

CHILD SAFETY COMMISSION OF INQUIRY

Harry Gibbs Commonwealth Law Courts Building,
119 North Quay, Brisbane

On Thursday, 21 May 2026 at 10.08am

Before: Mr Paul Anastassiou KC, Commissioner

Counsel Assisting: Ms Robyn Sweet KC
Mr Nathan Boyd
Ms Bianca Mendelson

1 COMMISSIONER: Thank you and welcome. I would like to
2 commence this final hearing by acknowledging the
3 Traditional Owners of the land on which we meet, the lands
4 of the Yuggera and Turrbal people, and I pay my respects to
5 their Elders past, present and emerging.
6

7 I welcome all present today and all those who may be
8 watching this hearing on line. I welcome and acknowledge
9 the presence of Belinda Drew, the Director-General of the
10 Department of Families, Seniors, Disability Services and
11 Child Safety; Michael Drane, Acting Director-General of
12 the Department of Youth Justice and Victim Support; Luke
13 Twyford, the Principal Commissioner of the Queensland
14 Family and Child Commission. I also welcome and recognise
15 representatives from the Queensland Aboriginal and Torres
16 Strait Islander Child Protection Peak and of course counsel
17 for the parties, and all others present today. Thank you
18 for your attendance.
19

20 I'll take appearances.
21

22 MS SWEET: May it please the Commission, I appear with my
23 learned juniors Nathan Boyd and Bianca Mendelson.
24

25 COMMISSIONER: Thank you, Ms Sweet.
26

27 MR HASTIE: If it please the court, I appear with April
28 Freeman KC and Maggie Forrest of counsel for the State of
29 Queensland, its present and past employees.
30

31 COMMISSIONER: Thank you, Mr Hastie.
32

33 MS McMILLAN: Good morning, Commissioner, I appear on
34 behalf of Queensland Health with (indistinct).
35

36 COMMISSIONER: Thank you.
37

38 MS GREENWOOD: May it please the court, I appear on behalf
39 of the Aboriginal and Torres Strait Islander Legal Service
40 (indistinct).
41

42 COMMISSIONER: Thank you.
43

44 MR KIYINGI: May it please the court, I appear for the
45 Queensland Indigenous Family Violence Legal Service.
46 I apologise, unfortunately Mr Creamer was unavailable.
47

1 COMMISSIONER: Thank you. Yes, Ms Sweet. I've gone off
2 script.

3
4 At the commencement of this Inquiry and its first public
5 hearing on 23 July last year I said that the paramount aim
6 of the Inquiry, as I see it, is to improve the lives and
7 outcomes for the children and young people of Queensland
8 cared for under the child safety system and for whom the
9 State is the notional parent. I committed to doing all
10 that I can to see that ambition achieved in the firm belief
11 that some of a goal, if realised, will benefit not only
12 those children but all of the community of Queensland.
13 Today marks the conclusion of those efforts in anticipation
14 of the Commission's report that will be handed down
15 tomorrow, though I might add it remains under extensive
16 final editing.

17
18 Unlike the Federal Treasurer, I am not at liberty to
19 presage what is coming in the report nor, might I say, has
20 there been any focus group surveys as to its contents. The
21 focus group for this report is rather the universe of
22 contributors to the Inquiry, all those who have made
23 submissions, provided statements, given evidence in
24 hearings, or generously given their time and attention to
25 the Inquiry outside formal hearings. That universe
26 includes, importantly, children and young people and also
27 the community organisations that the Commission has been
28 able to meet with throughout the course of the Inquiry.

29
30 An important function of this Inquiry has been to provide a
31 platform for their voices so their stories may be heard by
32 those in a position to make the changes necessary to fix
33 the child protection system that is fundamentally broken at
34 present. I will shortly invite senior counsel to make some
35 final submissions to the Inquiry. There will be no
36 witnesses nor any evidence tendered at this hearing, and
37 the hearing will not involve any submissions from other
38 parties; rather today's proceedings will serve as an
39 important public record of the Commission's work, including
40 the breadth of its inquiries, the evidence it has
41 considered, and the systematic issues it has examined over
42 the course of its Inquiry.

43
44 I'll ask Ms Sweet to address the Inquiry.

