

22 September 2026

Our ref: [LP:MC]

Committee Secretariat
Education, Arts and Communities Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary,

Queensland Protection Commission Bill 2026

Thank you for the opportunity to provide feedback on the Queensland Protection Commission Bill 2026 (**Bill**).

The Society is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. The Society also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

The Bill represents a significant change to child and vulnerable people safeguarding in Queensland. We support the establishment of the Queensland Protection Commission as a centralised, coordinated approach to safeguarding children and vulnerable people in Queensland and welcome its implementation of Transformational Recommendations 4 and 9 of the In Plain Sight report and the measures it introduces to better protect children in Queensland.

We note the scope of these reforms are substantial. Co-locating the Reportable Conduct Scheme, the Child Safe Standards framework, the working with children check scheme and the disability worker screening scheme with the new Commission is a significant structural and operational undertaking. We consider this must be underpinned by significant funding, resources and streamlined transitional planning, including in relation to the development and design of the child safeguarding intelligence hub, which is intended to be a hallmark feature of the new Commission.

Our comments on the Bill are limited to the matters below.

Definition of 'other vulnerable person'

The main purposes of the Bill set out in clause 3 and the functions of the Commissioner in clause 7 refer to '*children, young people and other vulnerable persons*' but the Bill does not

define who is intended to fall within '*other vulnerable persons*'. It can reasonably be inferred that people with disability are intended to be captured by this phrase, however, without express drafting, this remains a matter of inference rather than clear legislative intent.

We recommend the Bill is amended to include a clear, intentional definition of '*other vulnerable person*' in schedule 1.

Ministerial direction and powers of removal

The Bill establishes a new governance structure for the Queensland Protection Commission that reframes the Queensland Family and Child Commission into a new Commission with considerable regulatory functions. We raise two related matters concerning that structure below relating to the Minister's ability to direct the Commissioner's promotion and advocacy function, and the Minister's power to recommend the new Commissioner's removal for any reason, or none. Both issues have implications for the new Commission's independence.

Firstly, clause 7(2) expressly excludes advocacy on behalf of a particular child, young person, vulnerable person or family, and clause 28 goes further, as it subjects the Commissioner's 'promote and advocate' function under clause 7 (1) (b) to the direction of the Minister, with only clause 7 (1) (e) and (f) functions (activities to improve safety and wellbeing, and information exchange) shielded from ministerial direction. In the Society's view, independent, sector-wide advocacy sits uneasily with a function that a Minister may direct.

This is connected to broader questions about the Commission's independence. Unlike the Child Death Review Board, which clause 41 expressly requires to act independently and in the public interest and which is not subject to direction by the Minister in relation to how it performs its functions, the Commission's functions are generally subject to ministerial direction. Credible systems advocacy depends on the Commission being seen to speak independently of government, including where its findings or recommendations are critical of government policy.

We recommend the Committee seek clarification as to how independent systems advocacy will be preserved and consider whether the promotion and advocacy function in clause 7 (1) (b) should be excluded from ministerial direction under clause 28.

Secondly, we recommend the removal of clause 17(3) of the Bill. Given the breadth and significance of the Commissioner's functions, including systemic oversight and the evaluation and analysis of policy and practice, the proposed removal power may be perceived as inconsistent with the intended independence of the role.

Retention of an Aboriginal and Torres Strait Islander Commissioner

We note the Bill's requirement that at least one deputy commissioner be an Aboriginal and Torres Strait Islander person and the requirements for Aboriginal and Torres Strait Islander representation on advisory councils.

However, we consider that the proposed framework would be strengthened by the inclusion of a dedicated Aboriginal and Torres Strait Islander Commissioner position. Such a position would provide strategic leadership on matters concerning Aboriginal and Torres Strait Islander children and young people, including their disproportionate representation in the child protection system, and contribute to ensuring these perspectives are embedded across the Commission's statutory functions.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully

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Peter Jolly
President