

Queensland

Family and Child Commission Act 2014

Current as at 1 October 2025

Amendments not yet in force
There are amendments for this title that have been enacted but have not yet commenced. The following amendments that have not commenced are not incorporated in this reprint but are annotated on the website for information—2024 Act No. 49.

These annotations were incorporated on 1 October 2025. See the List of legislation in the Legislative history for uncommenced amendments enacted after this date.

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Queensland

Family and Child Commission Act 2014

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Family and Child Commission Act 2014

An Act to establish the Queensland Family and Child Commission and for related purposes

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Family and Child Commission Act 2014*.

2 Commencement

This Act commences on 1 July 2014.

3 Act binds all persons

(1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

(2) Nothing in this Act makes the State liable to be prosecuted for an offence.

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Division 2 Object of Act

4 Object

The object of this Act is to establish the Queensland Family and Child Commission—

(a) to promote the safety, wellbeing and best interests of children and young people; and

(b) to promote and advocate the responsibility of families and communities to protect and care for children and young people; and

(c) to improve the child protection system.

Division 3 Interpretation

5 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 Queensland Family and Child Commission

Division 1 Establishment

6 Establishment of commission

(1) The Queensland Family and Child Commission is established.

(2) The commission consists of the commissioners and the staff of the commission.

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7 Commission represents the State

(1) The commission represents the State.

(2) Without limiting subsection (1), the commission has the status, privileges and immunities of the State.

8 Application of other Acts

(1) The commission is—

(a) a unit of public administration under the *Crime and Corruption Act 2001*; and

(b) a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B explains how that Act affects the commission's powers.

Division 2 Functions and powers

9 Commission's functions

(1) The commission has the following functions for the purposes of promoting the safety, wellbeing and best interests of children and young people and improving the child protection system—

(a) to provide oversight of the child protection system;

(b) to promote and advocate—

(i) the responsibility of families and communities to protect and care for children and young people; and

(ii) the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system;

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(c) to develop and review workforce planning and development strategies for the child protection system by collaborating with relevant agencies, the private sector and education providers;

(d) to inform and educate the community about—

(i) services available to strengthen and support families; and

(ii) the way in which the child protection system operates; and

(iii) research relevant to the child protection system;

(e) to develop and coordinate a multidisciplinary research program to inform policies and practices, in consultation with stakeholders and relevant agencies;

(f) to assist relevant agencies evaluate the efficacy of their programs and identify the most effective service models;

(g) to provide leadership and give expert advice to relevant agencies about laws, policies, practices and services;

(h) to increase collaboration and build capacity across different sectors to improve the delivery of services to children, young people and families;

(i) to analyse and evaluate, at a systemic level, policies and practices relevant to the child protection system and the performance of relevant agencies in delivering services;

(j) to report to the Minister about matters relating to a function mentioned in paragraphs (a) to (i);

(k) to perform a function incidental to a function mentioned in paragraphs (a) to (i).

(1A) Also, the commission has the functions given to it under the *Child Safe Organisations Act 2024* or another Act.

(2) However, it is not a function of the commission under this Act to investigate the circumstances of a particular child, young person or family or to advocate on their behalf.

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(3) In performing its functions under this Act and the *Child Safe Organisations Act 2024*, the commission must avoid unnecessary duplication of the board's performance of its functions under part 3A.

10 Commission's powers

(1) The commission has all the powers of an individual, and may, for example—

(a) enter into contracts; and

(b) acquire, hold, deal with and dispose of property; and

(c) appoint agents and attorneys; and

(d) engage consultants or contractors; and

(e) do anything else necessary or convenient to be done in the performance of its functions.

(2) Without limiting subsection (1), the commission has the powers given to it under this Act or another Act.

Division 3 Commissioners

Subdivision 1 Appointment

11 Appointment of commissioners

(1) There are to be 2 commissioners for the commission.

(2) Each commissioner is appointed by the Governor in Council on the recommendation of the Minister.

(3) One of the commissioners is to be appointed as the principal commissioner.

(4) The Minister may recommend a person for appointment only if the Minister is satisfied the person is appropriately qualified to exercise the commission's functions effectively and efficiently.

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(5) Also, at least 1 person recommended by the Minister for appointment as a commissioner must be an Aboriginal person or a Torres Strait Islander.

12 Commissioners employed under this Act

A commissioner is employed under this Act and not under the *Public Sector Act 2022*.

13 Term of office

Subject to this subdivision, a commissioner holds office for the term, stated in the commissioner's instrument of appointment, of not more than 3 years.

14 Conditions of appointment

(1) A commissioner is to be paid the remuneration and allowances decided by the Governor in Council.

(2) A commissioner holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

15 Vacancy in office

(1) The office of a commissioner becomes vacant—

(a) if the commissioner—

(i) resigns office by signed notice to the Minister giving at least 1 month's notice; or

(ii) is convicted of an indictable offence; or

(iii) is a person who is an insolvent under administration; or

(iv) is removed from office by the Governor in Council under subsection (2); or

(b) if the commissioner is suspended by the Minister under subsection (4)—during the period of the suspension.

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(2) The Governor in Council may, at any time, remove a commissioner from office on the recommendation of the Minister.

(3) The Minister may recommend the commissioner's removal only if the Minister is satisfied the commissioner—

(a) has been guilty of misconduct; or

(b) is incapable of performing his or her duties; or

(c) has neglected his or her duties or performed them incompetently.

