



COMMISSIONER FOR
ABORIGINAL CHILDREN
& YOUNG PEOPLE

TRANSCRIPT OF PROCEEDINGS

April Lawrie, Commissioner for Aboriginal Children and Young People

Denise Rieniets, Counsel Assisting

Hearing for the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia

Tuesday, 12 October 2023 at 10:00am

Expert Witness:

- **Candice Butler**

Counsel Assisting:

Good morning, Ms Butler.

Commissioner April Lawrie (Chair):

Good morning.

Candice Butler:

Good morning.

Counsel Assisting:

We'll do welcome to country before we start. Thank you.

Commissioner Lawrie:

Thank you. I'd like to acknowledge that the land we meet on is the land of the Kurna people and pay respects to Kurna custodians and elders, past and present. I also acknowledge the numerous Aboriginal families from other nations who live on the Kurna country and constitute our Aboriginal communities. I also acknowledge the land, which you are I guess engaging in this inquiry, from where you are, and pay respects to elders past and present also and to all those children and young people where you are from. So without further ado I'd like to now hand over to Counsel.

Counsel Assisting:

Thank you and Ms Butler will have you affirm your evidence before we start, if that's alright with you.

Candice Butler:

Mm hmm. Yes, of course.

Counsel Assisting:

Thank you.

Carla Ringvall, Assistant to Counsel Assisting:

OK. So I'll just ask you to repeat after me please. I solemnly affirm that the evidence that I will give.

Candice Butler:

I solemnly affirm that the evidence that I give.

Assistant to Counsel Assisting:

Will be the truth, the whole truth, and nothing but the truth.

Candice Butler:

Will be the truth, the whole truth, and nothing but the truth.

Assistant to Counsel Assisting:

Thank you. And can you please state your full name, address and occupation?

Candice Butler:

Yes, Candice Butler, [address provided]. And sorry, what was the last bit?

Assistant to Counsel Assisting:

And your occupation, please.

Candice Butler:

No problems. I am the director for the Centre of Excellence with the Queensland Aboriginal and Torres Strait Islander Child Protection Peak that I'll refer to as QATSICPP throughout my evidence today.

Assistant to Counsel Assisting:

Thank you, Ms Butler.

Candice Butler:

Thank you.

Counsel Assisting:

Thank you, Ms Butler. As you're aware, this is an inquiry by the Commissioner for Aboriginal Children and Young people in South Australia into the Aboriginal Torres Strait Islander child placement policies. I understand that you've recently undertaken a Churchill fellowship visiting New Zealand, Canada and the USA, looking at transfer of Authority First Nations organisations and we'd be very interested to hear your, your evidence on what you've learnt from that, those that research and how that would possibly be applied here in Australia.

Candice Butler:

Of course not a problem at all.

Counsel Assisting:

So can you tell us please, what, in terms of Queensland's experience of delegated authority to begin with, what's the experience there?

Candice Butler:

Yeah. So we commenced delegated authority a couple of years ago now with two early adopter sites. We also, I would like to state that we also decided to term our early adopter sites early adopter sites and not trial sites because we're really conscious to have that decision in terms of ensuring that they are seen as our early adopter sites and not a trial site because too often than not when you put the word trial in front of, you know, programmes that we've had experiences rolling out, it unfortunately can be no longer funded or no longer in place, whereas you know something as pivotal as delegated authority, which we've had implemented and embedded in our Child Protection Act here in Queensland. You know, we really wanted to ensure that it is seen as that transformational opportunity for Aboriginal and Torres Strait Islander Community controlled organisations to really highlight and embed Aboriginal, Aboriginal and Torres Strait Islander ways of being, doing and knowing in a child protection system. So we've had two early adopter sites in both Rockhampton and on the Sunshine Coast, so Central Queensland Indigenous Development, CQID and Refocus and they have started with sections that look at either reunification to parents or family, and the other sections of our act that they have taken on relate to cultural connection and that importance of children being connected to kin, community and culture through either their cultural support plans or through their actual case plans, where it makes reference to the child having contact or what we would prefer to call it connection to family, to their country, and to their community to as well.

Counsel Assisting:

Thank you. And how long have those two sites been working in that area?

Candice Butler:

Oh, good question. I did have that in front of me. I've just misplaced it. I'm pretty certain it was since 2019, but I'm happy to, you know, to follow that up and provide that better update.

Counsel Assisting:

And Ms Butler, has there been any quantitative research or studies about the effectiveness of how that's that's working?

Candice Butler:

Yeah. Thank you for for that question. We've actually been doing some really robust action research cycles here in Queensland to understand what's working, what's getting in the way, what are some of our real significant successes and what are some of those that we're still working towards. I actually only just did an action research cycle yesterday with some new staff who'll, within the department, who'll be leading out delegated authority in their region and I had the opportunity to do an action research cycle with them. So we've been tracking that ever since 2021. You know, just very mindful that we need to have a really robust evaluation framework to really start to show what we're seeing and what we're hearing in terms of outcomes for children and young people. I'm happy to share some of our initial findings. If you would like.

Counsel Assisting:

That would be terrific. Thank you.

