HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Members present:

Ms L Linard MP (Chair)
Dr CAC Rowan MP
Ms RM Bates MP (via teleconference)
Mr SL Dickson MP
Mr AD Harper MP
Mr JP Kelly MP

Staff present:

Ms D Jeffrey (Research Director)
Ms E Booth (Principal Research Officer)

PUBLIC HEARING—INQUIRIES INTO THE CHILD PROTECTION REFORM AMENDMENT BILL 2016 AND DIRECTOR OF CHILD PROTECTION LITIGATION BILL 2016

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 5 APRIL 2016

Brisbane

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Committee met at 9.30 am

BLACKETT, Ms Nicole, Assistant Commissioner, Oversight, Evaluation and Community Education, Queensland Family and Child Commission

BRYANT, Ms Jo, Chief Executive Officer, Protect All Children Today Inc.

CAMILLERI, Ms Samantha, Finance and Operations Officer, Protect All Children Today Inc.

FRANCIS, Ms Wendy, Executive Member, Queensland Alliance for Kids

GEE, Mr Alan, Child Safety Delegate Mackay, Together

LAUCHS, Ms Andrea, Assistant Commissioner, Advocacy, Policy and Sector Development, Queensland Family and Child Commission

O'SHANESY, Ms Jo, Child Safety Delegate, Together

SCOTT, Mr Alex, Branch Secretary, Together

STORM, Ms Georgia, Child Safety Delegate Mount Isa, Together

CHAIR: Good morning. Thank you all for coming. Before we start, I request that mobile phones be turned off or switched to silent. I now declare this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's inquiries into the Child Protection Reform Amendment Bill 2016 and Director of Child Protection Litigation Bill 2016 open. I would like to acknowledge the traditional owners of the land on which we meet and pay my respect to elders past, present and emerging. I am Leanne Linard, the chair of the committee and the member for Nudgee. The other members of the committee present here today are: Dr Christian Rowan, deputy chair and member for Moggill; Mr Aaron Harper, member for Thuringowa; Mr Steve Dickson, member for Buderim; Mr Joe Kelly, member for Greenslopes; and Ms Ros Bates, member for Mudgeeraba, who is here via teleconference.

Thank you for attendance here today. The committee appreciates your assistance. The bills were referred to the committee on 16 February 2016. The purpose of this hearing is to receive additional information from stakeholders to assist the committee in our examination of the bills. We are running this hearing as a roundtable forum to facilitate discussion. However, only members of the committee can put questions to witnesses. If you wish to raise issues for discussion, I ask you to direct your comments through me.

There are a few procedural matters before we start. The committee is a statutory committee of the Queensland parliament and as such represents the parliament. It is an all-party committee, which takes a non-partisan approach to inquiries. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath. I understand that you have been provided with a copy of the instructions for witnesses, so we will take those as read.

Hansard will record the proceedings and you will be provided with a copy of the transcript. This hearing will also be broadcast. These proceedings are similar to parliament to the extent that the public cannot participate. You may be filmed or photographed.

I welcome our first witnesses: Wendy from the Queensland Alliance for Kids; Jo and Samantha from Protect All Children Today Inc.; Andrea and Nicole from the Queensland Family and Child Commission; and Alex, Jo, Alan and Georgia from Together. Some of our witnesses are participating by teleconference. I know that presents some challenges. I will try to remember to give you an opportunity to speak, but please do speak up if you would like to contribute at any point. I offer a representative from each organisation an opportunity to make a brief opening statement. We have received your written submissions, and gratefully so. We will start with Protect All Children Today.

Ms Bryant: Protect All Children Today supports children and young people who are required to give evidence in criminal court matters as victims or witnesses to crime. We are here from that perspective. We do a lot of advocacy in relation to children and young people who have been victims or witnesses of crime. We have been around for 30 years and are well accepted within the court precinct by judges, members of the judiciary et cetera.

Ms Lauchs: Firstly, I would like to acknowledge the traditional owners of the land on which we meet today and pay my respect to elders past, present and emerging. I am pleased to appear before the committee today in relation to the Child Protection Reform Amendment Bill 2016 and the Director of Child Protection Litigation 2016. My name is an Andrea Lauchs, and I am the Assistant Commissioner for Advocacy, Policy and Sector Development within the Queensland Family and Child Commission. I am joined at the table by my colleague Nicole Blackett, who is the Assistant Commissioner for Oversight, Evaluation and Community Education at the QFCC.

The QFCC is a statutory body. We were established on 1 July 2014 under the Family and Child Commission Act. We are committed and mandated to promote the safety, wellbeing and best interests of children and young people in Queensland. We achieve this by promoting the responsibility of parents and the broader community to protect and care for their children; educating and providing information on services to strengthen and support families; oversighting Queensland's child protection system; providing leadership and expert advice to relevant agencies about laws, policies, practices and services; and developing and coordinating a multidisciplinary research program to inform policies and practices in consultation with stakeholders and relevant agencies.

The QFCC recognises and strongly supports the CPRA Bill 2016 and the Director of Child Protection Litigation Bill 2016 as they progress the recommendations made by the Queensland Child Protection Commission of Inquiry report. The QFCC supports the Director of Child Protection Litigation Bill in establishing an independent statutory office to provide greater accountability and oversight for child protection orders. We believe this independent statutory body will improve outcomes for children and their families. In addition, the QFCC supports the Child Protection Reform Amendment Bill in strengthening the voice of children and families in relation to decisions which will impact on them and by ensuring the court is well informed before a decision is made.

We believe oversight performs a valuable role in improving accountability and outcomes for children and young people in the child protection system. The value of oversight in supporting Queensland's child protection system was also echoed by recommendations in the Child Protection Commission of Inquiry. We support the role that the Director of Child Protection Litigation will play and the function of the Director of Child Protection Litigation in the child protection system and are supportive of the Director of Child Protection Litigation falling within the scope of the QFCC child's protection oversight role.

As a relevant agency of the child protection system, we recognise that the Child Death and Serious Injury Review Panel also acts as an independent system which performs an oversight role in relation to reviewing the deaths or serious physical injury of children known to Child Safety. As the Director of Child Protection Litigation will be involved in decisions about child protection order applications, the QFCC holds concerns if the panel's oversight role does not extend to the Director of Child Protection Litigation. We understand there are appropriate oversight mechanisms that oversight the legal profession such as the Legal Services Commission and the availability of appeals in relation to court decisions. We believe further consideration of the QFCC position is required.

Given the chief executive of Child Safety has significant responsibility in relation to the protection of children in Queensland under the Child Protection Act 1999, the QFCC believes Child Safety Services should have an external review or appeal mechanism for matters where they do not agree with the Director of Child Protection Litigation's decision and the reasons for this decision. This will further strengthen the independent authority of all stakeholders linked to the execution of the Director of Child Protection Litigation Bill 2016. We do, however, acknowledge that the Director of Child Protection Litigation may issue written guidelines that include procedures about how the chief executive of Child Safety may seek an internal review of a decision of the director for which reasons are required to be given under section 18 of the Child Protection Reform Amendment Bill.

In addition to QFCC's support for the Director of Child Protection Litigation, as mentioned previously, we are strongly supportive of the Child Protection Reform Amendment Bill. The QFCC supports expanding the extent to which the court may allow an individual or a non-party to take part in proceedings under section 113 of the Child Protection Reform Amendment Bill as it recognises the importance that significant people play in a child's life and their participation to inform the court in its proceedings. Although the QFCC does support the expansion of who may been included in the proceedings as a non-party, we do hold concerns in relation to clause 25 of the Child Protection

Reform Amendment Bill as it does not define or include parameters for defining who can be considered a non-party. The QFCC believes this clarity is necessary to ensure that only the most relevant individuals are included in the proceedings.

