



11 March 2016

Ms Leanne Lingard MP
Chair
Health, Communities, Disability Services and Domestic
and Family Violence Prevention Committee
Parliament House
Alice and George Street
BRISBANE Q 4000
[REDACTED]

Dear Ms Lingard MP

Re: *Child Protection Reform Amendment Bill and Director of Child Protection Litigation Bill 2016*

We refer to your letter dated 25 February 2016 seeking submissions on the above-mentioned reforms by 14 March 2016. Firstly, we would like to commend the Palaszczuk Government on its commitment to best practice child protection reforms.

Protect All Children Today Inc. (PACT) is a non-profit community organisation, established in 1986 as a service provider of court support. PACT also advocates on behalf of children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in the courts, either as victims of, or witnesses to, a crime.

Given our role is primarily to support children and young people in the Queensland Criminal Justice System, we offer comments from that perspective. Being involved in court matters is often traumatic, so interventions such as the proposed reforms can only minimise the stress experienced. Therefore, we express our support of the amendments of the Bill in relation to court processes which aim to: ensure the voices of children and their families are heard in decisions that impact on them, minimise delay, improve the quality of evidence presented to support applications for child protection orders, and improve decision making because the court will have all the relevant information it needs to make a decision.

Further, we support the creation of the Office of the Child and Family Official Solicitor (OCFOS) within the Department of Communities, Child Safety and Disability Services (DCCSDS).

We recommend that children giving evidence in the Children's Court should be afforded the following child witness provisions of the *Evidence Act*, as adopted by the District Court in criminal court proceedings. The Queensland Government needs to consider enforcing legislation that has a direct bearing on children giving evidence to ensure a consistent approach across all criminal jurisdictions.

Section 21 AA of the Evidence Act 1997 – States that with respect to a child witness the court is; *“to require wherever practicable that an affected child's evidence be taken in an environment that limits, to the greatest extent practicable, the distress and trauma that might otherwise be experienced by the child when giving evidence.”*

Vice Regal Patron: His Excellency the Honourable Paul de Jersey AC, Governor of Queensland

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Cases involving younger child victims are particularly challenging as children often do not have the emotional maturity to make decisions in relation to what is in their best interests and may elect to go with the easiest and simplest option. Further, children and young people may be negatively influenced or pressured by their family members so it is extremely important that their individual needs are considered on a case by case basis.

Through research, it is possible to identify the unique needs of children and young people, specifically in relation to their cognitive competency and ability to atone for their negative behaviours. Research also enables services that address such behaviours to be targeted.

There have been studies undertaken across the world which are available to identify best practice initiatives that could be employed by the Queensland Government to protect the rights of children who, because of their physical and mental immaturity, need special safeguards and care.

PACT has established formalised key stakeholder mechanisms and advocates on behalf of children and young people through the provision of evidence-based feedback. This feedback is gained through the following established practices:

- Incident Reports

The PACT Incident Report process enables Child Witness Support Volunteers to submit written reports on any instances where they observe children and young people being positively or negatively impacted upon throughout their dealings with the Criminal Justice System. The information contained in these Reports is de-identified, summarised and provided to Key Stakeholders by email (if urgent) or tabled at regular meetings. This factual and transparent feedback has resulted in tangible improvements for child witnesses across the policing, legal and child protection sectors.

- Post Evidence Feedback Surveys

In July 2012, PACT introduced the Post Evidence Feedback Survey. Child Witness Support Volunteers have children and young people complete a short survey just after they have given evidence, wherever appropriate. This initiative has given child victims and witnesses the opportunity to provide feedback, voice any concerns about their experience and offers some closure to the court process. The comments from the children and young people surveyed are verbatim and PACT firmly believes that the information gained from the child's perspective is valuable for informing future change.

Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Jo Bryant, PACT's Chief Executive Officer on telephone [REDACTED]

We greatly appreciate the opportunity to provide comment on these valuable reforms and trust that our input has been of value.

Yours sincerely


Alexandra Marks
Chairperson


Jo Bryant
Chief Executive Officer