

Contents

- Introduction 3
 - Background and Context..... 3
 - Together Queensland’s Position on the Director of Child Protection Litigation..... 4
 - Together Queensland’s Position on the Preparation of Initiating Affidavit Material for Child Protection Order Proceedings..... 7
- 2. Key Issues Identified by Union Members 11
- 3. Primary Recommendations for Improvement 12

Introduction

This submission is provided in response to the Child Safety Commission of Inquiry's call for feedback on the Child Protection Litigation Model and related legal procedures for applying for and making child protection orders. This submission aims to represent the views and concerns of Together Queensland ("TQ") members, who are frontline staff deeply engaged in the child protection system. TQ represents the majority of Child Safety workers, the largest group of public sector workers impacted by the CPLM. By presenting our insights and recommendations, we seek to contribute to the development of a more effective and supportive CPL model that addresses the challenges faced by our members and ultimately improves outcomes for children and families.

Background and Context

Overview of the Child Protection Litigation (CPL) Model and Impacts on Children and the Work Our Members Do

The Child Protection Litigation (DCPL) model was introduced to enhance the coordination and effectiveness of child protection responsibilities across government. However, the implementation of this model has had significant impacts on the children within the system and the work of our members. Frontline staff have reported increased workloads, communication challenges, and a disconnect between legal and child protection frameworks, all of which affect their ability to deliver the best outcomes for children.

Past Feedback from Together as Per Last Submission

In our previous submissions, Together Queensland has consistently highlighted the critical issues faced by our members within the child protection system. These include concerns about workload management, the need for better communication and coordination between different agencies, and the importance of adequate training and support for staff. Our feedback has emphasized the need for a model that supports frontline workers and addresses the practical challenges they encounter daily.

Our current feedback builds on the evidence and submissions provided during the 2016 Parliamentary Committee hearing on the *Child Protection Reform Amendment Bill 2016* (Qld) and the *Director of Child Protection Litigation Bill 2016* (Qld). During this hearing, representatives from Together Queensland, including frontline staff and union officials, presented detailed insights into the challenges and opportunities within the child

protection system. The concerns raised in 2016, such as the disconnection stemming from the introduction of a centralised model, the impact of increased workloads and the need for effective support mechanisms, remain relevant today and continue to inform our position on the CPL model. A copy of the 2016 Parliamentary Committee submission, and hearing transcript, is attached to this submission as **Attachments 1 & 2**.

Previous reviews of the Child Protection Litigation Model

Over the past several years, the Child Protection Litigation Model has been repeatedly reviewed by various stakeholders with a purported aim towards adjusting the model to provide better outcomes for children and families. These review processes have included:

- A review lead by Nous Group Australia, which resulted in the publishing of a report. This report remains “Cabinet in confidence”, and has never been released or summarised publicly;
- Multiple competing proposals from the various Departments of Child Safety, and the Department of Justice made to the government, with no common ground identified between these proposals; and
- A “Child Protection Litigation Project” headed by Project Executive Director Stephen Stewart, which was tasked with providing a single unified proposal to government, but was somehow unable to do so.

Frontline staff have consistently shared feelings of frustration at the duration of this collective review process which has now been ongoing for several years. Staff have identified that they have repeatedly provided the same feedback to these varying stakeholders, and now to the Commission of Inquiry, in circumstances where the child protection litigation model has remained static throughout.

Of particular concern, frontline staff have repeatedly shared the view that the failure to arrive at a decision in relation to the child protection litigation model is reflective of intra-governmental conflict, which has continued for years at the cost of children and families. This concern was most apparent in relation to the Child Protection Litigation Project, which was unable to propose a unified model which was supported by both relevant departments and the current government.

Together Queensland’s Position on the Director of Child Protection Litigation

Together Queensland supports the removal of the Director of Child Protection Litigation (“DCPL”) as an independent statutory office. Our position is informed by the practical

experiences and concerns of our members, who have highlighted significant issues related to the implementation and operation of the current DCPL model.

In Chapter 13 of the Queensland Child Protection Commission of Inquiry's ("the Carmody Inquiry") final report "Taking Responsibility: A Roadmap for Queensland Child Protection", the commission of inquiry identified a number of concerns which the current CPLM was intended to address. These concerns were:

- A blurring in the role of Child Safety workers to include responsibilities usually discharged by a legal officer;
- Affidavits being prepared and sworn by Child Safety Officers with little understanding of the implications of swearing an affidavit including the standards of evidence required;
- A lack of early independent legal advice; and
- Need for professional separation of the department's internal processes linked to child protection proceedings.

To resolve these concerns, the commission of inquiry enacted two simultaneous solutions. Firstly, the Officer of the Child and Family Official Solicitor ("OCFOS") was established within the Department of Child Safety ("Child Safety"), and secondly, the Director of Child Protection Litigation was established within the Department of Justice and Attorney-General.

Since implementation, OCFOS has taken steps to address each of the concerns identified by the Carmody inquiry by:

- Taking on direct responsibility of legal tasks such as legal document drafting and court appearances;
- Providing ongoing legal training and day-to-day legal support to frontline workers via an embedded workplace model;
- Integrating itself into the department's training program for new staff;
- Providing early independent legal advice to frontline workers, to ensure that departmental decisions are legally supportable; and
- Maintaining professional legal independence from frontline services via the establishment of a centralised leadership framework, and a "legal instructional model".

Since implementation, the DCPL has taken steps to address some of the concerns identified by the Carmody inquiry by:

- Taking direct responsibility of legal tasks associated with the conducting of child protection order proceedings specifically; and

- Maintaining professional legal independence from frontline workers via a legislated framework.

It is our position that the current model has effectively created a significant redundancy in the child protection system, by implementing two simultaneous models in circumstances where one of those models, namely the embedded OCFOS model, effectively addressed each of the concerns identified by the Carmody Inquiry.

