



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair
Mr SA Bennett MP (virtual)
Mr JM Krause MP
Mr RCJ Skelton MP (virtual)
Mr CJ Whiting MP

Staff present:

Ms L Pretty—Acting Committee Secretary
Ms C Furlong—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

MONDAY, 27 SEPTEMBER 2021

Brisbane

MONDAY, 27 SEPTEMBER 2021

The committee met at 10.35 am.

CHAIR: Good morning. I declare open this public briefing for the Community Support and Services Committee 's inquiry into the Child Protection Reform and Other Legislation Amendment Bill 2021. I would like to respectfully acknowledge the traditional custodians of the land on which we meet this morning and pay my respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share.

On 15 September 2021 the Child Protection Reform and Other Legislation Amendment Bill 2021 was referred to this committee for examination with a reporting date of 12 November 2021. My name is Corrine McMillan. I am the member for Mansfield and the chair of this committee. Mr Stephen Bennett, the member for Burnett, has zoomed in this morning. He is the deputy chair of our committee. The other committee members are Mr Michael Berkman, member for Maiwar, who is an apology this morning; Mr John Krause, member for Scenic Rim; Mr Robert Skelton, member for Nicklin, who is joining us via videoconference; and Mr Christopher Whiting, member for Bancroft, who is substituting for Ms Cynthia Lui, member for Cook, who is an apology. I thank the member for Bancroft for giving up his time to support the work of this committee.

The proceedings of this committee are proceedings of the Queensland Parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's discretion at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by media and images may also appear on the parliament's website or social media pages. I now ask everyone to turn mobile phones off or to silent mode. Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at the discretion of the chair or by order of this committee.

The purpose of today is to assist the committee with its examination of the Child Protection Reform and Other Legislation Amendment Bill. I remind committee members that officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the parliament. I ask that any responses to questions taken on notice today are provided to the committee by midday Wednesday, 6 October 2021. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

In line with the COVID-safe guidelines issued by the Chief Health Officer, I remind everyone to maintain social distancing. Face masks are to be worn at all times and removed only to speak during the proceedings. I understand there was an update to that on the weekend. Whilst we are not speaking, if you cannot socially distance please continue to wear your mask. When you are speaking it is important to remove your mask so that Hansard can clearly hear your contributions.

BOURKE, Mr Gregory, Project Director, Strategic Policy, Department of Justice and Attorney-General

HURST, Ms Claire, Acting Executive Director, Strategic Policy and Legislation, Strategy, Department of Children, Youth Justice and Multicultural Affairs

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General

SANDERSON, Ms Kate, Acting Manager, Strategic Policy and Legislation, Strategy, Department of Children, Youth Justice and Multicultural Affairs

CHAIR: I welcome representatives from the Department of Children, Youth Justice and Multicultural Affairs. I also welcome representatives from the Department of Justice and Attorney-General. I ask you to make an opening statement after which committee members will, I am sure, have questions for you.

Ms Hurst: Thank you. Good morning. My name is Claire Hurst and I am the acting executive director of strategic policy and legislation in the Department of Children, Youth Justice and Multicultural Affairs. I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today and pay my respects to elders past, present and emerging. Thank you for the opportunity to appear before you today to provide a briefing on the Child Protection Reform and Other Legislation Amendment Bill 2021. The bill proposes amendments to the Child Protection Act 1999, the Child Protection Regulation 2011, the Working with Children (Risk Management and Screening) Act 2000, Adoption Act 2009 and the Disability Services Act 2006 and makes consequential amendments to other legislation.

The proposed amendments to the Child Protection Act support the Queensland government's Supporting Families Changing Futures reform program and will support or implement recommendations of the Queensland Family and Child Commission's *Keeping Queensland's children more than safe* review of the foster care system report, the 2013 Queensland Child Protection Commission of Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse. These amendments progress the next stage of reforms to the Child Protection Act in three key focus areas: reinforcing children's rights in the legislative framework; strengthening children's voices in decisions that affect them; and streamlining, improving and clarifying the regulation of care.

The bill proposes other priority technical amendments to the Working with Children (Risk Management and Screening) Act 2000 to improve protections for children within the blue card system. The bill also proposes to amend the Adoption Act 2009 to resolve technical issues arising with the Adoption Act as a result of the delegation instrument made under the Commonwealth's Immigration (Guardianship of Children) Act 1946. The Department of Children, Youth Justice and Multicultural Affairs will continue to work with key stakeholders to implement and embed these reforms with frontline services and the child protection system more broadly.

Before I talk more about the specifics contained in the bill, I will first touch on consultation. The amendments to the Child Protection Act were informed by public consultation on the 2019 discussion paper titled *Rethinking rights and regulation: towards a stronger framework for protecting children and supporting families*. This canvassed options for reform in three focus areas: reinforcing children's rights; strengthening children's voices; and reshaping the regulation of care. Fifty-four written submissions were received by the department in response to this discussion paper, including from peak organisations, foster and kinship carers, members of the community and legal stakeholders. The department also received almost 400 survey responses from all regions of Queensland and facilitated 10 targeted face-to-face consultation workshops with children and young people, parents, families, carers, peak bodies, service providers, legal professionals and frontline departmental staff.