Ms Francis: Thank you very much for the opportunity to present to you on behalf of Queensland Alliance for Kids. I am one of the founding executive members. Our reason for existence is to make a positive contribution to new and existing child protection decisions and to provide an external reminder of the need for these decisions to be child centred with the best interests of the child being the primary focus. Obviously that is what we are all here about.

QAK supports the proposed appointment of a Director of Child Protection Litigation. We believe that such a position could greatly assist in the progression of children's cases where in-depth court appointments are not needed. However, in regard to clause 27 where the proposed length of appointment is stipulated as not more than five years, we would respectfully ask that the committee consider our recommendations in regard to the director's position. Our first recommendation in regard to this appointment is that during the first year the role be carefully monitored, supervised and supported, especially as the director will be new to child protection. We also recommend that the initial appointment be for 2½ rather than five years, with a review conducted after the first 12 months to ensure that progress is being made in regard to child focused decisions.

We would also appreciate clarification in regard to the reference in clause 6(1) (b) to the 'least intrusive child protection order'. When a child needs permanency because of the situation they find themselves in, it is imperative that an order for permanency be sought at the first opportunity. There is undeniable evidence that long-term foster care has negative short- and long-term effects on a child's wellbeing including increased anxiety, insecurity and low self-esteem. On the other hand, permanency including open adoption has been found to mitigate some of these negative effects largely due to providing the child with security, belonging and a sense of identity in a permanent family.

For reasons that QAK understands, Queensland's department of child safety has become reticent to embrace adoption as a permanent option for children requiring long-term or permanent care. However, this reticence has resulted in the pendulum swinging too far in the opposite direction and children are suffering from a lack of permanency. In 2013 there were only nine Queensland adopted, excluding step-parent adoption, and none were adopted using the provision in the Queensland Adoption Act 2009 which allows for the dispensing with the requirement for parents' consent. This provision was introduced to protect the most vulnerable children, but it is not being practised. QAK strong objects to the lack of stability and sense of belonging that results for our society's most vulnerable children because of ongoing extensions of two-year short-term orders when a permanent placement, guardianship or open adoption would be in the best interests of the child.

To collude my brief comments, the Queensland Alliance for Kids supports the proposal in the Director of Child Protection Litigation Bill 2016 to appoint a director but requests consideration of a change to the terms of reference for this position initially. We urge this committee to ensure that the interests of the child be placed before the interpretation of the 'least intrusive' wording in clause 6 so that some of our state's most vulnerable children who are currently in the care of the department of child safety through no fault of their own receive permanency in a timely fashion when appropriate. We believe that permanency provides children the best environment to thrive and permanency should include open adoption.

Mr Scott: Thank you for the opportunity to address the committee today. I am Alex Scott. I am the Secretary of the Together union, which represents a significant proportion of Child Safety staff and has coverage of all the employees across the agency. With me today is Alan, Georgia and Jo, who are rank-and-file public servants employed by the department in this area. Our members acknowledge that the government and the Department of Communities, Child Safety and Disability Services have accepted the Queensland Child Protection Commission of Inquiry recommendations either in full or in principle and agree that the child protection system is under immense stress.

The court work reforms underpinning these two pieces of legislation are some of the most significant changes to be progressed under the banner of the child and family reforms. We note the work already undertaken by the department in order to implement these reforms and have raised our concerns through the usual departmental consultative processes. From the outset, our members would like to reiterate that the safety, wellbeing and best interests of children and families who are in the child protection system are always a priority for us in our work. The matters raised here have direct impacts upon the department's ability to support the outcomes for children and families.

Our members do not disagree with the policy objectives of improved outcomes for children and families in relation to court proceedings but however are overwhelmingly concerned with the potential unintended consequences that could be placed on families and the department and put them at significant risk. While our members disagree with some aspects of the changes, the major concern is the inability of the departments to implement these changes. A frequent note from our members and delegates has been, 'Why fix the one thing within Child Safety that isn't broken?' Delegates today want to talk particularly around issues around workload, around the unintended consequences in regional Queensland, the incongruence with the practice framework and the impact on court coordinator roles, and we will ask the committee to hear directly from the public servants involved in this area of work. We want to reiterate our continued campaign to try to get the best outcome for children. We have worked closely with a number of departments and a number of governments over the years to try to deliver that, but we remain concerned that while this is an important piece of reform there are some elements we are opposed to. We are also more concerned that the committee takes into account what the actual practical implication of these changes will be for the role of the departments and the role of public servants and we believe that that will put children more at risk rather than improve the current situation.

CHAIR: Thank you all for your opening statements. I should have mentioned at the beginning that I am sure we will get to know you very well. Obviously we are the former Health and Ambulance Services Committee and we spent the last year in the area exclusively of health but now take on these sorts of matters as well, so we look forward to having a continuing and long-term relationship with you in terms of the different bills that come before the House in this area.

Dr ROWAN: I collectively thank you all for coming along today and also for the submissions which will guide us in our assessment of this important piece of legislation. Wendy, I come to you first in relation to the Queensland Alliance for Kids. Specifically, do you have any comments on what performance criteria should be implemented for the role of Director of Child Protection Litigation?

Ms Francis: No, I do not. We have looked at it all—we have gone through it all—and we are happy with the concept, but we do think that there needs to be, particularly because it seems like this person is coming from outside child protection, oversight. That is why we want a shorter period of time so that it can be assessed, because unless it is really effective then there is no point.

Dr ROWAN: Clause 5 of the bill sets out that very important principle around the main principle for administering this act—that is, the safety, wellbeing and best interests of the child are paramount—and the bill is to be administered having regard to the principles in clause 6. In your evidence a little bit earlier you were saying that clause 6 needed to be amended and I was just wondering from your comments there was that partly being amended to include adoption as an enhanced principle or an option?

Ms Francis: Our concern is how we interpret least intrusive. In the past it seems to be that there has been an emphasis on least intrusive for parents, not necessarily for the children. We see that children cannot necessarily even make their own mind up when they need protection, but more often—so often—we have seen and the members of our organisation have seen that children are returned to parents only to be then returned back into foster care too briefly and the churn effect that this is just going on and on is really damaging to the children. When we see 'least intrusive', we are wondering what that actually means. Is that least intrusive for the parent or least intrusive for the child's life? Obviously it is hugely intrusive, so I guess we just want a clarification on what that actually means.

Dr ROWAN: From the Queensland Family and Child Commission perspective, in your submission you allude to or recommend some appeal provisions when there is a dissenting review by the CEO of Child Safety with respect to a decision of the Director of Child Protection Litigation. Can you comment a bit further on that in terms of how that would practically work if there is a dissenting decision or view between those two entities?

Ms Lauchs: I think for us it was just that there had to be a mechanism for Child Safety to have the right of appeal in those instances where the Director of Child Protection Litigation may choose a different course of action. I do not think we have considered that in any great length of the mechanics of how that would operate. We would probably leave that to those people with more legal inclinations than myself, but we just felt it was important that there was some mechanism when the child protection staff are the ones engaging with the families making the assessment and putting forward the recommendation for an order that, if the Director of Child Protection Litigation feels that there is not enough information to pursue that order or a different order is required and that goes against Child Safety's assessment, there had to be some ability to appeal that decision.