Candice Butler:

Yeah, not a problem. We've we've found, you know that we do need system factors and systemic

change. So that's across policy, practice and cultural shifts. We need a shift to preferencing Aboriginal and Torres Strait Islander knowledge systems. It's our real opportunity to challenge power structures and embed self determination and what, what, one thing that we've really found, which has actually been really pivotal is the importance of leadership. And leadership being, you know, from the very, very top all the way down to our practitioners on the ground feeling as though they have some form of leadership in the direction of delegated authority. One of the other things too,

Counsel Assisting:

Sorry, Ms Butler. Can I just? Sorry. Can I just jump in there?

Candice Butler:

Please do. Yes.

Counsel Assisting:

When you say leadership from the top, is that leadership from the top of the department or leadership from the top of your your delegated authorities?

Commissioner Lawrie:

Good question.

Candice Butler:

Both, both, to be honest. We have we're in those two early adopter sites, what we've seen is that when the regional executive director and our CEO of our Aboriginal and Torres Strait Islander community controlled organisations, when they are, you know, to use the analogy preaching from the same songbook, it has actually really benefited the progress, the implementation. And also if there are any barriers and challenges that are coming to a head, they can just discuss those at their level without necessarily needing to go to, you know, the director general or to us as a peak body necessarily. They're able to, you know, risk manage and do that within their own spaces. And we've even seen that through the managers of our of our programmes within our Aboriginal and Torres Strait Islander community controlled organisations and the managers within our department, you know their relationships have improved significantly. I, because I've had the benefit of being in the delegated authority journey from the very beginning in terms of the change of the act to now, even I myself has seen, how, how different people now interact, and it's an it's a nice interaction like, you know, it's of course it's professional, but everyone is able to have really robust critical discussions when they need to, but then they're able to walk away from a conversation in a professional manner too as well. You know, I've, I've seen that too. So it's not only about, you know, a practice shift, it's actually been a real culture shift too as well in terms of leaders seeing each other in a different way and not seeing, seeing each other in an us and them mentality of what we may have seen in the past.

Counsel Assisting:

And how has that been developed? Has that just developed as the relationships have developed or has there been some focus on training and and concentration on that?

Candice Butler:

Yeah, I think what's been really beneficial has been that we put together as soon as we knew the two early adopt who the two early adopter sites were going to be. All of us work together so QATSICPP, the department, executives, that our Aboriginal and Torres Strait Islander community controlled organisation CEOs, and they've developed local governance groups and also executive government governance groups. So people such as the CEO sit on that governance group and the executive directors and then the actual like managers, our team here in QATSICPP, the departmental

managers, they all sit on the local governance group. So I, I honestly think that that was probably a really pivotal opportunity to start to build those relationships. It was also an opportunity to, to be honest and frank with each other in terms of times when, when we're both like, not really sure with things like because the legislation can be so tricky sometimes to navigate, and so having those opportunities we were all able to do what if we do it in this way? And what if we do it in that way? I also have to give credit to our, our legal teams within the department too as well, because whenever we would think that we would have a blockage within the legislation, they would come in and they would sit with us and we would discuss what we would think is our blockage with the legislation. But then they would, you know, work that through and be like no, actually, that's not a blockage, it's just, you know, especially with as you I'm sure both can appreciate those tricky ones where it says and and or, or must and should, you know. So those were also really beneficial to have those processes in place.

Counsel Assisting:

Thank you. So moving on to your research from, from the Churchill Fellowship internationally. What what have you found with respect to the authority transferring First Nations organisations?

Candice Butler:

Yes, no worries. Happy to, happy to speak to that. I think first and foremost that we do need to have strong legislation and I I have read through the preliminary report recommendations and I 100%, you know, agree with with those recommendations in particular in relation to the legislative changes, because a lot of what I heard throughout my journey was about the importance of having really strong legislative provision. So not just for not just the importance of having the transfer of authority to Aboriginal and Torres Strait Islander community controlled organisations, like that's one really important aspect of the change, but also about the best interest of the child and in particular, that the best interest of the children and young people should be at the forefront of any decisions that we're making, and that, we need to uphold the rights of our First Nations children. You know that's a non negotiable, especially since we here in Australia are signatories to the United Nations Declarations on the Rights of Indigenous People, but also, you know, just as importantly that we're signatories to the United Nations Conventions on the Rights of the Child. So you know that that best interest of the child principle is so pivotal...

Commissioner Lawrie:

Mm.

Candice Butler:

...to any of, you know whether it be the application, seeing the full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts, or something like the transfer of statutory powers and functions. Those two things in particular, so the best interest of the child and upholding the rights of the child was, was consistently seen across the board with any, with each and all of those countries that I had the opportunity to, to visit. One of the other really key pieces of legislation was this importance of reclaiming tribal and cultural law, and I genuinely believe that by having the Aboriginal and Torres Strait Islander Child Placement Principle embedded to the full 5 elements, as well as to the standard of active efforts, we are in a way reclaim, reclaiming an Aboriginal and Torres Strait Islander cultural law that our Elders have been pushing for for years, you know, so I think that is super, super important to have so, and of course the right to self-determination.