45
46 MS SWEET: Thank you, Your Honour. Today marks the close
47 of the public phase of this Commission's work ahead of the

1 delivery of its final report tomorrow. Today is not the
2 occasion to announce findings or to descend into a
3 rehearsal of the Commission's recommendations.
4

5 Today is the proper occasion to do four things: one is to
6 identify why this Inquiry was necessary; two, to record in
7 broad terms how the Commission went about the task
8 entrusted to it; three, to identify some central themes
9 that arose on the public record during the course of the
10 Commission's remit; and, four, to thank those involved in
11 the Inquiry and those who contributed to the Inquiry's
12 work.
13

14 This Inquiry canvassed matters of urgency and seriousness
15 involving some of Queensland's most vulnerable children.
16 It has examined the operation of a system that authorises
17 and exercises some of the State's most significant and
18 intrusive powers and carries with it some of its most
19 significant responsibilities; namely, the responsibilities
20 of a corporate parent to over 12,000 children.
21

22 This Inquiry was established against a backdrop of events,
23 circumstances and figures that have become too serious, too
24 persistent, too urgent, and too wide-ranging to be
25 addressed by ordinary review processes. Accordingly, on
26 18 May last year the Queensland Government announced this
27 Commission, and the Commission formally commenced on 1 July
28 2025.
29

30 The Commission's task was, in simple terms, to undertake an
31 open and independent inquiry into systemic issues within
32 Queensland's child safety system. This Inquiry was not
33 established because of a single tragedy or a single
34 failure. It was established because the overwhelming
35 evidence was that independent public examination had become
36 necessary.
37

38 The Commission's opening hearing on 23 July last year
39 chronicled substantial growth across the child safety
40 system over time, including growth in the numbers of
41 children entering out-of-home care, growth in the
42 residential care sector, rapacious growth in expenditure
43 without commensurate improvement in outcomes for children,
44 and an ongoing intersection between the child safety and
45 youth justice systems. Those matters speak directly to the
46 scale, pressure and direction of the system that the
47 Commission was asked to examine.

1
2 Many of the figures referred to at the opening hearing
3 assist in explaining why the need for this Inquiry had
4 become compelling. The number of children in out-of-home
5 care increased from 7,999 in 2011/12 to 10,092 in 2023/24.
6 Over the same period the number of children in residential
7 care increased from 653 to 1,994.

8
9 The proportion of children in residential care as a
10 fraction of the or percentage of the out-of-home care
11 population increased from 10 per cent in 2011/12 to
12 20 per cent in 2023/24, while the proportion of children in
13 foster care fell during that period from 57 per cent to
14 38 per cent. Actual spending on child safety services
15 increased from \$753 million in 2011/2012 to 2.36 billion in
16 23/24. The cost of residential care alone increased from
17 200 million to a forecast 1.12 billion a year over that
18 decade. Those figures demonstrate a system under sustained
19 pressure with major consequences for children, families,
20 carers, government, and the community.

21
22 As to the ongoing intersection between child safety and
23 youth justice, data referenced at the opening hearing
24 showed that 72.9 per cent of children under youth justice
25 supervision in Queensland in 2022/23 had interacted with
26 the child safety system in the preceding 10 years. Those
27 figures demonstrate that the relationship between care,
28 risk, instability and offending requires serious
29 examination by this Commission. Indeed, the overlap
30 between child safety and youth justice was one of the
31 matters that made this Inquiry necessary.

32
33 Public confidence in the child safety system is of
34 paramount importance. The State removes children from
35 parents, it determines where children will live and with
36 whom, and delegates the day-to-day care of children to
37 others. The extent and consequences of those powers is
38 enormous. Accordingly, the public is entitled to expect
39 that the system is lawful, disciplined, effective,
40 transparent, focused on the best interests of the child,
41 and capable of learning from its own failures. Public
42 confidence and corresponding accountability for the system
43 are further reasons why this Inquiry was necessary and
44 established.

45
46 In summary, the Inquiry was necessary because the questions
47 about the failures and accountability of the child safety

1 system had become too numerous, too serious and too
2 interconnected to be answered in a piecemeal way by those
3 who are close to or within the system itself. That is the
4 setting in which this Commission began its work.

5
6 The terms of reference provided the structure for this
7 Inquiry. They identified in broad terms the matter the
8 Commission was required to examine and the questions it was
9 required to address. These can be summarised in six
10 parts: reforming the residential care system; fixing a
11 broken system; safer children; safer communities; reviewing
12 legislation about the protection of children; and any other
13 matters relevant to the Inquiry.