Dr ROWAN: Whilst we are specifically looking at these two bits of legislation today, it seems that all jurisdictions—both nationally if you think about what is happening with the royal commission into child abuse and obviously what has happened in various state jurisdictions and here in Queensland—are having to do more in relation to legislation. Have you got any comments from the Family and Child Commission perspective as to why that is the case? Are we moving forward and able to do more things to protect children, because that is what we all want to do, but why are we having to do more and more in this legislative space? Have you got any views around that?

Ms Lauchs: I think that there has been such fundamental reform in the child protection space over the last 10 or 15 years and that continues to happen in all jurisdictions and, because of that, every jurisdiction is constantly looking at better ways to improve. We have more awareness nationally around child abuse, we have royal commissions occurring and then there is the great work of advocacy services that are actually bringing to the forefront these issues that have always been socially unacceptable but it is actually becoming more front and centre where people are able to say, 'This behaviour won't be tolerated,' and that some gaps in legislation actually exist to protect children. There is a lot more community pressure and expectation that the legal system is strengthened to ensure that children are protected from all types of abuse.

Dr ROWAN: Following on from that, is it a greater awareness that we have or is there a prevalence increase or a combination of both?

Ms Lauchs: I could only speak from my view. It would have to be a combination of both, I would think. There have always been children unfortunately who have been abused or are being abused and certainly that has become a greater awareness now.

Dr ROWAN: Turning to the Together union in relation to the concern that was expressed that support available to front-line Child Safety staff will be less and more difficult to obtain, to me that sounded like there might have been an impact on the current operational processes which exist. Is that a concern of members?

Mr Scott: Yes. With the acceptance of the committee, I might get Alan to speak through some of the workload issues and then Georgia can talk to the specifics around regional Queensland.

Mr Gee: I am a delegate employed by the child safety department of communities in my fourth year of service at the Mackay Child Safety service centre. Child Safety staff operate a front-line service with a high degree of professionalism and dedication towards making better and safer outcomes for children and their families. Together members working in the front-line environment with clients feel they are responsible for bringing to attention their concerns with this legislation's day-to-day impacts on the staff operations of Child Safety service centres. Child Safety staff are often abused and threatened in their daily work. They endure this out of dedication to supporting children to be safe and working in their best interests. On 24 March 2016 all the delegates of Together at the Mackay Child Safety service centre conducted a 25-question survey looking at working conditions within this service centre. In relevance to the parliamentary committee on the court work reform related bill, the following data was obtained. One question was has your workload increased with the new framework Carmody recommendations? Some 82 per cent responded yes and 18 per cent responded no. Another question was do you feel the loss of the court coordinator has increased your workload? Some 93 per cent responded yes and seven per cent responded no. Another question was in your professional capacity do you think your current workload increases the risk for the children you work with? Some 62 per cent responded yes and 38 per cent responded no. The above results reflect Child Safety staff operating under significant stress, with significant and unsustainable workloads that affect not only the health and safety of the staff but those people in their front-line professional expertise believe that current workloads put children at greater risk. The removal of the court coordinator from the Child Safety service centre will only further compound a system already operating beyond its capacity.

A significant contributing factor to our members' concerns is that the workloads are at a high level across the state. Whilst the department has spoken about an increase in positions in the court services and the office of the official child and family solicitor areas, this does not stem workload concerns for Child Safety service staff. Members can only see these reforms as increasing workloads for Child Safety officers, senior team leaders and senior practitioners in particular. PO3s—professional officers grade level 3—are the anchors of the Child Safety service centre. They are the experienced mentors that advise and assist their less experienced colleagues. In the last 12 months I have had several PO3s approach me in tears or distress saying that they are not coping with workloads and how it is affecting their health. If PO3s are struggling with current workloads, then that is reflective of the Child Safety service centre operating beyond safe capacity and at significant risk for children. The removal of court coordinators will only add to this already overburdened situation.

As Carmody himself noted, the implementation of a whole suite of reforms would mean significant financial investment. We are not seeing that at the coalface of the department as it were. Child Safety officers and other Child Safety service staff have had to absorb huge amounts of change over the past 18 months and it has had a very significant impact on workload capacity. The Carmody recommendation relating to case loads is 10.4. The Department of Communities, Child Safety and Disability Services reduced the case loads of front-line Child Safety officers down from an average of 15 cases each. It is accepted that the government will reduce case loads of Child Safety officers as the number of children in the statutory system reduces as a result of these reforms. Child Safety officers are therefore practising a new higher resource demand framework. However, instead of operating on Carmody's 15 average cases, they are frequently carrying double that case load.

Lengthy court processes are the bane of families, children and staff alike. Court coordinator members have informed me that delay of families getting Legal Aid is a major contributor, often resulting in numerous court adjournments. This is often not known until the day of court. As such, without a court coordinator, OCFOS or DCPL staff will be required to be flown into regional locations and accommodation will need to be paid for a court appearance that may well be adjourned. That would appear a poor use of public resources given that currently court coordinators exist in situ without any extra expense. I have had examples of Child Safety officers who for safety reasons have not been able to attend court because of the risk to their person. The court coordinator then has to coordinate with the client for that case to be held. Without the court coordinator there, what would be the safety risk for that case and the participants involved in the court setting? Another example is having a video linked case in court with a client incarcerated. In that particular situation, the wrong client was brought up on the video link at the commencement of proceedings. Again, without a court coordinator present, confidentiality and confusion with the client would have existed and not been adhered to in a short time frame.

CHAIR: Alan, thank you very much for providing that additional information.

Mr KELLY: Thank you to all panel members for your submissions and appearance here today. My first question is for Nicole and Andrea. One submitter has made the statement that the only person in the new world who is not subject to the oversight of anyone is the DCPL. I wonder if you could give us your thoughts on whether that position actually will be oversighted and what role your organisation would play in that oversight role.

Ms Blackett: In terms of the role of the Queensland Family and Child Commission, we have responsibility for oversighting the child protection system which includes the system of services that are provided to support and enable the protection of children—that is, both the tertiary system as well as the secondary system which is the early intervention.

In terms of the actual oversight of the Director of Child Protection Litigation, this was something that we had conversations about with the drafting officers when this bill was being drafted. To this point it is not exactly clear the level of oversight which the QFCC would have over that position. We did have some discussions and they said that it would not be appropriate for the Queensland Family and Child Commission to oversight the directorate themselves because of the oversight within the legal profession. That is why we said in our opening statement that we would like further conversations around that particular point and get some further clarification.

Mr KELLY: Thanks very much. One of the things that struck me as I read through all of the submissions—and I think this question would start with Jo but everybody can make a contribution to this and it is good to see you again, Jo, and thank you for the many years of good work you have done in your area as a delegate—is that there is a real tension among the submissions around the need for long-term protection orders and the initial use of short-term orders. It seems that there is a body of evidence that suggests that long-term orders are perhaps more in the long-term interests of the child but the short-term orders fit with the policy objectives of the department in terms of trying to establish family reunification. Is there any consensus among child safety workers and the professionals attached to this area and legal professionals as well around that issue? Do you think that this legislation favours short-term intervention orders or long-term interventions, or favours neither?

Ms O'Shanesy: In response to that, I believe that there would be very little consensus with regard to the needs of children for short-term orders and for permanency. I think the nature of an order and the nature of an intervention for a child will very much depend on the nature of the evidence, the circumstances of the family and the circumstances of the child.