It is further the position of Together Queensland that the independence of the DCPL model has inadvertently resulted in harmful outcomes throughout the child protection system. These harmful outcomes include:

- A significant increase in the duration of child protection order proceedings;
- A disconnection between the court space and the constructive work conducted between frontline workers with families, resulting in court outcomes which are often not reflective of shifting positions resulting from Child Safety's collaborative work with families;
- A significant disconnection between DCPL Legal Officers and Child Safety Service Centres, resulting in non-collaborative working relationships;
- Inefficient work processes resulting from the externalised nature of the DCPL. These processes include:
 - The allocation of significant staffing within both departments to facilitate information exchange at the point of referral and as matters develop and progress;
 - The loss of the direct case experience developed by OCFOS lawyers in the emergent space when matters are handed over to the DCPL; and
 - The requirement for staff to book multiple consultations with various Legal Officers, to discuss different aspects of the same matter.
- A disconnection between DCPL staff members and the values, principles, and developmental learnings of the Department of Child Safety, resulting in the DCPL conducting work which is not reflective of the department's commitment to cultural practice, and domestic violence informed practice. Of particular note:
 - Frontline staff report that the DCPL have showed essentially no initiative or interest in making active efforts towards building its cultural competency, notwithstanding the litigation director's obligations under section 5F of the *Child Protection Act 1999* (Qld); and
 - DCPL staff have not trained their staff in the "Safe and Together" model of domestic violence informed child protection practice, and frontline staff have identified numerous examples of DCPL lawyers engaging in "Domestic Violence Destructive Practice" as defined by the Safe and Together model.

Given these concerns, Together Queensland advocates for the integration of the work currently conducted by OCFOS and the DCPL into a singular legal body, within the Department of Child Safety. Together Queensland further advocates for this body to be structured as much as possible to replicate the successful “Embedded Frontline Legal Support” model established by OCFOS.

It is the view of Together Queensland that this proposed model will continue to address each of the concerns identified by the Carmody Inquiry, while also aligning with the realities of frontline child protection work, and supporting the child protection workforce, the children it aims to protect, and the families and communities it aims to serve.

Together Queensland’s Position on the Preparation of Initiating Affidavit Material for Child Protection Order Proceedings

Child Safety Officers (“CSOs”) and Senior Team Leaders (“STLs”) have almost universally identified that the preparation of “Initiating Affidavit” material for Child Protection Order proceedings represents a significant barrier which disrupts their ability to engage directly with children and their families. In particular, frontline staff have repeatedly raised the following concerns with Together Queensland:

- A standard Initiating Affidavit is an extremely large document, often encompassing 20-30 pages of sworn material, and 200-300 pages of exhibit material;
- For larger families with a longer history of involvement with the department, initiating affidavits can approach 50 pages of sworn material, and 400-450 pages of exhibit material;
- The preparation of an Initiating Affidavit in a child protection order matter requires on average 1 full “offline day”, wherein the CSO or STL preparing the material is not available to perform other work for any of the children on their caseload;
- Parents are often overwhelmed by the receipt of the material, and are functionally unable to process the document due to its size and scope; and
- A significant portion of Initiating Affidavits provide little to no benefit to the Childrens Court, as matters are often finalised via agreement between parties without the need for a forensic examination of the evidence supporting a Child Safety Officer’s professional assessment.

Together Queensland’s position is centred around two fundamental issues that arise from the concerns identified above:

- The inefficiency of utilising the specialised skillset of a qualified child protection practitioners for the purposes of legal document drafting, when this work could be largely re-allocated to administrative staff; and
- The inefficiency of requiring “trial-ready” affidavit material to be prepared for all matters, even in cases where parents consent to the order initially or following court-ordered conferencing.

The allocation of legal document drafting tasks to qualified child protection practitioners

Together Queensland has long held the position that Child Safety is critically understaffed, particularly in relation to the employment of qualified child protection practitioners, whose fundamental duties require them to engage directly with children, families, and community stakeholders.

In addressing this, Together Queensland has consistently advocated for the implementation of administrative support staff, to ensure that child protection practitioners are able to maximise their time working within the community.

In 2022, to address significant staffing shortfalls in the North Queensland, and Far North Queensland, Together Queensland negotiated with the department to trial the introduction of a number of these roles, most notable the Paralegal role, and the Case Support Worker role. For the purposes of the trial, the department agreed to an employment ration of 1 Paralegal and 1 Case Support Worker for every 2 teams operating in a Child Safety Service Centre. These roles performed legal document drafting tasks, and case-related administrative tasks respectively. Frontline staff have provided overwhelmingly positive feedback in relation to these roles, with both roles contributing towards the preparation of affidavit material for child protection order proceedings.

In the February 2024 Final Review of the Paralegal Trial in FNQ the report outlined “Managers and supervisors noted that ‘Having PO to take on the task of writing affidavits has freed up a significant amount of time for CSOs to be able to do case management tasks which in turn contributes to having quality evidence for matters before the Court.”

Further the report outlined in the review that:

- Affidavits being completed by one or two PLO has created consistency in court material which I think will be appreciated by DCPL and OCFOS.
- CSOs are less overwhelmed because they are no longer solely responsible for the completion of court work.

- Retention of staff within the service centre has improved because of the support provided by the paralegals.

On 17 December 2024, the Queensland Government provided permanent funding for a number of Paralegal positions across the state. Disappointingly, this funding fell well short of the 1 Paralegal and 1 Case Support Worker per two team ratio. As such, most Child Safety Service Centres have either 1 or 0 Paralegals, and the Case Support Worker role is only present within a very small number of workplaces across the state.

It is Together Queensland's position that the ration of 1 Paralegal and 1 Case Support Worker for every 2 teams which was successfully used during the trial of these positions should be permanently maintained across the state.