(4) The Minister may suspend the commissioner for up to 60 days by signed notice to the commissioner if—

(a) there is an allegation of misconduct against the commissioner; or

(b) the Minister is satisfied a matter has arisen in relation to the commissioner that may be grounds for removal under this section.

16 Preservation of rights of commissioner

(1) This section applies if a person who is a public service officer is appointed as a commissioner.

(2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as the commissioner were a continuation of service as a public service officer.

(3) At the end of the person's term of office or resignation as a commissioner, the person's service as the commissioner is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

17 Acting commissioner

(1) The Minister may appoint a person to act in the office of a commissioner during—

(a) a vacancy in the office of a commissioner; or

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(b) any period, or all periods, when a commissioner is absent from duty, or can not, for another reason, perform the functions of the office.

(2) A person can not be appointed to act as a commissioner unless the Minister could recommend the person for appointment as a commissioner under section 11.

(3) To remove any doubt, it is declared that the Minister may appoint—

(a) 1 of the commissioners to act in the office of the other commissioner; and

(b) another person to act in the office of a commissioner.

Subdivision 2 Functions and powers

18 Functions of commissioners

The functions of a commissioner are as follows—

(a) to ensure the commission performs its functions under this Act and the *Child Safe Organisations Act 2024* effectively and efficiently;

(b) to make recommendations to the Minister about any matter that—

(i) relates to the performance or exercise of the functions or powers of the commission or a commissioner; and

(ii) may help the Minister in the proper administration of this Act;

(c) to perform any other function given to a commissioner under this Act or another Act.

19 Principal commissioner to control commission

An additional function of the principal commissioner is to control the commission.

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20 Additional functions of commissioner

The functions of the commissioner who is not the principal commissioner also include ensuring the commission adequately and appropriately performs its functions mentioned in section 9(1)(b)(i) and (c).

21 Powers of commissioners

A commissioner may exercise the powers of the commission, and any other powers given to the commissioner, under this Act or another Act.

22 Ministerial direction

(1) A commissioner is subject to the directions of the Minister in performing the commissioner's functions under this Act.

(2) The commissioner must comply with a direction given by the Minister.

23 Ways in which commissioners are to perform functions

(1) In performing a commissioner's functions, the commissioner must do the following—

(a) engage with, and take account of, the views of children, young people and their families;

(b) ensure the interests of Aboriginal people and Torres Strait Islanders are adequately and appropriately represented;

(c) respect and promote the role of Aboriginal and Torres Strait Islander service providers in supporting Aboriginal and Torres Strait Islander families and communities to protect and care for their children and young people;

(d) be sensitive to the ethnic or cultural identity and values of children, young people and their families;

(e) consult with relevant agencies and advocacy entities;

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(f) work cooperatively with relevant agencies and help build their capacity to meet the needs of children, young people and their families.

(2) In this section—

advocacy entity means an entity that provides advocacy services for, or otherwise represents—

(a) particular children; or

(b) the interests of children generally.

Division 4 Other staff

24 Commission staff

(1) The commission may employ the staff it considers appropriate to perform the commission's functions.

(2) The staff are to be employed under the *Public Sector Act 2022*.

Part 3 Child death register

25 Principal commissioner to keep register

(1) The principal commissioner must keep a register of information relating to child deaths in Queensland in the way the principal commissioner considers appropriate.

(2) The principal commissioner must include on the register information given, under the following sections, to the principal commissioner—

(a) the *Births, Deaths and Marriages Registration Act 2023*, section 119 or 120;

(b) the *Coroners Act 2003*, section 10A, 45, 46 or 54A.

(3) The principal commissioner may also include on the register information given to the principal commissioner—

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(a) under the *Building Act 1975*, section 245I, to the extent the information relates to a child death; or

(b) in response to a request made under section 27.

26 Other functions relating to child death register

The principal commissioner also has the following functions to help reduce the likelihood of child deaths—

(a) in relation to the information about child deaths recorded in the register—

(i) to classify the deaths according to cause of death, demographic information and other relevant factors; and

(ii) to analyse the information to identify patterns or trends;

(b) to conduct research, alone or in cooperation with other entities, relevant to the register;

(c) to identify areas for further research by the commission or other entities;

(d) to make recommendations, arising from keeping the register and conducting research under this section, about laws, policies, practices and services.

27 Requests by principal commissioner for information relevant to child death register

(1) Subsection (2) applies if the principal commissioner considers a public entity has information necessary for the performance of the commissioner's functions under this part.

(2) The principal commissioner may, by written notice, ask the public entity to give the information to the commissioner within a stated reasonable time.

(3) The public entity must comply with the request unless the entity reasonably considers the disclosure of the information—

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(a) would prejudice the investigation of a contravention, or possible contravention, of the law; or

(b) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(c) would endanger a person's life or physical safety.

(4) However, in complying with the request, the public entity and the principal commissioner must ensure—

(a) the information given to the commissioner relates to the commissioner's functions under this part; and

(b) to the extent possible, the privacy of any person to whom the information relates is protected from unjustified intrusion.

(5) If the public entity refuses to comply with the request, the entity must give written notice to the principal commissioner of its reasons for the refusal.

(6) The principal commissioner and a public entity may enter into an arrangement to facilitate the provision of information under this section.

Example for subsection (6)—

The principal commissioner and a public entity may enter into a memorandum of understanding under which the entity gives the principal commissioner access to a database periodically to extract information.

