capacity to determine independently the matters that warrant examination, the findings and recommendations arising from that work, and how those matters are reported. Clear legislative safeguards around the exercise of Ministerial direction would provide confidence to government, Parliament, the sector and children and families that the Commission can perform its oversight functions independently, while maintaining appropriate Ministerial and parliamentary accountability.

The QPC's independence would be strengthened by providing a clear statutory capacity to report publicly or directly to Parliament, rather than requiring its reports to be transmitted through the Minister. Direct reporting is an important safeguard for an independent oversight body: it ensures the QPC can determine when and how matters within its remit are brought to Parliament's attention, without any actual or perceived risk of delay, modification or constraint through an executive intermediary. This does not diminish the Minister's legitimate role or accountability to Parliament; rather, it reinforces the distinct role of the QPC as an independent source of oversight, evidence and advice. Providing for direct reporting would support transparency, public confidence and the QPC's ability to raise systemic issues affecting children and families in a timely and authoritative way.

## **Preserving independence through security of tenure**

The independence of the QPC will also depend on appropriate protections for the Commissioner and Deputy Commissioners in the exercise of their functions. We are concerned that the Bill reduces the security of tenure currently provided to QFCC Commissioners.

Under the current *Family and Child Commission Act 2014*, a Commissioner may only be removed from office where the Minister is satisfied that the Commissioner has engaged in misconduct, is incapable of performing their duties, or has neglected or incompetently performed their duties.<sup>3</sup> By contrast, clause 17 of the Bill provides that the Governor in Council may remove the Commissioner or a Deputy Commissioner on the recommendation of the Minister and expressly provides that the Minister may make such a recommendation "for any reason or none".<sup>4</sup>

The Commissioner must be empowered to scrutinise government policy and practice, identify systemic shortcomings and make recommendations for change, including where findings may be critical of government performance. The ability for the Minister to recommend removal without specified grounds risks undermining both the actual and perceived independence of the office.

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<sup>1</sup> Queensland Government (2026). [Queensland Protection Commission Bill 2026, Clause 84, Page 53.](#)

<sup>2</sup> Queensland Government (2026). [Queensland Protection Commission Bill 2026, Clause 28, Page 22.](#)

<sup>3</sup> Queensland Government (2014). [Family and Child Commission Act 2014, Clause 15, Page 11.](#)

<sup>4</sup> Queensland Government (2026). [Queensland Protection Commission Bill 2026, Clause 17, Page 18.](#)

Appropriate mechanisms should remain available to address misconduct, incapacity or serious failures in the performance of the Commissioner's duties. These grounds should be clearly prescribed in legislation, consistent with the protections applying to QFCC Commissioners under the current Act.

### **Recommendation 1:**

The Queensland Protection Commission's independence must be consistent with its oversight role and functions. To achieve this, the Bill must be amended to:

- a. establish the Queensland Protection Commission as an independent statutory body for the purposes of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*, consistent with the current arrangements for the Queensland Family and Child Commission, with appropriate control over its staffing, administration and financial resources to independently perform its statutory functions.
- b. remove or constrain Ministerial direction over the Commission's core functions relating to oversight, advocacy, evaluation, investigation and reporting, or decisions about whether and how to publish reports, recommendations and findings.
- c. provide that the Commissioner and Deputy Commissioners may only be removed from office on clearly defined statutory grounds, including misconduct, incapacity or serious failure to perform the duties of office, consistent with the security of tenure provided to Commissioners under the current *Family and Child Commission Act 2014*.

## **Strengthening oversight that accurately reflects children and young people**

The transition from the QFCC to the QPC should preserve a clear and inclusive focus on children and young people who experience the greatest interaction with statutory systems, including children involved in youth justice and Aboriginal and Torres Strait Islander children and young people.

Under the current Act, at least one of the two QFCC Commissioners must be an Aboriginal person or Torres Strait Islander. Under the proposed Bill, this requirement changes. At least one Deputy Commissioner must either be an Aboriginal or Torres Strait Islander person or have demonstrated ability or experience in working with Aboriginal or Torres Strait Islander children.

We believe that this change weakens the existing guarantee of Aboriginal and Torres Strait Islander representation within the Commission's senior leadership. Demonstrated experience working with Aboriginal and Torres Strait Islander children is important, but it is not equivalent to Aboriginal and Torres Strait Islander leadership and lived cultural authority.

Given the significant overrepresentation of Aboriginal and Torres Strait Islander children and families within the child protection system, and the importance of culturally informed oversight and accountability, the legislation should retain a clear requirement for Aboriginal and Torres Strait Islander representation at the most senior levels of the QPC.

### **Recommendation 2:**

The Bill be amended to require that at least one Commissioner or Deputy Commissioner position be an identified Aboriginal and Torres Strait Islander position.

