



Queensland
Family & Child
Commission

Consultation Submission

Putting Queensland Kids First

Commissioner Natalie Lewis

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Acknowledgement of Country

The Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.

Summary of Commissioner’s Position

I welcome the development of a Children’s Plan for Queensland and am pleased to provide this contribution to the Queensland Government’s consultation process for the draft *Putting Queensland Kids First* plan.

All Queenslanders would agree that all children deserve to be safe, healthy, happy, living free from violence and have access to quality education whilst benefiting from a strong sense of connection and belonging. Every child in Queensland should be able to reach their fullest potential and thrive. However, despite significant efforts over many decades, our existing systems have not made this a reality. In policy, budgets and services, children are consistently overlooked and unheard, dealt with in responses designed primarily for adults, or responded to through uncoordinated and fragmented approaches that do not recognise or respect their rights and unique experiences and needs. The lack of cohesion in the planning, implementation and evaluation of child-focused initiatives is a significant barrier to meeting collective aspirations for Queensland’s children.

The plan must address the individual, social and economic dimensions of childhood and adolescence including the macro forces and structures that shape and determine children’s experiences and outcomes in childhood and throughout their lives. It also must apply to all children equally, from birth to 18 years of age. It needs to actualise the shared accountability for the protection and promotion of the rights of children and young people in Queensland across portfolios, irrespective of children’s status or involvement with statutory systems. It needs to embody an intergenerational aspiration explicitly and, by connecting a clear vision for childhood in Queensland with our objectives for the community, make Queensland a world leader.

A Children’s Plan for Queensland must:



Express a shared vision for children and childhood in Queensland, co-designed with children and families



Place Children and Young People authentically and meaningfully at the centre, prioritising an unwavering focus on children’s rights and interests within policy and service delivery



Coordinate our approach with a comprehensive and long-term framework demonstrating clear policy, funding and administrative mechanisms



Transform how Queensland thinks about and engages with children, and how we understand childhood



Have clear accountability mechanisms so we can ensure service delivery serves the rights and needs of children and young people

Co-designing a shared vision

Establishing a Children's Plan for Queensland is as ambitious as it is critical. A *child-attuned, rights-affirming* and *opportunity-shifting* collaborative plan for all Queensland children and young people requires a transparently developed overarching vision that is holistic and connected to a courageous set of actions and structures.

The Vision/Objective Statement should be explicitly, meaningfully and wholly co-designed with children and families. The Vision/Objective Statement should *articulate a desired and meaningful future* that is inclusive of all those the plan is for. This vision statement should not be limited to 'prevention' and 'early intervention' – and must apply to all children under the age of 18, regardless of their circumstances.

The language used for the vision statement should be unambiguous and promote collaborative understanding. The name of the plan should be developed as part of the co-design. The Plan must also explicitly link to the *Queensland Human Rights Act 2019* (QHRA) and the United Nations Convention on the Rights of the Child (UNCRC). Key policy focus areas, investment priorities and actions need to be mapped to core children's rights unreservedly and enable concise, measurable outcomes in areas including:

- freedom from poverty
- freedom from violence and bullying
- universal access to quality education
- universal access to health and disability support
- meaningful participation in decision-making
- access to social justice across all systems they come into contact with.

Unwavering focus on Children’s Rights

The plan needs to be underpinned by a Child Rights-affirming approach that is articulated and actionable throughout every element.

Australia ratified the UNCRC in 1990. It formally and explicitly outlines the rights of children in international law. States and territories must give effect to it when developing legislation, policy, service provision and practice. Whilst Queensland is obligated to do this, the benefits of a rights-based approach extend well beyond obligation. Normalising, embedding, and meaningfully actioning a child rights-based approach can:

- enhance reduction of siloed practice and improve coordination across systems by establishing a single tethering point for recognising and working towards the best interests of children
- improve levels of trust and collaboration between agencies, service users and community¹
- increase the effectiveness of Child Safe frameworks and practices
- reduce duplication and increase efficiencies in practice and governance systems
- enhance shared understanding of collective hopes, values and wishes³
- promote transparent decision-making processes
- reduce welfare approaches driven by deficit narratives
- improve focus on social and systemic accountability
- align with context and service-specific practice, ie. relational attachment-centred approaches within complex service delivery.

A Child Rights-affirming approach begins with a shared agreement and aspiration that all children are entitled to enjoy their basic rights and a desire to collectively work towards realising this. There are three guiding factors for rights:



A child rights-based approach for this plan could amplify five foundational pillars of the UNCRC:



¹ CHRGI Working Paper No. 20, 2008. Finalised 01/08/2009. www.iilj.org

³ Arce, M.C. (2015) Maturing children's rights theory: from children, with children, of children. *International Journal of Children's Rights*, 23(2), 283–331.

The QHRA and UNCRC provide appropriate ways to map investment/outcome priorities for the plan. Finally, measures and indicators need to be developed to align with these key areas. These measures and indicators could be conceptualised and expressed through the lens of:



Already, many organisations, services and practitioners work within a rights-based approach without explicitly expressing it. Not only can this plan provide a pivotal opportunity to embed, enhance and measure a rights-based approach, but it could provide language, action ethics (how we 'live and breathe' our ethics every day) and collaborative continuous improvement that can capture, promote and organise rights-affirming practice that exists every day in Queensland.