14
15 Within those parts the Commission was directed to examine a
16 wide range of matters, including how the department
17 performed its functions and exercised its powers; the
18 treatment of children, families and carers within the
19 system; early intervention and family support; casework and
20 reunification practices; the role and operation of foster
21 care, kinship care and residential care; the role of
22 government agencies and statutory bodies; information
23 sharing; staffing, resourcing and workforce capability;
24 governance and procurement; complaints processes;
25 transparency and accountability; and the legal processes
26 and the adequacy of the current legal framework.

27
28 The terms of reference were framed in a way that required
29 the Commission to look at both care and accountability.
30 They did not permit the Inquiry to proceed on the basis
31 that child safety is concerned only with the quality of
32 direct care delivered to children, nor did they permit the
33 Inquiry to concern itself only with administrative systems,
34 governance structures or legal frameworks in the abstract.
35 The Commission was required to examine both; that is, how
36 children are cared for and how the system responsible for
37 that care is organised, supervised, scrutinised, and held
38 to account.

39
40 That dual focus has shaped the conduct of the Inquiry from
41 beginning to end. The breadth of the Commission's task
42 reflects the breadth of the system itself. The child
43 safety system operates through the interaction of
44 legislation, policy, courts processes, system delivery,
45 funding, oversight, professional judgment, and practical
46 implementation on the ground. The terms of reference
47 recognised that reality.

1
2 In one sense, the terms of reference provided the outer
3 boundaries of the Inquiry but, in another sense, they did
4 something more important in that they identified the
5 central proposition that has underpinned the Commission's
6 work. That proposition is that the child safety system
7 must be examined as a system. It must be examined not only
8 by asking what happens to children once they enter care but
9 by asking how decisions are made before they enter care and
10 at each point throughout the care journeys of the children.
11 This includes when concerns were raised, when placements
12 break down, when matters of permanency must be decided,
13 when matters go to court, when children's behaviour
14 escalates, and when children leave care.

15
16 It also must be examined by asking whether the structures
17 of responsibility, governance and accountability are equal
18 to the task that the State has assumed. That is the work
19 the terms of reference required.

20
21 The Commission proceeded through a combination of public
22 and private hearings, calls for submissions, targeted and
23 regional engagements, youth voices forums, compulsory
24 notices for production, information analysis, and intensive
25 investigation work. This speaks to both the breadth of the
26 material now before the Commission and the basis upon which
27 it has been able to move from individual evidence to
28 systemic conclusions.

29
30 The Commission proceeded on a whole of Queensland inquiry
31 with regional engagement in Townsville and Cairns, and then
32 public inquiries in Brisbane, Cairns and Toowoomba. If
33 there had been more time the Commission would have ventured
34 further afield.

35
36 The Commission's public hearings were targeted, rigorous
37 and tied to themes with witnesses and case studies relevant
38 to the terms of reference. This has resulted in a
39 substantial and authoritative body of evidence for the
40 Commission to consider. Over the last 10 months of the
41 Commission 49 hearings were convened over six hearing
42 blocks, 70 witnesses appeared, 214 exhibits were tendered,
43 5,645 pages of transcript were recorded, 246 notices to
44 produce were issued, 152 notices to attend or summonses
45 were issued, and 50 young people attended youth sessions
46 held in Cairns and Toowoomba.

1 In total, the Commission received 1,193 submissions. Just
2 over 1,000 submissions were from individuals, including
3 young people and children with direct experience of the
4 child safety system as well as departmental staff, family
5 members, foster and kinship carers, and parents. The
6 Commission also received 191 submissions from community
7 organisations, government and frontline support bodies,
8 academics, legal organisations, and individual lawyers.
9 The Commission can confidently say that it has canvassed
10 the views of communities right across the state, the far
11 north to the west and the south-east. They have also
12 reflected the breadth and complexity of the issues
13 confronting the child safety system.

14
15 Your Honour, there is, in my submission, a significance in
16 the order in which the Commission has approached its public
17 work. The sequence was not accidental nor was it simply a
18 matter of convenience or scheduling. It reflected a
19 considered approach to the statutory task before it. It
20 began by examining the framework and the purpose of
21 the Inquiry itself. The Commission then turned to
22 questions of region and place.

23
24 Next, it moved to complaints, direct system experience, and
25 the day-to-day operations of the system, including the
26 experience of and treatment of carers. Consideration of
27 the child protection litigation model and the exercise of
28 coercive State decision-making in relation to children and
29 families was the next matter for consideration. From
30 there, it examined corporate parenting and the intersection
31 between Child Safety and Youth Justice. The public phase
32 concluded by turning to the economics, procurement, and
33 market structure of residential care.