Substantial progress was made on the preparation of the bill. However, the project was delayed in early 2020 to enable the department to undertake high-priority work, including the whole-of-government response to the COVID-19 public health emergency.

In March 2021, targeted consultation was undertaken with key stakeholders who expressed the view that the proposals relating to children's rights and voices should be progressed as a priority.

In July and August 2021, further targeted consultation was undertaken with key stakeholders including peak organisations and government agencies on the proposals for reform and an exposure draft of the bill. For the amendments to the Working with Children (Risk Management and Screening) Act, the Department of Justice and Attorney-General consulted with key stakeholders including peak bodies and the community legal services on the amendments relating to Queensland's participation in the Working with Children Check national reference system and sharing domestic violence information in an information-sharing session in August 2021.

I will now discuss the bill's key amendments in more detail, starting with amendments to the Child Protection Act. With regards to reinforcing children's rights, the bill makes several significant amendments to support Aboriginal and Torres Strait Islander children and families by enabling their voices to be heard in the development of programs and service delivery as well as an individual child protection case decision-making, and requiring the chief executive litigation director and authorised officers to make active efforts which are purposeful, thorough and timely to comply with the Aboriginal and Torres Strait Islander Child Placement Principle. These amendments will proactively support an

Aboriginal and Torres Strait Islander child's connection to family and community when making decisions about their care, and reinforce the Queensland government's commitment to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care.

The bill makes further amendments to reinforce a human rights focus in the legislation by broadening the purposes of the Child Protection Act to encompass promoting the safety of children and, to the extent that is appropriate, supporting families in caring for children, and inserting additional rights in the Charter of Rights for children in care such as the right to develop, maintain and enjoy a connection to their culture of origin, to engage in play and other recreational activities, and to develop, maintain and enjoy their identity.

Clauses 29 and 30 seek to amend the Child Protection Act to ensure that children are regularly informed of these rights under the charter in a way which is appropriate for them to understand. This will ensure children are made aware of their rights and the fact that they can contact the chief executive to raise any questions or concerns about their protection and care needs.

With regard to strengthening children's voices, the bill also makes amendments to strengthen children's voices in decisions relating to their care by introducing participation principles into the Child Protection Act. Clause 11 amends the act to provide an obligation for any person who makes a decision or exercises a power under the act which affects or may affect a child to give the child meaningful and ongoing opportunities to participate and to express their views in the decisions. The participation principles are intended to create a flexible framework to support children to participate in a way that acknowledges the individual needs and concerns of each child and recognises that a child's view about whether and how they wish to participate may change over time. The participation principles also recognise that many varying forms of communication that a child may use to express their views by way of examples under the provision, such as expressing their views verbally, through a trusted person, in a written statement or a video recording. The drafting further ensures that a child's decision or inability to participate in a decision must not operate to the child's detriment.

With regard to improving the regulation of care, the bill further recognises the crucial role carers play in protecting and caring for vulnerable children in the child protection system and the importance of certificate holders and licensees having relevant information to make decisions and to provide appropriate care for a child. To this effect, clause 32 amends section 83A of the Child Protection Act to provide examples of the types of information that may be given to a carer before placing a child in their care or while a child is in their care. Information may include, for example, details of a child's health needs or why they have come into care.

Clause 58 inserts a new provision into the act that requires the chief executive to provide an approved carer with, or make sure an approved carer has access to, support to assist them to meet the needs of the child in their care. Support may include, for example, access to training to maintain or develop their ability to care for children, access to advice and assistance, or access to a support person. This amendment recognises that the support may be provided through a third party, for example a carer support agency. The bill makes further amendments to improve the regulation of care for certificate holders and licensees.

In 2017, the Queensland Family and Child Commission recommended in their report *Keeping Queensland's children more than safe: Review of the blue card system—Blue Card and Foster Care Systems Review*, that the department work with the Department of Justice and Attorney-General to become a participating screening unit to the intergovernmental agreement for a national exchange of criminal history information for people working with children. To ensure the department can meet participation requirements of the intergovernmental agreement, clause 55 inserts a head of power in the Child Protection Act to provide that the chief executive may request expanded interstate criminal history about a relevant person from an interstate police commissioner for the purposes of assessing the suitability of the person to be provisionally approved a carer, including adult members of the person's household.

Clause 17 further improves the regulation of care where it seeks to clarify reporting obligations of foster and kinship carers.

The bill amends the Child Protection Act and Child Protection Regulation to establish the legislative framework for a carers register. These amendments progress the delivery of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse which sought for all jurisdictions to establish nationally consistent carers registers that contain relevant information about a person's suitability to be a carer as a preventative mechanism against unsuitable people being approved as carers. While national consistency on the information contained in the carers registers is yet to be reached, the bill provides appropriate flexibility to make changes once national agreement has been obtained.

The bill also includes other amendments to make minor clarifications to drafting to the Child Protection Act to ensure that it operates efficiently, including by clarifying the definition of 'kin' to ensure the determinations of who is kin to an Aboriginal or Torres Strait Islander child is the result of meaningful mapping, identification and support and enabling of persons with a cultural connection to the child.

