



Child Protection Reform Amendment Bill 2017

Response to the Inquiry by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee from the Queensland Catholic Education Commission

30 August 2017

The Queensland Catholic Education Commission (QCEC) welcomes the opportunity to provide a submission to the Inquiry by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee about the introduction of the Child Protection Reform Amendment Bill 2017 (the Bill).

QCEC is the peak strategic body with state-wide responsibilities for Catholic education in Queensland. This submission is provided on behalf of five Diocesan Catholic School Authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 302 Catholic schools that educate more than 147,000 students in Queensland.

The Bill was introduced into the Queensland Parliament on 9 August 2017. The Bill is part of a staged process of amendments to the *Child Protection Act 1999* (the Act) arising in connection with recommendations made by the Queensland Child Protection Commission of Inquiry (overseen by Commissioner Tim Carmody QC), which released its final report in July 2013. It is noted that amendments were made to the Act in 2014, and subsequent to the current Bill, further amendments are planned for 2018.

The Bill

The amendments contained in the Bill focus on the following main areas of change:

Establishment of permanency principles for ensuring children's best interests

- All case plans must include goals and actions for achieving permanency
- Limitation on the period children can be covered by short-term care orders to two years
- Introduction of a permanent care order that will grant more secure long-term guardianship
- Transition to independence planning to commence from 15 years, with care provided, if required, up to 25 years of age.

Promotion of care and protection of Aboriginal and Torres Strait Islander children

- Recognising principles of self-determination
- Ensuring case plans include details of how connections to family, community and culture will be developed and maintained
- Providing greater flexibility in seeking and considering cultural advice in decision making.

Provisions for information sharing

- Enabling the disclosure of information to children in care or people who were previously in care

- Simplifying and consolidating the current provisions concerning the sharing of information
- Clarifying that relevant information can be shared with child protection agencies in other States, Territories and New Zealand
- Authorising the granting of access to information for research purposes
- Mandating the disclosure of the identity of a person notifying harm to the Police Commissioner in the case of an investigation of the death of a child.

Mandatory reporting

It is noted that the Bill does not propose changes in respect of the current mandatory reporting requirements in the Act, under which teachers have specific reporting obligations.

Changes to this part of the Act were suggested by QCEC in its submissions during the review of the Act. Specifically, QCEC had recommended:

- *A need for consistency and harmonisation between all legislation and practice regulating the safety and wellbeing of children and young people. Specifically, there should be consistency between the reporting obligations imposed on government and non-government teachers (and other school staff) under the CPA with those imposed by other legislation, including the Education (General Provisions Act) 2006 (EGPA). The primary intent of legislation should be the support of families to care for their children and the creation of more child safe communities.*
- *There is a need to acknowledge the very particular circumstances of school authorities and professional educators in schools with a view to clarifying the role and responsibilities of school staff, particularly teachers, under the Act.*

QCEC is of the view that the above issues have not been addressed in the Bill and that the recommendations remain relevant and should be explored as part of the Bill or future amendments to the Act.

Other issues

The amendments proposed by the Bill which will potentially impact upon schools are those relating to information sharing.

Under the current Act, a principal of a non-State schools is a 'prescribed entity' for the purpose of information exchange. The amendments contained in the Bill clarify and consolidate the information sharing framework in the Act, specifying that prescribed entities and other services providers – including schools, health services, police, Family and Child Connect, disability services – are able to share relevant information in respect of a child. The reasons for information being shared are explicitly set out, dealing with assisting entities to:

- decide whether a report should be made on suspected harm or risk of harm
- investigate an allegation of harm or risk of harm
- develop and assess the effectiveness of case plans
- determine health, education or care needs
- facilitate the participation of a child or a child's family in making plans or decisions.

The clarity provided by these amendments will most likely be helpful to organisations such as schools.

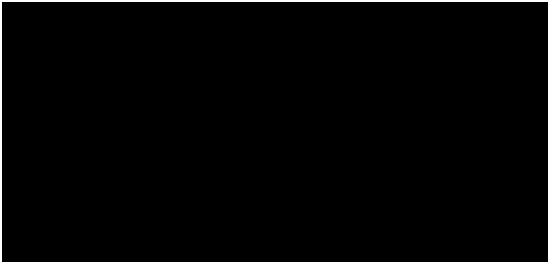
It is noted that section 159C of the Bill will require the Department of Communities, Child Safety and Disability Services to develop information sharing guidelines to provide practical guidance on sharing and dealing with information under the amended Act. This is a particularly important provision and is welcomed by QCEC.

The new section requiring provision of notifier details to the Police Commissioner in the case of a child death investigation is also of note as it will apply to school authorities. It is noted that it should be read in the context of section 197A of the Act which protects notifiers from liability for giving information about alleged harm or risk of harm.

Conclusion

QCEC would like to see harmonisation or consistency in mandatory reporting provisions (in respect of all relevant legislation) form part of these or future amendments to the Act.

QCEC otherwise notes the Bill in its current form and welcomes the Queensland Parliament's continued commitment to student protection and wellbeing issues.



Dr Lee-Anne Perry AM

Executive Director