The Value of "Initiating Affidavits" in Child Protection Order Proceedings

At the commencement of a child protection order proceeding for a child, three documents are typically filed with the Childrens Court:

- A form 10 – "Application for a Child Protection Order", filed pursuant to section 10 of the *Director of Child Protection Litigation Act 2016* (Qld);
- A form D – "Disclosure Form", issued pursuant to Chapter 6, Part 4 of the *Director's Guidelines - Director of Child Protection Litigation 2019*; and
- A form 25 – "Affidavit" (colloquially referred to as the "Initiating Affidavit"), filed pursuant to rule 13 of the *Childrens Court Rules 2016* (Qld).

The Form 10 Application traditionally contains a very brief summary of the applicant's position in the matter. This document generally contains 8 to 12 paragraphs of submissions. The document tends to be 7 pages long, with 4 to 5 pages of substantive submissions. The Form D Disclosure Form is a pro forma form that lists documents generally available in child protection matters, and invites the respondent to request documents via a return form. This form has a space to include a specific list of available documents, but this section is under-utilised.

In contrast the affidavit is an extensive document ranging from 250-500 pages long, which contains the following:

- Details of the child who is the focus of the application, including their identity details, their family structure, and their legal circumstances;
- A fulsome child protection assessment containing the deponent's expert opinion-based submissions outlining why the child is in need of protection;
- A detailed, factual recounting of the department's involvement with the family over any recent investigations, or periods of intervention;

- A direct recounting of every event directly observed by the deponent which informed the deponent's child protection assessment;
- A paragraph attaching every document which informed the deponent's child protection assessment, with several sub-paragraphs identifying the critical aspects of the document;
- A full section identifying how the department met its obligations to Aboriginal and Torres Strait Islander children under section 5F of the *Child Protection Act 1999* (Qld);
- A section recounting the full child protection history of the family with the department, and if applicable with other child protection department's across Australia and New Zealand;
- A section outlining how the department has met its obligation to support the family towards reunification pursuant to section 73 of the *Child Protection Act 1999* (Qld);
- Two sections detailing the placement history, and family contact history for children following their entering into care;
- A section detailing the child's needs, views and wishes, and the extent of their participation with the department;
- Several sections attaching and detailing other documents required under Rule 13 of the *Childrens Court Rules*, including Strengths and Needs assessments of each child and parent, recent case plans and review reports, letters informing parent of any decision made which is reviewable via the Queensland Civil and Administrative Tribunal, referrals made to external support agencies and correspondence from those agencies regarding a parents progress, and criminal, domestic violence, and traffic histories for each related parent.

This document is prepared in full and filed at the commencement of all child protection order proceedings, even in circumstances where:

- Parents accept the legitimacy of the child protection concerns, or are otherwise willing to consent to the application at first mention;
- Agreement might yet be reached between the department and the respondent parents following Court Ordered Conferencing; or
- There is sufficient agreement between all parties about substantive facts, such that a trial can proceed with a far more streamlined and targeted affidavit.

This approach also causes a significant disruption to the timely progress of child protection proceedings, and perversely undermines parent's access natural justice. This is because:

- While the Application and Form D documents are generally provided to parents immediately upon the commencement of child protection order proceedings, the initiating affidavit generally takes longer to prepare;
- While waiting for this document, parents are not able to obtain comprehensive legal advice, as Application and Form D do not provide sufficient information for a lawyer to effectively review. As such, Queensland Legal Aid asks parents to only approach them once affidavit material has been received;
- Upon receiving the material, its size and scope often overwhelm parents, further undermining their ability to gain a comprehensive understanding of the department's position; and
- As a result, parents are generally unprepared to engage effectively at the first mention of child protection order proceedings, and those proceedings must be adjourned for periods of 4 to 6 weeks to provide parents time to form a legal position.

It is the position of Together Queensland that this approach to child protection order proceedings represents an unjustifiable inefficiency within the child protection system, consuming a substantial portion of practitioner time that would otherwise be used engaging with children and families, delaying the commencement of timely court proceedings, and creating a process that impedes early issue-resolution by producing material so extensive that it becomes difficult for parties to identify the central matters in dispute and work toward a negotiated outcome.

2. Key Issues Identified by Union Members

Child Safety

- Workload and Burnout
- Legal and Child Protection Framework Disconnect
- Communication Challenges
- Case Status Visibility
- Decision-Making Friction
- Training and Awareness Gaps
- Information and Legal Advice Delays
- Missed Reunification Opportunities

Office of the Child and Family Official Solicitor (OCFOS)

- Disjointed Case Management
- Duplicated Efforts
- Community Disconnection

3. Primary Recommendations for Improvement

Department of Justice and Attorney General

1. The dissolution of the Director of Child Protection Litigation, and the reallocation of funding and staffing resources from this body to the Department of Child Safety. It is critical that all employees are guaranteed employment security as part of any changes to the CPLM.

Department of Child Safety

1. The expansion of the Officer of the Child and Family Official Solicitor to include responsibilities relating to child protection order proceedings currently held by the Director of Child Protection Litigation;
2. The expansion of Legal Officers positions allocated to individual child safety services centres to account for the increase in workload;
3. A review of the comparative complexity of the current PO3, PO4, PO5 and PO6 legal roles within both departments, to ensure that staff from both departments are integrated at comparatively equal pay-points and levels of complexity.
4. A prioritisation of an "Embedded Frontline Legal Officer" model for Legal Officers wherever possible, noting the following reasonable exceptions:
 - a. The implementation of remote legal support would continue to be necessary in remote areas when Legal Officers cannot be employed locally; and
 - b. A centralised model may be appropriate for the conducting of child protection order hearings specifically, noting that this task may be most effectively performed by specialised staff via a briefing model.
5. Supporting the embedding of Legal Officers within Child Safety Service Centres by:
 - a. Formally requiring Child Safety Service Centres to host any legal officers allocated to them within their workplace; and
 - b. Ensuring that the role of Legal Officer is accounted for by Queensland Government Accommodation Office and Property Services.
6. The further reallocation of legal work away from Child Safety Officers via increased resourcing of the Case Support Worker and Paralegal roles. These roles

should be permanently maintained across all frontline workplaces, with a ratio of 1 Paralegal and 1 Case Support Worker for every 2 teams of frontline workers.