Counsel Assisting:

Can I just get you, Ms Butler, please to speak to each of the countries you visited and what you saw is working well in those, those countries, please.

Candice Butler:

Mm hmm. Of course. So I was very fortunate to start my journey in Aotearoa in New Zealand and the majority of my time I spent in the Auckland, pretty much the Auckland region and the Hamilton region too as well, and what I saw working really well, in particular for Aotearoa was the was programmes in particular. So they have really strong programmes that are called Mokopuna Ora, and Mokopuna Ora are a, is a programme where, the, their ministry and I refer to ministry for their child protection ministry. It sits under section 7AA of the Oranga Tamariki Act, and the aim is to stop children being taken into the care of of the department by supporting family and creating pathways that are family-led and children centred to help them achieve what they call mata, mana mata hoki, which is self-determination. So the programme itself is actually iwi led, so tribe led and an iwi way of working. The solutions come from the family and they give family voice and choice. So and what they also, are really, keen, keen to promote whenever we speak to this programme here in Australia is that the solution, not only do the solutions of course come from families, but actually their ancestors guide their work and it's something that you know, but they try to bring in contemporary new ways of working, so things such as technology or, you know, different ways of working with families. But it was it was amazing to hear about such a programme and also that they were strong too as well, the programme, in terms of pushing back on the department when department were potentially questioning their decisions about families because they were able to draw upon the strength and the knowledge and the wisdom of the family, but also their own knowledge of the family and their own knowledge of what support services were available to them. So that's just one example of, you know, what I what I experienced in Aotearoa.

When I was in the US I got to spend some time with both Lummi Nation and Port Gamble Nation, which are in Washington state. And they really highlighted the importance of when I spoke earlier about tribal, reclaiming tribal and cultural law, because they themselves have developed their own tribal child protection laws and their own child protection policies. So they felt that this was really important to have because it allowed for their decision making to be, to be in a way that was culturally grounded, culturally guided, but also driven from, you know, ways of working within their own structures. So I think we potentially have that real opportunity here in Australia to work alongside our communities because each of those, so both obviously Port Gamble and Lummi are very different nations, they're very different communities geographically and so that's why they felt it was so important to develop their own tribal and cultural law. But it's not to say that they're tribal or cultural law, you know, discards the, the statutory law, what they what they do is they make sure that decisions are grounded in both the, the cultural law, as well as the statutory law. So they're able to, you know, pull those together to make the decision. And from what I heard, the judges are, you know, really supportive of those decisions that are made by those, by those two tribes. So I think I think that's a real opportunity for us too as way to look to to as well, to look at ways that we can claim tribal and cultural law too as well.

And just a final example from Canada was Weechi-it-te-win Family Services. So I had the benefit of staying with Weechi-it-te-win for a whole week. They really took me under their wing and the reason why I chose them as an example in my report was because they are, they are a statutory, they've been given transfer, sorry, of powers and functions within Fort Frances in Ontario, but what they have done is they then have commissioned out to 9 communities within their region and so they they work with child welfare and family preservation funding to each of those partner First Nations.

So that then those First Nations can develop their own ways of working alongside children and families in those communities. So they they don't see themselves as removed from those communities, but what they do is they so they do the intake and the assessment side of things and then they then decide, you know, depending on where that child is from, which community is best placed to work with that child and then they provide the wrap around support. So even if there is a child protection order made that individual partner agency within that community, First Nations community, they work alongside the family, so they pretty much take on the role of of, for our equivalent here in Queensland it would be the role of a Child Safety Service Centre, so they do and a Child Safety Officer, so they do everything from case management all the way to transition to adulthood. So it's really exciting, this space and you know, having that opportunity to go and sit with them for a whole week really opened up my eyes to what we can aim for in the future of delegated authority, not only here in Queensland but across Australia because, as I highlighted before here in Queensland, which I don't want to, you know, dismiss the amount of work that goes into this, but, you know, we do just have the three sections of the act at this time that we're working with. But imagine what we could do if we had the full gamut like we had the full case management opportunities. I should preface that though, by saying here in Queensland, a lot of our Aboriginal and Torres Strait Islander community controlled organisations still, still don't feel, maybe ready is the best word to take on that intake and assessment space, which is totally fine. You know, they they would really like to focus more intensely in either prevention, early intervention or in case management spaces so that but that's just our own personal experience here in Queensland.

Commissioner Lawrie:

Can I ask you a quick question, Candice, in regards to the Washington examples with the Lummi Nation and Port Gamble Nations.

Candice Butler:

Mm hmm.

Commissioner Lawrie:

With with their approach, does that include, in terms of the Child Protection Service system being in their control with their legislation, does that include the ability to take notifications?

Candice Butler:

Yes, absolutely.

Commissioner Lawrie:

And and conduct investigations to the full gamut.

Candice Butler:

Yes, absolutely. Mm hmm. Absolutely. Absolutely. If, there, if you're wanting the reference all of their acts are available online too as well, so, but yes, they they do the full, full transfer of authority in that in those areas.