The bill includes technical amendments to establish efficiencies for court proceedings, provide for the disclosure of information in certain circumstances, support the right of Aboriginal and Torres Strait Islander children and families to consent to the participation of an independent entity in decision-making relating to an Aboriginal or Torres Strait Islander child, and clarify that the purpose of an independent entity is to facilitate the participation of an Aboriginal or Torres Strait Islander child and their family in decision-making.

I will now discuss the amendments to the Working with Children (Risk Management and Screening) Act 2000. The bill contains discrete amendments to the Working with Children (Risk Management and Screening) Act which, together, aim to further strengthen the blue card system. The bill amends the act to provide a legislative basis for blue card services to request domestic violence information from the Queensland Police Service and for the chief executive of the Department of Justice and Attorney-General to consider domestic violence information received for the purposes of a blue card assessment.

The bill will further enable Queensland's participation in the Working with Children Check national reference system which is a national database that enables jurisdictions to identify persons who have been deemed ineligible to work with children in another state or territory through the sharing of key adverse information with the Australian Criminal Intelligence Commission and interstate screening units where information is relevant to its screening functions.

Amendments in the bill will also seek to simplify and streamline the categories of regulated employment and regulated business that deal with licensed care services to better reflect the contemporary service delivery model used by licensees in discharging their functions. Additionally, a minor amendment to the Disability Services Act 2006 is included within the bill to clarify that police protection notices are included as part of the information-sharing arrangements under that act.

I will continue with a brief overview of the technical amendments to the Adoption Act. The Commonwealth Immigration (Guardianship of Children) Act 1946 allows the Australian government minister responsible for its administration to delegate any of his or her powers and functions in relation to non-citizen children to state and territory agencies under an instrument of delegation. The instrument of delegation made under the Immigration (Guardianship of Children) Act refers to specific agencies, work areas and positions which can have a significant impact on the operation of the Adoption Act in the event of machinery of government changes.

After the 2020 Queensland general election, the Department of Child Safety, Youth and Women was renamed the Department of Children, Youth Justice and Multicultural Affairs which impacted the delegation of powers to the department at that time. Further technical issues with the instrument of delegation have also been identified that impact on the operation of the Adoption Act in relation to intercountry adoptions. The bill therefore proposes to retrospectively amend the Adoption Act to enable the chief executive to supervise the wellbeing interests of non-citizen children in the custody of their prospective adoptive parents and to apply to the Children's Court for final adoption orders for non-citizen children. The amendments will resolve issues that have arisen due to the drafting of the delegation instrument so that the operation of the Adoption Act will not be impacted in the event of machinery of government changes that may occur in the future. These amendments are critical to avoid unnecessary uncertainty for affected families.

That concludes my opening statement. Thank you all for your time. I am happy to answer any questions the committee members may have about the reforms of the Child Protection Act or the Adoption Act. My colleagues from the Department of Justice and Attorney-General, Mrs Leanne Robertson, Assistant Director-General, and Mr Greg Bourke, Director, will be able to assist in relation to any questions the committee may have about the reforms to the Working with Children (Risk Management and Screening) Act or the Disability Services Act. Thank you.

CHAIR: Thank you very much, Claire. Leanne, did you want to add anything at this point or are you happy to go into questions?

Mrs Robertson: I am happy to go straight into questions.

Mr BENNETT: Good morning, everyone. My apologies, I can only see my colleagues at the table, so I might just put it out there for the departmental representatives if that is okay. I am after some information. In relation to page 13 of the explanatory notes, we just had a briefing about the Brisbane

participation principles. Are there some more tangible examples? In the explanatory notes it does talk about them, as Ms Hurst has given us examples, but are there any other examples about the participation principles that might be useful for the committee's benefit, please?

Ms Hurst: The bill amends section 7 to provide that it is a function of the chief executive to ensure the children have meaningful and ongoing opportunities to participate in decisions about programs and services relating to the purposes of the act. This is intended to ensure that children have a voice in the design of programs and service delivery, as well as individual case decisions. For implementation at a practice level, this will involve considering current activities already underway to engage with young people and whether additional mechanisms are needed, including for children and young people with diverse needs.

CHAIR: Does that answer your question, deputy chair?

Mr BENNETT: As we go through the bill there will probably be more tangible examples. I get that overview comment and I thank Ms Hurst for that. Some of the programs that might affect young people that you refer to in your opening comment in answering my question, what sort of programs are you talking about? Is this education programs, recreational programs? I am just trying to understand what we are talking about.

Ms Hurst: Not so much programs outside the portfolio of responsibilities of children, youth justice and multicultural affairs; more so where there is future legislative recommendations, for example, or changes to practice where we would intend to ensure that children have a voice at the table in systems or program design so that it best suits their needs.

Mr BENNETT: This is about individual youth participants having a voice for future legislative reforms? Is that what I heard?

Ms Hurst: That is correct. It is policy and legislative reform. We work very closely with the CREATE Foundation and undertake significant consultation with their children and young people groups to make sure that future policy and legislation is shaped in a way that meets the needs of children.

Mr BENNETT: Would that be in the form of, say, a youth attachment at the back of the committee's report? What would that look like? CREATE is not fully representative of the young people across Queensland, although they do have branches across the state. How would we see that physically working?