A rights-based approach helps us to reframe Queensland's relationship with its' children – rather than children being simply passive, powerless, needing protection and subject to adults' interpretations of 'what's best'. They have their own stories, experiences and expertise and must have the agency to use their voice. When we do this thoroughly and together, we are growing our *Rights-based approach*. This doesn't discount the need for adult action and protection as duty bearers – both need to be balanced for our children and young people to flourish.

Through a rights-affirming approach, we can shift contexts and outcomes, resist assumptions that children are passive, naïve recipients, increase service provider accountability and harness authentic and collaborative voices and contributions to policy and practice.

In line with the Queensland Government's Path to Treaty, Aboriginal and Torres Strait Islander peoples and organisations will determine their priorities and approach, with meaningful involvement of children. This agreed approach could be informed by and aligned with the Children's Plan, allowing for the necessary knowledge, approaches and perspectives to be fully embedded in all relevant policies and actions from an appropriate basis of strengths, expertise, and community involvement. This should reference the United Nations Declaration on the Rights of Indigenous Peoples. A clear, thorough strategy will embrace place-based approaches, self-determination and data sovereignty.

Unifying our approach through shared governance, integration and collaboration

The plan must be long-term and comprehensive to protect, promote and fulfil children's rights and development in Queensland for at least the next decade.

The plan must go beyond assembling existing plans, frameworks, strategies and agreements related to children. Instead, it needs to bridge the gaps between these initiatives, creating a cohesive and interconnected system centred around children. It must be a vehicle for coordinated effort and joint investment by all levels of government. It needs to connect disparate policy, service delivery and funding levers that are critical to addressing root causes and enabling systems change.

A plan with a high-level scope and wide spectrum of applicability, needs explicit, thorough and co-designed mechanisms for governance, leadership and action. We strongly recommend the Queensland Government appoint a Minister for Children, responsible for the wellbeing of Children and Young People in Queensland and leading coordination at a Ministerial and portfolio level. An independent oversight function should be held by an existing statutory role (eg. Childrens Commissioner or Human Rights Commissioner), reporting directly to the Minister on implementation and outcomes achieved under the plan. The appointment of a Minister for Children is an essential governance structure for ensuring commitments to whole-of-government mechanisms and indicators.

Integrated funding and mechanisms must be included in the plan. Integration needs to:

- be purposefully mapped and responsive to the rights and developmental needs of children and families
- be inclusive of families, carers and communities
- avoid siloed engagement, planning and intervention
- value and respond to place-based collaborative and co-design processes
- be designed, implemented and supported at all levels.

Transforming how Queensland sees children and childhood

Foundationally grounded upon a rights-affirming and developmental approach, the plan needs to help reimagine how we treat children and view childhood.

Children are not ‘incomplete adults’ waiting for adulthood and lacking critically important feelings and perspectives. They aren’t passive, their identity and wellbeing are not dependent solely on adult welfare or protection and adults’ conceptions of childhood must not mediate their capacity to participate meaningfully in society . They have rights they deserve to enjoy universally and inalienably. Children’s right to express themselves and have that expression meaningfully connected to and acted upon is not dependent on someone’s conception of whether they are ‘mature’ or ‘make sense’ – it is unconditional.

This plan must emerge from the basis that children are:

- rights holders
- capable and worthy of being active in the construction of their own lives
- social actors that take an active part in relationships that form, express ideas and wishes, demonstrate emotions and seek justice without discrimination⁴
- exceptionally capable of consent, informed decision-making and the sharing of ideas that can be actioned through Government budgetary measures.

Children must be meaningfully and actively involved in all elements of the plan. This isn’t just the right thing to do, it is the smart thing to do – policies designed in consultation with those they are made for are more tailored to need and fit-for-purpose, producing better outcomes, improving efficiency, and saving resources.

⁴ James (2011) To Be (Come) or Not to Be (Come): Understanding Children’s Citizenship. American Academy of Political and Social Science, 633(1).

Clear accountability mechanisms to improve service delivery

The plan must set out clear, agreed outcomes and actions to be jointly pursued across Queensland Government and non-government agencies and independently monitored and reported within the Queensland Child Rights Report (published annually by the QFCC).

The plan must implement an explicit outcomes and measurement framework for children's rights. It needs to incorporate child-centred indicators co-designed with children and reflect children's experiences and priorities. Indicators cannot be chosen based on system views of efficiency or effectiveness but on improved outcomes for children. Dignity, justice, equality and equity are critical drivers of social change. Protection and affirmation of children's rights will provide a foundation for greater accountability in addressing social issues.

A Child Rights Impact Assessment could be introduced as a distinct process or through an enhancement to the existing Human Rights Act Compatibility Statement, for key policy decisions in Queensland, including legislative and co-regulatory obligations to complete the assessment. The Children's Plan should be reviewed within this rights-affirming lens.

The plan must embed a rights-affirming approach to:

- enhance the collaboration and effectiveness of the intended plan for Queensland children and young people
- frame ongoing reflection on the plan
- increase collaborative, systemic approaches that affirm rights and contribute to wellbeing
- increase systemic development and actualise the shared accountability for the protection and promotion of the rights of children and young people in Queensland across portfolios, irrespective of children's status or involvement with statutory systems
- enhance a collective, enduring agenda on aims, actions and outcomes, and
- lead a Child-Rights and Child Safe approach for Queensland Children and Young People now and for future generations.