Commissioner Lawrie:

Do they have any, I guess, stories to reveal about the challenges with being in the position to implement a fully community controlled child protection service system?

Candice Butler:

Yes.

Commissioner Lawrie:

And can you are you able to elaborate on what the challenges that were revealed?

Candice Butler:

Of course, of course, one of the biggest challenges, because they are, both organisations sit on the border of the US and Canada, and so one of their biggest challenges is, of course working across not only like for us here in Australia, working across jurisdictions, states, but they're actually working across country, you know, so...

Commissioner Lawrie:

Mm.

Candice Butler:

...completely different legislations, when you go when you just cross the border to British Columbia in Vancouver so that you know that has been one of their significant challenges. I think in the, especially when I visited Lummi nation, they spoke about at times their challenge of having active efforts fully implemented by, you know, by department, their departmental equivalents and so at times that can be a challenge. And I, I'm pretty certain it was either Port Gamble or Lummi Nation who spoke to as well about, you know, the ongoing issues with with recruitment and living and working within community and the, and you know the, the pressures of being a First Nations person living and working in community and especially in that child protection space because there's still a lot of intergenerational trauma and still a lot of, you know, negativity towards statutory child protection agencies, which is well founded, you know, given the history of all of our countries when it comes to colonising Western systems, and so we, you know, that was one thing that they did bring up too as well.

Counsel Assisting:

Ms Butler going just going back to the active efforts part. In Queensland, with your experience there of the the delegation, how is that working?

Candice Butler:

Yeah, I think active, the transfer of statutory powers and functions has really allowed us to not only give light to the importance of applying the child placement principle to the standard of active efforts, but it's also allowed us to draw upon, you know, those important five elements and being thorough and timely and purposeful in in delegated authority itself. So you know, you're hearing a lot about, from from the two early adopter sites about families feeling that their voices are being heard more often, you'll hear, I'm hearing about that families feel as though they're, they're able to get answers to any of their questions that they may have quicker. I even heard an example about a young person who lived in Rockhampton, and Rockhampton's not a very big place and, you know he only lived about 40 minutes away from his siblings and throughout his time in, in the statutory child protection system, with his contact with his brothers and sisters, it was really minimal like, next to none and within the within the transfer of the contact provision to to CQID, he was having contact weekly, you know, with his, with his brothers and sisters. So even that in itself shows active efforts in terms of, you know, they were they were purposeful, they were ensuring that they were timely, they were active, you know, in, in doing whatever they needed to do to help support this young person have access to and and connection to their family. So yeah, I think I think the benefit like I I don't think we can ever under, undersell active efforts and you know, it's so important. And I was actually at the NICWA conference earlier this year, so the National Indian Child Welfare Association, who of course were the, you know, the pioneers of active efforts and at that time was when that the court case, they were awaiting the decision for the court case, and you could feel you could feel the tension, but you could also feel the hope and optimism if that makes sense, because you know they were there was tension because of such, the support from the other the other side. But then there

was hope and optimism because they felt that they were they had built an army of support for active efforts and why it was so important for this for this young, young one to be returned and to be placed back in community, connected to culture, connected to their family and so I was so, I was so happy when I heard the outcome for that case and that it had been a positive outcome because you can just see when you have a, when you have a cohort of people who are committed to genuinely embedding active efforts, then then you know that they're there for the right reasons too as well.

Counsel Assisting:

Is there any plans in Queensland to roll out more delegated authority to more organisations and how is that looking?

Candice Butler:

Yeah, there are. We're actually I, with the workshop that I attended yesterday, I think we're looking at at least another seven new sites to come on board within the next, within the next six months. And so, you know, our role as a peak in that will be supporting those sides in terms of their readiness, in terms of, you know, any assistance that they may need with practice guidance, with policies, any support that we can give, give them. From my centre of excellence side of things, it would be about developing a really robust evaluation framework so that we can really track the journey of delegated authority like what we have been doing so far with action research but, I, so what the what the department have done from a department side is they have recruited, I think there are approximately 20 staff in the room yesterday, and so they're all going to be regionally based and their role is to support the department side of the roll out of delegated authority. And we here at QATSICPP are going to do similar in terms of our recruitment of programme officers to help support the sector to roll out delegated authority because, as you can imagine, it's been, it's been a big journey, but it's also been a lot of a lot of work. I'm not going to, you know, say that it's all been easy. So it's nice when you have a team and I actually spoke to one of our project officers in our delegated authority team just this morning about that workshop because they ensured that, you know, we were at that workshop too as well. And she said her biggest take away from that was the importance of collaboration and the importance of relationships like what we were discussing earlier. And she said to know that there are going to be these positions to help roll out delegated authority and to know that we too will be able to help our sector to roll this out is so important. And that has been the feedback from the very beginning to as well from our early adopter sites is the important role that that we have also played in supporting the roll out of delegated authority having either a peak body or having some form of support, is is really pivotal and that was something that I even heard internationally too as well throughout my Churchill Fellowships was the importance of having either a peak body or a a body that can really help with the with such big transformational reform. So not only the transfer of statutory powers and functions, but also now that we're also going to be seeing the transition, you know of funding from non government organisations to Aboriginal and Torres Strait Islander community controlled organisations, it does need to be some some sort of body to help the sector with that, you know, because we can't just set our sectors up for failure, we need to ensure that they are adequately resourced, funded but also that there is a support mechanism in place for them too as well.