7. A review and restructure of the legislation, guidelines, and agreed upon procedures for preparing initiating material for child protection order proceedings, with a focus towards:
 - a. Streamlining the initiating material package filed in court proceedings;
 - b. Documenting the Child Safety Officer's specialist assessment via a separate document which can be attached to court material
 - c. Placing greater emphasis on the substance of child protection order applications and disclosure notices to reduce the overall significance of affidavit material.



Research Director
Health, Communities, Disability Services and Domestic and
Family Violence Prevention Committee
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Via email: hcdfsdfvpc@parliament.qld.gov.au

Friday 18 March 2016

Dear Sir/Madam,

Together thanks the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for the opportunity to make submissions regarding the *Director of Child Protection Litigation Bill* and the *Child Protection Reform Amendment Bill*.

Together is the union for all staff employed by Child Safety. Together members working in Child Safety are employed as Child Safety Officers, Child Safety Support Officers, Team Leaders, Senior Practitioners, Court Coordinators, Managers, Administration Officers and Court Services Officers, amongst others. A significant proportion of Child Safety staff are Together members. Court Coordinators and Court Services Officers will be directly impacted by this legislation, and other Child Safety Service Centre (CSSC) based staff will also be impacted.

As we understand the Department of Communities, Child Safety and Disability Services and the Department of Justice and Attorney-General have presented both these bills as a 'suite' of legislation, and the matters raised by these bills are in many ways inextricable, Together offers this submission as combined comment on both bills.

Together members agree that the child protection system is under immense stress, and note the government's commitment to the Child and Family Reforms, stemming from the Queensland Child Protection Commission of Inquiry. The matters identified in this submission have been raised, as per proper processes, through departmental consultative meetings and other related forums. Together

members make this submission in order to highlight the risks this legislation poses, as well as the lack of appropriate resourcing provided to the Department in order to implement and support the Child and Family Reforms to the level required, whilst still providing essential services to families and supporting at-risk children. Together delegates feel that they are responsible for raising the concerns that stem from the implementation of this legislation regarding its impacts on Child Safety staff, particularly those who work in CSSCs.

The Child and Family Reforms, of which these pieces of legislation underpin, will significantly change the workings of child protection. While Together members are cognisant of the need for child protection to change, the Department will—for the foreseeable future—remain the largest actor in the tertiary child protection sector and are concerned that appropriate resourcing has not been considered as part of the implementation of these reforms. The feedback contained within this submission relates largely to the dissolution of the Court Services unit and subsequent creation of the Director of Child Protection Litigation (DCPL) and Office of the Child and Family Official Solicitor (OCFOS), its potential impacts upon staff and risks for the Department. These bodies have been recreated as part of one of the recommendations that falls under the heading of Court Work Reform.

Involving families in the entire child protection process is fundamental to the success of keeping children safe. Together members welcome the recent implementation of the strengths-based practice framework, and appreciate its potential to positively involve families in the process. However, the litigation framework proposed by the nature of the Court Work Reforms is incongruent with the values and tenets of the practice framework. While there is hope that collaborative work with families will lessen the number of children in care, there will continue to be some cases where children need protection that can only be provided by a Child Protection Order.

The potential impacts of these reforms, as supported by this legislation, on Queensland communities are a serious concern for Together members. Regional areas in particular will be affected by the shifting of responsibilities to the DCPL. In regions, it is foreseeable that the officers representing DCPL, as applicant, will be required to teleconference into hearings in front of magistrates. This could serve to further disenfranchise families involved in the process, some of whom often have their first experience of understanding the impact of court action at the hearing, when currently they speak to Court Coordinators at the appearance. This link between families and the department could conceivably be severed by this new approach.

With the creation of the DCPL and OCFOS, and subsequent absorption of existing Court Coordinator and Court Services staff into these structures, Child Safety Service Centre staff are concerned that the level of support available to frontline Child Safety staff will be lessened and more difficult to obtain. While members note the intention of the legislation of providing legal advice to Child Safety staff

earlier, removing the Court Coordinator position from a CSSC will be detrimental to daily functions and activities of the CSSC. The work of CSOs contains some legal aspects, and Court Coordinators are essential in providing CSOs and Team Leaders with advice that is both legal- and child protection-focused; Court Coordinators currently have direct access to casework, case consultations and frontline staff in order to offer immediate advice that is consistent with seeking the best outcomes for families and children. This direct access to casework is critical to the strengthening of outcomes for families within the new Child Safety practice framework.

The Court Coordinator role is integral in CSSCs and the removal of this role will lead to already time-pressured CSOs and other staff lacking a key resource in the child protection process. Together members are concerned that the disconnect between frontline CSSC staff and litigators will result in delays and complications, as well as an increasingly litigious relationship between clients and the Department. Further, there are key functions currently undertaken by the existing Court Coordinator staff that have not yet been identified as being performed by either OCFOS or DCPL staff. These functions will still be required to be undertaken by the Department. There are significant concerns that the distance between DCPL, OCFOS and CSSC staff will lead to higher workloads, which is something that CSSC staff can hardly absorb. Reducing the resources available to child safety professionals within the Department without also reducing caseloads will only further compound some of the serious issues faced in Child Safety.