Under the current Act, the QFCC's advocacy function expressly includes promoting the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system.<sup>5</sup> The proposed Bill retains the broader advocacy function but removes the explicit reference to children and young people involved in youth justice.

We consider that this express reference should be retained. The child protection and youth justice systems are closely interconnected, and many children and young people who come into contact with youth justice have also experienced involvement with the child protection system. Retaining explicit reference to youth justice would help ensure that the QPC continues to consider the experiences and needs of this cohort within its oversight and advocacy functions, particularly where systemic issues span both systems.

### **Recommendation 3:**

The Bill be amended to retain explicit reference to the safety and wellbeing of children and young people involved in the youth justice system within the Commissioner's advocacy functions.

## **Maintaining investment in sector development, research and capability**

The establishment of the QPC provides an opportunity to clarify the functions required to support an effective child protection system and where responsibility for these functions should appropriately sit. As part of this transition, it is important that functions currently performed by the QFCC.

Under the current Family and Child Commission Act 2014, the QFCC has a number of expressly prescribed functions relating to the development and capability of the child protection system. These include developing and reviewing workforce planning and development strategies, developing and coordinating multidisciplinary research, assisting agencies to evaluate the effectiveness of programs and identify effective service models, providing leadership and expert advice, and increasing collaboration and capacity across sectors.

These functions are not separately prescribed in the same way under clause 7 of the proposed Bill. While the Commissioner will retain broad functions relating to systemic analysis and evaluation and activities to improve the safety and wellbeing of children and young people, the change removes the explicit statutory responsibility for a number of activities currently undertaken by the QFCC.

We recognise that the establishment of the QPC as a more focused child safeguarding, regulatory and oversight body provides an opportunity to consider whether all these functions should continue to sit within the Commission. Some functions, particularly those relating to workforce development, sector capability, research translation and collaboration, may be more appropriately led or delivered by sector peak bodies, research institutions or other independent organisations working in partnership with government and the QPC.

However, removing these functions as explicit responsibilities of the Commission should not result in a corresponding reduction in investment in these areas. A capable, sustainable and evidence-informed sector is fundamental to improving outcomes for children, young people and families. Workforce development, research, evaluation and sector capacity building require sustained investment and clear responsibility, regardless of which organisation is best placed to lead their delivery.

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<sup>5</sup> Queensland Government (2014). [Family and Child Commission Act 2014, Clause 9, Page 7.](#)

The transition from the QFCC to the QPC should therefore be accompanied by a deliberate process to identify which existing functions will continue within the QPC, which may be more appropriately located elsewhere, and how these functions will be sustainably resourced. This provides an opportunity to strengthen the role of sector-led infrastructure while enabling the QPC to maintain a clear focus on its safeguarding, regulatory and oversight responsibilities.

#### **Recommendation 4:**

As part of the transition from the Queensland Family and Child Commission to the Queensland Protection Commission, the Queensland Government identify how existing functions relating to workforce development, research, evaluation, sector collaboration and capacity building will continue to be delivered and appropriately resourced, including consideration of functions that may be more appropriately delivered by sector peak bodies and other independent organisations.

## **Establishing an independent accountability architecture for child protection reform**

The establishment of the QPC presents an important opportunity to strengthen the independent accountability architecture surrounding Queensland's child protection system. This is particularly timely following the Child Safety Commission of Inquiry, which identified the need for stronger mechanisms to hear and respond to complaints, monitor the implementation of reform and independently assess whether changes are achieving their intended outcomes.

While not all these functions need to be performed by the QPC, the establishment of a new body with responsibility for oversight of the child protection system provides an opportunity to ensure that these functions are considered together and that clear responsibilities, powers and safeguards are established. This will be important to avoid a fragmented accountability system in which responsibility is dispersed across multiple bodies without clear mechanisms for connecting individual experiences, systemic oversight and reform implementation.

### **Independent implementation and reform assurance**

The Child Safety Commission of Inquiry also recognised that successful reform will require more than mechanisms for government to coordinate and manage implementation. Recommendation 51 calls for an independent implementation and reform assurance function, operating independently of the department responsible for delivering child protection services, to provide candid assessment of progress, implementation risks and reform drift.

We recognise the important role of the Child Safety Cabinet Committee in providing whole-of-government leadership, coordination and accountability for implementation of the Commission of Inquiry recommendations. However, governance of implementation and independent assurance of implementation perform different functions. The agencies responsible for implementing reform should be accountable for driving and coordinating that work, while an independent mechanism should be able to assess whether implementation is occurring as intended and whether reforms are producing meaningful changes in practice and outcomes.