Commissioner Lawrie:

Ms Butler, can I just clarify that with the example of the Washington State Lummi Nations and Port Gamble that they had delegated authority before they had the introduction of their specific legislation?

Candice Butler:

Yeah, good question. I couldn't I I wouldn't be able to answer that off the top of my head, but I'm happy to take that one on notice and you know, provide you with that information. That's totally fine.

Commissioner Lawrie:

Yeah, because I'm trying to understand what their pathway was to get to the point of having specific legislation introduced. So thank you.

Candice Butler:

Yeah. No, that's OK. I know for us, it was important to have firstly the transfer in legislation because as soon as that change happened within the legislation that those two early adopter sites, so CQID and Refocus have very strong CEOs. And so as soon as that was in the act, they were on, on the phone straight away to our CEO at the time, Natalie Lewis, to say, you know, OK, when can we get this started? Like, we're ready, what, what do we need to do as next step steps? So for us, that was a pivotal turning point, was the legislative change to actually enable the transfer of statutory powers and functions, because there are still certain, certain functions that that where that you don't necessarily need that transfer of statutory powers and functions to to do, so, but I think having having it is is super important.

Commissioner Lawrie:

So what are some of the other aspects to supporting if it's not delegated authority and it isn't something that's necessarily in a specific piece of legislation that's specific to the Aboriginal and Torres Strait Islander community, what are some of the other instruments that can support...

Candice Butler:

Yeah, we've seen the...

Commissioner Lawrie:

...that approach?

Candice Butler:

Yes, we've seen the roll out of family participation programme here in Queensland and so that is our programme that looks at Aboriginal and Torres Strait Islander family led decision making, so their role is to, you know, bring the family together if there has been a either a notification made or that there are, there's 3, 3 key referral points to, for family participation programme and that is that the family or child is at risk of becoming involved in the child protection system, that there's a review of a case plan, and also that transition to adulthood. So those are the three key priority areas, however, a family can be referred to a family participation programme at any time, because the important thing about a family participation programme is that family led decision making and so where families are able to come together, you know, work out a plan, you know of the best support possible, and then you know, a decision is made. So there's that example. Another really great example, and we've done a couple of case studies about this process in particular, it's called the HALT, HALT collective. And so the HALT literally stands for stop, you know, so the HALT collective was established because our Aboriginal and Torres Strait Islander Elders here in Brisbane, were excuse my language, but they were just sick of, you know, decisions being made without them being in the room. And so the Granny's in particular, they marched to our regional office here in Brisbane and they asked for something different. They they said that they were, yeah, sick of decisions being made without either them being present or a family member being present or someone trusted in community, and so out of that process it came the HALT collective and the HALT collective are made-

up of our Aboriginal and Torres Strait Islander community controlled organisation in the Brisbane region, as well as folks from the department, so, and people at just at decision making levels, I should stress, I should emphasise that that those, especially those from the department, they have to have decision making ability because when they all come together in this collective, they are children that are at risk of becoming involved in the statutory, so it's before they go out and do their actual investigation and assessment piece. So it's in between that kind of intake and I&A space and it's like, OK, let's let's bring everyone together to work out the best, best way forward. Is it best that the Aboriginal and Torres Strait Islander Strait Islander community controlled organisations go and speak with the family? Or is it best that we go collectively to go and do that and there has been some remarkable results with that in terms of, you know, the the numbers of children and young people actually progressing to orders has been significantly reduced because they've been able to have this process where where everyone comes together, they discuss, then they go out and yarn with the families and then they come back and a decision is made whether they do proceed to a further order or if it's that you know they're able to just to be provided support, which potentially can be through our Aboriginal and Torres Strait Islander family wellbeing services too as well.

Counsel Assisting:

Ms Butler, can I ask how many Aboriginal family support services are there in QLD?

Candice Butler:

Yes. Well, we have with with QATSICPP, we have 37 members across the state and they either develop, they either deliver family participation programmes or family wellbeing services or foster and kinship care services or all three, some are amazingly large organisations who are able to deliver those services. So in terms of those that aren't QATSICPP members, I I don't have that number off the top of my head because there would be some that aren't necessarily QATSICPP members, which is totally fine, you know, so yes. But for us, we have 37 members from all the way from the Torres down to the Gold Coast and out to Mount Isa too as well so hence why a lot of us sometimes do, you know, try to pull the best straw when you know when there's a request from the Torres Strait, in particular as to who gets to go up and support them, so we're like, oh, no, it's our turn.

Counsel Assisting:

Can I also ask, please you you spoke earlier about the importance of having a peak body that sits over and, I don't know that manages is the right word, but but overseas the the transition of the legislation out to the delegated authority.

Candice Butler:

Yes.

Counsel Assisting:

Can I ask what in terms of could you give us, sorry, could you give us some information about what your peak body looks like, what what's involved, how many staff you have, what services you offer, how you engage with the community in that that role?