34
35 One of the early priorities of this Inquiry concerned the
36 ability of the child safety system to hear and resolve
37 concerns safely in a way that produces action where
38 required but does not victimise the complainant. In its
39 opening hearing the Commission publicly identified serious
40 concerns that residential care workers, foster carers and
41 kinship carers may fear reprisal, loss of employment, or
42 loss of placement or approval accreditation if they raised
43 concerns about safety, working conditions, or levels of
44 support or concerns about the safety of the children in
45 their care.

46
47 That concern sat alongside a broader issue where the

1 carers' responsibilities to children is matched by the
2 authority, support and safeguards required to discharge
3 that duty effectively. Put another way, whether there is a
4 disconnection between the carer's responsibility on the one
5 hand and authority and support needed to fulfil that duty
6 on the other. The evidence presented raised a fundamental
7 question: when those closest to risk speak does the system
8 hear them, protect them and act accordingly?
9

10 Your Honour, from the outset of the Inquiry you stated
11 explicitly that reform could not be one size fits all and
12 that the Inquiry had to be a whole of Queensland affair,
13 attentive to the realities of regional and remote
14 communities as well as urban centres.
15

16 The Cairns hearings in particular exposed recurring themes
17 emerging from the ground up. These included the treatment
18 of carers and disincentives to caring for children in State
19 care; the State's lack of responsiveness to carer requests,
20 including requests for medical assessment or treatment; the
21 disconnect between carers' responsibilities and the
22 authority to act in children's best interests; the need for
23 tailored early intervention for vulnerable families,
24 including in Aboriginal and Torres Strait Islander
25 communities; and whether child safety officers are given
26 sufficient time and continuity to build relationships of
27 trust with children and families.
28

29 The Commission then turned to the child protection
30 litigation model, which is one of the areas in which the
31 system's principals attested in their most concrete and
32 consequential form where policy intention is translated
33 into binding decisions that directly affect family
34 structures, parental responsibility and a child's placement
35 and care, sense of self and stability.
36

37 Where the State exercises coercive authority over family
38 life a fundamental question arises: is the architecture of
39 decision-making, advice, evidence, and review sufficiently
40 clear, properly documented, procedurally fair, and
41 sufficiently disciplined to support decisions of such
42 gravity? The broader concern extends beyond legal
43 architecture alone; that is, that a child safety system
44 depends for its legitimacy and effectiveness on disciplined
45 decision-making, reliable and properly tested evidence,
46 procedural fairness, and clear allocations of
47 responsibility at every level.

1
2 Delay matters because it compounds uncertainty for children
3 and families, and can entrench interim arrangements into
4 long-term outcomes. The quality and reliability of
5 evidence matters because it directly shapes judicial
6 decision-making in circumstances where parties often have
7 unequal access to information and legal resources. The
8 ability of parents, children and carers to understand,
9 participate in and respond to process matters because
10 participation is not only a procedural safeguard but a core
11 element of fairness in decisions that fundamentally affect
12 family life.

13
14 These are not abstract considerations. They go directly to
15 whether the exercise of statute power is lawful, fair,
16 comprehensible, and directed to the best interests of the
17 child in a practical and not merely formal sense, including
18 whether the system can maintain public confidence in its
19 most consequential and intrusive decisions.

20
21 This part of the Inquiry also highlighted another important
22 matter. A child protection system cannot only rely on the
23 stated justification for intervention. It must also attend
24 to the integrity of the process by which intervention
25 occurs. It is not enough for the State to believe an order
26 is necessary. The process by which that conclusion is
27 reached, documented, put before a court and sustained over
28 time must itself withstand scrutiny. It must be capable of
29 being understood, it must be capable of being challenged,
30 and it must be capable of being reviewed against records
31 that are accurate and complete.

32
33 These hearings also canvassed whether the State was
34 following the permanency hierarchy in the Child Protection
35 Act and whether the State was delivering children in care
36 who cannot safely return to their families for the
37 foreseeable future the stable, permanent and loving homes
38 that they need and deserve, including long-term
39 guardianship to suitable others, including family and
40 dedicated long-term carers, and whether adoption was being
41 routinely considered and pursued for children in care
42 consistent with that hierarchy and the paramount principle
43 in the Act. These are questions that sit at the heart of
44 the Commission's task.