Ms Hurst: The intent of the bill is to reflect the current practice of the department which is very much looking at the individual child in question for a decision or children involved in a consultation process to ensure that the information is given in a way that they can understand and reflect their opinion and views to the agency so that we can craft legislation and policy going forward that suits the needs of those children. We often work very closely with CREATE to undertake those consultation processes, so we hear firsthand from children and young people themselves.

Mr WHITING: My question is similar in some ways to the member for Burnett's question. I was very interested to see in the briefing paper that we are expanding what is being done to enable children to more effectively question decisions about their care, that is clauses 24 and 67. Once again, how would that be done? Can we have some tangible examples of that on the ground?

Ms Hurst: At present, it is looking at how the department currently operates and making sure that the legislation is in line with contemporary practice. We have a number of avenues where children, through the decision-making process, have the opportunity to engage in decisions that affect them. For Aboriginal and Torres Strait Islander children we have independent entities who will be nominated to sit in with children and act in a support role for themselves and their family, which is an example of how their opinion and their views would participate in decisions.

Mr WHITING: It is heartening to hear. Obviously it is a logical thing to do and contemporary practices are there already, and this just brings the legislation in line and creates a head of power behind it. Would that be a correct way to summarise that?

Ms Hurst: That is correct.

CHAIR: I absolutely support any opportunity that children have to engage in decision-making that affects them and their lives. During the consultation process what sort of information, concerns or experiences did the children share with the department that helped bring about this legislative change? What were some of the messages from our kids?

Ms Hurst: Alongside CREATE the department undertook a number of consultation sessions with children and young people. These sessions were very heartwarming. The children brought to the table some personal experiences that they shared with us, which we were very humble to hear. The

information that they shared with us was very much that they want to have their views and opinions and their rights around the table and it is important for them to participate in decision-making where they feel comfortable to participate in decisions. It is also okay for them not to participate where they feel comfortable. That was a strong aspect that came through in the consultation.

Other key aspects depended on the needs of specific children. Obviously we have children with very specific needs, different age groups and diverse backgrounds, languages and cultures and that came through very clearly for us. That was around making sure that the material provided to them is something that they can understand and something they can share with family and friends and their carers going forward. The importance of cultural style, language, support networks, friends and family—that is what we heard coming through consultation.

CHAIR: Without breaching confidentiality, were there any specific themes that came through in particular areas across Queensland that were pertinent to certain groups of young people? That may have related to their educational experience, their family experience or their local community experience et cetera.

Ms Hurst: I probably cannot talk to education and community aspects of portfolio business, but with regard to child safety, we heard of the importance of having their belongings with them, the importance of play, to be a child and to have friends and networks. That is what we have hope we have brought through the intent of this bill with the rights of the child contained in the charter of rights that we are proposing be amended. The other point I would like to touch on is in the case of Aboriginal and Torres Strait Islander children we heard strongly the importance of kin and culture and understanding the importance of their language and community. That has also been reflected in the changes to the placement principles and the notion of active efforts coming forward, which is a practice the agency already undertakes and we are now wanting to make sure that the legislation is contemporary and comes up to that practice that we currently have in the department.

CHAIR: Congratulations to the team. It is great to hear of some of this forward thinking and, as you mentioned, contemporary practice happening that reflects real-life needs of our young people. Well done everyone.

Mr KRAUSE: I want to ask a quick question about the Adoption Act changes. That only deals with overseas adoptions, doesn't it?

Ms Hurst: That is correct. It is in relation to the Commonwealth act and the connectedness with the Adoption Act.

Mr KRAUSE: In relation to the changes to enable domestic violence application documents and information to be obtained and assessed for blue card applications, I note that page 2 of the explanatory notes refers to recommendation 39 from the report *Keeping Queensland's children more than safe: Review of the blue card system* which recommended amendments in relation to this. I had a look at that recommendation and it seems to have two limbs. It states—

proposes amendments to the—

working with children act—

to allow—

Blue Card Services—

to obtain applications for domestic violence orders and all documents related to orders made where:

- the applicant for a blue card is named as a respondent, and
- the applicant has a charge or conviction related to a breach of a domestic violence order or another domestic violence offence as defined under the Criminal Code.

Can you tell us whether the bill enacts both of those limbs or just one of them?

Mr Bourke: The bill enacts the first limb, which is where information is received by the person as a respondent on the order. In relation to the second limb, Blue Card Services is already receiving that information as police information because it is a charge or conviction in relation to a breach. Blue Card Services already receives information where someone breaches a domestic violence order because that is considered police information about the person. What was not included was the information about the order itself, being a civil order. That is what the bill incorporates. For example, when Blue Card Services receives an application they will do the check with Queensland Police and potentially find out through the police information that the person has a breach of a domestic violence order on their police information. This bill enables them to go back to police and get more circumstances and the order itself. In summary, the second limb was already something Blue Card Services was receiving and, therefore, the bill did not need to address that component.