However, in terms of an understanding, as we all know, what children need is a sense of permanency. I believe that both the government and community based agencies and peak agencies throughout our state agree that children's needs need to be carefully assessed and their sense of permanency needs to be found somewhere, whether that be within their immediate family with their parents, with extended family, or with adopted family, or other long-term guardian.

For me this bill probably does not speak that much to the nature of permanency. My concern with the bill is that it turns very much to litigation and to finding evidence but not necessarily engaging so much with the family in a way that is going to be friendly to them so that they understand what is happening and what our intention is. That is just my opinion on the situation. I think it is very debateable about the short- and long-term orders. In the time that I have worked in the department—over 23 years over four decades—that has always been a debate for me and I am not convinced that this will address this issue.

Mr KELLY: Thank you. Does anybody else want to contribute to that?

Mr Gee: The feedback that I get from members is that I know a lot of people look at the United Kingdom legislation where they have a set period of time where the department works intensively with the parents and then after that period of time the role is reversed where then the parent must show cause. I think that sense of permanency and continuity and the delineation of a clear line is what seems to be missing and causes a lot of anxiety between families and children. Children will often ask, 'Why does it go on so long?' They are not talking about the actual decision; they are talking about the process.

If you can order short-term orders time in, time out, again, again and again, that permanency that everyone is talking about is elusive. I agree with Jo that there is no hard and fast answer but, certainly, having that indefinite time line adds a lot of angst to everybody involved in the system.

Mr DICKSON: I thank everybody for coming along this morning. Wendy, I have a question to you relating to permanency and also your opinion that adoption is probably the best option. That relates to the answer that Jo gave earlier. Can you drill that down and convince me why that should occur.

Ms Francis: Yes, I would like to do that. Adoption is a legal process. So a family has legally taken that child to be their own with all the legal rights and responsibilities as any biological child born into the family. If I can just speak from my own experience, my children are in their 30s. They all have good careers. They are married with children. But they still call on me for help. Our son is a paediatrician in Darwin and he rings and says, 'We want to do such and such. Can we have $20,000 or whatever?' and we have to put it on our mortgage. They still call on us. In adoption, there is that permanency that that child belongs to that family.

On the other hand, in regard to guardianship, the guardian is responsible for a child until they are 18 years of age. The guardian operates under the decisions and the terms and conditions of the state. We are all concerned about what has happened in the past with closed adoptions. Children have not had access to their birth parents. Their birth certificates have been altered. None of that should ever happen again. Open adoption provides permanency and legal standing, but it removes the secrecy of the birth parents' identity. That is what we would recommend.

Mr DICKSON: Alan, I also have a question to you relating to the importance of the court services and also that the coordinating positions be retained. What costs saving do you think is there by going down the path that you were speaking of earlier? If these positions are taken away, what sort of cost impact is that going to have both financially and physically?

Mr Gee: I think I can only answer that in terms of examples because, obviously, I do not have access to financial data. Certainly, if you are going to have a distance related legal service, you are not going to have the intimacy. Therefore, that work is going to have to be picked up somewhere at the local level—presumably by the child safety officer. I know, certainly, in the area of copying files, that information that the department files is now going across. There is a significant cost in getting that information copied so that it is accessible. I do not know what the figure is on that, but that would be something that the committee, I would imagine, would be interested in, because I believe that it is significant. You are then going to have the costs where legal advice that is centrally based in Brisbane has to come out into the regions—obviously, not every time but certainly on occasions—to appear before court. As I gave in my example before, what happens if that legal advice comes to a court only to find out first thing in the morning that that court is adjourned until a later date? That is effectively costs lost to the government and the department for no result. That will not be known until the day.

As I said, you will find, I think, a departmental cost in staff turnover. I gave the example before about child safety officers already at the end of their tether coping with workloads. If they then have to pick up tasks that the court coordinator does within the child safety service centre, the court coordinator effectively works like a stationmaster at a train station in simple terms. They coordinate that. They are the face between the family and the department in the court process. It is almost a holding hand to get through. You are going to have a gap that is going to be picked up by that. That cannot be done by distance from Brisbane, by somebody who is not in the local courthouse. It does not directly answer your question, but I hope that it helps.

Mr DICKSON: Just to take that a little bit further, how many court coordinators do you believe we have in Queensland?

Mr Gee: My understanding is one in every child service centre. Alex, do you have the answer to that?

Mr DICKSON: Perhaps you can come back with that, if you like.

Mr Gee: Thank you very much.

CHAIR: I think if you can confirm that, that would be good. Thank you.

Ms Storm: I am a court coordinator and a delegate and I am at Mount Isa. I am in the Mount-Isa-Gulf office. We do Doomadgee, Mornington Island, Normanton, Mount Isa, Cloncurry and quite a few other communities. I really wonder about the practicalities of this bill, because it feels like we have been forgotten. It feels like Aboriginal Australians, who are 98 per cent of the families who I deal with, have been relegated once again to the legal backwater. We have this elitist group in Brisbane applying laws that work for them and we do not have any conception of how it will work here.

CHAIR: Thank you.

Mr DICKSON: Thank you.

Mr HARPER: I would just like to thank and acknowledge everybody for being here today, particularly those child safety officers who are out there doing exactly as we have just heard from Mount Isa. I am interested to see what the numbers are in respect of child safety. I think in the briefing that we received we were told that there were over 8,000 active cases. In terms of the staff ratio, I would be interested to see if you could take that on notice. But there is definitely work to be done in that space with these two particular bills.

At the outset, I want to say that I have a sister-in-law who has five foster-children, albeit in a different state. I get the difficulties of long-term residency and adoption, as you pointed out, Wendy. It is a really complex area.

In your opening statement you talked about greater accountability and oversight. How would you respond to the suggestion that the bill lessens accountability, given that the director's office will be an independent statutory agency?

Ms Lauchs: I will start and then Nicole can add more if she would like. I think for us we see that the intent of the reform is around providing independence to the granting of child protection orders. We know at the moment, particularly with the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system, the QFCC believes that, by externalising that decision, we are providing a level of oversight in determining whether those orders are being granted in the best interests of the child without the local information and some of the pressures that happen from court coordinators and workers on the ground. So it provides a level of independence of the decision-making around the orders for young people and children. Does that really answer your question?

Mr HARPER: Yes, I think so. I am satisfied with that. Thanks very much.

CHAIR: I have a few questions with regard to the written submissions that we have received. The first is in regard to the Family and Child Commission. The other is the point that you raise in relation to clause 25 of the bill in defining a nonparty to a proceeding. What I am interested in, particularly in regard to your recommendation, is are you referring more to the role, the rights or the nature of the person who would be captured under that? I just wanted to understand.

Ms Lauchs: It was the nature of the person and the definition of 'significant'. Information that we have and the history that we have of legislation defining 'significant' but not providing any examples of what that is is confusing for staff on the ground. We see that already in the Child Protection Act with the 'significant' decisions being made by recognised entities. We felt that, unless there was further clarification for the courts that identified what would be a 'significant' person in a child's life, then we could have different interpretations of that across the state.

CHAIR: Okay. The Bar Association also raised an issue with that clause, but its consideration was in relation to the rights of that person to bring an appeal. I just wondered if your issue was consistent with that, but your issue is more around consistent applications for the courts.

Ms Lauchs: That is right.