(7) A public entity may charge a fee for a service under an arrangement under subsection (6) that is not more than the actual cost of the service.

(8) In this section—

information includes confidential information.

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28 Access to information in the register for research purposes

(1) This section applies if a person wants to access information in the register to undertake research to help reduce the likelihood of child deaths.

(2) The person may access the information only with the principal commissioner's consent.

(3) The principal commissioner may consent only if satisfied—

(a) the person is a genuine researcher; and

(b) the information is reasonably necessary for research mentioned in subsection (1).

(4) The principal commissioner must not give the person access to confidential information unless the commissioner reasonably believes—

(a) the confidential information is necessary for the research to be effective; and

(b) the opportunity for increased knowledge that may result from the research outweighs the need to protect the privacy of any living or dead person.

(5) The principal commissioner may impose the conditions on the consent that the commissioner considers appropriate including, for example, a condition that the person must not disclose stated information to anyone else or use the information other than for a stated purpose.

(6) The person must comply with any condition imposed on the consent unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(7) In this section—

genuine researcher means—

(a) a person for whom an application for health information has been granted under the *Public Health Act 2005*, chapter 6, part 4; or

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(b) a member of a quality assurance committee established under the *Hospital and Health Boards Act 2011*, section 82; or

(c) another person who the principal commissioner considers is conducting genuine research.

person includes a public entity.

29 Reports

(1) By 31 October in each year, the principal commissioner must prepare, and give to the Minister, a report about the following matters for the previous financial year—

(a) the results of analysing information included in the register;

(b) the commissioner's activities relating to research under section 26;

(c) any persons given access to information under section 28;

(d) any recommendations the commissioner has made under section 26 about laws, policies, practices or services;

(e) the extent to which previous recommendations of the commissioner have been implemented.

(2) The principal commissioner may also prepare, and give to the Minister, other reports arising from the performance of the commissioner's functions under section 26.

(3) The principal commissioner must not include in a report any comments adverse to an entity identifiable from the report, unless the entity has been given a copy of the comments and a reasonable opportunity to respond to them.

(4) If the entity gives the principal commissioner a written statement in response to the comments and asks that the statement be included in the report, the commissioner must include the statement in the report.

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(5) However, the principal commissioner is not required by subsection (4) to include a statement so far as it contains information that the commissioner considers should not be publicly disclosed on the ground that—

(a) disclosure of the information may adversely affect the outcome of an inquiry or investigation by a complaints entity or the Queensland Police Service, or an investigatory body established under a law of the Commonwealth; or

(b) the information concerns a matter before a court.

(6) It is a lawful excuse for the publication of any defamatory statement made in a report that the publication is made in good faith and is, or purports to be, made for this Act.

(7) Within 14 sitting days after receiving a report under this section, the Minister must table it in the Legislative Assembly.

Part 3A Child Death Review Board

Division 1 Preliminary

29A Purposes of board's reviews

(1) This part establishes the Child Death Review Board to carry out systems reviews following child deaths connected to the child protection system.

(2) The reviews consider matters relating to the provision of services to, and other interactions with, children and their families by government and non-government entities.

(3) The reviews do not include an investigation of the death of any particular child.

(4) The purposes of the reviews are—

(a) to identify opportunities for continuous improvement in systems, legislation, policies and practices; and

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(b) to identify preventative mechanisms to help protect children and prevent deaths that may be avoidable.

29B Child deaths *connected to the child protection system*

For this part, a child death is ***connected to the child protection system*** if it is a child death in relation to which an internal agency review was carried out under the *Child Protection Act 1999*, chapter 7A.

Division 2 Establishment, functions and powers

29C Establishment

The Child Death Review Board is established.

29D Functions

The board has the following functions—

(a) to carry out reviews relating to the child protection system following child deaths connected to the system;

(b) to analyse data, and apply research, to identify patterns, trends and risk factors relevant to reviews under paragraph (a);

(c) to carry out, or engage persons to carry out, research relevant to reviews under paragraph (a);

(d) to make recommendations about—

(i) improvements to systems, policies and practices for implementation by government and non-government entities that provide services to, or otherwise interact with, children and their families; and

(ii) legislative change;

(e) to monitor the implementation of its recommendations.

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29E Powers

(1) The board may do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) Without limiting subsection (1), the board may engage appropriately qualified persons to—

(a) conduct research relevant to the board's functions; or

(b) provide legal advice relevant to the board's functions; or

(c) prepare reports to help the board perform its functions.

29F Board must act independently and in the public interest

(1) In performing its functions, the board must act independently and in the public interest.

(2) Without limiting subsection (1)—

(a) the board is not subject to direction by the Minister or anyone else about how it performs its functions; and

(b) despite section 22, a commissioner is not subject to direction by the Minister in performing the commissioner's functions as the board's chairperson or other board member.

Note—

See, however, section 29I under which the Minister may ask the board to carry out a stated review or to consider a stated system or issue as part of a review.

29G Board to coordinate with other entities

In performing its functions, the board must—

(a) avoid unnecessary duplication of the processes carried out in other entities; and

(b) to the extent it considers appropriate, coordinate its reviews and the reviews carried out by other entities.

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Division 3 Conduct of reviews

29H Board may carry out reviews

(1) The board may carry out reviews for the purposes stated in section 29A.

(2) The board must decide the extent of, and terms of reference for, each review.