The recommendations regarding Court Work Reform made by the Queensland Child Protection Commission of Inquiry do not match the lived experience of our Child Safety membership. While once again accepting that work must be done to improve the sector, it has been noted that court proceedings and outcomes undertaken by the Department is, in fact, one of the better functioning aspects of the child protection continuum.

Together members are also concerned that this legislation gives magistrates the ability to become significantly more instructive in terms of casework. With all due respect to magistrates, members are concerned that allowing this will mean that child protection decisions will be made without full access to the history of the case. Furthermore, court directives or orders, once implemented, will be retained until the end of the order. Children's and families' needs are dynamic in nature and a current solution or directive may not be helpful to the family into the future. A case in example is the setting of family contact arrangements for the life of the order. To request a change to such an order to meet a child or family's current needs, will require significant additional work on behalf of the department, which may detract from other casework and case management responsibilities. It has been the experience of some Together members that protracted court proceedings can add to a child or family's distress.

Together members seek to reiterate that the purpose of this submission is most certainly not to raise opposition to the idea of improved outcomes for children and families through the litigation process. Together members, who are those at the frontline of child protection, remain unconvinced that these reforms, as facilitated by this legislation, will actually improve outcomes for families, and are concerned about the negative impacts that this legislation may have for at-risk children and families.

Together members do not support the introduction of the Court Work Reforms as underpinned by the proposed *Director of Child Protection Litigation* and *Child Protection Reform Amendment* Bills.

Further, Together recommends that:

- The state government retain Court Services and Court Coordinator positions as current;
- The Department undertake a full and thorough cost/benefit analysis of the Court Work Reforms; and,
- More resources be made immediately available to Child Safety Service Centres, particularly in the form of more funding for CSO and other CSSC-based positions in order to mitigate the risks and allow the proper implementation of the Child & Family Reforms.

Again, Together would like to thank the Committee for the opportunity to provide a submission on these bills. Should the Committee require any clarification or further information, please do not hesitate to contact A/Lead Organiser Dee Spink on [REDACTED]

Sincerely,

[REDACTED]

Alex Scott

Branch Secretary

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Members present:

Ms L Linard MP (Chair)
Dr CAC Rowan MP
Ms RM Bates MP (via teleconference)
Mr SL Dickson MP
Mr AD Harper MP
Mr JP Kelly MP

Staff present:

Ms D Jeffrey (Research Director)
Ms E Booth (Principal Research Officer)

PUBLIC HEARING—INQUIRIES INTO THE CHILD PROTECTION REFORM AMENDMENT BILL 2016 AND DIRECTOR OF CHILD PROTECTION LITIGATION BILL 2016

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 5 APRIL 2016

Brisbane

TUESDAY, 5 APRIL 2016

Committee met at 9.30 am

BLACKETT, Ms Nicole, Assistant Commissioner, Oversight, Evaluation and Community Education, Queensland Family and Child Commission

BRYANT, Ms Jo, Chief Executive Officer, Protect All Children Today Inc.

CAMILLERI, Ms Samantha, Finance and Operations Officer, Protect All Children Today Inc.

FRANCIS, Ms Wendy, Executive Member, Queensland Alliance for Kids

GEE, Mr Alan, Child Safety Delegate Mackay, Together

LAUCHS, Ms Andrea, Assistant Commissioner, Advocacy, Policy and Sector Development, Queensland Family and Child Commission

O'SHANESY, Ms Jo, Child Safety Delegate, Together

SCOTT, Mr Alex, Branch Secretary, Together

STORM, Ms Georgia, Child Safety Delegate Mount Isa, Together

CHAIR: Good morning. Thank you all for coming. Before we start, I request that mobile phones be turned off or switched to silent. I now declare this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee's inquiries into the Child Protection Reform Amendment Bill 2016 and Director of Child Protection Litigation Bill 2016 open. I would like to acknowledge the traditional owners of the land on which we meet and pay my respect to elders past, present and emerging. I am Leanne Linard, the chair of the committee and the member for Nudgee. The other members of the committee present here today are: Dr Christian Rowan, deputy chair and member for Moggill; Mr Aaron Harper, member for Thuringowa; Mr Steve Dickson, member for Buderim; Mr Joe Kelly, member for Greenslopes; and Ms Ros Bates, member for Mudgeeraba, who is here via teleconference.

Thank you for attendance here today. The committee appreciates your assistance. The bills were referred to the committee on 16 February 2016. The purpose of this hearing is to receive additional information from stakeholders to assist the committee in our examination of the bills. We are running this hearing as a roundtable forum to facilitate discussion. However, only members of the committee can put questions to witnesses. If you wish to raise issues for discussion, I ask you to direct your comments through me.

There are a few procedural matters before we start. The committee is a statutory committee of the Queensland parliament and as such represents the parliament. It is an all-party committee, which takes a non-partisan approach to inquiries. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath. I understand that you have been provided with a copy of the instructions for witnesses, so we will take those as read.

Hansard will record the proceedings and you will be provided with a copy of the transcript. This hearing will also be broadcast. These proceedings are similar to parliament to the extent that the public cannot participate. You may be filmed or photographed.

I welcome our first witnesses: Wendy from the Queensland Alliance for Kids; Jo and Samantha from Protect All Children Today Inc.; Andrea and Nicole from the Queensland Family and Child Commission; and Alex, Jo, Alan and Georgia from Together. Some of our witnesses are participating by teleconference. I know that presents some challenges. I will try to remember to give you an opportunity to speak, but please do speak up if you would like to contribute at any point. I offer a representative from each organisation an opportunity to make a brief opening statement. We have received your written submissions, and gratefully so. We will start with Protect All Children Today.

Ms Bryant: Protect All Children Today supports children and young people who are required to give evidence in criminal court matters as victims or witnesses to crime. We are here from that perspective. We do a lot of advocacy in relation to children and young people who have been victims or witnesses of crime. We have been around for 30 years and are well accepted within the court precinct by judges, members of the judiciary et cetera.