CHAIR: I have a question for Protect All Children Today. You have made mention there about the Evidence Act. My understanding—and by no means this is my area of expertise—is that the Childrens Court in child protection proceedings is not bound by the rules of evidence. Can you just clarify for the benefit of the committee exactly what you feel would be of benefit under that act by being incorporated?

Ms Bryant: Sure. We believe that all court jurisdictions across Queensland should have the same provisions in relation to children giving evidence in court. That is access to giving prerecorded evidence prior to a hearing, or a trial, from safe, secure locations. There are vulnerable witness suites established in most courthouses throughout Queensland to provide a secure environment free from, in criminal matters, the child seeing the accused or the defendant. It is about ensuring that the provisions of the Evidence Act are applied across all jurisdictions in Queensland.

CHAIR: Is that not practically happening now?

Ms Bryant: No, it is not. Even in Magistrates Court matters it is hit and miss in relation to what provisions are applied. It is all about solicitors and prosecutors making submissions to have the Evidence Act provisions afforded to children and young people.

CHAIR: You feel it would give greater protection to children in these sorts of proceedings?

Ms Bryant: Absolutely.

CHAIR: Can they have access to provide such evidence in secure environments now? Is it that they do not have access to that or you want that consistently to be the case?

Ms Bryant: That's right. The facilities across Queensland vary greatly. For example, in Brisbane the Supreme and District Court precinct has excellent facilities. Across the courtyard to the Magistrates Court the facilities are not nearly as good. It is making sure there are adequate facilities for children to give evidence in those environments in a safe and secure manner using the facilities that we have at the District and Supreme Court for Magistrates and Children's Court matters as well, because the facilities are there, they just don't use them adequately.

Dr ROWAN: That is a fairly broad remit there when you look at not only the systems and the processes but potentially the physical design and the education and training that goes into various providers in those locations. Who is best to lead and coordinate that, if that was to occur, to have that standardisation that you are saying across the areas?

Ms Bryant: PACT works closely with the members of the District and Supreme Court in relation to court redevelopment and that kind of information. We have a wealth of 30 years experience providing support to children in that area. I worked closely, when they were redeveloping the various courthouses, to come up with facilities that will meet the needs of children and young people. Obviously in regional areas it is much more challenging to get those. We would be very happy to be consulted and involved in the process.

CHAIR: Thank you very much. Unfortunately the time for our questions for our current panel has expired. I thank you all very much for taking the time to appear. Alex, I apologise to your two delegates who dropped out, but please thank them on behalf of the committee for providing their expertise.

DUNN, Mr Matt, Government Relations Principal Adviser, Queensland Law Society

PENNISI, Ms Louise, Policy Solicitor, Queensland Law Society

SHARP, Ms Julie, Member, Criminal Law Committee, Bar Association of Queensland

WARD, Mr Jonathan, Children's Law Committee representative, Queensland Law Society

WILSON QC, Ms Elizabeth, Chair, Criminal Law Committee, Bar Association of Queensland

CHAIR: I would like to formally welcome representatives of the Bar Association and the Queensland Law Society. We also have Jonathan on the line. For some context for those who may have just rushed into parliament after meetings this morning, we have session 2 now. Session 1 was earlier this morning. The committee heard from the Queensland Alliance for Kids, Protect All Children Today, the Queensland Family and Child Commission and Together on both bills and we now warmly welcome both the Queensland Law Society and Bar Association. We thank you for your written submissions. If I can provide an opportunity for a representative from each to provide a verbal comment or opening statement that will be most welcome.

Ms Wilson: The Bar Association of Queensland thanks the committee for inviting us down and we welcome the opportunity to be here and hopefully we can be of some assistance to you. This bill by and large imports more rigour into the current system. As you can see from our written submissions, we support the overall effect of the amendments in clarifying and enhancing the supervisory jurisdiction of the Children's Court and importantly allowing children and parents to remain appropriately engaged with the process. I want to stress the term 'appropriately engaged with the process' because that is the hallmark of a system that works if you can appropriately engage the parties.

In our written submissions we set out a number of matters. There are a number of tinkering matters that the Bar Association suggests that could be done to better improve the bill. If I can quickly address those in our written submissions. If I can take you to paragraphs 5 and 7, paragraphs 5 and 7 talk about the ongoing supervision of. If I can summarise paragraphs 5 and 7 in this way: this is the keeping the eye on things, making sure that an eye is kept over the process. The Bar Association submits that it would be better that there is a regular engagement by the chief executive once a year, that a case plan exists that is appropriate to the child's welfare and development and not to actually reverse the onus to say that if the child's circumstances have not changed significantly—that is, they do not get involved, they do not review the child's case plan if the child's circumstances have not changed significantly. We say you should start from that and to say once a year the chief executive should ensure that a case plan exists that is appropriate to the child's welfare and development because that is what this bill is all about. That is what everyone working in the system is wanting: to ensure that a case plan is appropriate to the child's welfare and development. Things happen. Sometimes things happen that are clearly significant, but other times things happen that may not on their face be significant but for a child is significant. That is hard to determine so if you can keep an eye on the process, keep an eye on what is going on, the Bar Association submits that would provide a better supervisory process and a more rigorous process because it is the child's welfare that is paramount. That is the first part that I wish to address.

The second part that I wish to address is in the oral submissions at paragraphs 25 and 26 about disclosure. Disclosure is key to an open and transparent process. We see all the time in the criminal courts the hallmark of an open and transparent process is proper disclosure. Our submission is that the term 'materially' should be taken out because if it is relevant it should be disclosed. Materially can be a very subjective process. If the committee wishes to hear, we do have some short submissions on paragraphs 21 and 22 which Ms Sharp will make. If we can take that opportunity now would that be an appropriate time?

CHAIR: Yes. Thank you.

Ms Sharp: Those are the provisions that deal with the involvement of non-parties. The suggestion that is made in the written submission is that some consideration be given to the right of what has been called in the submission an indeterminate class of non-parties to appeal a decision in light of general principles that finality of proceedings is important and in circumstances where a perhaps loosely connected non-party who has a right of appeal might seek to displace the advantage of finality of proceedings.

In reviewing the written submission and looking more closely at section 113 of the bill, it is appropriate that the Bar Association recognise that that provision does, in fact, appear to provide a discretion to a court to either allow or not a non-party to participate in various parts of the proceedings. That, in fact, might provide the protection that the Bar Association was concerned about in allowing loosely connected non-parties the right of an appeal in these cases. To be specific, in considering that issue reference was had to subsection (2) in particular where the bill suggests that on application by a person who is not a party the court may—that is indicating a discretion—by an order allow a person to take part in a proceeding by doing all or some of the things that a party is or may be allowed to do. Further then, the proposed section articulates matters for a court to consider and, in particular, in subsection (4) that the order of the court having exercised a discretion must state how the person may take part and whether the participation is allowed until the proceeding ends or only for a stated part of the proceeding which indicates that that section will allow for a court to take into consideration the interest of a non-party and the desirability or otherwise of then having a right of appeal as a party would ordinarily have.

Ms Wilson: To follow that up, taking the words and the discretion that is there in the initial proceedings, I think what we are getting at from the Bar Association is that those words should be imported into the section in terms of the appeal so they just haven't got an automatic right, it should be expressly stated that they have not, the court has a discretion. If the court thinks it is appropriate then they can engage in that process. Because if you look at 113(2) it talks about 'may' and then it goes through a number, I think it is three or four, of considerations they have to take into account. It actually says whether a non-party should be involved in a sliver of the process or the full part of the process. You can imagine if a court determines that a non-party should be involved in a fulsome way in a large proceedings, then the court must determine that they have a relevant role to play. That though should be imported into the appeal so it is not just as-of-right and there should be protection afforded. Those are the oral submissions that we wish to supplement our written submissions with.