Mr BENNETT: Because we are in the blue card area, I will continue with the theme. I am curious about my understanding of the criminal nature of the blue card assessment because it was about people who had blue cards were able to be presented as not presenting a risk to children in its early machinations. Is there a concern now with this new domestic violence sharing of information that we potentially would have a lot of people caught up—sometimes a domestic violence order is used as a vindictive tool in a domestic argument if I can be so bold to suggest that. I am concerned about the delays that may come about for people who need a blue card for employment and that other things may be further exacerbated by this change. Are you able to give us some confidence that we will not see further delays in very important blue card applications being completed? Is my question clear?

CHAIR: I just want to check with the department. Are you comfortable with that question? Is it seeking an opinion, or do you feel you are comfortable with answering that question?

Mr Bourke: I think we can talk to how important it is for domestic violence information to be part of the blue card assessment process. The blue card screening process needs to be as comprehensive and rigorous as possible, and access to domestic violence information allows for a more informed decision to be made about a person's eligibility to engage with children. Information about the existence of domestic violence orders, particularly where more than one order has been issued or there are different complainants, is relevant to a blue card assessment. It may suggest a repeated pattern of abusive behaviour that is not confined to one period or one complainant, which may suggest entrenched behaviours that are relevant to how an applicant may behave in a child related environment. Also the impacts of domestic violence on children are significant. It is an important piece of the blue card assessment puzzle. Obviously having regard to the fact that domestic violence orders may be made in a range of scenarios, it directs to how the decision-maker considers the information. The bill amends section 229 to make sure that the chief executive is required to consider the circumstances of a domestic violence order or police protection notice mentioned in the information, including the conditions imposed as well as the length of time that has passed, the relevance to employment or carrying on a business that involves or may involve children and anything else relevant to the information.

It is also important to remember there is a procedural fairness requirement. The chief executive is required to invite submissions from a person about particular information if they are proposing to issue a negative notice. There is that avenue of dialogue with the applicant to respond to the circumstances. That is an important part of the blue card process. All of that together means that the information can be holistically considered but that Blue Card Services also has an avenue to put the information to the applicant so they can tell their side of the story and can have regard to that in its assessment.

Mrs Robertson: The other thing is to also note that it aligns with that process of exchanging domestic violence information that is already there in relation to NDIS worker screening under the Disability Services Act in relation to amendments that were passed last year.

Mr Bourke: As part of the foster carer or kinship care assessment, they also access domestic violence information. It is probably an amendment that brings blue card into greater alignment.

Mr SKELTON: I think you have touched on this. Different cultural groups have different definitions of kin. When you went down the path of extended family groups et cetera, what processes have to be in place for, say, a grandmother or an extended family member to participate in an adoption and so forth?

Ms Hurst: We have worked very closely with the Queensland Aboriginal and Torres Strait Islander Child Protection Group, QATSICPP, during consultation. The definition of kin really leans on what they have been putting forward and suggestions through consultation they have had with Aboriginal and Torres Strait Islander community groups. The definition recognises a person of significance to the child, the child and their family group and someone with cultural connection to the child. It is expanding the definition to assist the way in which we currently recognise it in practice.

Mr SKELTON: Thank you; that answers my question. Obviously that brings in a much broader definition of carer; it is not just limited to the immediate family. Unfortunately Cynthia is not here, but a couple of weeks ago she explained the Torres Strait practice as well. I think that is great.

Mr KRAUSE: This question relates to the issue of kinship carers and the changed definition around that. The bill proposes to replace the concept of 'having regard' to the Aboriginal and Torres Strait Islander child placement principle with 'active efforts' that are purposeful, thorough and timely. Could you provide the committee with some more information about what 'active efforts' might entail, because it sounds like a good term but have you turned your mind or considered what it means?

Ms Hurst: Again, through consultation we heard very loud and clear from our carers, children, family groups and Aboriginal and Torres Strait Islander peak bodies that the notion of ‘having regard’, which is currently determined in the legislation, is very much a legislative term. The notion of ‘active efforts’, again, puts in place the practice that we currently have in the agency where, in every decision made about a child in reviews of the way in which a child is in care through their journey, the notion of ‘active efforts’ is brought into that consideration. It is building on the notion of having regard and making it really quite strong and purposeful. When we talk about ‘timely’, it is making sure that it has sufficient information given to the child about why decisions are being made as well. It builds on the partnership element of the child placement principles as well. It really clarifies the partnering of Aboriginal and Torres Strait Islander children, people and community representatives going forward.

Mr KRAUSE: Can I explore that a little further in terms of placement and ‘active efforts’? Do you look to the extended family, grandparents, aunts, uncles, cousins? How far do you look in expanding ‘active efforts’ for placement?

Ms Hurst: It is more a case of that being contained in practice guidelines and practice material. Each individual child has different needs.

Mr KRAUSE: Of course, and different family situations.

Ms Hurst: That is correct. Those different family situations and support services requirements of that child will be taken into consideration going forward.

Mr KRAUSE: I know that in previous bills over the past several years, the issue of expanding kinship care has been raised on a number of occasions by people in Indigenous and Aboriginal and Torres Strait Islander communities. There are also sometimes concerns raised in the community more generally, including in those Aboriginal and Torres Strait Islander communities, about risks presented for children placed in kinship care if they are in the child protection system to start with, for whatever reason, potentially as a result of suspected neglect or abuse. Obviously going into kinship care, that risk would have to be mitigated against as well even in the kinship scenario. Is that something considered as a matter of course by the department when placing children?

