



Department of Justice and Attorney-General  
Office of the Director-General

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6 APR 2016

Ms Leanne Linard MP  
Chair  
Health, Communities, Disability Services and  
Domestic and Family Violence Prevention Committee  
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Dear Ms Linard

The Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) has requested a written briefing on the further submissions received regarding the Director of Child Protection Litigation Bill 2016 (DCPL Bill) and the Child Protection Reform Amendment Bill 2016.

Please find enclosed a table setting out the response from the Department of Justice and Attorney-General to the submissions in relation to the DCPL Bill. The Department of Communities, Child Safety and Disability Services will respond to the remaining matters.

I trust this information will assist the Committee in its consideration of the Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Ford', with a long horizontal line extending to the right.

David Ford  
**Acting Director-General**

Enc.

**Health, Communities, Disability Services and Domestic Family Violence Prevention Committee**

**Issues raised in written submissions on the  
Director of Child Protection Litigation Bill 2016**

The Department of Justice and Attorney-General (the department) was provided with 3 additional submissions received from:

- 005. Ryan Haddrick
- 006. Together Union (Together)
- 007. Bar Association of Queensland (BAQ)

This response deals with the issues raised in relation to the Director of Child Protection Litigation Bill 2016 (DCPL Bill). The Department of Communities, Child Safety and Disability Services (DCCSDS) will respond separately to the issues raised regarding the Child Protection Reform Amendment Bill 2016 (CPRA Bill). DCCSDS will also respond to the issues raised in the additional submission from:

- 008. Queensland Law Society

Issue no.	Submitter No and Submitter	Clause and new section	Submission Key Points	Department of Justice and Attorney-General Response
1	005 Ryan Haddrick	Clause 9 (Functions)	Mr Haddrick suggests that the functions of the Director of Child Protection Litigation (DCPL) be expanded to allow the DCPL to make an application to the Supreme Court for an order to authorise the secure care of a child who presents a significant risk of serious harm to themselves or others (see recommendation 8.9 of the Queensland Child Protection Commission of Inquiry (QCPCOI)) and to allow the DCPL to make other applications for the safety, wellbeing or protection of a child, as required in the Supreme Court's <i>parens patriae</i> jurisdiction.	To implement recommendation 8.9 of the QCPCOI, DCCSDS has engaged KPMG to develop an evidence base and options for contained therapeutic care approaches to placement services in a Queensland context. Given the proposed model has not been finalised or approved by Government, it would be premature to include this proposal as a function of the DCPL. The QCPCOI report proposed the establishment of the DCPL to make and litigate child protection order applications. The overarching responsibility for the safety, wellbeing and best interests of children in Queensland is with the chief executive, DCCSDS.

Issue no.	Submitter No and Submitter	Clause and new section	Submission Key Points	Department of Justice and Attorney-General Response
2	006 Together	N/A	Together raises concerns regarding the potential impact of the reforms in regional areas, in particular, that the use of teleconference facilities by DCPL officers to appear at hearings before magistrates could serve to further disenfranchise families involved in the process and the link between families and DCCSDS could conceivably be severed by the new approach.	<p>The DCPL Bill and the CPRA Bill form part of a package of court reforms designed to achieve better outcomes for children and families and improve the functioning of the Childrens Court. The Court Case Management Committee (established in accordance with Recommendation 13.1 of the QCPCOI and chaired by the President of the Childrens Court) developed the court case management framework, which will be enshrined in the remaking of the Childrens Court Rules.</p> <p>It is proposed that the new Childrens Court Rules will commence at the same time as the two Bills (when enacted) and will: improve the quality of evidence before the Childrens Court; avoid unnecessary delays in finalising proceedings; and ensure applications filed in court are supported by good quality evidence. In addition, the new duty of disclosure on the DCPL will facilitate a fairer process in proceedings for a child protection order by allowing parties to be aware of all the evidence the DCPL will rely on to support its application for a child protection order.</p> <p>The court work reforms and the proposed remake of the Childrens Court Rules will: streamline the litigation process thereby avoiding unnecessary mentions of matters; provide greater clarification of roles; and give a more structured response by DCCSDS and DCPL. A court case management approach will result in the early identification of issues and/or parties to be involved in the proceedings, as well as a consideration of the need for legal representation for parties.</p> <p>DCCSDS will retain responsibility for the case management of the child and their family and continue to be involved with</p>

Issue no.	Submitter No and Submitter	Clause and new section	Submission Key Points	Department of Justice and Attorney-General Response
				the child and family, including attendance at court mentions and hearings.
3	006 Together	N/A	Together recommends that the department undertake a full and thorough cost/benefit analysis of the court work reforms.	<p>Consistent with the Government's commitment to undertake an evaluation of the child protection reforms, the department has developed an evaluation framework which outlines how all the court reforms within the responsibility of the department will be evaluated – this includes the DCPL. The evaluation framework will focus on the effectiveness of the department's court reforms. A baseline evaluation has commenced and will be completed by mid-2016. Intermediate and long term evaluations are planned for 2017-18 and 2022-23, respectively.</p> <p>In addition, the DCPL Bill requires that the Act and the operations of the office of the DCPL be reviewed five years after commencement. This will ensure that a formal evaluation of the DCPL is undertaken to investigate whether it is meeting its objectives and identify any areas for improvement.</p>
4	007 BAQ	N/A	BAQ support the principles behind the establishment of the DCPL and does not have any comment on how the agency is to be structured.	Noted.