Ms Lauchs: Firstly, I would like to acknowledge the traditional owners of the land on which we meet today and pay my respect to elders past, present and emerging. I am pleased to appear before the committee today in relation to the Child Protection Reform Amendment Bill 2016 and the Director of Child Protection Litigation 2016. My name is an Andrea Lauchs, and I am the Assistant Commissioner for Advocacy, Policy and Sector Development within the Queensland Family and Child Commission. I am joined at the table by my colleague Nicole Blackett, who is the Assistant Commissioner for Oversight, Evaluation and Community Education at the QFCC.

The QFCC is a statutory body. We were established on 1 July 2014 under the Family and Child Commission Act. We are committed and mandated to promote the safety, wellbeing and best interests of children and young people in Queensland. We achieve this by promoting the responsibility of parents and the broader community to protect and care for their children; educating and providing information on services to strengthen and support families; overseeing Queensland's child protection system; providing leadership and expert advice to relevant agencies about laws, policies, practices and services; and developing and coordinating a multidisciplinary research program to inform policies and practices in consultation with stakeholders and relevant agencies.

The QFCC recognises and strongly supports the CPRA Bill 2016 and the Director of Child Protection Litigation Bill 2016 as they progress the recommendations made by the Queensland Child Protection Commission of Inquiry report. The QFCC supports the Director of Child Protection Litigation Bill in establishing an independent statutory office to provide greater accountability and oversight for child protection orders. We believe this independent statutory body will improve outcomes for children and their families. In addition, the QFCC supports the Child Protection Reform Amendment Bill in strengthening the voice of children and families in relation to decisions which will impact on them and by ensuring the court is well informed before a decision is made.

We believe oversight performs a valuable role in improving accountability and outcomes for children and young people in the child protection system. The value of oversight in supporting Queensland's child protection system was also echoed by recommendations in the Child Protection Commission of Inquiry. We support the role that the Director of Child Protection Litigation will play and the function of the Director of Child Protection Litigation in the child protection system and are supportive of the Director of Child Protection Litigation falling within the scope of the QFCC child's protection oversight role.

As a relevant agency of the child protection system, we recognise that the Child Death and Serious Injury Review Panel also acts as an independent system which performs an oversight role in relation to reviewing the deaths or serious physical injury of children known to Child Safety. As the Director of Child Protection Litigation will be involved in decisions about child protection order applications, the QFCC holds concerns if the panel's oversight role does not extend to the Director of Child Protection Litigation. We understand there are appropriate oversight mechanisms that oversight the legal profession such as the Legal Services Commission and the availability of appeals in relation to court decisions. We believe further consideration of the QFCC position is required.

Given the chief executive of Child Safety has significant responsibility in relation to the protection of children in Queensland under the Child Protection Act 1999, the QFCC believes Child Safety Services should have an external review or appeal mechanism for matters where they do not agree with the Director of Child Protection Litigation's decision and the reasons for this decision. This will further strengthen the independent authority of all stakeholders linked to the execution of the Director of Child Protection Litigation Bill 2016. We do, however, acknowledge that the Director of Child Protection Litigation may issue written guidelines that include procedures about how the chief executive of Child Safety may seek an internal review of a decision of the director for which reasons are required to be given under section 18 of the Child Protection Reform Amendment Bill.

In addition to QFCC's support for the Director of Child Protection Litigation, as mentioned previously, we are strongly supportive of the Child Protection Reform Amendment Bill. The QFCC supports expanding the extent to which the court may allow an individual or a non-party to take part in proceedings under section 113 of the Child Protection Reform Amendment Bill as it recognises the importance that significant people play in a child's life and their participation to inform the court in its proceedings. Although the QFCC does support the expansion of who may be included in the proceedings as a non-party, we do hold concerns in relation to clause 25 of the Child Protection

Reform Amendment Bill as it does not define or include parameters for defining who can be considered a non-party. The QFCC believes this clarity is necessary to ensure that only the most relevant individuals are included in the proceedings.

Ms Francis: Thank you very much for the opportunity to present to you on behalf of Queensland Alliance for Kids. I am one of the founding executive members. Our reason for existence is to make a positive contribution to new and existing child protection decisions and to provide an external reminder of the need for these decisions to be child centred with the best interests of the child being the primary focus. Obviously that is what we are all here about.

QAK supports the proposed appointment of a Director of Child Protection Litigation. We believe that such a position could greatly assist in the progression of children's cases where in-depth court appointments are not needed. However, in regard to clause 27 where the proposed length of appointment is stipulated as not more than five years, we would respectfully ask that the committee consider our recommendations in regard to the director's position. Our first recommendation in regard to this appointment is that during the first year the role be carefully monitored, supervised and supported, especially as the director will be new to child protection. We also recommend that the initial appointment be for 2½ rather than five years, with a review conducted after the first 12 months to ensure that progress is being made in regard to child focused decisions.

We would also appreciate clarification in regard to the reference in clause 6(1) (b) to the 'least intrusive child protection order'. When a child needs permanency because of the situation they find themselves in, it is imperative that an order for permanency be sought at the first opportunity. There is undeniable evidence that long-term foster care has negative short- and long-term effects on a child's wellbeing including increased anxiety, insecurity and low self-esteem. On the other hand, permanency including open adoption has been found to mitigate some of these negative effects largely due to providing the child with security, belonging and a sense of identity in a permanent family.