(3) The board may, for example, decide to review an issue, about a particular system, arising from internal agency reviews.

Note—

Under the *Child Protection Act 1999*, section 245O, the board receives the reports prepared for internal agency reviews following child deaths.

(4) Matters that the board may consider in a review include the following—

(a) the effectiveness of, or interaction between—

(i) services that were provided to a child or a child's family before the child's death; or

(ii) services provided to children or families that could have been, but were not, provided to a child or a child's family before the child's death;

(b) issues relating to practices or systems that may expose children to risk;

(c) ways of improving practices or systems relating to identifying or responding to risks;

(d) ways of improving communication and collaboration between service providers.

(5) The terms of reference for a review must not include considering whether disciplinary action should be taken against any person.

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29I Minister may ask board to carry out review

(1) In exceptional circumstances, the Minister may ask the board to carry out a stated review, or to consider a stated system or issue as part of a review, if the Minister considers it would be appropriate, having regard to the purposes stated in section 29A.

(2) The matters to which a request relates may include matters relating to the child protection system other than child deaths connected to the system.

Example—

A request may relate to an issue arising from the serious physical injury of a child, or from a child death not connected to the child protection system, if the injury or death is relevant to the child protection system.

(3) The board must comply with the Minister's request.

(4) The board must—

(a) for a request to carry out a review—decide the extent of, and terms of reference for, the review; and

(b) after completing the review that was requested or to which the request relates—

(i) advise the Minister of the outcomes; and

(ii) if appropriate, include the outcomes in a report under section 29J or 29K.

(5) This section applies despite section 29F.

Division 4 Reporting

29J Annual reports

(1) By 31 October after the end of each financial year, the board must give the Minister a report of its operations during the financial year.

(2) The report may include—

(a) recommendations made under section 29D(d); and

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(b) information about the progress made by government or non-government entities in the implementation of previous recommendations of the board.

(3) Within 14 sitting days after receiving the report, the Minister must table a copy in the Legislative Assembly.

29K Other reports

(1) At any time, the board may prepare a report about the outcomes of a review or another matter arising from the performance of its functions.

(2) The board may give a report to the Minister and, if so, must also give the Minister a recommendation about whether the report should be tabled in the Legislative Assembly.

(3) In deciding whether to table a report in the Legislative Assembly, the Minister must have regard to whether it includes—

(a) personal information about an individual; or

(b) information that may prejudice the investigation of a contravention or possible contravention of the law; or

(c) anything else relevant to whether tabling the report would be in the public interest.

(4) If a report includes a matter mentioned in subsection (3)(a) or (b), or a recommendation made under section 29D(d), the board must not publish the report to the public unless the Minister has tabled the report.

(5) If a matter in a report is relevant to the functions of a relevant agency, the board may give a copy of the report to the chief executive of the agency.

(6) In this section—

personal information see the *Information Privacy Act 2009*, section 12.

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29L Consultation before including particular information in reports

(1) The board must not include in a report under section 29J or 29K any adverse information about an entity identifiable from the report unless the entity has been given a copy of the information and is allowed a reasonable opportunity to make a submission about it.

(2) If an entity makes a submission under subsection (1), the board—

(a) must have regard to the submission before finalising the report; and

(b) must not include the information in the report unless the board also includes the entity's submission, or a fair summary of it, in the report.

(3) If the board proposes to recommend in a report that a particular entity take particular action, the board must consult with the entity, and any other entities likely to be affected, about the recommendation before finalising the report.

(4) In this section—

information includes comment.

29M Board may respond to internal agency review reports

(1) The board may provide comments and information to an agency head or the litigation director in response to a report received under the *Child Protection Act 1999*, section 245O.

(2) The board must not include the comments or information in a report under section 29J or 29K or another document published to the public.

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Division 5 Information sharing and protection from liability

29N Definitions for div 5

In this division—

chairperson means the chairperson of the board.

information includes a document.

29O Underlying principle

It is a principle underlying this part that public entities should give information requested by the chairperson for the purpose of the board's functions—

(a) in a timely way; and

(b) to the extent that is appropriate, having regard to—

(i) the relevance of the information to the board's functions; and

(ii) the effect of giving the information on the safety, wellbeing and best interests of children.

29P Information may be given to chairperson

(1) The chairperson may ask any entity for stated information for the purpose of the board's functions.

(2) Any entity may give confidential information to the chairperson for the purpose of the board's functions, whether or not the chairperson has requested the information.

Examples of entities that may give information—

- a public entity
- a non-government agency that provides a service to children or families
- a private hospital
- a medical practitioner

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- the principal of a school
- the approved provider of an education and care service

29Q Chairperson may disclose confidential information

(1) The chairperson may disclose confidential information to an entity for the performance of the board's functions under this part, including for the purpose of—

(a) obtaining information the chairperson requests under section 29P(1); or

(b) performing the board's functions in the way stated in section 29G.

(2) This section does not limit section 36(3).

29R Information sharing arrangements

The chairperson may enter into an arrangement with the commission, the State Coroner, the Domestic and Family Violence Death Review and Advisory Board or another entity about sharing or exchanging information under this part.

Example—

The chairperson may enter into an information sharing arrangement with the State Coroner that includes arrangements for obtaining investigation documents under the *Coroners Act 2003*, section 54.

29S Interaction with other laws

(1) This part does not limit a power or obligation under another Act or law to give information.