45
46 The Toowoomba hearing block brought into sharp focus a
47 difficult but unavoidable question: how is the State

1 performing as a corporate parent and how should that
2 performance be judged, particularly in relation to children
3 in care who are also known to the youth justice system?
4

5 The Commission publicly framed its hearings in Toowoomba
6 around that question and, in doing so, confronted a broader
7 issue of public administration, institutional
8 responsibility and public safety. It examined whether the
9 department had been operating as an effective corporate
10 parent, whether aspects of the child safety system may
11 function intentionally or otherwise as a feeder into youth
12 justice, and what factors contribute to children in care
13 entering that system.
14

15 It also considered whether for some children the State's
16 intervention as a parent has not only failed to identify
17 and interrupt risk and de-escalate behaviour but has
18 instead failed to divert, contain, stabilise or respond
19 effectively over time to those children.
20

21 If a significant proportion of children in youth justice
22 are also children for whom the State has assumed parental
23 responsibility, that raises a question that no responsible
24 inquiry of this type can avoid. It requires consideration
25 of whether the structures, practice, resourcing and
26 accountability settings of the child safety system are
27 sufficient to interrupt risk, stabilise children, and
28 provide the care, permanency, stability, authority and
29 therapeutic support that would ordinarily be expected of a
30 competent and responsible parent.
31

32 It also considers and requires consideration of whether
33 systems designed to protect children are sufficiently
34 coordinated, responsive, and durable to prevent children
35 from moving from care into deeper and more entrenched forms
36 of State intervention.
37

38 The final substantive public hearing block of this Inquiry
39 concerned the costs and underpinning architecture of
40 residential care. That was an appropriate place for the
41 public phase to conclude. By that stage the Commission had
42 already examined complaints and the ability of the system
43 to hear complaints, key aspects of regional and remote
44 operation, the detail of the child protection litigation
45 model, and the performance of the State as a corporate
46 parent. It was then necessary to examine the structural
47 settings that sit beneath many of those issues, in

1 particular how the residential care model is funded,
2 commissioned, procured, governed and sustained.

3
4 The broader point here is that the child safety system can
5 come under pressure not only because children and families
6 present with complex needs but also because the structures
7 through which care is delivered themselves may create
8 difficulty. Funding settings may reward one form of
9 response over another; procurement practices may affect
10 market behaviour; contract management capability may affect
11 accountability; regional commissioning decisions may
12 determine whether services are available or thin; and
13 licensing approaches may bear upon quality and consistency
14 of care.

15
16 The significance of the April hearings is that they moved
17 the Inquiry beyond a description of stress within the
18 system and into an examination of whether some of that
19 stress is linked to the design and stewardship of the most
20 costly and pointy end of the system itself. That is a very
21 different question from whether particular children receive
22 good or poor care in a particular placement. It is a
23 question of how the system has been organised.

24
25 The critical urgency of this line of investigation was
26 underscored by the fact that the average placement in
27 residential care costs the Queensland taxpayer
28 approximately \$500,000 per year per child. In that sense,
29 the final public hearing block brought the public work of
30 the Inquiry to its structural end point.

31
32 The Commission began by asking whether the system can hear
33 concerns and respond to them. It moved into operation of
34 the system on the ground, the exercise of coercive legal
35 power, and the performance of the State as a parent. It
36 ended by asking whether the financial and governance
37 architecture of residential care is itself part of
38 the problem. That is the significance of this final
39 section.

40
41 Standing back from the hearings and the Inquiry's
42 public-facing work as a whole, a number of recurring themes
43 can be identified. They are not confined to one hearing
44 block, one region, one type of witness, or one part of
45 the system. They recur across material, they recur in
46 different settings and in different forms, and that is why
47 they matter.

1
2 The significance of a commission of inquiry of this kind
3 does not lie only in the individual matters that it hears;
4 it lies in whether repeated themes emerge across the
5 evidence. Such systemic questions can be properly
6 identified. They include the fragility of placement
7 stability; the tension between carers' responsibilities and
8 their authority to act; the need for better intervention -
9 better early intervention and support to families; the
10 importance of trustworthy complaints mechanisms;
11 deficiencies in information sharing and accountability; the
12 significance of workforce capability and continuity; the
13 need for a system that is responsive to Aboriginal and
14 Torres Strait Islander children, families and communities;
15 and the need for the proximate causes of children entering
16 care to be addressed. These themes are consistent with the
17 published terms of reference and with the Commission's own
18 emphasis on systemic rather than episodic analysis.
19