For reasons that QAK understands, Queensland's department of child safety has become reticent to embrace adoption as a permanent option for children requiring long-term or permanent care. However, this reticence has resulted in the pendulum swinging too far in the opposite direction and children are suffering from a lack of permanency. In 2013 there were only nine Queensland adopted, excluding step-parent adoption, and none were adopted using the provision in the Queensland Adoption Act 2009 which allows for the dispensing with the requirement for parents' consent. This provision was introduced to protect the most vulnerable children, but it is not being practised. QAK strongly objects to the lack of stability and sense of belonging that results for our society's most vulnerable children because of ongoing extensions of two-year short-term orders when a permanent placement, guardianship or open adoption would be in the best interests of the child.

To collude my brief comments, the Queensland Alliance for Kids supports the proposal in the Director of Child Protection Litigation Bill 2016 to appoint a director but requests consideration of a change to the terms of reference for this position initially. We urge this committee to ensure that the interests of the child be placed before the interpretation of the 'least intrusive' wording in clause 6 so that some of our state's most vulnerable children who are currently in the care of the department of child safety through no fault of their own receive permanency in a timely fashion when appropriate. We believe that permanency provides children the best environment to thrive and permanency should include open adoption.

Mr Scott: Thank you for the opportunity to address the committee today. I am Alex Scott. I am the Secretary of the Together union, which represents a significant proportion of Child Safety staff and has coverage of all the employees across the agency. With me today is Alan, Georgia and Jo, who are rank-and-file public servants employed by the department in this area. Our members acknowledge that the government and the Department of Communities, Child Safety and Disability Services have accepted the Queensland Child Protection Commission of Inquiry recommendations either in full or in principle and agree that the child protection system is under immense stress.

The court work reforms underpinning these two pieces of legislation are some of the most significant changes to be progressed under the banner of the child and family reforms. We note the work already undertaken by the department in order to implement these reforms and have raised our concerns through the usual departmental consultative processes. From the outset, our members would like to reiterate that the safety, wellbeing and best interests of children and families who are in the child protection system are always a priority for us in our work. The matters raised here have direct impacts upon the department's ability to support the outcomes for children and families.

Our members do not disagree with the policy objectives of improved outcomes for children and families in relation to court proceedings but however are overwhelmingly concerned with the potential unintended consequences that could be placed on families and the department and put them at significant risk. While our members disagree with some aspects of the changes, the major concern is the inability of the departments to implement these changes. A frequent note from our members and delegates has been, 'Why fix the one thing within Child Safety that isn't broken?' Delegates today want to talk particularly around issues around workload, around the unintended consequences in regional Queensland, the incongruence with the practice framework and the impact on court coordinator roles, and we will ask the committee to hear directly from the public servants involved in this area of work. We want to reiterate our continued campaign to try to get the best outcome for children. We have worked closely with a number of departments and a number of governments over the years to try to deliver that, but we remain concerned that while this is an important piece of reform there are some elements we are opposed to. We are also more concerned that the committee takes into account what the actual practical implication of these changes will be for the role of the departments and the role of public servants and we believe that that will put children more at risk rather than improve the current situation.

CHAIR: Thank you all for your opening statements. I should have mentioned at the beginning that I am sure we will get to know you very well. Obviously we are the former Health and Ambulance Services Committee and we spent the last year in the area exclusively of health but now take on these sorts of matters as well, so we look forward to having a continuing and long-term relationship with you in terms of the different bills that come before the House in this area.

Dr ROWAN: I collectively thank you all for coming along today and also for the submissions which will guide us in our assessment of this important piece of legislation. Wendy, I come to you first in relation to the Queensland Alliance for Kids. Specifically, do you have any comments on what performance criteria should be implemented for the role of Director of Child Protection Litigation?

Ms Francis: No, I do not. We have looked at it all—we have gone through it all—and we are happy with the concept, but we do think that there needs to be, particularly because it seems like this person is coming from outside child protection, oversight. That is why we want a shorter period of time so that it can be assessed, because unless it is really effective then there is no point.

Dr ROWAN: Clause 5 of the bill sets out that very important principle around the main principle for administering this act—that is, the safety, wellbeing and best interests of the child are paramount—and the bill is to be administered having regard to the principles in clause 6. In your evidence a little bit earlier you were saying that clause 6 needed to be amended and I was just wondering from your comments there was that partly being amended to include adoption as an enhanced principle or an option?

Ms Francis: Our concern is how we interpret least intrusive. In the past it seems to be that there has been an emphasis on least intrusive for parents, not necessarily for the children. We see that children cannot necessarily even make their own mind up when they need protection, but more often—so often—we have seen and the members of our organisation have seen that children are returned to parents only to be then returned back into foster care too briefly and the churn effect that this is just going on and on is really damaging to the children. When we see 'least intrusive', we are wondering what that actually means. Is that least intrusive for the parent or least intrusive for the child's life? Obviously it is hugely intrusive, so I guess we just want a clarification on what that actually means.

Dr ROWAN: From the Queensland Family and Child Commission perspective, in your submission you allude to or recommend some appeal provisions when there is a dissenting review by the CEO of Child Safety with respect to a decision of the Director of Child Protection Litigation. Can you comment a bit further on that in terms of how that would practically work if there is a dissenting decision or view between those two entities?

Ms Lauchs: I think for us it was just that there had to be a mechanism for Child Safety to have the right of appeal in those instances where the Director of Child Protection Litigation may choose a different course of action. I do not think we have considered that in any great length of the mechanics of how that would operate. We would probably leave that to those people with more legal inclinations than myself, but we just felt it was important that there was some mechanism when the child protection staff are the ones engaging with the families making the assessment and putting forward the recommendation for an order that, if the Director of Child Protection Litigation feels that there is not enough information to pursue that order or a different order is required and that goes against Child Safety's assessment, there had to be some ability to appeal that decision.

Dr ROWAN: Whilst we are specifically looking at these two bits of legislation today, it seems that all jurisdictions—both nationally if you think about what is happening with the royal commission into child abuse and obviously what has happened in various state jurisdictions and here in Queensland—are having to do more in relation to legislation. Have you got any comments from the Family and Child Commission perspective as to why that is the case? Are we moving forward and able to do more things to protect children, because that is what we all want to do, but why are we having to do more and more in this legislative space? Have you got any views around that?

