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**Date:** 11 September 2016 at 7:37:02 PM AEST  
[REDACTED]

**Subject: RE: permission 4 publishing UPDATED #teamLEX & Lex Wotton of Palm Island submission**

I, Lex Patrick Wotton, [REDACTED] give the CCC permission to print the below submission in my name.  
[REDACTED]

As stated by my associate Ms Woolston from #teamLEX, I will make myself available to address the CCC at the public forum should they require/change their minds.

**#teamLEX & Lex Wotton of Palm Island,**  
winner of the Anthony Mundine Award for Courage 2016 at the National Indigenous Human Rights Awards  
<http://www.sbs.com.au/nitv/article/2016/06/10/human-rights-activists-recognised-awards-night>  
supports

**TRANSFORMATION of our JUSTICE SYSTEMS  
with human rights and healthcare principles.**

Please excuse the lateness of this submission. We wish to participate in the public inquiry by submission and Lex will make himself available to speak at the public hearing. We thank the commission for being inclusive of the public and listening to recommendations made in submissions at the recent PCCC review of the CCC.

- **Effectiveness of the CCC** - Applying a 3 strikes and your out len's when viewing the commission's past history, (commission rebranded from CJC/CMC to current CCC), it is hard to believe that the commission can/has the will to fend off political influences. [REDACTED] conflict of interest and public confidence issues, [REDACTED], are a major concern. There are reports that need to be addressed at this forum. Raising questions about openness, transparency, accountability and effectiveness.
- **Open, transparent and accountable government** - Recent Parliamentary Estimates declined the Parliamentary Clerks office submission to update outdated broadcasting technology. It is vital for public engagement to have multiple levels of communication rather than rely on burdensome methods that are not reaching, targeting, practical, or even working in real time.

- **Freedom of speech** - It is when it is gone, that it is most important. Recent Qld history shows us just how easily advocates can be neutered with both major parties having displayed ruthless practice when governing with a majority. We believe protections for free speech is a priority. Open, transparent and accountable processes would include respecting the practice of freedom of speech.
- **Reputation of Alleged Subject Officers & Fair Trial** - If these issues can not be addressed by current legislation to protect all the community from vexatious complaints and defamation why has it taken the CCC this long to identify? The effects of media reporting on justice issues is not new and at one stage it was considered a reasonable punishment for youth offenders to be named and shamed. Did the CCC speak then? There is a case for the political effects of this practice but we also acknowledge that this is done in public during a robust process with 'the light of day shining on it' to persons who willing participate for the aim of monetary gain. When organisational complaints systems fail a silent vulnerable person far from public view - exposing the issue to the media is considered a **LAST RESTORT** necessary measure. The recent NT Don Dale Child Detention Centre is an example of the lengths advocates must go to in order to get decision makers to aggressively do their well paid jobs to a level acceptable by the public.

#### **Other**

- Submissions closed 5pm Thursday 30 June 2016. Since this date Qld's Children Detention Centres have come under scrutiny for torture practices. Under pressure from the public the Attorney General has stated there will be an inquiry. Media also broke major stories on Manus Island closure, Oakey water contamination, Police PTSD and Suicides and QPS DVO information breaches.
- The public interest to publicise allegations of corrupt conduct touches on the key points of the contentious Australian Border Force Act 2015 and the Public Interest Disclosure Act 2010.
- Public expressions of interest surrounding the practice of torture in Australia with calls to ratify OPCAT, mental & environmental health and anti violence campaigns would imply the need to explore more thoughtfully the impact of penalties on vulnerable persons, advocates or communities for drawing attention to serious harm that the processes of the complaint system, including CCC, has failed to address.

**2011**

<https://www.parliament.qld.gov.au/documents/committees/PCCC/2011/three-year-review-11/submissions/011-CCYP.pdf>

**Commissioner for Children and Young People Elizabeth Fraser submission to PCCC review of CCC. p2 pp6 - p3 pp1**

CCC response - "the difficulty is having them understand we are not a clearinghouse" p24,pp 1

<https://www.parliament.qld.gov.au/documents/committees/PCCC/2011/three-year-review-11/pht-4Nov11.pdf>

**Elizabeth Fraser's & CMC oral submissions and responses to PCCC questioning p22 pp 10, p23-24**

**RECOMMENDATION 10**

The Committee recommends that the CMC continue to work with the Department of Communities and the Commissioner for Children and Young People and Child Guardian to closely monitor complaints received by young people in detention centres to identify whether there are any trends in complaints received or systemic issues that require further attention.