(2) Information may be given under this part despite any other law that would otherwise prohibit or restrict the giving of the information.

(3) However, if a person may claim privilege in relation to information under another Act or law, the privilege is not affected only because the information may be, or is, disclosed under this part.

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29T Protection from liability for giving information

(1) This section applies if a person, acting honestly, gives information under this part.

(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.

(3) Also, merely because the person gives the information, the person can not be held to have—

(a) breached any code of professional etiquette or ethics; or

(b) departed from accepted standards of professional conduct.

(4) Without limiting subsections (2) and (3)—

(a) in a proceeding for defamation, the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the information under an Act, oath or rule of law or practice, the person—

(i) does not contravene the Act, oath or rule of law or practice by giving the information; and

(ii) is not liable to disciplinary action for giving the information.

29U No liability for defamation if report made in good faith

It is a lawful excuse for the publication of a defamatory statement made in a report under this part that the publication is made in good faith and is, or purports to be, made for this Act.

Division 6 Membership of board

29V Composition of board

The board consists of the chairperson and not more than 11 other members appointed by the Minister.

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29W Chairperson

(1) The Minister must appoint the principal commissioner or another commissioner as the chairperson.

(2) The chairperson is responsible for leading the board, and directing its activities, to ensure it appropriately performs its functions.

(3) The chairperson holds office for the term stated in the person's instrument of appointment as chairperson.

(4) A person ceases to be chairperson if the person—

(a) resigns office as chairperson by signed notice given to the Minister; or

(b) ceases to be a commissioner.

29X Other members

(1) This section applies to the board members other than the chairperson.

(2) The Minister may appoint a person as a member of the board if satisfied the person is eligible and suitable for appointment.

(3) A person is eligible for appointment if the person—

(a) has expertise in the field of paediatrics and child health, forensic pathology, mental health, investigations or child protection; or

(b) has expertise in litigation relating to child protection proceedings or proceedings of a similar nature; or

(c) is otherwise, because of the person's qualifications, experience or membership of an entity, likely to make a valuable contribution to the work of the board.

(4) However, a person is ineligible for appointment if the person—

(a) has a conviction for an indictable offence; or

(b) is an insolvent under administration; or

(c) is a member of the Legislative Assembly.

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(5) The Minister must not appoint a person if the person does not consent to a criminal history check before appointment.

(6) Without limiting the matters to which the Minister may have regard in deciding a person's suitability for appointment, the Minister may have regard to the person's criminal history.

(7) The Minister must ensure the board's membership—

(a) reflects the social and cultural diversity of the Queensland community; and

(b) includes at least 1 Aboriginal or Torres Strait Islander person; and

(c) includes persons with a range of experience, knowledge or skills relevant to the board's functions; and

(d) does not include a majority of persons who are public service employees.

29Y Deputy chairperson

(1) The Minister may appoint a board member to be the deputy chairperson.

(2) If the chairperson is not an Aboriginal or Torres Strait Islander person, the Minister must appoint a board member who is an Aboriginal or Torres Strait Islander person as deputy chairperson.

(3) The Minister may not appoint a board member who is a commissioner as deputy chairperson.

(4) A person may be appointed as a board member and deputy chairperson at the same time.

(5) A person ceases to be deputy chairperson if the person—

(a) resigns office as deputy chairperson by signed notice given to the Minister; or

(b) ceases to be a board member.

(6) The deputy chairperson is to act as chairperson—

(a) during a vacancy in the office of chairperson; and

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(b) during all periods when the chairperson is absent or can not perform the functions of the office.

29Z Conditions of appointment

(1) A board member is to be paid the remuneration and allowances decided by the Minister.

(2) A board member who is a prescribed person under the *Public Sector Act 2022*, section 267 is not entitled to be paid remuneration for holding office as a member.

(3) For matters not provided for by this Act, a board member holds office on the terms and conditions decided by the Minister.

29ZA Term of appointment

(1) A board member is appointed for the term, of not more than 3 years, stated in the member's instrument of appointment.

(2) A board member may be reappointed.

29ZB Vacation of office

(1) The office of a board member becomes vacant if—

(a) the member—

(i) completes the member's term of office and is not reappointed; or

(ii) resigns from office by signed notice given to the Minister; or

(iii) becomes ineligible for appointment under section 29X(4); or

(b) the Minister ends the member's appointment under subsection (2).

(2) The Minister may, by signed notice given to a board member, terminate the member's appointment if—

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(a) the member is absent from 3 consecutive meetings of the board without the board's permission and without reasonable excuse; or

(b) the Minister is satisfied the member is incapable of satisfactorily performing the member's functions.

29ZC Criminal history reports

(1) This section applies in relation to—

(a) a person who has consented to a criminal history check for the purpose of the person's appointment as a board member; and

(b) a board member.

(2) The Minister may ask the police commissioner for—

(a) the person's criminal history; and

(b) a brief description of the circumstances of a conviction or charge mentioned in the person's criminal history.

(3) The police commissioner must comply with the request in relation to information in the police commissioner's possession or to which the police commissioner has access.

(4) The Minister must destroy a report given to the Minister under this section as soon as practicable after it is no longer needed for the purpose for which it was requested.

29ZD Members must disclose new convictions

(1) This section applies if a person is convicted of an indictable offence during the term of the person's appointment as a board member.

