Speech By

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MEMBER FOR NUDGEE

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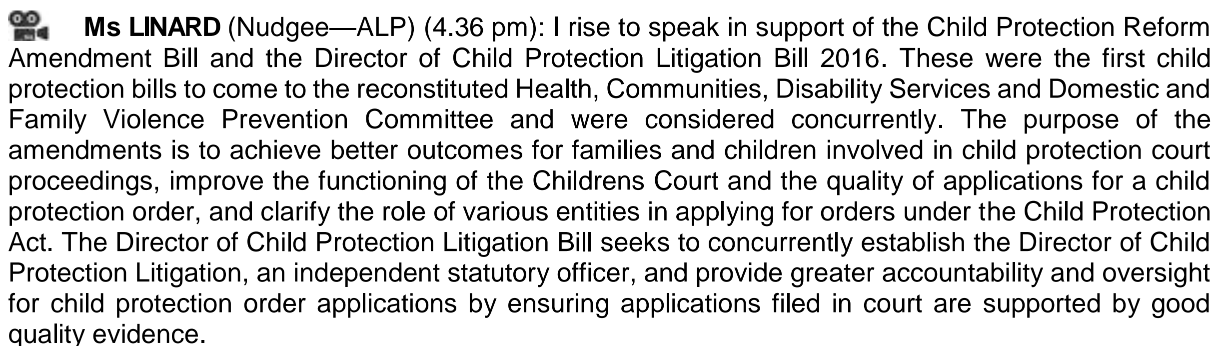
CHILD PROTECTION REFORM AMENDMENT BILL; DIRECTOR OF CHILD PROTECTION LITIGATION BILL



Ms LINARD (Nudgee—ALP) (4.36 pm): I rise to speak in support of the Child Protection Reform Amendment Bill and the Director of Child Protection Litigation Bill 2016. These were the first child protection bills to come to the reconstituted Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee and were considered concurrently. The purpose of the amendments is to achieve better outcomes for families and children involved in child protection court proceedings, improve the functioning of the Childrens Court and the quality of applications for a child protection order, and clarify the role of various entities in applying for orders under the Child Protection Act. The Director of Child Protection Litigation Bill seeks to concurrently establish the Director of Child Protection Litigation, an independent statutory officer, and provide greater accountability and oversight for child protection order applications by ensuring applications filed in court are supported by good quality evidence.

Both bills give effect to recommendations contained in the Queensland Child Protection Commission of Inquiry's report, *Taking responsibility: a road map for Queensland child protection*. The commission of inquiry's report makes the point that child protection law, by its nature, is intrusive. It is an area of law that involves resolving the tension between, on the one hand, the superior power and resources of the state and, on the other hand, the private needs of individuals, many of whom have one or more characteristics of social disadvantage or vulnerability and who often feel powerless in a confusing and frightening system.

The commission made 121 recommendations, 28 of which relate to improving the way child protection proceedings are conducted in the Childrens Court. The Child Protection Reform Amendment Bill and the Director of Child Protection Litigation Bill, concurrently before the House, will implement 11 of those recommendations and an additional recommendation made by the Court Case Management Committee to introduce new processes for managing applications for child protection orders in the Childrens Court.

The Palaszczuk government is committed to building a sustainable and effective child protection system in Queensland. The Childrens Court, which is an integral part of that system, makes decisions that can and do have far-reaching implications for families and children. The court reforms before the House will ensure that the voices of children and their families are heard on decisions that affect them. Further, the reforms seek to minimise delay and improve the quality of information and evidence before the court.

The Child Protection Reform Amendment Bill amends the Child Protection Act to: support the establishment of the Office of the Child and Family Official Solicitor within the Department of Child Safety and clarify the roles of the department and other entities in Childrens Court child protection proceedings; allow a parent to request the Department of Child Safety review a case plan for a child who is the subject of a long-term guardianship child protection order if the case plan has not been

reviewed in the previous 12 months; clarify that a parent's attendance at a family group meeting or agreement to a case plan cannot be used against them in court proceedings; give the court discretion to allow significant people in a child's life to participate in proceedings; clarify the different roles and duties of a direct legal representative for a child and a court appointed separate legal representative for a child during proceedings; allow the court to join and hear two or more child protection proceedings if it is in the best interests of justice to do so; and introduce a general duty of disclosure on the litigation director in child protection proceedings, in addition to a number of other amendments that the minister has already outlined.

