



30 August 2017

Committee Secretary
Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee
Parliament House
George Street
BRISBANE Q 4000
Email: hcdsdfvpc@parliament.qld.gov.au.

Dear Sir/Madam

Re: Child Protection Reform Amendment Bill 2017

We refer to the email dated 10 August 2017 seeking Submissions on the above-mentioned legislation by 30 August 2017. We commend the Queensland Government for their efforts in enhancing the protection of vulnerable Queenslanders.

Protect All Children Today Inc. (PACT) is a non-profit community organisation that was established in 1986 as a service provider of court support and as an advocate for vulnerable 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 criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System.

We strongly believe that childhood is the one time in life that human beings are entitled to feel safe, happy and carefree. A number of the children and young people supported by PACT are under protection orders through the Department of Communities, Child Safety and Disability Services. Therefore, we support the identified objectives of the Bill and provide the following comments based on our specific experience working with vulnerable children and young people who have been victims or witnesses to crime. Please note that several of the proposed amendments are outside of our area of expertise, so no comment has been offered in respect to some of the proposed amendments.

Clause 62 – funded 'specialist service providers' sharing information

In relation to information sharing, PACT has been advocating for some time for the appropriate sharing of information to enable vulnerable children to access appropriate support services. PACT is a Government funded agency which delivers services to protect children throughout their involvement in criminal court proceedings. PACT's recent focus of advocacy has related to ongoing difficulties experienced by PACT in providing its services due to the requirement of the Office of the Director of Public Prosecutions (ODPP) to obtain written client consent from the client's carer before information regarding any upcoming court date is provided to PACT. Without consent, the ODPP will not provide PACT with information about upcoming court dates to enable optimum client support.

Unfortunately, PACT experiences difficulties obtaining consent for some of our young victims and witnesses of crime that we support, especially in cases where the nominated carer is uncontactable and/or unsupportive.

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

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In addition, where children are involved with the Department of Communities, Child Safety and Disability Services and in out of home care, obtaining consent becomes more problematic as it is sometimes the responsibility of the nominated Child Safety Officer (CSO) to sign the consent form. PACT appreciate that CSOs carry heavy workloads, but we continue to experience difficulties with communication and gaining information about the living arrangements and guardianship status of the children PACT supports. Details of this nature are required for PACT to make an effective case allocation to a Child Witness Support Volunteer who will conduct the face-to-face visit with the child to build rapport and explain the upcoming criminal court process.

We would appreciate consideration being given to alternative ways of sharing information for service providers such as PACT, given the need for everyone to work collaboratively and in the best interests of the vulnerable child.

Clause 73– sharing identifying information for research purposes

We believe that the participation of the Department in national research will lead to informed decision making and the introduction of improved and targeted services which meet clients' expressed needs. In addition, we suggest that much of the research data obtained could be de-identified to protect children's identities and to enable systematic reform across the child protection sector.

Clause 71– providing information to the Police Commissioner

We support the provision of relevant information to the Police Commissioner to enable a comprehensive criminal investigation and prosecution following the death of a child. However, we further believe that information should be provided in circumstances where there is an identified risk of harm to enable Police to proactively intervene to prevent the death or injury of a vulnerable child.

Clause 48 – Aboriginal and Torres Strait Islander children and families

As 16% of the children PACT support are of Aboriginal and Torres Strait island descent, we acknowledge the benefit of Indigenous children remaining in their local communities to maintain connections with their culture, tradition and community.

We commend the Queensland Government for the introduction of the Our Way Strategy and Changing Tracks: an action plan for Aboriginal and Torres Strait Islander Children and Families 2017. We support the need for key stakeholders to have access to relevant cultural information to better support a child and their parents to participate in decision-making.

We further support the provisions to engage a delegate with suitable and appropriate qualifications to represent the cultural needs of a child.

Clauses 25, 31-33, 36, 38 and 40, 42-45 – Permanency and stability for children in out-of-home care

PACT is very supportive of the need to introduce a new permanency framework and to promote long-term wellbeing outcomes throughout childhood and for the rest of the child's life. In relation to long-term impact, we acknowledge the individual effects on a child are generally not known, or do not become apparent, until the child is an adult, forming relationships and having children of their own.

We agree that permanency goals be established for each child from the time a case plan is developed and that this plan be reviewed and updated regularly to ensure the unique and complex needs of the child are met.

We support the need to limit the duration of short-term orders as it is critically important for children in care to have stability, security and optimum care. They also need the opportunity to build adequate rapport and trust with their nominated carer and we believe that this can be enhanced through long-term care options.