(2) The person must immediately give notice of the conviction to the Minister under this section, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) The notice must include—

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(a) the existence of the conviction; and

(b) when the offence was committed; and

(c) details adequate to identify the offence; and

(d) the sentence imposed on the person.

Division 7 Proceedings of the board

29ZE Time and place of meetings

(1) The board may hold its meetings when and where it decides.

(2) The chairperson—

(a) may call a meeting at any time; and

(b) must call a meeting if asked by at least 3 other members.

29ZF Quorum

A quorum for a meeting is at least half of the board members, including at least 1 member who is an Aboriginal or Torres Strait Islander person.

29ZG Presiding at meetings

(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is not present at a meeting, the deputy chairperson is to preside.

(3) If neither the chairperson nor the deputy chairperson is present at a meeting, the board member chosen by the members present is to preside.

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29ZH Conduct of meetings

(1) Subject to this division, the board may conduct its proceedings, including its meetings, as it considers appropriate.

(2) The board may hold meetings, or allow board members to take part in meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.

(3) A board member who takes part in a meeting under subsection (2) is taken to be present at the meeting.

(4) A question at a meeting is to be decided by a majority of the votes of the board members present at the meeting.

(5) If the votes are equal, the board member presiding has a casting vote.

(6) A resolution is a valid resolution of the board, even though it is not passed at a meeting of the board, if—

(a) at least half of the board members give written agreement to the resolution; and

(b) notice of the resolution is given under procedures approved by the board.

(7) The board may invite persons other than board members to attend a meeting to advise or inform the board about any matter.

29ZI Minutes and other records

The board must keep—

(a) minutes of its meetings; and

(b) a record of its decisions and resolutions.

29ZJ Disclosure of interests

(1) This section applies if—

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(a) a board member has a direct or indirect interest in a matter being considered, or about to be considered, at a meeting; and

(b) the interest could conflict with the proper performance of the member's duties about the consideration of the matter.

(2) As soon as practicable after the relevant facts come to the board member's knowledge, the member must disclose the nature of the interest at a meeting.

(3) Particulars of the disclosure must be recorded by the board in a register of interests kept for the purpose.

(4) Unless the board otherwise directs, the board member must not—

(a) be present when the board considers the matter; or

(b) take part in a decision of the board about the matter.

(5) The board member must not be present when the board is considering whether to give a direction under subsection (4).

(6) A contravention of this section does not invalidate a decision of the board.

(7) However, if the board becomes aware the board member contravened this section, the board must reconsider a decision made by the board in which the member took part in contravention of this section.

29ZK Attendance by proxy

(1) A board member may attend a meeting of the board by proxy.

(2) The proxy holder—

(a) may participate in the meeting, but not vote, on the board member's behalf; and

(b) is not entitled to preside at the meeting only because the person is the proxy holder for the chairperson or deputy chairperson; and

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(c) is not counted for the purpose of deciding whether a quorum is present under section 29ZF.

(3) For section 29ZB(2)(a), an absent board member is not taken to have attended a meeting only because a proxy holder for the member attended the meeting.

Part 4 Advisory councils

30 Establishment

The principal commissioner may establish 1 or more advisory councils, as the commissioner considers appropriate, to advise on matters relating to the commission's functions.

31 Membership

(1) An advisory council has the membership decided by the principal commissioner.

(2) However, the principal commissioner must ensure that at least 1 member of each advisory council is an Aboriginal person or a Torres Strait Islander.

(3) The principal commissioner may appoint a person to an advisory council only if the commissioner is satisfied the person is appropriately qualified to advise on the matters referred to the council by the commissioner.

32 Function

(1) An advisory council's function is to help the commission to effectively and efficiently perform the commission's functions by advising on matters referred to it by the principal commissioner.

(2) It is not an advisory council's function to advise the principal commissioner on the day-to-day management of the commission.

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33 Dissolution

The principal commissioner may dissolve an advisory council at any time.

34 Other matters

The principal commissioner may decide matters about an advisory council that are not provided for under this Act, including, for example—

(a) the terms on which the members of an advisory council hold office; and

(b) the way in which the advisory council must conduct meetings or report to the principal commissioner.

Part 5 Miscellaneous

Division 1 Provisions about information

35 Requests by principal commissioner for general information

(1) Subsection (2) applies if the principal commissioner considers a public entity has information necessary for the performance of a commissioner's functions, other than the principal commissioner's functions under part 3.

(2) The principal commissioner may, by written notice, ask the public entity to give the information to the commissioner within a stated reasonable time.

(3) The public entity must comply with the request unless the entity reasonably considers the disclosure of the information—

(a) is prohibited under an Act; or

(b) is impracticable; or

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(c) would prejudice the investigation of a contravention, or possible contravention, of the law; or

(d) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or

(e) would endanger a person's life or physical safety.

(4) If the public entity refuses to comply with the request, the entity must give written notice to the principal commissioner of its reasons for the refusal.

(5) This section does not apply to confidential information.

36 Confidentiality of information

(1) If a person gains confidential information through involvement in the administration of this Act, the person must not—

(a) make a record of the information or intentionally disclose the information to anyone, other than under subsection (3); or

(b) recklessly disclose the information to anyone.

Maximum penalty—200 penalty units.

(2) A person gains information through involvement in the administration of this Act if the person gains the information because of being, or an opportunity given by being—

(a) the Minister or a member of the Minister's staff; or

(b) a commissioner; or

(c) a member of the board; or

(d) a staff member of the commission; or

(e) a person consulted or employed by the commission for this Act; or

(f) a member of an advisory council.

