

18 March 2016

Your ref Child Protection Reform Amendment Bill 2016

Our ref Children's - 43

Research Director
Health, Communities, Disability Services and
Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane Qld 4000

By post and by email hcdfsdfvpc@parliament.qld.gov.au

Dear Research Director,

Child Protection Reform Amendment Bill 2016 and Director of Child Protection Litigation Bill 2016

Thank you for granting the Society with a small extension of time to provide feedback on the *Child Protection Reform Amendment Bill 2016 and the Director of Child Protection Litigation Bill 2016*.

This letter has been written with the assistance of the Queensland Law Society's Children's Law Committee.

The Society, overall, supports the general principles underpinning the Bills and does not have any further feedback on the *Director of Child Protection Litigation Bill 2016* at this stage.

With respect to the *Child Protection Reform Amendment Bill 2016*, the Society makes the following comments below.

1. Clause 2 - Commencement

We note that certain sections of the Bill will be commencing on 1 July 2016, however the Bill is silent about the commencement dates of the remaining sections (eg sections 1, 3, 5-8, 11-21, 23-26, and the remaining sections of 33 and 34.)

We would be pleased if there was some guidance or notation in the Bill to set out if the remaining sections are to commence on proclamation or on a further date to be set.

2. Clause 5 - S51VA – Review of Plan – long term guardian

The Society considers that 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 FGM no less than once every twelve (12) months. In the experience of our members, FGM's and other conferences are held in the parents' absence and they are not invited to these meetings. Given the difficulties and limitations that many parents present with, we submit that the Chief Executive should be required, at the very least, to formally invite parents to participate in the FGM.

3. Clause 5 - 51VA(5A)

If the Chief Executive concludes that a FGM or a review of the case plan is not necessary despite a parents' request for the same, we recommend that the Chief Executive should be responsible for providing a formal response to the parents and detail the reasons why a further FGM should not be held. If the CE provides a negative response to a parent, we then suggest that the parents (and/or stakeholder) are afforded a mechanism of review.

4. Clause 8 – amendment of s51YB – Evidence of anything recorded in a case plan

The committee agrees with the proposed amendments, however suggests the inclusion of a positive obligation on the Chief Executive to ensure that the parents' and other stakeholders' input during a FGM are also recorded in the Case Plan. Parents may have the concerns (eg lack of transparency, failure to disclose information, not being invited to events involving the child etc) and in our view it is important to document these concerns. A positive obligation on the CE would overcome this barrier and allow the case plans to be more fairly articulated and representative of the actual discussions.

Thank you again for the opportunity to provide feedback.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Policy Solicitor, Ms Louise Pennisi [REDACTED]

Yours faithfully



Bill Potts
President