



14 April 2014

The Research Director  
Health and Community Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Health and Community Services Committee

Thank you for the opportunity to comment on the draft *Child Protection Reform Amendment Bill 2014*, the *Family and Child Commission Bill 2014* and the *Public Guardian Bill 2014* currently before the Health and Community Services Committee. QCOSS supports the recommendations made by PeakCare to the Health and Community Services Committee regarding these three Bills and would strongly urge the committee to consider these recommendations.

QCOSS welcomes the shift in focus by government to investment in prevention and early intervention, particularly in the area of children, families and their relationship to the child protection system.

QCOSS believes that many families have entered the child protection system simply because there has been limited supports available in the past. For some families the child protection system has been the only place that they have received access to support services.

It is vital that vulnerable and disadvantaged families are provided access to the right services at the right time. This will require a clear and consistent pathway to services as well as adequate investment.

QCOSS is concerned that there is insufficient clarity in the draft *Child Protection Reform Amendment Bill 2014* (the Bill) to enable the referral of families and children to family support services through the proposed community-based referral gateways.

Under the proposed amendments to the *Child Protection Act 1999*, there is currently little clarity about the process of community-based referral. According to the explanatory notes accompanying the Bill:

*The Bill enables a prescribed entity to refer concerns about a child that is likely to become a child in need of protection, if help and support is not provided to their family, directly to service providers.*

However, the only reference to referral to service providers in the Bill is found in Part 1AA, Division 1, 13B, where it is stated:

*(2) If a relevant person does not have a reportable suspicion about a child but considers the child is likely to become a child in need of protection if no preventative support is given, the person may take other appropriate action under this Act.*

*(3) For example, if the relevant person is a prescribed entity to which section 159M applies, the person may give information under that section to a service provider so the service provider can offer help and support to the child or child's family to stop the child becoming a child in need of protection.*

In the Victorian *Children, Youth and Families Act 2005* (where community based referral already exists), the options for referral and advice are clearly articulated, as the following excerpts from the legislation shows:

**31. Referral to community-based child and family service about child**

*A person who has a significant concern for the wellbeing of a child may refer the matter to a community-based child and family service.*

**33. Response by community-based child and family service to referral**

*(1) If a matter is referred to a community-based child and family service under section 31, the service may—*

- (a) provide advice to the person who made the report;*
- (b) provide advice and assistance to the child or the family of the child;*
- (c) refer the matter to a service agency to provide advice, services and support to the child or the family of the child.*

*(2) If a referral is made to a community-based child and family service under section 31 and it considers that the child may be in need of protection, the service must report the matter to the Secretary.*

While QCOSS understands that a full review of the *Child Protection Act 1999* is to be undertaken, and expects that this review would include provisions concerning referral to the community-based referral gateway, the timeframes for this review are currently unclear.

As such, it is critical that the *Child Protection Act 1999* be amended with adequate reference to the referral process and that these changes be in place so they coincide with the implementation of community-based referral.

Any review of the *Child Protection Act 1999* needs to provide clear guidance to potential referrers to ensure that there is no confusion about the rights and responsibilities of;

- people referring to a community-based referral gateway, and
- people undertaking intake, assessment and referral *within* a community-based referral gateway.

Ensuring that legislation is implemented in a timely manner and in a manner that is a clear and unambiguous will ensure that the community-based referral system provides optimal outcomes for children and families.

Yours sincerely

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Mark Henley  
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