Candice Butler:

Yes. So I have been with QATSICPP now since 2015. I have seen our growth over the years. When I first started at QATSICPP, we were a team of three. We then slowly increased over the years, but we are now excitingly at a team of 40. So you know we we like to think that that is not only because of the work that we produce, but it's also because of our way of engaging with community and engaging with the sector. We really make sure that we go out, sit on the ground with people whenever we're developing any, whether it be a resource, whether it be policy, whether it be our

submissions, you know, we do go and seek the advice of our community and so that's something that we hold really strongly as a peak body. We you know, it's as with most peak bodies we provide policy support, we provide practise support, we provide training. We we're sometimes an ear too as well for people to to call and speak through any frustrations they may have, but I think we also are that really important middle man, so to speak, in terms of when our when our community controlled organisations are having any issues with the department, they can call any of us and know that we will either point them in the right direction of who to speak to within the department, or we will actually go along with them, you know, if they feel as though they have tried everything that they can. And I think they appreciate that because it's a familiar face, it's someone who they trust and you know, they know that we're all here in the same same position advocating at the end of the day for the best interest and better outcomes for our Aboriginal and Torres Strait Islander children and young people, and even though, yeah, I joked about us really wanting sometimes to be up in the Torres or go out to Mount Isa and, you know, that is part of part of the, part of the experience that I enjoy the most of being and working within a peak body is actually getting out and listening to my to my member organisations, because I don't feel that I would be doing anyone justice if I haven't gone out and engaged and sat to develop whatever it is that I have been asked to develop. So yeah, so our our peak body is, you know, it's somewhere that I'm extremely proud to work at, but it's also some something that I've been extremely fortunate to build so many relationships, not only here in Queensland but across Australia too as well, you know, and I, I just am so, so blessed to be able to not only work here, but also work alongside our Aboriginal and Torres Strait Islander families and communities and of course you can get, what's the word that I'm looking for, fatigued in terms of, you know, for our sector. So we are really conscious of that, like we try our very best not to, not to over consult with our sector because we're really conscious too as well that you can get consultation fatigue, you know, so we try our best to as well to make sure that if if one person is going to an area that we do that together and it's not if if we have a project and another team have a project, then we try our very best to do all of that together because yeah, our sector are sometimes overly consulted as you can appreciate.

Counsel Assisting:

Thank you. What how many staff do you have working? Did you say 40?

Candice Butler:

40 yeah, yeah.

Counsel Assisting:

And then you're all based.

Candice Butler:

Yeah, no.

Counsel Assisting:

Where, where are you?

Candice Butler:

So I'm based in Brisbane here and I, but we have staff members who are based in Cairns as well as in Rockhampton too as well. But as I made reference to earlier with those regional positions for delegated authority, we're going to try and recruit to each of the regions too as well. So you know, making sure we have someone up in far-north Queensland, in north Queensland, out in northwest Queensland, so just to ensure that we have visibility too as well that people know that we're that

we're in their geographical locations because I think sometimes you know, we're really conscious that we don't want to be seen as just being southeast Queensland based, which is easy to do.

Counsel Assisting:

And can I just ask, the recruitment that you've done, are they all indigenous workers?

Candice Butler:

Not all, but we are sitting on about, I think close to 70 if not 80% Aboriginal and Torres Strait Islander, so we're really really trying to ensure that we reflect our sector too as well in terms of, you know, having that proportion of Aboriginal and Torres Strait Islander staff within QATSICPP. It's something that you know, even when I started at QATSICPP that we really have tried to ensure that we have Aboriginal and Torres Strait Islander staff, especially those who, that we know are going to be, you know, consulting with our members or going out and sitting with members. We even ensure that our non-indigenous colleagues are brought along that journey with us too as well, you know, to show the ways of engaging with our Aboriginal and Torres Strait Islander communities, which I think is really important, an important role for for us to do.

Counsel Assisting:

One of the things I was going to ask you too about going just going back, you said that some of the the Aboriginal Torres Strait Islander Community groups are not feeling ready to accept delegated authority. What is there, what, what are they expressing is their lack of readiness?

Candice Butler:

I think to be honest, it's more so about just acknowledging their their levels of staffing. So what I've heard is, you know, they're they're either understaffed and so and they acknowledge that the area that they would have to cover would be a really vast geographical area, so I think not only the staffing but the geographical area that they have to cover. So if you think of somewhere like Mount Isa for for instance, you know they're going to have to work within our gulf region site. So they're going to have to travel to places such as Doomadgee and Mornington island. So I think some of it is also about resourcing and cost of of travelling to those areas. So that that seems to be part of, you know what I'm hearing. I'll also be honest with you both, what I'm also hearing is, you know, that there needs to be a lot of relationship building between the Aboriginal and Torres Strait Islander community controlled organisations and the departments in their region, so the Department of Child Safety in their region. I think there is a lot of trust that needs to be built. There's a lot of power shifts that need to happen. And you know, unfortunately in some areas there are still quite strong racist views in not just with, you know in community itself and so that it's that too can have an impact on on our organisation, so I think, I think most importantly, it is about that relationship building is what I've also heard too as well. So any opportunity what we're then to to flip that what we're hoping to do is you know, to bring people together as often as possible so that they can talk through any of those issues or concerns. And doing those in safe ways that people do feel comfortable to do. So it may be, you know, doing individual sessions with both the community controlled organisations and the department and then bringing everyone together once it that feels like a bit more of a safe space, but yeah, if I can be, if I can be honest it is at times about relationships.