Ms Hurst: That is correct. We have a process in place at present for the approval of a kinship carer similar to the approval of a foster carer. It would be building on those approvals going forward. In Aboriginal and Torres Strait Islander communities we appreciate that the kinship and the family community is important to the upbringing of children and that would be taken into consideration with the assessment of those approvals.

Mr KRAUSE: The active efforts in applying the principles, though, will not override those other considerations?

Ms Hurst: No, it will not override it; it will work in conjunction with and complement. There are the five child placement principles, and ‘active efforts’ will sit across those five placement principles.

CHAIR: In the context of what the member for Scenic Rim explained, to what extent would the children have some contribution to make towards the appropriateness, their agreement with or their support of being placed within that extended family or kinship carer arrangement? So the children have a contribution there?

Ms Hurst: That is correct. When the department is considering kinship care for a child, one aspect of that decision process along with the kin and the extended family would be the views and opinions of the child and what they would find appropriate and suitable to them.

CHAIR: Is that regardless of age? Would a child of any age be able to provide that contribution?

Ms Hurst: The intent of the bill going forward is to take into consideration the age and the understanding of a child. In some circumstances, children may not be able to participate and put forward their views, but that is not meant to be of detriment to them going forward.

CHAIR: There is not a set age then? It is really about their level of understanding?

Ms Hurst: Their individual circumstances.

Mr WHITING: Clause 58 talks about the legislative framework to establish a carers register. What are the practical benefits of establishing that register? Have other states done that in line with the royal commission’s recommendations?

Ms Hurst: In response to that second element, we can confirm that other states have gone down that path—Victoria by way of an example.

Mr WHITING: Obviously some states have already done it. Some states are behind us. Throughout the nation, all the states are in the process of establishing such a carers register?

Ms Hurst: That is correct.

Mr WHITING: In general terms, what are the benefits of having that carers register?

Ms Hurst: The benefits are widespread in that it comes down to information sharing as well. If carers move interstate and approvals are in place for an individual to be a carer, we can streamline approval processes going forward. The other benefits would be safety assessments as well. It is a way in which information can be kept up to date and shared clearly with those who would have access to that register.

Mr WHITING: Certainly the intent across Australia is that in relation to those carers registers—and there might be something contained in another part of the bill—information across state jurisdictions can be shared from those carers registers?

Ms Hurst: The intent of the bill is to put in place the ability to have a register. Once states and territories have come together with an agreement to put forward the register and we are in a position to join that framework, the legislation enables that.

Mr BENNETT: It is really good that we have started to talk about kinship carers and the issues around that. I notice that the bill is trying to clarify and streamline some of the processes, and I guess that is to be commended. For the committee's benefit, are you able to give us an overview on the current status of foster carers and kinship carers in Queensland? I know that all jurisdictions have struggled to keep enough people wanting to participate. For the committee's benefit, can you give an overview of where currently the department sees the numbers sitting and what else we could do to ensure other people can come forward to participate?

Ms Hurst: I have some figures which are current as of 31 March 2021, and we can do our best endeavours to provide more updated information if that is available by the department. What we are currently look at is in the last year 1,689 families became carers for the first time, which is a 5.1 per cent increase compared to the year before. In total there are 5,785 carer families as at 31 March 2021, which is up from 5,478 the year prior. The department has a very strong recruitment drive for carers and the bill with the provisions put forward will streamline and support carers going forward.

Mr BENNETT: I acknowledge the work you are doing in recruitment, because we all have seen the ads and have all struggled with it in terms of how we get more from it. For the committee's benefit, is there still a significant gap, if you like, with needs and the foster or kinship carers that we possibly need? Maybe I am asking for an opinion, but statistically would you like a lot more families coming forward if that is possible?

Ms Hurst: For the purposes of the bill, the answer would be 'yes'. We of course would absolutely love to see an increase in carers, and we acknowledge the incredible work that they do.

CHAIR: Member for Nicklin do you have a question?

Mr Skelton: No I don't have any questions. I believe most of the questions have been answered.

CHAIR: Member for Scenic Rim do you have a question?

Mr KRAUSE: Yes, I have one or two more. I have a question about the measures to enhance the ability of children to participate in decision-making, a big part of the bill. Have you given consideration or worked up any measures that will be proposed to ensure children are not unduly influenced by other adults or family members when they are presenting their views?

Ms Hurst: There is quite a due process in place currently within the department reflected in legislation, and we are building on that. That is a comprehensive way in which the family has support through the child safety officer. If it is an Aboriginal and Torres Strait Islander family, they have the ability to nominate an independent entity, which is the support person for them, to guide them through the decision-making process and the best outcomes for the child in question. Through our current process which we are building on, there are regular touch points and regular check-ins through the child safety officer through the Office of the Public Guardian and their regular visits. There is a variety of people who provide supports and advice for a child going forward in how they can participate in their journey in care.

