

#teamLEX & Lex Wotton of Palm Island

Supplementary submission - CCC Public Forum "Making allegations of corrupt conduct public: is it in the public's interest?"

The current state of affairs of Queensland's Youth Detention Centre's and Child Protection systems leaves no doubt, when notorious organizational complaint systems and frameworks fail, vulnerable persons are at great risk. There is no greater misconduct or crime than practices leading to torture and death. There is no greater corruption than complicit acts of failure to aggressively exercise jurisdictions to monitor, safeguard, report to prevent or prosecute these inhumane acts. **"Making allegations of corrupt conduct public: I believe is in the public interest.** It is not only necessary but usually an act of Last Resort after multiple frustrated futile attempts to initiate systems that are flawed in practical standards and regulatory processes.

Professor Gillian Triggs, Australian Human Rights Commissioner, stated "Once again, it has taken the power of the media and iconic pictures to stimulate action", " to some of the most inappropriate treatment imaginable of children and young people in the care of the Northern Territory". She recently said "We should be alert and alarmed at the failure of our legal system and lawyers to protect fundamental rights – especially the failure by Parliament and the courts to protect the rights and freedoms that have evolved over millennia."

Amnesty International Australia's obtained information of abuse in Qld's Cleveland and Brisbane juvenile detention centres. Staff stripped naked children who where at risk of self-harm. Kids where injured due to prolonged isolation (including eight Aboriginal kids held up to 22 hours a day for 10 days), and others were handcuffed during physical exercise and family visits. Use of force incidents resulting in injury showed four young persons suffered fractured wrists as a result of control and restraint techniques. In August 2015, a guard allowed a dog to approach an Indigenous girl in an aggressive manner. In another incident, staff allowed a dog to intimidate young people for no apparent reason. The government and the CCC where unable to identify the abuse and torture. <http://www.abc.net.au/news/2016-09-22/young-inmates-strip-searched-cleveland-youth-detention/7867718>

The **effectiveness of the CCC's oversight** of these systems along with in the resistance from **.government to be open, transparent and accountable** is questionable. Both agents have missed opportunities to transform not reform the Qld's Community Visitors Programs, (CVP) to protect the rights and interests of our states vulnerable, including adults with intellectual, psychiatric or cognitive disability living at visitable sites, and children and young people in out-of-home care.

Strengthening the CVP's independence from the Public Guardian, allowing greater access to information, re focusing on safeguards and protections as mandatory, creating pathway connections with international monitor's through initiatives to ratify OPCAT should be priority. Child safety advocates are calling for independent monitoring of children in care following the Tiahleigh Palmer case, as Queensland police continue to dig up the backyard of her accused killer in search for clues.

There are calls for a reintroduction of Queensland's Independent Community Visitors scheme to all placement types across the system including foster carers.

CREATE Foundation CEO Jacqui Reed said there needed to be more commitment from the Federal Government for independent tools to externally monitor children in care.
<http://www.abc.net.au/news/2016-09-24/police-continue-digging-property-of-tiahleigh-s-accused-killer/7873992>

In March 2008 [the] Director-General of Justice announced the re-alignment of the department's reporting framework. The manager of the Community Visitor Program who once reported directly to the DG now reports through the Office of the Adult Guardian who has oversight of the program. The AG is a major decision maker for Restrictive Practice consumers.

The Queensland Law Reform Commission's review of Guardianship Laws in 1996 and again in 2010, evidenced and acknowledged the lack of 'public confidence' along with the potential for 'conflict of interest' with this arrangement. The report's recommendations supporting the practice assumed the subsumption of the Public Advocate, (PA) into the Office of the Adult Guardian, (AG). This government initiative

was driven by the Weller Report and administration cost cutting, intended to bring all three guardianship agents under the stewardship of the AG.

Labor abandoned the policy prior to the March 2012 election due to strong media reporting and public campaigning. The incoming LNP government honored their election commitments, keeping the Public Advocate independent and increasing their powers. However they did not address the issue of the already moved Community Visitors Program, declining the opportunity to rectify the balance of the systems when brought to their attention later in an E Petition.

As of 1 July 2014 the rebranded Office of the Public Guardian (OPG) took over the community visitor program for children and young people in the child protection system from the Commission for Children, Young People and Child Guardian (CCYPCG). A partial government response to the recommendations of the Carmody Report. Refocussing oversight on learning, improving and taking responsibility became goals for systems attainment.

The rebranded Public Guardian and Department of Communities, major sector decision makers have problematic cycular history regards monitoring, reporting and regulating system failures.

Highlighted by a 20+yr old case study of a vulnerable adult that has never been reported to the media. It has however been discussed at the United Nations, citing 8 points of torture. Care workers involved successfully sued the service provider over accountability and risks due to negligence and lack of duty of care. Another current case study of the death of Ms Dhu in police cells in Western Australia denied dignity and respect, access to justice and healthcare gives more argument for the use of freedom of speech and the necessity of the media to report. Currently a debate is raging over the Coroner's refusal to release the CCTV footage of her care by police and health workers. The vision already viewed at her inquest depicts the torture she suffered for 3 days before her death.

The question still remains what purpose and meaning does the CCC have if it can not/will not identify torture?

