




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.39 pm): Tonight I rise to give my support to the Child Protection Reform Amendment Bill 2016 and the Director of Child Protection Litigation Bill 2016. I note that my colleague the member for Waterford and Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence has already spoken in detail on the contents of both bills, so I will confine my remarks to the Director of Child Protection Litigation Bill 2016. Firstly I thank the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for its consideration of the Director of Child Protection Litigation Bill 2016 and the Child Protection Reform Amendment Bill 2016 and its recommendation that both bills be passed. I also thank those stakeholders who made written submissions and who appeared at the public hearings on the bills.

The bills before the House are part of the government's ongoing child and family reform agenda that will implement the recommendations of the July 2013 report by the Queensland Child Protection Commission of Inquiry, *Taking responsibility: a roadmap for Queensland child protection*. The Director of Child Protection Litigation Bill implements recommendation 13.17 of the commission's report to establish a new independent statutory officer, the Director of Child Protection Litigation, who will report directly to me as the Attorney-General and Minister for Justice. The establishment of the director will ensure greater accountability and oversight for child protection order applications that are being proposed by the Department of Communities, Child Safety and Disability Services so the community can be assured that state intervention occurs only when necessary. The involvement of lawyers with child protection expertise at an early stage will ensure that applications for child protection orders are supported by good quality evidence and litigation is progressed only when the evidence supports the application.

The director will be supported by the office of the director to help the director perform the director's functions, with staff appointed under the Public Service Act 2008. The director will be appointed by Governor in Council on the recommendation of the minister. The director may be appointed for a period of up to five years. However, in acknowledging the concerns raised by the committee that the five-year period is too long, I will consider recommending a shorter term for the appointment of the inaugural director. However, I believed it was important to maintain the five years in the bill to ensure there is scope to have future employment for that term and it is also consistent with many other significant appointments in my portfolio area.

The recruitment process for the director is currently underway and I hope to announce in the near future the appointment of the person who will be responsible for leading this innovative and significant reform in the way child protection order applications are made by the state. The director will be responsible for deciding which matters will be the subject of a child protection order application and

what type of child protection order will be sought, as well as litigating the matter in the Childrens Court. The chief executive of the Department of Communities, Child Safety and Disability Services will be required to refer a matter to the director if the chief executive is satisfied the child is in need of protection and a child protection order is the most desirable and appropriate order to protect the child.

The bill includes the principles the director and the director's staff must follow when administering their functions and exercising their powers under the act, which are consistent with the principles in the Child Protection Act 1999 and the United Nations Convention on the Rights of the Child. The main principle for administering the act is that the safety, wellbeing and interests of a child are paramount. For the success of the court reforms proposed by these two bills, it is essential that there is effective and unimpeded communication between the director and the department. The bill includes various provisions to facilitate a good working relationship. For example, the bill requires the director consult with the department and seek further information if required before making a decision on the referral. If after consulting with the chief executive of the department the director decides to take a course of action that is not consistent with the brief of evidence provided, the director will be required to provide written reasons for the decision. Under the bill, the director will also be able to provide legal advice to and represent the department in other child and family related matters such as family law and adoption matters if instructed by the department.

The director will also have the power to issue guidelines under the bill that will apply to the director's staff, lawyers engaged by the director, the chief executive of the department and relevant staff within the department. I am advised by the Department of Justice and Attorney-General that the guidelines are currently being developed and it is proposed that they will include an internal review process for the department to seek a review of the director's decision. The Department of Justice and Attorney-General is consulting with the Department of Communities, Child Safety and Disability Services on the internal review process for inclusion in the guidelines. To ensure transparency and accountability, the director will be required to provide an annual report about the exercise of the director's functions, including any guidelines issued in the previous year.

The bill also provides for a statutory review of the act. Noting the committee's concerns about the period for this review to occur, it is proposed the government will move amendments during the consideration in detail stage of the bill's progression through the Legislative Assembly to reduce the period from five years to three years for that review to occur. The court reforms to be implemented by both the Director of Child Protection Litigation Bill 2016 and the Child Protection Reform Amendment Bill 2016 will be supported by a remake of the Childrens Court Rules, which are currently under development by the Department of Justice and Attorney-General and proposed to commence at the same time as the two bills. These reforms will improve outcomes for children and their families by ensuring that applications filed in court are supported by good quality evidence, promote efficiency and evidence based decision making, and improve litigation in the Childrens Court.

Many people have contributed to the development of the two bills and the new rules, and I thank them for their time and input. In particular, I want to thank the dedicated members of the Court Case Management Committee chaired by the President of the Childrens Court and including representatives from the Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland, Crown Law, the Office of the Public Guardian, the Department of Communities, Child Safety and Disability Services, the Department of Justice and Attorney-General and, more recently, the Queensland Aboriginal and Torres Strait Islander Child Protection Peak Ltd. The Court Case Management Committee has met on several occasions to recommend some of the amendments that are included in the Child Protection Reform Amendment Bill 2016 and to provide feedback on the Director of Child Protection Litigation Bill 2016 and the new rules. In closing I thank the Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence for her strong advocacy in the area of child safety and her work and her department's work on these very important reforms. I commend the bills to the House.