Counsel Assisting:

Thank you. Another thing that you've just touched on is costs for the Aboriginal Torres Strait Islander organisations. With the delegated authority is there also a commensurate shift of the funding to that organisation to do this work?

Candice Butler:

There is and there isn't. So at the moment we're still trying to work out, so I'm not sure if it's the same in SA, but when a child goes onto an order, they get what's known as child related cost and so you know they can spend that for things for that's highlighted on their case plans or any sort of medical high needs, disability that they may have, and so that you know, they have access to that pocket of funding. From my understanding, that hasn't transferred across as yet, so I think that's one thing that we will need to work through over the years, over the next couple of months actually. And I think although although yes, the each organisation have been given a amount of funding. Both have, both organisations have realised that you know that it isn't to what is required, you know, it's probably only enough to employ staff and maybe do some, some work with families, and so what I'm hearing is that they're having to kind of, you know, borrow or from other programmes where they've had underspend in those programmes to then help support, you know, whether it be taking a child on a camp or whatever that may be. So there has been that. So I would say at this time, there's not, there hasn't been a significant shift with the funding and resourcing. But as as our community controlled organisations, do you know they're always so, unfortunately, you know, they they are able to be innovative with the funding that they receive, but I don't, I don't, I'm by no means advocating for that and I don't think that that's how it should be. I think you know, one of the things that we probably didn't anticipate at the at the beginning, which is something that I'd probably advocate for, for those who are looking to then go on the journey is to probably do some really robust cost benefit analysis of what it would of what delegated authority would look like in in that in those specific areas you know. So we've actually now employed a a, Natasha is her name and she is undertaking a cost benefit analysis for us as we speak for delegated authority. So I think if we were to do our time again, I would advocate for doing something like a cost benefit analysis at the very beginning so that then you are kind of advocating for the right amount of dollars, you know, for our children and our young people.

Counsel Assisting:

Thank you for that. Think that's...

Commissioner Lawrie:

Is there any information or data that illustrates any, I guess, savings when there is a a delegated authority. You know action for a child or a family. That, you know, the expenditure follows the child's journey through the system and what the, I guess the cost impact is.

Candice Butler:

I think that's what we're definitely hoping to achieve with undertaking our cost benefit analysis. I know the healing foundation, I think back in 2014, back, or 2015, they undertook a significant cost benefit analysis about the savings that could be made especially for those who are either survivors of or who are children of survivors of the stolen generation. So you know I that's what we're drawing upon for our cost benefit analysis in terms of, OK, well, if you invest in this area, then you will see this saving in years to come. So I'm more than happy once that cost benefit analysis is completed, I think we're aiming for December, November, December to share that with you April and more than happy to to do that because I think I think it is really important to to have to have that done.

Commissioner Lawrie:

Thank you.

Counsel Assisting:

Any other questions?

Candice Butler:

I'm not sure either if, like if Aunty Muriel Bamblett at VACCA, if they have done any sort of work in that area, in particular about their savings and their the costs of the transfer of statutory powers and functions, or if BDAC. So Bendigo and District Aboriginal Corporation, who have also done their transfer of statutory powers and functions, so it may be worthwhile linking with them too as well.

Counsel Assisting:

Thank you.

Commissioner Lawrie:

There's just one question that I that I have and that's in relation to the way in which delegated authority is operationalised, but also the way in which I guess funding and service agreements operate, so the commissioning of work.

Candice Butler:

Mm hmm.

Commissioner Lawrie:

Because there are a number of things that we know that sit within the legislation that either get put through to a delegated authority, will happen in a particular way, and you you've talked about the partnerships that happen. Are there things that can also be optimised in your experience in Queensland through a funding and service agreement and and if so what, what did that look like and what things were captured in a in a funding and service agreement context?

Candice Butler:

Yeah, absolutely. I think one thing that we've significantly found in terms of contracts and funding is that we need to move to a more place-based funding model. So really acknowledging what are the outcomes that they are going to you know to achieve. There's in the early, early days of of delegated authority here those, what that kind of looked like too as well was the development of really clear, what do they call it like, working agreements, and so you know, really having really clear, OK, this is this is the responsibility of the community controlled organisations, this is the responsibility of the department, this is the responsibility of QATSICPP. So you know, we had really clear roles and responsibilities. I, the workshop that I attended yesterday, it was really awesome to see that there's been significant progress made in the development of practice model, practice, sorry, practice guidance in terms of from the very beginning, OK, what do you what do you do first? So you know, who do you yarn with? Where does the decision making go? So in terms of the Director General, what are some of the information key information that's required for the Director General to make her decision to allow for that transfer of delegated authority so you know they've we've and I think that has been part of their process of delegated authority, is this learning as we go in terms of, OK, well, what sort of structures do we need in place? What sort of funding do we need? What sort of contracting do we need and I I'm actually just waiting for an e-mail from the department in terms of, yeah, what the new kind of contracts do look like because the team who are, I must say, who are a fantastic team dedicated to the roll out delegated authority. So Helena Wright and her team have been doing an amazing job with working alongside our two early adopter sites as well as the the sector in rolling out delegated authority. So that's one as an aside, that I'd also really advocate for is having a team within your department whose focus is primarily on delegated authority, who can then work along people like investment and commissioning or alongside your legal services team or alongside your practice team because they're, they're the people from within the system that we need to help us, you know, progress, delegated authority. In terms of, yeah, that, that contract and funding we have definitely moved to a more, which is a significant shift, you know, for our