We also acknowledge the frustrations of foster carers who establish trust, rapport and a loving relationship with a child, who then find that child is reunified with a carer, before the carer can properly protect and care for the child.

Sadly, in our work with vulnerable children, PACT is exposed to information that demonstrates that the Child Care system needs to consider all parties, including foster carers, throughout the decision making process, as they are often in the best position to positively advocate on the child's behalf.

We believe much of the frustration for foster carers arises out of the uncertainty and instability caused by short-term orders. Any initiatives that will address this issue can only be beneficial to vulnerable children and young people.

PACT further agrees that children who are subject to a permanent care order should still be able to maintain an ongoing meaningful relationship with their birth parents, siblings and extended family members, providing it is in their best interests to do so.

Under a permanent care order, guardianship of the child is granted to a permanent guardian who then has the responsibility for meeting the child's daily care and long term needs. It is important that funding be available for foster carers to access child care if maintaining paid employment. It is unreasonable to expect these costs be the responsibility of the foster carer.

Clause 47 Vaccination of children in the custody of the chief executive

We support the amendments to enable medical practitioners to examine or treat a child who is under a child protection order, without the consent of the child's parents. PACT acknowledge the importance of children being effectively protected from preventable disease by vaccination. In addition, should a foster carer maintain some level of paid employment and need to access day care, most child care centres will not accept children who have not been adequately vaccinated.

Clause 74 and 75 – preventing the publication of the identify of child witnesses

PACT strongly advocates that any child should have their identity protected during all criminal court proceedings, regardless of the nature of the offence committed or the hearing type (summary hearing, committal, bail hearing etc.). Not doing so, may result in a child being further victimised.

In addition, we strongly believe that courts be closed for all child related matters to prevent a child's identity being published. The majority of children in criminal court proceedings give pre-recorded evidence prior to the trial. The court is closed while a child gives evidence and during the cross-examination of vulnerable children, which is excellent. However, when the child's evidence is later played to the Jury at Trial the court is likely to be open, potentially resulting in the publication of identifying information.

We are aware of situations where the public has been able to access court hearings involving child victims of sexual assault. Sadly, some years ago a school group touring the courts were exposed to the evidence of one of their class mates. It is for this reason that we believe courts should be closed for all child-related hearings to protect the identify and disclosure of sensitive personal information.

Protecting all Child Witnesses

In Queensland, most affected child witnesses give pre-recorded evidence as a result of amendments to the Evidence Act in early 2004. These amendments also attempted to reduce the timeframe a child is involved in the Queensland Criminal Justice System, but realistically this has not been achieved. Sadly, there continues to be lengthy delays for child-related offences, often 18 months to two years between the time of arrest and when a child gives pre-recorded evidence. As you will appreciate, this is a fair proportion of a young child's life where they remain in limbo awaiting the court outcome. This also negatively affects their long-term rehabilitation as they have the court matter constantly hanging over their head.

Families report they are not being adequately consulted regarding decisions made about their child's case. We have had many examples where a Prosecutor has asked a child in the presence of their PACT Volunteer, not carer, if they would like to take a plea to lesser charges, which would mean they do not have to give evidence. We strongly believe, that children should not be put in this position as they do not fully understand the implications of agreeing to this. Also, often these decisions are made in haste, during a court adjournment, which does not give the child or their carer adequate time to fully consider the request or the likely future impacts.

Families also report not being adequately informed that a prosecution may not go ahead if the child is distressed and unable to give best evidence on a particular day. We have had several cases where a nolle prosequi has been entered due to the child's inability to compose themselves sufficiently enough to answer questions posed by Prosecution and Defence during cross-examination.

We believe that in relation to cases involving offences against children, often assumptions and decisions are made without adequate consultation. The families that PACT supports, struggle to fully understand the complex court process and the information provided. In fact, families in crisis often experience difficulties retaining information and may only take in a small percentage of what they are told.

PACT recommends that consultation be strongly enhanced in all interactions relating to child related offenses and court matters to ensure that children are well prepared, adequately supported and afforded the opportunity to give best evidence in a secure and safe environment.

PACT is supportive of the subsequent amendments to the ***Child Protection Act 1999*** and ***Director of Child Protection Litigation Act 2016*** as a consequence of the introduction of the Child Protection Reform Amendment Bill 2017.

PACT is very grateful to be consulted about this important issue. Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Mrs Jo Bryant, PACT's Chief Executive Officer [REDACTED]

Thank you for the opportunity to provide comment on this piece of legislation and trust that our input has been of value.

Yours sincerely

[REDACTED]

Alexandra Marks
Chairperson

Jo Bryant
Chief Executive Officer