*“The Commission’s review of past reform indicates that implementation has often been uneven, difficult to monitor and vulnerable to erosion over time. A central implementation and reform assurance function, in the form of an independent entity, taskforce or authority, is required to translate accepted recommendations into structured, timebound and publicly visible action. This function must have authority to monitor progress across government, report publicly on delivery, identify dependencies, assess implementation quality, and escalate where reform stalls, drifts or is diluted.”*

– Child Safety Commission of Inquiry, 2026

The establishment of the QPC provides an opportunity to embed this independent assurance function within Queensland’s longer-term child protection accountability architecture. The QPC’s proposed functions already include oversight of the child protection system and systemic analysis and evaluation of policies, practices and the performance of relevant agencies. However, the Bill does not expressly establish responsibility for monitoring implementation of the Commission of Inquiry reforms, assessing implementation quality and fidelity, identifying reform drift or delay, testing whether changes are reaching frontline practice, or publicly reporting on implementation progress.

We consider that these responsibilities should be expressly established rather than assumed to fall within the Commissioner’s broader oversight functions. This would complement, rather than duplicate, the role of the Child Safety Cabinet Committee and provide Parliament, the sector, children and families, and the broader community with an independent assessment of whether the reform program is being implemented as intended.

#### **Recommendation 5:**

The independent implementation and reform assurance function recommended by the Child Safety Commission of Inquiry be structurally independent from the departments and agencies responsible for implementing reform. Consideration should be given to whether the Queensland Protection Commission could perform this function, with authority to monitor and publicly report on implementation progress, quality and fidelity, frontline impact, risks, delays and reform drift.

### **Independent complaints and escalation**

Recommendation 44 of the Child Safety Commission of Inquiry calls for the establishment of an independent, child-centred complaints and escalation framework for the child protection system. The Commission of Inquiry emphasised the need for a clear and trusted pathway for complaints and appropriate governance and structural safeguards to ensure independence.

The proposed Bill does not establish this framework. The Commissioner’s functions are predominantly systemic in nature and the Bill expressly provides that it is not a function of the Commissioner to advocate on behalf of a particular child, young person, vulnerable person or family.

We consider the establishment of the QPC provides an opportunity to create the legislative foundation for the independent complaints and escalation framework recommended by the Commission of Inquiry. Locating this function within the QPC could enable individual experiences and complaints to contribute to broader identification of systemic issues, while providing a clear pathway for matters that cannot be appropriately resolved within the child protection system itself.

However, if this function is located within the QPC, it should be established as a distinct statutory function with appropriate safeguards for its independence. This should include dedicated leadership, clear functional separation from other Commission activities, appropriate information-sharing and

escalation powers, and protection from Ministerial direction in the handling or determination of individual matters.

#### **Recommendation 6:**

The Bill be amended to provide a legislative foundation for the independent child safety complaints and escalation framework recommended by the Child Safety Commission of Inquiry, including dedicated leadership, clear functional separation and appropriate safeguards to ensure the independence of the function.

### **Hearing from children and young people about their experiences in care**

Effective oversight of the child protection system must be informed by the experiences and outcomes of the children and young people the system exists to support. We welcome the requirement in clause 27 of the Bill for the Commissioner, in performing key functions, to engage with and take account of the views of children, young people, vulnerable persons and their families.

This is particularly important following the Queensland Government's recent decision to discontinue the My Life in Care Survey. The survey had been conducted annually since 2022 and provided a mechanism for children and young people in care to directly report on their experiences, including whether they felt safe, secure, cared for and had sufficient privacy.

Irrespective of the Government's concerns about the methodology or representativeness of the previous survey, its discontinuation creates an important opportunity to consider how Queensland will continue to systematically hear directly from children and young people in care. We consider the establishment of the QPC provides an appropriate opportunity to develop a robust and independent mechanism for doing so.

A mechanism led or commissioned by the QPC would provide important independence between the agencies responsible for delivering the child protection system and the collection and reporting of children's experiences of that system. This information should form an ongoing part of the evidence available to the QPC in performing its oversight and systemic evaluation functions.

#### **Recommendation 7:**

The Queensland Protection Commission establish or commission a regular and independent mechanism for systematically gathering and publicly reporting the views and experiences of children and young people in care, with findings used to inform system oversight and evaluation.

## **Conclusion**

PeakCare strongly supports the *Queensland Protection Commission Bill 2026* and the establishment of the Queensland Protection Commission as an important opportunity to strengthen child safeguarding, oversight and accountability in Queensland. Ultimately, the effectiveness of the QPC will depend on its capacity to provide robust and independent oversight that remains grounded in the experiences of children and young people. We encourage the Committee to consider the recommendations in this submission as opportunities to strengthen the Bill and support the QPC to fulfil this important role.

This submission was approved by Kelly Jebb, Chief Executive Officer, PeakCare Queensland:

**Signed:**



**Dated:** 18 September 2026