Mr Dunn: My name is Matt Dunn. I am representing the Queensland Law Society. At the outset I would like to express the Law Society's thanks for the opportunity to make a submission and especially for the invitation to appear today before the committee. The Law Society has generally supported the underlying principles of the bill including the position of the new Director of Child Protection Litigation. My colleagues Ms Pennisi and Mr Ward will make a few more detailed comments in that regard.

Ms Pennisi: I am Louise Pennisi. I am a policy solicitor with the Queensland Law Society. I work closely with the Children's Law Committee. I might hand over to Jonathan Ward, who has some opening observations.

Mr Ward: I am Jonathan Ward. I am a representative of the QLS Children's Law Committee. Thank you very much for the opportunity to present via teleconference today. I have been a solicitor for about eight years practising predominantly in child protection and youth justice. I represent children in various court proceedings. Also, I am involved in a duty lawyer service for child protection.

At the outset I would like to recognise that these bills represent the implementation of the recommendations of the Carmody inquiry. They include some of the key representations that the Queensland Law Society has long advocated for. They include the change to section 113 to include other significant persons in the child's life in the court proceedings; the enhancement of case management in the courts including the early consideration and appropriate directions regarding the legal representation of the parties and the case management of court ordered conferences; the clarification of the roles of separate representatives and direct representatives for children and increasing children's access to different ways to express their views to the court; and the transfer of applications from QCAT to the Children's Court so that there is one decision-maker at a time in the child's life. Also, it is very significant that the bills provide for early and independent legal advice for the chief executive and create a distinction between departmental staff and their legal representative.

The positive right of disclosure and full and frank disclosure and the case management provisions are very significant changes to child protection. They will increase the ability of the law to respond to the best interests of children in child protection procedures. They will simplify and improve processes. They will simplify disclosure and make it more thorough and increase the transparency of the processes. To that end, the society supports the introduction of these two bills.

We have not provided any further feedback to the Director of Child Protection Litigation Bill at this stage. The focus of our submission is on some points in relation to the Child Protection Reform Amendment Bill 2016. There are three issues that we wish to raise in relation to that. The first one concerns clause 5, and that is the amendment of section 51VA, which is the review of case plans in the case of children under long-term guardianship orders. The current section 51VA of the Child

Protection Act sets out the process for the review of a case plan if the child is under a long-term guardianship order. In particular, subsection (5) sets out how the child or the long-term guardian may ask the chief executive to review a case plan. The proposed new section sets out that a parent of the child may ask the chief executive to review the case plan if the plan has not been reviewed in the last 12 months.

The society considers that where long-term guardianship is granted to the chief executive or where guardianship is granted to the chief executive there should be a positive obligation on the chief executive to formally invite parents to attend a family group meeting and that this should occur no less than once every 12 months. In the experience of our members, where there is a long-term guardianship order in place, the family group meeting and other conferences are often held in the absence of the child's parents and they are not invited to attend the meeting. Given the difficulties and the limitations that parents present with, we submit that the chief executive should be required, at the very least, to formally invite parents to participate in the family group meeting.

With respect to proposed new subsection 51VA(5A), if the chief executive concludes that a family group meeting or a review of the case plan is not necessary despite a parent's request for the same, we recommend that the chief executive should be responsible for providing a formal response to the parents and to detail the reasons why a further family group meeting should not be held. If the chief executive provides a negative response to a parent then we suggest that the parent or the relevant stakeholder could be afforded a mechanism of review of that decision. These recommendations could be considered as part of the amendments to section 51VA of the act.

The second issue that we have, unless there are any questions as to the first one—

CHAIR: Jonathan, if you do not mind concluding your comments I will then open it up to members of the committee to ask questions. We have about 10 minutes before we move into our next session. I apologise. Time is always short. If you do not mind going to your final point or points—I know that you have outlined these in your submission—then I will open it up to questions.

Mr Ward: The second issue is in relation to clause 8, and that is the amendment to section 51YB, which is evidence of anything recorded in a case plan. The current section 51YB sets out that, unless all parties consent, evidence of anything recorded in the case plan is not admissible in a criminal proceeding. The society is supportive of the amendment to section 51YB to clarify that a person is not taken to have admitted anything alleged about the person by virtue of the fact that they have participated or agreed to a case plan.

Having said that, however, the society also recommends the inclusion of a positive obligation on the chief executive in the act to ensure that the parents' and other stakeholders' input during a family group meeting is also recorded on the case plan. Some parents have had concerns about case plans and the processes surrounding them including lack of transparency, failure to disclose information and not being invited. This is not an exhaustive list of those concerns. In the society's view it is important to document those concerns, so the positive obligation could be on the chief executive to document those in the case plan.

Our third issue is in relation to clause 2 and the commencement. I am quite happy to rely on the written submission in relation to that given the time constraints.

CHAIR: Thank you, Jonathan. Your written submission I thought was very clear in that regard to assist the committee to ask any further questions if we think we need to. Elizabeth, Julie and Jonathan, thank you very much for your opening statements. From a personal point of view, I found the submissions from both the Queensland Law Society and the Bar Association very instructive. They certainly raised some questions that I had, and I think you have provided additional information today which is very helpful for us to consider as a committee. I will ask a general question and then some specific questions around the submission before I hand over to my colleagues.

Together appeared in the first session on behalf of their members, obviously many of which are on the front line—and we had a number of delegates from regional centres talk about their concerns. Jonathan, you particularly spoke about the strengths and benefits of the legislation before the committee, as did you, Elizabeth. One of the statements in their written submission was—

> Together members, who are those at the frontline of child protection, remain unconvinced that these reforms ... will actually improve outcomes for families, and are concerned about the negative impacts that this legislation may have for at-risk children and families.

That obviously differs significantly from the testimony that you have given verbally today. Do you want to make a brief response to that about how you feel it will improve the situation? They say that they are concerned about the negative impacts the legislation may have for at-risk children and families, which is a strong statement to make.

Ms Wilson: It certainly is. It is a very big statement to make. Did they provide any particulars?

CHAIR: The concerns that they raised was that they felt that their court coordinator positions who are in the regions are best placed to provide information to front-line Child Safety workers and in a more timely fashion and that this will result in them having a greater workload in addition to less information to assist them in their day-to-day running of matters. They feel that the case workload under these changes will be significantly greater. I am not asking you to respond to their submission but more why you feel that these changes will benefit children who are at risk already. That is more what I am interested in.

Ms Sharp: Neither of us as representatives of the Bar Association profess to be at the front line, so we cannot really address their practical concerns. On the face of it, both bills in combination seem to provide a more organised and structured framework which again, on the face of it, appears to be a positive thing. The amendments that Jonathan and Elizabeth spoke about in terms of review and engagement appear again, on the face of it, to be a positive thing for reviewing, for example, long-term protection orders and guardianship orders. I suppose the short answer is, without knowing what the particular concerns are and considering those from the perspective of those at the front line, it is difficult for us to respond to those concerns.

Ms Wilson: It may be a resourcing issue. You might have what we see as a system that has more rigour. I think both the Law Society and the Bar Association are at one that it is a better system. You have a better system. To make that better system work, it may need different resourcing or additional resources.