20 Before concluding it is appropriate to acknowledge those
21 who have assisted the Commission in carrying out its work.
22 The Commission's work would not have been possible without
23 the considerable contribution of many individuals and
24 organisations. There isn't time to list them all, but
25 I would like to take this opportunity to highlight the
26 contributions of some of those from whom the Commission has
27 heard.
28

29 Most importantly, I acknowledge the children and young
30 people who engaged with this Inquiry, including those who
31 participated in youth voices sessions and private hearings.
32 Their participation has been a matter of particular
33 importance to this Commission, and it cannot have been easy
34 for them to come forward and raise their voices. Their
35 willingness to share deeply personal experience required
36 immense courage, motivated by a desire to ensure that other
37 children and young people might experience a safer and more
38 supportive system in the future, and their contribution has
39 materially assisted the Commission understanding how the
40 system is experienced by children on the ground.
41

42 I extend sincere thanks to the carers, the former children
43 in care, the families, the frontline workers, and all those
44 including peak bodies, oversight bodies and other
45 interested organisations who made submissions to or
46 otherwise assisted this Inquiry.
47

1 I thank the State, departmental officers and other agencies
2 for their cooperation. I thank junior counsel assisting
3 the Commission for their work throughout this Inquiry and,
4 although not seated at the Bar table with me, I wish to
5 acknowledge Tom Dias and Joshua Forrest for their work in
6 the latter stages of this Inquiry. I thank all counsel at
7 the Bar table for their collegiality, their advocacy and
8 assistance to this Commission. I also extend my thanks to
9 their instructors.

10
11 I wish to record my appreciation to the members of the
12 Commission secretariat for their energy, drive, dedication,
13 passion and commitment to the work of this Inquiry.

14
15 Your Honour, this Commission was established because the
16 protection of children in state care is among the most
17 serious responsibilities government can assume, and because
18 the State's performance of that responsibility over the
19 past decade needs to be examined carefully, independently
20 and in public. The hearings have now concluded. The
21 public record has been made. The submissions have been
22 received and considered. The evidence has been analysed
23 and weighed. The task that Your Honour was appointed to
24 perform is nearing an end to make findings as appropriate
25 and to report with recommendations that are feasible and
26 directed to better and safer outcomes for children,
27 families, carers and the community.

28
29 Your Honour, it has been a privilege to serve you and this
30 Commission and the State of Queensland throughout this
31 Inquiry. Thank you for your incredible dedication and
32 analysis that you have brought to the task entrusted to you
33 and thank you for the erudite and extremely pleasant way in
34 which you have conducted the hearings of this Commission.

35
36 May I also lastly thank the courts and the court staff and
37 the audiovisual team who have allowed this Commission's
38 public work to be live streamed to the public. And I thank
39 the members of the public who have taken the trouble to
40 tune in and listen to the public work of this Commission.
41 It's been important to this Commission to do as much as it
42 can in public, and I thank them for their participation as
43 well. If the Commission pleases.

44
45 COMMISSIONER: Thank you very much, Ms Sweet. I would
46 like to make some short closing remarks. Over the past
47 10 months the Commission has considered the totality of the

1 evidence and submissions to the Inquiry and has sought to
2 distil from them the lessons which bear upon the present
3 systemic failings of the child protection system. As
4 settled, well-known and regular commentators - some of whom
5 I note are here today - have commented and indeed been
6 astute to comment fairly, that this is not the first
7 commission of inquiry into the child protection system.
8 They also observe that the failure of reform has not been
9 for the lack of recommendations. A very recent submission
10 by the Cape York Institute characterises attempts at
11 reforms as, and I quote, "death by a thousand
12 consultations". Allowing for the work of the Commission,
13 there must by now have been many more than a thousand.

14
15 The observations by the Cape York Institute is not
16 unreasonable, given the history of previous commissions of
17 inquiry as well as the routine course of consultation
18 between the department and other government agencies and a
19 variety of stakeholders and participants in the system.
20 The question which cannot hide and the answer to which the
21 answer cannot elide is what difference can this Inquiry
22 make.

23
24 As I've said, I'm not at liberty to disclose the contents
25 of the report which will be provided to the government
26 tomorrow. However, I am at liberty to make some
27 observations about the Commission's aspirations for the
28 work of the Inquiry and, in particular, the difference
29 I very sincerely and respectfully hope it will make.