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(3) A person may make a record of confidential information or disclose it to someone else—

(a) if the principal commissioner decides the information may be disclosed under subsection (4); or

(b) under this Act; or

(c) as authorised or required under another law; or

(d) in compliance with a lawful process requiring the production of documents or giving of evidence before a court or tribunal; or

(e) with the written consent of the person to whom the information relates.

(4) The principal commissioner may decide to disclose confidential information to a person if the commissioner is satisfied—

(a) the disclosure is reasonably necessary—

(i) to prevent or minimise the risk of harm to anyone; or

(ii) to improve the performance of a function or service to prevent or minimise the risk of harm to anyone; and

(b) the public interest in preventing or minimising the risk of harm outweighs the need to protect the privacy of any living or dead person.

37 Confidentiality of information given by persons involved in administration of Act to other persons

(1) This section applies to a person (the ***receiver***) who is given confidential information by a person mentioned in section 36.

(2) The receiver must not use the information or disclose it to anyone else.

Maximum penalty—200 penalty units.

(3) However, the receiver may use the information or disclose it to someone else if the use or disclosure—

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(a) is authorised by the principal commissioner; or

(b) is otherwise required or permitted by law.

Division 2 Other miscellaneous provisions

38 Delegations

(1) The principal commissioner may delegate the principal commissioner's functions under this Act to the other commissioner.

(2) A commissioner may delegate the commissioner's functions under this Act to an appropriately qualified staff member of the commission.

(3) In this section—

functions includes powers.

39 Protecting officials from liability

(1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.

(3) In this section—

official means any of the following when performing a function or exercising a power under this Act—

(a) the Minister;

(b) a member of an advisory council.

Note—

For protection from civil liability in relation to prescribed persons under the *Public Sector Act 2022*, section 267, see the *Public Sector Act 2022*, section 269.

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40 Annual report

(1) The commission must, in relation to its functions under this Act, include in its annual report for a financial year—

(a) information about the following matters for the financial year—

(i) Queensland's performance in relation to achieving State and national goals relating to the child protection system;

Example for subparagraph (i)—

The commission may report about progress in relation to the reforms recommended in the report titled 'Taking Responsibility: A Roadmap for Queensland Child Protection' made by the Queensland Child Protection Commission of Inquiry.

(ii) Queensland's performance over time in comparison to other jurisdictions;

(iii) Queensland's progress in reducing the number of, and improving the outcomes for, Aboriginal and Torres Strait Islander children and young people in the child protection system; and

(b) details of any direction given under section 22 by the Minister in relation to the financial year; and

(c) details of any action taken by the commission as a result of the direction; and

(d) any other information required by the Minister.

(2) Also, the commission must, in relation to its functions under the *Child Safe Organisations Act 2024*, include in its annual report for a financial year information about—

(a) the performance of its functions under chapter 2 of that Act; and

(b) the performance of its functions under chapter 3 of that Act; and

(c) trends in the compliance by child safe entities and reporting entities with chapters 2 and 3 of that Act; and

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(d) trends in the outcomes of investigations carried out under chapters 2 and 3 of that Act.

(3) In addition, the commission may include in an annual report information, opinion and recommendations about any matter relating to the commission's functions under this Act or the *Child Safe Organisations Act 2024*.

(4) In preparing an annual report, the commission may consult with relevant agencies it considers may be significantly affected by the report.

Note—

See the *Financial Accountability Act 2009*, section 63 for requirements about preparing an annual report and tabling it in the Legislative Assembly.

41 Review of commission

(1) The Minister must arrange an independent review of the performance by the commission of its functions within 5 years after the commencement of this section.

(2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.

42 Review of Act

(1) The Minister must review the effectiveness of this Act as soon as practicable after the end of 5 years after the commencement of this section.

(2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.

43 Regulation-making power

The Governor in Council may make regulations under this Act.

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Part 6 Transitional provisions

Division 1 Transitional provisions for Act No. 27 of 2014

44 Definitions for division

In this division—

commencement means 1 July 2014.

former CCYPCG Act means the *Commission for Children and Young People and Child Guardian Act 2000* as in force from time to time before the commencement.

former commissioner means the Commissioner for Children and Young People and Child Guardian under the former CCYPCG Act, section 14.

former register means the register of child deaths kept by the former commissioner under the former CCYPCG Act, section 143.

45 Immediate appointment of principal commissioner

(1) This section applies to the person who held the office of the former commissioner immediately before the commencement.

(2) Despite sections 11, 13 and 14, the person—

(a) is appointed, on the commencement, as the principal commissioner; and

(b) is employed on the same terms and conditions on which the person was employed as the former commissioner.

(3) The person's appointment under subsection (2) continues until the earlier of the following—

(a) the resignation of the person;

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(b) the end of the term for which the person was appointed as the former commissioner;

(c) the appointment of a person as the principal commissioner under this Act, whether or not the same person is appointed.

(4) If the former CCYPCG Act, section 29 applied to the person, that section continues to apply to the person as if—

(a) the *Child Protection Reform Act 2014* had not been enacted; and

(b) a reference in that section to the end of the person's term of office or resignation is a reference to the end of the person's term of office or resignation—

(i) as the principal commissioner under subsection (3); or

(ii) if applicable, as a commissioner under this Act; and

(c) a reference in that section to service as a commissioner includes a reference to the person's service as the principal commissioner and a commissioner, if applicable.