government department in particular, you know, like being OK with having a place based kind of contract that isn't necessarily you will do this by this time, you know, like it's a big shift, it's a big change, it's about, OK, well, what have been the outcomes for children and families who have participated or in delegated authority, so you know it's a complete shift to how many children and young people have you, have have do you have on your books so to speak? You know for delegated authority. So we're seeing we're seeing not only a shift from from that practice side of things, but we're also seeing a real genuine shift in investment and commissioning which is exciting and I think is the way to go to be honest.

Counsel Assisting:

Ms Butler, can I just ask you in, in terms of the delegated authority you mentioned earlier that the practice guidance has been very clearly developed in Queensland about what information is required for the Director General to delegate her authority. Is that done on a child by child basis?

Candice Butler:

It is, it is for us, so our legislation states that for it is in relation to each child, so we can't delegate, for example for a sibling group, we have to delegate for each individual child, so, which can make of course more paperwork for for everybody. But and that's probably one of the legislative changes that we will be advocating for in the future is to allow for occasions when there are a sibling group for that organisation to have the the transfer of statutory powers and functions for the whole sibling group and not just for, you know, Mary or you know, and then having to apply for John and all of that sort of stuff. So at the moment our legislation is restrictive in that sense in terms of that it is per child. And yes, so they're very, it is a, it is a a large process to go through, but I think again because of those relationships and because of the collaborative processes that our community controlled organisations and the department have done together throughout the journey, then they have really come to, which is going to be beneficial for our future sites, they have come to really understand, OK, well, what is it that we need? It's not just that, yeah, cool, we will have sections 87 and 88 for this child, it's like no, but how will we, how will we do section 87 88? Who will be the key people involved? You know, what sort of risk managements? You know like it's it's really a really robust process, but it'll be fantastic if we can allow for kind of a bit easier in terms of sibling groups in particular.

Counsel Assisting:

So would that result at times in part of the family being under the the management of the department and part being managed by your Aboriginal controlled organisation?

Candice Butler:

Correct.

Counsel Assisting:

Is that conflictual?

Candice Butler:

I've not heard of any, at this time, in terms of like specific sibling groups, but I could see how it could be, yes.

Counsel Assisting:

'Cause it sounds from your your evidence that that the delegated authority part with the working intensively in the in the early prevention areas, working very effectively, but is that across the board in the department as well or is that really limited to your your delegated authority groups?

Candice Butler:

I think definitely where delegated authority is in place we're seeing, you know, real significant shifts. In those areas that have really strong, how I spoke to family participation programmes and their family wellbeing services programmes, in those areas where there has been the opportunity for collaboration and a lot more joint practice, we're seeing differences in that area. But unfortunately, where there are, where there, where that isn't occurring, then that's those, they're the sites that I probably alluded to in terms of that we will need to do some significant work in relationship building and trust building and you know, it's unfortunate that there's still some, some ingrained thoughts about our Aboriginal and Torres Strait Islander community controlled organisations, but I think the benefit of delegated authority has been in showing that, you know, our Aboriginal and Torres Strait Islander community controlled organisations, they have the answers and they have the knowledge of how work, how to work best with our children and our families and our young people and they never at once do they put the safety or harm of our children and young people at risk.

Counsel Assisting:

Thank you. Commissioner is there anything else you'd like to hear from Ms Butler?

Commissioner Lawrie:

No, I'm good. Thank you.

Counsel Assisting:

Ms Butler, thank you very much for what's been very enlightening and very interesting evidence this morning.

Candice Butler:

Oh, thank you.

Counsel Assisting:

Very privileged to have heard your extensive experience and and congratulations on the work you're doing in Queensland.

Candice Butler:

Thank you so much and I'll be sure to share with you both my Churchill Fellowship report, which should be very due for, which is due for publishing very soon, so more than happy to share that with you both.

Counsel Assisting:

And would you mind please also sharing your cost analysis, analysis report when you've completed that in later in the year?

Candice Butler:

Of course, yes. Of course, yes. More than happy to do that.

Counsel Assisting:

Thank you. Fabulous.

Candice Butler:

Thank you both so much. Have a good, have a good day. See you later.

Counsel Assisting:

Bye. Bye.

Commissioner Lawrie:

Thank you so much, Candice. Bye.

Candice Butler:

Of course. Bye.

END