30
31 One difference, though intangible, is to truly refocus the
32 system on the welfare and best interests of the children
33 who are its true purpose. I hope the work of the
34 Commission will assist to refresh the discourse about and
35 concerning the field of child safety and support the
36 courage necessary to talk about the sensitive and
37 uncomfortable topics which underlie the challenges which
38 confront the system.

39
40 An important difference I hope the Commission will make is
41 to bring an end to endemic unactioned or poorly actioned
42 consultation by focusing government policy and action upon
43 known proximate causes of harm to children. They are
44 alcohol abuse, drug abuse, domestic violence, and mental
45 health issues. Those proximate causes have other
46 companions and indisputably flourish in a broader
47 socioeconomic and cultural context. But, nevertheless,

1 they are villains who, in concert, are nearly always
2 present when a child is removed into the care of the State.

3
4 The Commission hopes that through its careful analysis of
5 the system's present failings it will assist to recalibrate
6 government policy priorities in the field of child
7 protection generally and, most importantly, provide an
8 integrated strategy for reforms at critical levels of the
9 system.

10
11 Given the history of reform in relation to the child
12 protection system this, I recognise, is an ambitious
13 aspiration. However, it is not one that the Commission has
14 shirked. In particular, the Commission has sought to
15 identify and tackle the underlying impediments to reform of
16 the system which tend to emerge only belatedly and are
17 usually revealed only by the results of earlier failed
18 attempts at reform.

19
20 If this ambition is realised, as the Commission hopes it
21 will be, then this Inquiry will have been of use beyond
22 merely a structured opportunity for more talk without
23 change.

24
25 The timeframe of this Inquiry originally required the
26 Commission to provide its final report by 30 November this
27 year. As is well known, in February that date was brought
28 forward by the government until tomorrow, 22 May. In
29 February I said in response to the truncated timeframe
30 this:

31
32 *I believe that the Commission will be able*
33 *to provide a substantive final report by*
34 *[tomorrow] which will provide meaningful*
35 *analysis of how and why the child safety*
36 *system is broken and reasoned*
37 *recommendations for reform in relation to*
38 *material matters.*

39
40 Now, the lawyers present will appreciate that predictions
41 and opinions not founded upon reasonable assumptions may
42 constitute an actionable misrepresentation. Without making
43 any admissions, I will concede that my prediction may at
44 that time have been slightly in advance of the facts.
45 Fortunately, any concern is now purely academic. I can now
46 confirm what I said in February with true confidence. That
47 I'm able to say so has nothing to do with prescience on my

1 part. It is because each of the individuals who have
2 contributed to realising the prediction I boldly made in
3 February have done extraordinary work to make it come true.
4

5 I am very pleased to note that most of the secretariat are
6 present here today. It is their efforts, combined with the
7 assistance I've been given by senior counsel and junior
8 counsel assisting me, that has enabled my bold prediction
9 to be realised. The Commission is indebted to them. They
10 have gone far and above what their duty required. They
11 have worked back late at night. They have come into the
12 office over many weekends, and worked tirelessly from home
13 at all hours. They have done what it takes. I'm
14 personally very grateful for their dedication and hard
15 work, and wish to personally and publicly express my
16 thanks.
17

18 Some observers may be wondering what the consequence or
19 consequences may be of the truncated timeframe. As I have
20 said, I consider the Commission is able for the reasons
21 I've explained to produce a report which interrogates and
22 analyses the critical issues. Perhaps the best way to
23 answer the question is to refer to two well-known
24 aphorisms. The first is if I had longer the report would
25 be shorter. The second is the time taken to complete a
26 task tends to expand to fill the time available in which to
27 do it. Back in February I was not so persuaded by the
28 second, but the first remains true even so.
29

30 The Commission does not hide behind any defence of that
31 nature or the truncating of the timeframe when it comes to
32 producing a report which in terms of scope and content
33 addresses the significant issues as the Commission has
34 identified them and provides a coherent set of integrated
35 recommendations linked to its analysis. That is not to say
36 that there are not matters which would benefit from further
37 nuanced evaluation nor matters which warrant further
38 investigation. The report nonetheless addresses the
39 matters as I've said that are most germane to the systemic
40 failings which have been identified.
41

42 That is really all I should say about the report, lest
43 I inadvertently head into the territory of holding a press
44 conference in advance of delivering the report.
45

46 Finally but by no means least, I wish to reiterate my
47 thanks to all those who have participated throughout the

1 course of the Inquiry. They are too numerous to mention by
2 name. The Commission is sincerely grateful for having
3 received 1,193 submissions and has been most assisted by
4 them. It has considered each of them and, individually and
5 taken together, they have directly influenced the
6 Commission's analysis, conclusions and recommendations.
7 These submissions form part of the universe of the evidence
8 the Commission has considered. The participation of so
9 many interested persons has allowed the Commission to more
10 confidently form conclusions about the systemic issues
11 which are faced by the system.