(5) To remove any doubt, it is declared that this section does not limit or otherwise affect the person's right to a benefit or entitlement that, under the terms and conditions, had accrued or was accruing immediately before the commencement.

46 Former register becomes the register under this Act

(1) The former register becomes the register kept by the principal commissioner under this Act.

(2) A request for information made by a person under the former CCYPCG Act, section 144 is taken to be a request made to the principal commissioner under section 28.

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47 First report

(1) This section applies to a report that, under section 29, must be prepared by the principal commissioner by 31 October 2014 for the financial year ending 30 June 2014.

(2) For section 29(1)—

(a) a reference to the register is taken to be a reference to the former register; and

(b) a reference to the activities or recommendations of the principal commissioner is taken to be a reference to the activities or recommendations of the former commissioner; and

(c) a reference to information given under part 3 is taken to be a reference to information given to a person by the former commissioner under the former CCYPCG Act, section 144.

48 Information arrangements continue

(1) This section applies to an arrangement made between the former commissioner and a government entity under the former CCYPCG Act, section 147.

(2) The arrangement continues to have effect until the principal commissioner or the government entity decides to end the arrangement under its terms.

(3) The former CCYPCG Act, section 147 continues to apply to the arrangement while it is in effect under subsection (2) as if the *Child Protection Reform Act 2014* had not been enacted.

(4) In a document relating to the arrangement, a reference to the former commissioner may be taken, if the context permits, to be a reference to the principal commissioner.

(5) A fee for a service owed to a government entity by the former commissioner under the arrangement is taken to be a fee owed to the entity by the principal commissioner.

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Division 2 Transitional provision for Child Death Review Legislation Amendment Act 2019

49 Reports from current reviews

(1) A reference in part 3A to an internal agency review includes a reference to a review carried out by the chief executive (child safety) under the *Child Protection Act 1999*, chapter 7A, as in force from time to time before the commencement of the *Child Death Review Legislation Amendment Act 2019*.

(2) In this section—

chief executive (child safety) means the chief executive of the department in which the *Child Protection Act 1999* is administered.

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Schedule 1 Dictionary

section 5

advisory council means an advisory council established under section 30.

annual report means an annual report prepared under the *Financial Accountability Act 2009*, section 63.

board means the Child Death Review Board established under section 29C.

chairperson, for part 3A, division 5, see section 29N.

child protection system—

(a) means—

(i) generally—the system of services provided by relevant agencies to children and young people in need of protection or at risk of harm; and

(ii) for part 3A—the system of services provided by relevant agencies and other entities to children and young people in need of protection or at risk of harm; and

(b) includes preventative and support services to strengthen and support families and prevent harm to children and young people.

commission means the Queensland Family and Child Commission established under section 6.

commissioner means a commissioner appointed under section 11(2).

complaints entity means any of the following—

(a) the public guardian;

(b) the ombudsman;

(c) the human rights commissioner under the *Anti-Discrimination Act 1991*;

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(d) the Crime and Corruption Commission under the *Crime and Corruption Act 2001*;

(e) the Health Ombudsman.

confidential information includes information about a person's affairs but does not include—

(a) information already publicly disclosed unless further disclosure of the information is prohibited by law; or

(b) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.

connected to the child protection system, in relation to a child death, for part 3A, see section 29B.

criminal history, of a person, means—

(a) every conviction of the person for an offence, in Queensland or elsewhere, and whether before or after the commencement of this definition, including spent convictions; and

(b) every charge made against the person for an offence, in Queensland or elsewhere, and whether before or after the commencement of this definition; and

(c) every disqualification order made under the *Working with Children (Risk Management and Screening) Act 2000* in relation to the person, whether before or after the commencement of this definition; and

(d) every disqualification order and offender prohibition order made under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* in relation to the person, whether before or after the commencement of this definition.

education and care service see the Education and Care Services National Law (Queensland), section 5(1).

harm, to a child, see the *Child Protection Act 1999*, section 9.

information, for part 3A, division 5, see section 29N.

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in need of protection, for a child, see the *Child Protection Act 1999*, section 10, definition of *child in need of protection*.

internal agency review see the *Child Protection Act 1999*, section 245B.

principal commissioner means the principal commissioner appointed under section 11(3).

public entity means a public sector unit or relevant agency and includes the chief executive, however described, of a public sector unit or relevant agency.

public guardian means the public guardian under the *Public Guardian Act 2014*.

register means the child death register kept by the principal commissioner under section 25.

relevant agency means any of the following—

(a) the public guardian;

(b) the ombudsman;

(ba) the human rights commissioner under the *Anti-Discrimination Act 1991*;

(bb) the Domestic and Family Violence Death Review and Advisory Board under the *Coroners Act 2003*;

(c) the Queensland Police Service;

(d) the Director of Child Protection Litigation under the *Director of Child Protection Litigation Act 2016*;

(e) a public sector unit, government agency or publicly funded non-government agency that is mainly responsible for, or provides services or deals with complaints in relation to, any of the following matters—

- Aboriginal and Torres Strait Islander policy or services
- administration of justice or legal services to children and young people
- care of children and young people
- child safety

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- community services
- corrective services
- disability services
- education
- housing services
- public health.

young person means a person, at least 18 years but no more than 21 years, who is transitioning from being a child in care under the *Child Protection Act 1999* to independence.