#### **RECOMMENDATION 11**

The Committee recommends that the CMC consider commencing an awareness program with Legal Aid Queensland and the Aboriginal and Torres Strait Islander Legal Service, about the role and functions of the CMC, to assist with young people in detention centres understand complaints processes and their rights within those

processes. <https://www.parliament.qld.gov.au/documents/committees/PCCC/2011/three-year-review-11/rpt86-3YrReview.pdf>

**PCMC Report No 86, May 2012**

**Three Yearly Review of the Crime and Misconduct Commission**

**Particular aspects of devolution - Youth Detention pp 49 - 52**

Response to recommendations 10 and 11 - Supported (Matter for the Crime and Misconduct Commission)

The Government notes that **following the recent State election the Department of Justice and Attorney-General now has administrative responsibility for youth detention centres.**

While the Department of Justice and Attorney-General, as a unit of public administration (UPA), **has responsibility to prevent and deal with complaints about misconduct, the CMC has the overriding responsibility to ensure that such complaints are dealt with effectively and appropriately. Whether this involves the CMC dealing with the complaint itself or devolving the complaint to the Department of Justice and Attorney-General, is a matter for the CMC.**

The Commission for Children and Young People and Child Guardian (the CCYPCG) also has an oversight role in relation to the youth justice system including monitoring complaints by young people in detention centres. This role was established following The Report of the Commission of Inquiry into Abuse of Children in Queensland Institutions 1999 (the Forde Inquiry). **The Commission has responsibility to identify any trends in complaints or systemic issues requiring further attention about youth detention centres.** The Government acknowledges that young people in detention centres are less likely to fully understand the complaints process or their rights in making a complaint. In addition to detention centre admission procedures that explain complaint processes, the CCYPCG delivers an independent community visitor and complaint process which helps to mitigate against this risk. While Recommendation 11 may further address this issue, it is a matter for the CMC to establish a working relationship with Legal Aid Queensland and the Aboriginal and Torres Strait Islander Legal Service to increase the awareness of young people in detention centres about their rights regarding complaint mechanisms. **Government Response - from the Attorney-General and Minister for Justice p 5 & 6**

**Elizabeth Fraser retired at end of contract, Jan 2013. CCCPCG last report published 2014**

<http://pandora.nla.gov.au/pan/14014/20140630-0820/www.ccypcg.qld.gov.au/resources/publications/reports.html>

## 2014

**The Office of the Adult Guardian (OAG)** merged with the **Child Guardian** on 1 July 2014. Oversight of Children's Community Visitor's Programme in Child Safety and Detention Centres

### LEGISLATION:

**Chapter 4, part 2, p51 - Community Visitor Program (child)**

<https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2014/14AC026.pdf>

## 2015

Cheryl Vardon appointed Principal Commissioner, the **Queensland Family and Child Commission (QFCC)**, **October 2015**. <http://www.qfcc.qld.gov.au/our-commissioners>

## 2016

**QFCC, 18 April 2016** Tammy Williams appointed as 2nd Commissioner (who must be indigenous heritage).

<http://www.qfcc.qld.gov.au/our-commissioners>

The Queensland Family and Child Commission has established an **Advisory Council** to help promote the shared responsibility all Queenslanders have in keeping children safe.

Detective Chief Superintendent Cameron Harsley APM, Executive Director, Operations Support, **Crime and Corruption Commission** is a member of;

<http://www.qfcc.qld.gov.au/advisory-council>

**OMBUDSMAN** investigation reviewed the management of child safety complaints by the **Department of Communities, Child Safety and Disability Services**. The investigation found that the department had **inadequate complaint recording** processes, had failed to publish complaints data and identified the need for greater collaboration between the department and the Office of the Public Guardian. The report was tabled on 19 July 2016.

[http://www.ombudsman.qld.gov.au/Portals/0/docs/Publications/Inv\\_reports/Management%20of%20child%20safety%20complaints.pdf](http://www.ombudsman.qld.gov.au/Portals/0/docs/Publications/Inv_reports/Management%20of%20child%20safety%20complaints.pdf)

## OPG

[http://www.publicguardian.qld.gov.au/\\_data/assets/pdf\\_file/0007/472075/opg-sub-20160620-opcat-in-context-of-youth-justice-deten....pdf](http://www.publicguardian.qld.gov.au/_data/assets/pdf_file/0007/472075/opg-sub-20160620-opcat-in-context-of-youth-justice-deten....pdf)

**Youth detention evaluating and reporting Oversight of detention centres**

<https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/managing-youth-detention-centres/youth-detention-evaluating-and-reporting/>

<http://www.qt.com.au/news/call-end-solitary-confinement-royal-commission-beg/3086174/>

<http://www.msn.com/en-au/news/australia/qld-holds-title-for-locking-up-kids/ar-AAigWbu>

<http://www.brisbanetimes.com.au/queensland/boy-17-placed-in-spit-mask-in-queensland-jail-20160829-gr44cu.html>

**WHAT PURPOSE AND MEANING DOES THE CCC HAVE IF IT CANNOT/WILL NOT IDENTIFY THE PRACTICE OF TORTURE?**

#teamLEX & Lex Wotton