CHAIR: Rigour in the form of?

Ms Wilson: Rigour in the form of statutory protection and setting out everyone's role and how it works.

Ms Sharp: From a practical point of view—I have had limited direct experience, but I have been involved in child protection matters—it has seemed that often relatively inexperienced case workers are burdened with a very heavy workload that is bound to impact on their capacity to handle it or provide assistance. I level no criticism—it is not through any fault of their own. It has seemed that the system is burdened by workload and inexperienced case workers such that a more rigorous framework with the Director of Child Protection Litigation, that overarching supervision, can only be a positive thing it seems. Again, that is without knowing the detail of the concerns.

Mr Ward: Can I add just a brief statement to that as well?

CHAIR: Yes, because you made the comment that the Queensland Law Society has long been calling for many of these changes, so I am very interested to hear your comment in response.

Mr Ward: The question of resources and large workloads is always a problem and it is going to require a balance, but really these changes have come out of a very comprehensive inquiry—that is, the Carmody inquiry—and a number of practitioners, advocates and victims told their story to the inquiry. Really, the amendments in these bills are designed to directly affect those main areas where injustices were being done and where the processes were not efficient. Even the department's whole framework in terms of the way they deal with matters is changing as a result of that inquiry, and this is going to be all part of that. I would certainly say that these reforms are quite targeted to the specific problems that we face in child protection proceedings and I would be of the opinion that they will make a significant change to the outcomes for families.

CHAIR: Thank you. To qualify that, certainly comments around workload are something separate. We are obviously dealing with whether these processes will provide more rigor and whether it is the best way to move forward. That is more what I am interested in obviously because that is where your expertise comes in around whether this will result in better outcomes and efficiencies, so I thank you for that. With regard to the specifics of your submission, both the Law Society and the Bar Association have raised comment around section 51VA relating to review of plans around long-term guardianship. I note in the explanatory notes to the Child Protection Reform Amendment Bill and indeed in the inquiry report itself it seems to go to this amendment being important to ensure stability and prevent disruption to a child's life. Can you comment about that given you actually would argue that you feel that it is going too far in that it is not providing enough benefit or right to the parent?

Ms Wilson: That is perhaps Jonathan's issue about the parents. Our issue is more directed at keeping an eye on things. It just does not lend itself without having some form of review for too long a period.

CHAIR: Because there is still a review mechanism though.

Ms Wilson: There is, but it is a very big responsibility when you have responsibility for a child and we say that that should be on an annual basis from the chief executive.

Ms Sharp: I think at the crux of our concern is the use of the word 'significantly' which is open to subjective interpretation.

CHAIR: I agree that it is a significant threshold, but the argument almost seems to be made on my reading of this that it should be a significantly high threshold because we want to reduce unnecessary disruption to the child's life. In that regard, I am just interested in your response.

Mr Ward: In relation to clause 5, I just missed that part on the phone line.

CHAIR: This was with regard to section 51VA around long-term guardianship and specifically in relation to the Bar Association's comments around the use of 'significant' being a high threshold. I appreciate your comments around the involvement of parents, but is it a bad thing that there is a significantly high threshold? That is more what I was interested in.

Ms Sharp: I guess we come back to the danger of the application of that test by any particular individual on the subjectivity of it in circumstances where the balancing act is between the determination of what is significant against the disadvantage of disrupting a child's stability. I suppose it is the exercise of the discretion in respect of that term. While it is an admirable goal to limit disruption to a child, perhaps disruption is better than the status quo and—

Ms Wilson: Or a poor status quo.

Ms Sharp: Yes, or a poor status quo.

Ms Wilson: That actually does not meet that insignificantly. It can be improved. If it can be improved, that is a good thing for a child.

CHAIR: I have one last question, but I could ask you questions all day on your submissions and my colleagues would not be very happy with me. Jonathan, I also found your submission very instructive and had lots of questions for you but I have had to limit them. With regard to the Bar Association, the other thing you go to and provided additional information about was with regard to broadening the class of nonparties. When we had the Family and Child Commission just before you they similarly raised this issue, but they raised the subjectivity of who could be classed as a party to the proceeding and they feel there should be some kind of additional information provided around that and some additional parameters so that there is consistent application of that and the subjectivity concerns them. Rather than your issue being almost trying to define it, which by definition could limit it, you are more going to the rights that fall to those parties.

Ms Wilson: That is right.

CHAIR: I appreciate that you provided additional information in that regard at the beginning and I think you clarified that it is not that they should not have a right to appeal; it is that that should be limited and more premised on—

Ms Wilson: If you look at section 113, it charges the judicial officer with a discretion by the use of 'may' and then it also charges the judicial officer that they have to make an order if they wish to do that. It then gives the judicial officer some assistance about how they can do that and, I think it is, subsections 113(4) and (5) take into account what you have to do. We think that is giving structure to a process and it is also giving some form of rigor. That type of structure should also flow on to the appeal as well. It is just giving some greater clarity to what I think the intention of the bill is. The Bar Association makes the point that you probably should not define it because it is very difficult to define it in terms of the category of people that this bill is actually addressing. What we are saying is that it should just give it some clarity and some structure about how this works within the process so that it flows. The important thing there about the judicial officer is that the judicial officer has to determine the role that this nonparty plays—whether it is a very small role or whether it is holus-bolus. That was determined on discretion and the importance that the nonparty can play in the process, and that is really important.

CHAIR: To go back to my question when I said what it is premised on, I think that is a really important point to make—that is, how significant is the part that they play?

Ms Wilson: That is right and the judicial officer has to make that determination. If it has a very small role, then do they automatically get a right of appeal? If they have a very large role, you would expect that they should have some rights potentially to do it, and again that is looking at discretion.

CHAIR: Thank you very much.

Dr ROWAN: I know we are conscious of time, but I also thank the Bar Association of Queensland and the Queensland Law Society. Just to add to what we have been discussing, in the submissions particularly from the Bar Association and I guess the testimony we are hearing today there are obviously a number of comments with respect to terminology, language and/or nomenclature and, really, that is all critical to interpretation in a fulsome way of legislative intent. What I am understanding from your testimony today and also from your submission is that there is further clarity that is needed in relation to objective interpretation as opposed to subjective interpretation, and that cuts across a number of the clauses and elements which are contained within the legislation to give greater structure and rigor as to what is proposed and clarity of interpretation within the judicial system. Is that sort of an accurate summary of what we have been talking about and is there anything further beyond today that you would be able to provide—beyond not only the testimony today but also the current submission—to enhance that for our processes?

Ms Sharp: I think the answer is no. I think you have accurately described the concerns.

Ms Wilson: Yes. The best legislation in any legislation is the clearest and the simplest. When you start using adverbs and adjectives, that is when lawyers get hold of those adverbs and adjectives and ask the question: what does that mean? That then becomes a question of fact or perhaps even of law or of fact and law and that then creates less clarity in a system. You want it so that when the parties turn up everyone turns up and everyone knows what the ground rules are. There is really no room for uncertainty or to question and then the matter can proceed in a very efficient way. For example, with regard to the words 'materially' and 'significantly', what does that mean?

Dr ROWAN: So in your evidence I guess there is a significant need for tightening of the terminology, the language and the nomenclature to give greater objective clarity of interpretation?

Ms Wilson: That is the case.

Dr ROWAN: Thank you.