Mr KRAUSE: I want to go back to the question I asked earlier about recommendation 39 of that report. Having had another look at it—and I acknowledge the practice of the department when looking at blue card applications to receive information from police about charges or convictions in relation to a breach of a DVO or other domestic violence offences. I acknowledge the practice of you receiving that. However, is there a specific reason or consideration why the second limb of that recommendation is not enacted together with the first one? Although it is already practice to receive that information, not putting them in the bill together could potentially result in more information about

domestic violence orders in those documents coming to Blue Card Services' attention than would otherwise occur if the second limb of that recommendation was enacted. Was there a specific reason why—

Mr Bourke: To clarify, the second limb is already met. Blue Card Services is already receiving information. If someone breaches a domestic violence order, they commit an offence and that information is provided in the standard course of receiving police information. This is opening the door up to the information about the actual order, recognising that does not form part of a person's police information.

Mr KRAUSE: You do not get that information at the moment?

Mr Bourke: No, it is not within the confines of a person's police information.

Mr KRAUSE: I understand that. That is why I wanted to ask why the second limb is not being implemented, because you are going to be receiving potentially all the information in the order with only one element of the recommendation being fulfilled, which is that the applicant for a blue card is named as a respondent. Was there a specific reason why—because it is a lower bar.

Mr Bourke: I think we might be at cross-purposes. If someone has a breach of a DVO on the police information, Blue Card Services is receiving that already. Today if someone applied for a blue card—

Mr KRAUSE: I will jump in. When you receive that, at the moment you do not get the whole file from the court?

Mr Bourke: No, you get the notice of the breach as the offending behaviour of the police information. What this is capturing is the first limb, which is the information about the order itself, which is the civil order made that the person has gone on to breach. It will fill the complete picture where you would have the information about the breach, which was information we are already receiving as police information. The first limb provides the greater context around the order itself.

Mrs Robertson: Are you actually alluding to the issue about a cross-application and the dynamics of a domestic violence order scenario?

Mr KRAUSE: No, I am not actually. The recommendations seem quite clear. It is not the two limbs operating independently; it says 'and'. The two limbs should operate together according to the recommendation as I read it.

Mr Bourke: Once the bill is enacted they will. I guess it is a reflection that the second limb is already in effect, and what the bill does is gives us access to the first limb and then they can operate together in full operation.

CHAIR: In relation to the blue card system, I am interested in how the amendments will be communicated to ensure those affected stakeholders are aware of changes to the availability of the information? What are the plans around communicating those processes if the bill is passed?

Mr Bourke: Blue Card Services has an extensive website and has a blue card newsletter that is distributed widely. I could not tell you the number, but there are thousands of organisations subscribed to that newsletter. The intent would be to include some additional information on the website about the changes and then clearly communicate that across all networks through its rather enormous reach of that newsletter to be up-front about the changes. Then obviously an individual applicant, where we do uncover domestic violence information, would be entering that submissions process as per a blue card application. There will be resources developed and the newsletter is a really good tool for us to get out to as many people as possible about the changes.

CHAIR: Is everybody who is given a blue card automatically sent that blue card newsletter? I am conscious there is a whole raft of professionals, such as teachers, who do not require a blue card. They undertake a process with the police on an ongoing basis to continue their Queensland College of Teachers registration. Does everyone who has a blue card or has access to some certification receive that newsletter? Is that an automatic—

Mr Bourke: It is not automatic. It is something that people have to obviously go in and volunteer their information to and subscribe to. It is widely advised across the website. Further opportunities could be explored in terms of connecting applicants and cardholders to that newsletter, but it is not something that is an automatic trigger, no.

CHAIR: I am conscious that, as both a Queensland College of Teachers registration holder and a blue card holder, I am not receiving those newsletters. Perhaps blue card recipients receiving those or having the option to receive those newsletters could be proactive. It is certainly something I would be interested in receiving, but I currently do not receive them. To my knowledge I have not had the opportunity to sign up. That is something you may wish to look into.

Mr Bourke: It is definitely something we could explore operationally with our Blue Card Services team, who want to get the message out to as many people as possible.

CHAIR: I am sure blue card holders would be interested in any changes that are happening systemically.

Mr BENNETT: I note the explanatory notes talk about the estimated cost of implementation, and I acknowledge the comments that it be found from existing resources. For the committee's benefit, has there been any deeper cost analysis of the implementation of the bill? I think taxpayers have a right to know what modelling might have been done on the training, the implementation and the issues mentioned particularly on page 23 of the explanatory notes. It does not say anything; it just says it is going to be found from existing resources. Are you able to give us more details on what the implementation costs may look like?

Ms Hurst: I am not able at this point in time to give specifics with regard to modelling of costing. I will go back to the point that a lot of what we are reflecting in the proposed bill is current practice within the agency. The aspects that we see in practice and the support that we give for children such as practice guidelines and what have you—it is building on that. There is also our ongoing program of work with regards to training for not only our staff but also child safety officers and our carers as well. It is our general business.

Mr WHITING: On the issue of the bill amending the Working with Children (Risk Management and Screening) Act 2000 we talked about licensed care services. It is certainly something that Queenslanders are not hugely aware of in terms of how we actually work with the partners to provide these services. I am talking specifically about clauses 129, 130 and clause 39. What we are doing here is extending essentially the blue card system, making it applicable to all risk assessable people who work for those licensed care services, for example. From what I could gather, this bill will extend those blue card assessments across those organisations further than has previously been the case. Would that include, for example, people in white collar roles—office or managerial roles and even maintenance—working for these service providers or anyone in one of those roles that could possibly intersect with children? Could you describe the intent and what it means by extending into those risk assessable positions under those service providers?