12
13 Without them, that is to say without the participation and
14 helpful submissions that have been made, the underlying
15 reasons for systemic failure would have been far more
16 difficult to uncover and to understand and would not, but
17 for those submissions and that participation, have yielded
18 conclusions of the confidence that the Commission is able
19 to reach.

20
21 The Commission is particularly grateful to all of the
22 witnesses who have given evidence at hearings and those who
23 have participated in consultations outside formal hearings.
24 There have been some extremely brave people who have come
25 forward and courageously given accounts of the harrowing
26 experiences they have endured and survived. Their stories
27 not only inform the Commission's understanding about the
28 child protection system and how it is experienced by
29 children and young people who are, after all, at the centre
30 of it and also of their carers; their stories are now part
31 of the public record to be considered, appreciated, studied
32 and, dare I say, potentially the subject of material for a
33 later inquiry.

34
35 The Commission is grateful for the constructive
36 participation and cooperation of the department and the
37 other government agencies, and that cooperation has been
38 manifest throughout the course of the Inquiry. It has no
39 doubt been a burden to the department to have received
40 I think some 130 notices to produce. The skies over their
41 headquarters have been blackened by notices flying in.
42 They have provided numerous statements and an enormous
43 quantity of documentation. That is the unavoidable
44 consequence of the Inquiry being concerned directly with
45 the department as the principal agency.

46
47 But this Inquiry is not about criticism; it's about

1 critique. And it is certainly not about any search for
2 blame in relation to an individual decision, shortcomings
3 in relation to an individual decision, or holding any
4 individual accountable for a particular decision. It is
5 and needs to be emphasised an inquiry into the systemic
6 underlying causes that have bedevilled the child protection
7 system for so long and despite earlier inquiries.
8

9 The department and government agencies' response to this
10 Inquiry is also - that is to say its positive and courteous
11 response, is also to be shared by the lawyers representing
12 them. To their credit, they have conducted their
13 representation of the government interests with courtesy
14 and professionalism throughout. That courtesy and
15 professionalism has also been displayed by other counsel
16 representing parties before the Commission, and of course
17 also by their solicitors and others assisting them.
18

19 So, in that vein, I extend my personal thanks to all
20 counsel at the Bar table and those instructing them who
21 have appeared throughout the hearings. QIFVLS and ATSILS
22 have conscientiously appeared and assisted the Commission
23 at all of the public hearings. They, like the department,
24 have confined themselves to issues that matter. The spirit
25 of common cause rather than adversarial contest has
26 prevailed throughout the hearings. It has meant that,
27 while some subject matter has been unavoidably fraught and
28 at times harrowing, it has been considered in a calm
29 atmosphere without rancour and with a common purpose of
30 understanding how best to improve the system.
31

32 I wish to say publicly that it has been a singular honour
33 for me personally to have been entrusted with the task of
34 conducting this Inquiry into a matter of such great
35 importance. Tomorrow the report will be transmitted to the
36 relevant ministers and my job will be done. The report is
37 lengthy for reasons I've already explained but also to be
38 expected, given the vast body of material that the
39 Commission has received.
40

41 The Commission has endeavoured to prepare the report so
42 that it does not require redactions or alterations to
43 enable publication. Names of witnesses have been removed
44 or pseudonyms used where possible. I'm mindful of
45 the provisions of the Child Protection Act about not
46 identifying children in care which have the potential to
47 compete with the intent of the Commissions of Inquiry Act

1 for an open inquiry. However, the Commission has taken
2 into account the careful submissions made on behalf of
3 the government parties in relation to this issue and has
4 endeavoured to ensure that the privacy of individuals,
5 particularly children, from within the system or affected
6 by the system are not disclosed.

7
8 Finally, I would like to say I have enjoyed the challenge
9 of this Inquiry immensely and I have become very fond of
10 the great state of Queensland. If I needed any explanation
11 before this Inquiry about why so many domiciled in the deep
12 south are migrating north, I don't now. That's all I wish
13 to say. Thank you for your attendance. We shall adjourn.

14
15 **THE COMMISSION ADJOURNED AT 11.03 AM**

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