The committee received six submissions to the Child Protection Reform Amendment Bill inquiry, which were generally supportive of the bill, from the Queensland Alliance for Kids, Protect All Children Today, the Queensland Family and Child Commission, the Queensland Law Society, the Bar Association of Queensland and the Together union. The committee made four recommendations, including that the bill be passed.

The remaining three recommendations sought further information from the minister in regard to: clause 5, the circumstances giving rise to a review of a case plan; clauses 31 and 32, refusal to disclose documents or information containing personal information to protect the privacy of someone involved in a child protection proceeding—what is and is not materially relevant; and discussion of whether children giving evidence in the Childrens Court should be afforded the same child witness provisions of the Evidence Act. I thank the minister for her considered response to these matters earlier.

The Director of Child Protection Litigation Bill provides for a new independent statutory officer, the Director of Child Protection Litigation, who will report to the Attorney-General and Minister for Justice. The main function of the director is to decide which matters will be the subject of a child protection order application, the type of child protection orders to be sought and litigate the child protection order application itself.

The bill provides that when the chief executive of the Department of Communities, Child Safety and Disability Services is satisfied that a child is in need of protection and a child protection order is the most desirable and appropriate order to protect the child, it must refer the matter to the director. The director will then be solely responsible for deciding whether or not an application for a child protection order should be made and the type of order that should be sought. If an application for a child protection order is made, the director will be responsible for conducting the legal proceedings in the Childrens Court.

During our inquiry the committee received seven submissions, many from those bodies mentioned earlier. Most were generally supportive of the bill, with the exception of the name suppressed submission which did not support the premise of the bill or indeed the premise of many of the recommendations contained in the Carmody report.

The Queensland Alliance for Kids and the name suppressed submissions both raised concerns about the potential inconsistency of clauses 5 and 6, balancing the best interest of the child with applying for the least intrusive order. Clause 5 sets out the main principle for administering the bill, which is ensuring the child's best interests, while clause 6 contains principles that those administering the bill should have regard to, including that the Director of Child Protection Litigation apply for the least intrusive child protection order.

The concerns raised by both submitters was that when deciding which order a child should be placed on, proposed section 6(1)(b) may be used as a reason to place a child on a short-term order when a long-term order may be in the child's best interests. This could result in a young child being placed on a succession of short-term orders throughout their life, leading to a lack of stability for the child. Both submissions stated that research shows that when permanency is identified as the best solution for the child, it is best for the child that they are placed on a permanent order as soon as possible. A number of additional matters were raised by submitters, including oversight of the Director of Child Protection Litigation, the qualifications and qualities required of the DCPL, the term of office, the DCPL's power to make guidelines and review of the director's decision, which the minister outlined and responded to earlier.

The committee made 10 recommendations arising from the issues raised in the submissions. While the committee sought additional information from the minister for the benefit of clarity and confidence in the proposed reforms, the committee was of the opinion that the bills will enact reforms that will better serve vulnerable children and families in Queensland and, as such, that the bills should be passed.

I would like to thank those individuals and organisations who lodged written submissions and appeared at the committee's public hearings on both bills. I would like to acknowledge the assistance provided by the Department of Communities, Child Safety and Disability Services, the Department of Justice and Attorney-General, the Scrutiny of Legislation Secretariat staff, the committee secretariat

and my fellow committee members—I mention particularly the outgoing deputy chair, the member for Moggill; the outgoing former deputy chair, the member for Mudgeeraba; and the member for Buderim—for their contributions to this bill and all health committee inquiries over the past 12 months. I wish each of them well in their new roles.

The establishment of the director and the other court reforms in the Child Protection Reform Amendment Bill and the Director of Child Protection Litigation Bill and the Childrens Court rules seek to improve outcomes for children and their families by providing greater accountability and oversight, minimising delay in court proceedings, promoting efficiency and ensuring the voices of children and families are heard in decisions that impact them. These reforms seek to ensure that applications for child protection orders filed in the Childrens Court are supported by good quality evidence and that evidence based decision-making forms part of the litigation process.

As I quoted earlier, child protection law by its nature is intrusive. It interferes with and sometimes reallocates rights and responsibilities. Child protection is above all about its name sake. It is about making the safety, wellbeing and best interests of the child paramount. We must always seek, as a state, to be for those vulnerable children what others can or will not.

I thank my colleague the Minister for Communities and Minister of Child Safety for her stewardship of these important reforms. I know she has great heart and great clarity of vision in regard to the operationalisation of these reforms in the best interests of vulnerable children in Queensland. I thank the minister and Attorney-General for their fulsome consideration of and response to the issues raised by the committee. I commend the bills to the House.