Ms Hurst: The amendment is intended to clarify an obligation on licensees to ensure that the person who has contact or may have contact with a child in their normal duties holds a blue card. Some of the examples we can give you are physical contact, face-to-face contact, written or electronic communications, or access to a child's personal information including their contact details. It is about safeguarding those licensees going forward through that assessment.

Mr WHITING: That is a broader reach than what has previously existed. Would I be right in saying this reflects the practices that are going on at the moment? I would assume that the department would already be looking to see that reach into risk assessable roles would be as broad as possible.

Ms Hurst: That is correct. There will be guidelines developed to ensure that licensees can undertake their risk assessment. We will be giving supports necessary to participate in this risk assessment process.

Mrs Robertson: I think it is important to pick up the point the member is trying to make. The way in which these services are delivered now is different to what they were when this legislation was first put into place. A lot of those functions are now outsourced to contractors and subcontractors. In that definition we are trying to pick that up in that context having regard to those criteria that Claire has outlined by reference to the section. It is about extending it having regard to how the licensed service providers themselves are now structuring their operations as such.

Mr WHITING: Everyone in those services would already have been encouraged to be doing that.

Mrs Robertson: I think that is probably right.

Mr Bourke: It is probably another case of the legislation catching up to contemporary service delivery.

Mr WHITING: Absolutely. I think about those partners of the department in my community who deliver those services and they do tremendous work. I know that anyone working anywhere in those organisations have to get a blue card.

Mr KRAUSE: I have another question on the Adoption Act changes. I do not know what the statistics are, but I understand there is a considerable demand for people to adopt children. Do you know how many additional adoptions might occur as a result of these changes each year?

Ms Hurst: The proposed amendments are not in relation to adoptions practice generally. It is a technical amendment to reflect the machinery-of-government issues with the Commonwealth, so it will not have any impact on the adoptions.

Mr WHITING: I think it has been well written that this results from a number of different reviews. A quite substantial amount of work has been done over the last few years in this area. That includes the keeping children more than safe review, the royal commission plus internal and governmental reviews into this area. It is pretty extensive. Have we got everything covered? What more work do we need to do? There are a lot of recommendations in there. Have we done them all, or is there more work to do?

Ms Hurst: The reforms and the proposals contained in the bill are part of the Supporting Families Changing Futures 10-year strategy of which we are well into and, as you have noted, there are substantial reforms that have taken place over a number of years and significant consultation to ensure that the legislation is contemporary, and this is one aspect of that. We are progressing with the children's rights and the voices of children and the streamlining of regulation of care as priority because that is what we have heard through our consultation process. There is always work that can be done going forward, and there are aspects of recommendations and other things that we have heard through consultation that perhaps are not considered priority right now, but will potentially form future legislative amendments as part of the Supporting Families Changing Futures strategy in the future.

Mr BENNETT: I note the carer's certificate renewal process being extended and you just mentioned consultation. Congratulations on trying to streamline the process of people providing these wonderful services. Is that administrative burden we are trying to remove by extending it to the three years from currently two?

Ms Hurst: Yes, that is correct. The process currently has an initial term of one year for foster and kinship carer certificates and a two-year renewal term. What the act will do, with the provision going forward, is to issue a certificate for three years instead of two. It is to streamline the current approvals processes and the need to administer a greater amount of paperwork. We do have some significant safeguards in place to ensure that children placed with a carer continue to be safe and supported. For example, the child safety officer will have regular contact with the child, we have obligations of the carer through statements of standards and, as I mentioned previously, the Office of the Public Guardian Community Visitor Program—all of those safeguards will remain. It is the fact that the renewal of that assessment will be an additional year going forward.

Mr BENNETT: To be congratulated. Were there any other significant issues that the carers raised during the consultation that might not have made this bill but something for consideration for the committee's benefit that they would like to see considered into the future?

Ms Hurst: I cannot name anything specifically.

Mr BENNETT: That is fine.

Ms Hurst: Through our consultation paper and our consultation report, there are a number of areas indicated that we initially looked at back in 2019 and with further consultation throughout 2021; it is for future legislative amendment going forward, noting that it is busy with regards to practice and we need to ensure that any provisions amended in the legislation are sufficiently resourced and the carers, child safety officers and the department can all manage that in our current climate which, as you would be aware, is very much challenged with the COVID pandemic.

Mr KRAUSE: Good question, deputy chair.

CHAIR: There were no questions taken on notice. There being no further questions, we will close the public briefing. I thank members of both departments for your time today and certainly for your diligence, professionalism and the commitment that you have made both personally and professionally to the young people of Queensland. Thank you for your great work. You can refer to the broadcast later today should you have any queries or should you wish to view that broadcast. That concludes this briefing. On behalf of the committee, I would like to thank you for your attendance today.

Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I now declare the public briefing closed.

The committee adjourned at 11.49 am.