Mr KELLY: Thanks everyone for your submissions. I was interested in the issue around the family group meetings. I have looked at dot point 4 of the Bar Association submission where you say that the amendment provides an avenue for parents to remain engaged in the care and development of their child throughout childhood. If the child is subject to a long-term care order, it would seem to me that there is a deficiency somewhere in the provision of care for that child, whether that is by the parents or some other party. You are advocating for a yearly review, I think it was, or for a yearly family group meeting. What is the purpose of those meetings? Is the purpose of those meetings just to check on the welfare of the child? Is it to look at whether or not the family situation has changed so that the child can be returned to the family, or is there some other purpose to those meetings? Is that why there is a need for an annual review?

Mr Ward: Family group meetings are supposed to be held on a regular basis—I think it is every six months for all children in care—and that is for the purpose of planning all of the aspects of that child's life, so all of the significant people in that child's life can sit around a table and work out what is going to happen with health and education. Some of these children have very complex needs, so sometimes those meetings can be quite large, complicated ones with various service providers and agencies involved to try to work out a good plan for this child. The meetings should happen anyway and really the best use of those meetings is to try to create a real strength based plan for the future, so what this child is doing as far as education goes, employment prospects or interests or hobbies and all those sorts of things. One of the aspects that is important to be managed over time is that child's relationship with its kin, its parents, its family. It gives the parents a reminder that things need to be organised for this child, who is in the long-term care of the department, but is an opportunity to become involved again and could encourage some kind of relationship, even if it is a very controlled one and maybe just occasional contact. But it is so important for that child to have that connection as they grow up and develop and to have some kind of understanding about where they have come from and who they really are.

Mr DICKSON: This is a question I asked to the last group of witnesses relating to the court coordinator positions. Do you think that they are appropriate to be in place or do we need them?

Ms Wilson: I would defer to Jonathan on that. Jonathan, did you hear the question?

Mr Ward: Was the question about the court coordinator position?

Mr DICKSON: That is correct. Should we retain them or should they not be in place? What is your opinion?

Mr Ward: I think that it is most important to see the guidelines for the director of child protection before we could have any kind of view on that. As I understand it, those guidelines are currently being written and they will really flesh out some of the details in the relationship between the official solicitor and the director of child protection. Without being privy to those details, it is really difficult for me to have a conclusion or for the committee to have a position on that.

Mr DICKSON: Jonathan, earlier in the committee meeting we had some people who were very vocal in saying that we absolutely have to keep these people in place because they are invaluable and that, without them being in place, the court system is basically not going to work efficiently.

Mr Ward: I am happy to consider that question on notice.

Mr DICKSON: That would be fine, thank you. I do not want to put you on the spot.

Mr Ward: Can I get back to the committee on that? Would that be suitable?

Mr DICKSON: Yes, thank you.

CHAIR: You are most welcome to have more than 30 seconds on this occasion. If you wish to provide any further comments back to the secretariat, they will make contact with you about how much time you would be able to have. Thank you.

Mr HARPER: Thank you very much for your submissions and for being here today. I have another question for Jonathan, which follows a question asked by the member for Greenslopes. We talked about the positive obligation of those family group meetings every 12 months and you outlined why they are held. Conversely, are there any examples where parents should not be invited to those family group meetings? If you are going to draw a line in the sand, is there going to be an opportunity for them not to hold those particular meetings, such as if the parents are incarcerated?

Mr Ward: Yes, I think that is the case. There would certainly be situations where it would be seen as not appropriate for a child to have contact with perhaps a particular parent. Also, the way the family group meetings occur can be flexible according to the situation that presents itself. I think what would be more likely is, rather than exclude a parent entirely, I think that parent's interest would be encouraged but just the circumstances of their involvement would be managed. For example, it is quite common practice to meet separately with one parent and then the other parent if those parents cannot be in the room together, for example, for reasons of domestic violence or something like that.

The way that a parent could have input into that meeting could vary. It could be by telelink from a prison. But I think what is most important with those meetings is the training of the convenors to be able to identify potentially dangerous situations and to be able to make the meetings really productive ones so that they come out with a real strength—a positive case plan for the future for that child.

Mr HARPER: Thanks very much, Jonathan.

CHAIR: Thank you. Member for Mudgeeraba?

Ms BATES: Good morning everyone. I am sorry I cannot see you. I have a question about clause 11 of the bill, which provides—

The director may engage appropriately qualified lawyers to assist the director in carrying out the director's functions under this Act.

Are you aware if these positions are to be based regionally, or will they be fly-in fly-out positions? Cause 11 also talks about procuring lawyers externally. How do you think that the director could ensure that a local lawyer would be a specialist in child protection? What costs might be involved in this model?

Ms Wilson: Clause 11 says—

The director may engage appropriately qualified lawyers to assist the director in carrying out the director's functions under this Act.

Your question has a number of parts: one, cost; two, whether they can be locally based; and how can you ensure that appropriate lawyers can service local areas and regional areas? Is that the case? Am I understanding the question?

Ms BATES: Yes, that is right.

Ms Wilson: Okay. In answering it off the top of my head, the director is engaged in this space, so to speak, and I would fully expect the director to be aware of appropriate lawyers to be able to service areas. There would be not many regions where you could not find appropriate lawyers within a stone's throw away. I think the Queensland Law Society can better address that.

Ms Pennisi: That is correct. I believe that we have a database from which a person can find a speciality—child protection, family law matters. So I think that the accessibility component has been covered.

In terms of the question that you asked about education, we are rolling out education to the wider membership to address these reforms as well. That is an ongoing process and it is something that we were very mindful of.

Mr Dunn: If I can add a little bit to that? Certainly, a large portion of that will be an implementation matter for the director in setting up their offices and for the department as to how the services will be delivered. There is also the opportunity to take local lawyers and train them in some of these particular areas to provide some extra experience and skills. There are a number of different things that could be done in that space, but I think that it would be very difficult for the Bar Association or the Law Society to really map out the implementation process of the director's office.

Ms Wilson: Except to say—and I give a plug to the Bar Association—the Bar Association's barristers will go anywhere, any time.

Ms BATES: Thank you.

Mr Dunn: And I would like to say that the Law Society's members are already there.

Ms BATES: Can I just add to that? Currently, the director supplies lawyers, whether they are regional based or they are fly-in fly-out. My concern is that, in this bill, there is no allocation of what cost and business model whereby locally based lawyers were provided.

Ms Wilson: Yes. I do not think that we can comment in terms of costs at this point in time. The interesting thing is that, in terms of appropriate qualified lawyers, in any of the courts around this state there are some matters that do not raise novel issues, but there will be matters that raise novel issues. It may be appropriate in those circumstances to go further afield to get lawyers who have that extra speciality to deal with those matters. There is a sliding scale, too, of expertise—about what you need to obtain to be able to provide a service. If you look at that provision, that is the director. So, from looking at that provision, I would think that that would be in exceptional circumstances.

Ms BATES: Thank you.

CHAIR: The time allocated for this public hearing has expired. May I thank you Julie, Elizabeth, Louise, Matt and Jonathan for your testimony here today and also for your written submissions. I know that I speak on behalf of all of my committee members when I say that your expertise is very beneficial to the committee and we appreciate it. Jonathan, I believe that you are going to take a little bit longer to have a think about the question asked by the member for Buderim. The secretariat will be in contact with you should you wish to provide any further information in that regard. I declare the hearing closed. Thank you.

Committee adjourned at 11.08 am