

QUEENSLAND GOVERNMENT RESPONSE TO COMMUNITY SUPPORT AND SERVICES COMMITTEE REPORT No. 12

Child Protection Reform and Other Legislation Amendment Bill 2021

INTRODUCTION

On 15 September 2021, the Child Protection Reform and Other Legislation Amendment Bill 2021 (the Bill) was introduced into the Queensland Parliament.

Parliament referred the Bill to the Community Support and Services Committee (the Committee) and requested the Committee table its report on its consideration of the Bill by Friday 12 November 2021.

On 12 November 2021, the Committee tabled Report No. 12 in relation to the Bill in the Queensland Parliament.

The Queensland Government response to the recommendations contained in the Report on matters raised by the Committee is provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends that the Bill be passed.

Queensland Government response:

The Queensland Government notes this recommendation and thanks the Committee for its consideration and support of the Bill.

Recommendation 2

The Committee encourages the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) to establish a process to ensure there is customary and age-appropriate participation of children in care in decision-making processes that affect them.

Queensland Government response:

Supported.

The Queensland Government accepts this recommendation and will ensure that a process to enable customary and age-appropriate participation of children in care in decision-making processes that affect them has been established prior to the commencement of the relevant provisions in the Bill.

DCYJMA intends to realise the intent of the Bill through implementation by undertaking consultation with young people around how their participation can most effectively be achieved. This will involve partnering with non-government organisations, Aboriginal and/or Torres Strait Islander organisations, children, families and young people to understand the historic barriers to this participation and co-designing more meaningful strategies.

Policy number 369-4 within the Child Safety Practice Manual, *Participation of children and young people in decision-making*, states that DCYJMA is committed to providing children and young people subject to statutory child protection intervention, with the opportunity to participate in decision making in matters affecting their lives. The objective of the policy is to ensure that children and young people are given the opportunity and are supported to meaningfully participate in decision making processes that affect their lives and that their views and rights are considered and respected.

This policy was most recently reviewed and approved on 6 July 2020. The amendments in the Bill will create legislative alignment with this policy. DCYJMA will undertake a further review of this policy and others, as well as its procedures and guidance for staff, to ensure all relevant aspects of the reforms align with the Committee's recommendation. The amendments in the Bill which aim to provide children with real and ongoing opportunities to have a voice in decisions that affect them are proposed to commence by proclamation to enable the department sufficient time to effectively undertake this review and make any necessary changes.

Also relevant is the Children and Young People's Participation Strategy which incorporates a vision and framework for children and young people's participation and a detailed implementation plan. The strategy builds on the commitment and collaborative efforts of departmental staff, non-government agencies and CREATE Foundation. The vision established by the strategy is for all children and young people in the child protection system to shape their lives now and for the future as well as the services and support they and other children and young people receive. The strategy was informed by a review of relevant work of other Australian jurisdictions, literature and research, to identify models of engagement and participation of children and young people in statutory child protection systems. The amendments in the Bill regarding participation of children and young people will be implemented in the context of this framework and strategy.

Other related activities to implement the Committee's recommendation are included in the DCYJMA's implementation plan for the Bill. These activities include training of frontline child safety officers and non-government organisation staff to ensure a shared understanding and effective implementation of the changes. Information and communication campaigns are also proposed, which will focus on departmental staff, funded services and peak bodies as well as carers and families.

Recommendation 3

The Committee encourages the Department of Justice and Attorney-General to investigate the nuances and the barriers regarding First Nations persons obtaining Blue Cards so as to improve access to employment.

Queensland Government response:

Supported.

Blue Card Services (BCS) in the Department of Justice and Attorney-General is committed to continuing its work focused on breaking down the barriers being experienced by First Nations people and organisations by providing a more supportive system through each step of the blue card process.

The Queensland Family and Child Commission (QFCC) undertook a whole of system review of the *Working with Children (Risk Management and Screening) Act 2000* (WWC Act) and its operation, including issues experienced by First Nations peoples and organisations. The QFCC highlighted stakeholder concerns that the blue card system is a significant barrier to employment and kinship care arrangements for Aboriginal and Torres Strait Islander peoples.

In response to the QFCC review, BCS has implemented several strategies to improve participation in the blue card system. These include:

- establishing a dedicated team of officers, including identified liaison officers to:
 - assist applicants who identify as Aboriginal and/or Torres Strait Islander with the assessment process; and
 - provide a cultural lens to the decision-making process.
- targeted travel to remote communities to provide one-on-one support, including assistance to apply for a card and assistance to applicants who have been asked to provide a submission in support of their blue card application (for example, affording the person the option of telling their story to an identified liaison officer);
- cultural capability training for BCS staff;
- developing specific information resources which promote key messages in a culturally sensitive way and debunk myths about applying for a blue card;
- increasing attendance at community events to provide opportunities for people to learn about the blue card system, eligibility and how to apply; and
- providing free, tailored workshops in person and online.

In addition, on 8 June 2021, the Attorney-General and Minister for Justice launched the *Safe children and strong communities* strategy and action plan. This was developed in close consultation with Aboriginal and Torres Strait Islander stakeholders in urban, regional, and remote communities across Queensland in accordance with best practice co-design principles.

The strategies and actions are grouped into five focus areas:

- cultural capability: continuing to build cultural capability in BCS through information, training and experiences which informs decision-making, communication and engagement to improve outcomes for First Nations peoples;
- local input into service design and delivery: working to ensure that First Nations peoples have a genuine voice in decisions that affect them and local input into the design and delivery of services provided;
- process: implementing efficient, effective, easy to understand and consistent processes with a strong cultural orientation that provide First Nations peoples the opportunity to participate and engage with clarity and confidence;
- engaging the services system: partnering and working with the broader service system (of which BCS is one element) to provide better access, share information, build connections, refer and deliver service responses to achieve outcomes for individuals and families that meet their needs; and
- governance of the strategy: establishing a governance group to work with BCS to oversight the implementation of the reforms.

BCS will use the implementation of the strategy and action plan as the vehicle to maintain the momentum in responding to the barriers experienced by First Nations applicants during the blue card process and to continue its efforts to improve both accessibility and outcomes for this cohort.

The governance group overseeing the strategy will include key stakeholders who will be able to continue the dialogue with BCS and provide insight into the challenges faced and success of any actions implemented.

BCS will continue to work with community to understand how First Nations applicants and organisations want to access information and support through the decision-making process. BCS will also implement initiatives in the strategy which focus on ensuring a fully informed, culturally appropriate and robust risk assessment and review process.

In addition, consideration will be given to the following QFCC recommendations:

- reviewing the blue card decision-making framework to ensure it is robust and fit for purpose; and
- exploring options for appointing a multi-disciplinary panel of advisors or establishing a complex case review committee to provide input on complex matters (including those that involve First Nations applicants).

BCS will also consider any opportunities in the blue card process which would improve accessibility for kinship care placements.