Ms Lauchs: I think that there has been such fundamental reform in the child protection space over the last 10 or 15 years and that continues to happen in all jurisdictions and, because of that, every jurisdiction is constantly looking at better ways to improve. We have more awareness nationally around child abuse, we have royal commissions occurring and then there is the great work of advocacy services that are actually bringing to the forefront these issues that have always been socially unacceptable but it is actually becoming more front and centre where people are able to say, 'This behaviour won't be tolerated,' and that some gaps in legislation actually exist to protect children. There is a lot more community pressure and expectation that the legal system is strengthened to ensure that children are protected from all types of abuse.

Dr ROWAN: Following on from that, is it a greater awareness that we have or is there a prevalence increase or a combination of both?

Ms Lauchs: I could only speak from my view. It would have to be a combination of both, I would think. There have always been children unfortunately who have been abused or are being abused and certainly that has become a greater awareness now.

Dr ROWAN: Turning to the Together union in relation to the concern that was expressed that support available to front-line Child Safety staff will be less and more difficult to obtain, to me that sounded like there might have been an impact on the current operational processes which exist. Is that a concern of members?

Mr Scott: Yes. With the acceptance of the committee, I might get Alan to speak through some of the workload issues and then Georgia can talk to the specifics around regional Queensland.

Mr Gee: I am a delegate employed by the child safety department of communities in my fourth year of service at the Mackay Child Safety service centre. Child Safety staff operate a front-line service with a high degree of professionalism and dedication towards making better and safer outcomes for children and their families. Together members working in the front-line environment with clients feel they are responsible for bringing to attention their concerns with this legislation's day-to-day impacts on the staff operations of Child Safety service centres. Child Safety staff are often abused and threatened in their daily work. They endure this out of dedication to supporting children to be safe and working in their best interests. On 24 March 2016 all the delegates of Together at the Mackay Child Safety service centre conducted a 25-question survey looking at working conditions within this service centre. In relevance to the parliamentary committee on the court work reform related bill, the following data was obtained. One question was has your workload increased with the new framework Carmody recommendations? Some 82 per cent responded yes and 18 per cent responded no. Another question was do you feel the loss of the court coordinator has increased your workload? Some 93 per cent responded yes and seven per cent responded no. Another question was in your professional capacity do you think your current workload increases the risk for the children you work with? Some 62 per cent responded yes and 38 per cent responded no. The above results reflect Child Safety staff operating under significant stress, with significant and unsustainable workloads that affect not only the health and safety of the staff but those people in their front-line professional expertise believe that current workloads put children at greater risk. The removal of the court coordinator from the Child Safety service centre will only further compound a system already operating beyond its capacity.

A significant contributing factor to our members' concerns is that the workloads are at a high level across the state. Whilst the department has spoken about an increase in positions in the court services and the office of the official child and family solicitor areas, this does not stem workload concerns for Child Safety service staff. Members can only see these reforms as increasing workloads for Child Safety officers, senior team leaders and senior practitioners in particular. PO3s—professional officers grade level 3—are the anchors of the Child Safety service centre. They are the experienced mentors that advise and assist their less experienced colleagues. In the last 12 months I have had several PO3s approach me in tears or distress saying that they are not coping with workloads and how it is affecting their health. If PO3s are struggling with current workloads, then that is reflective of the Child Safety service centre operating beyond safe capacity and at significant risk for children. The removal of court coordinators will only add to this already overburdened situation.

As Carmody himself noted, the implementation of a whole suite of reforms would mean significant financial investment. We are not seeing that at the coalface of the department as it were. Child Safety officers and other Child Safety service staff have had to absorb huge amounts of change over the past 18 months and it has had a very significant impact on workload capacity. The Carmody recommendation relating to case loads is 10.4. The Department of Communities, Child Safety and Disability Services reduced the case loads of front-line Child Safety officers down from an average of 15 cases each. It is accepted that the government will reduce case loads of Child Safety officers as the number of children in the statutory system reduces as a result of these reforms. Child Safety officers are therefore practising a new higher resource demand framework. However, instead of operating on Carmody's 15 average cases, they are frequently carrying double that case load.

Lengthy court processes are the bane of families, children and staff alike. Court coordinator members have informed me that delay of families getting Legal Aid is a major contributor, often resulting in numerous court adjournments. This is often not known until the day of court. As such, without a court coordinator, OCFOS or DCPL staff will be required to be flown into regional locations and accommodation will need to be paid for a court appearance that may well be adjourned. That would appear a poor use of public resources given that currently court coordinators exist in situ without any extra expense. I have had examples of Child Safety officers who for safety reasons have not been able to attend court because of the risk to their person. The court coordinator then has to coordinate with the client for that case to be held. Without the court coordinator there, what would be the safety risk for that case and the participants involved in the court setting? Another example is having a video linked case in court with a client incarcerated. In that particular situation, the wrong client was brought up on the video link at the commencement of proceedings. Again, without a court coordinator present, confidentiality and confusion with the client would have existed and not been adhered to in a short time frame.

CHAIR: Alan, thank you very much for providing that additional information.

Mr KELLY: Thank you to all panel members for your submissions and appearance here today. My first question is for Nicole and Andrea. One submitter has made the statement that the only person in the new world who is not subject to the oversight of anyone is the DCPL. I wonder if you could give us your thoughts on whether that position actually will be oversighted and what role your organisation would play in that oversight role.

Ms Blackett: In terms of the role of the Queensland Family and Child Commission, we have responsibility for oversighting the child protection system which includes the system of services that are provided to support and enable the protection of children—that is, both the tertiary system as well as the secondary system which is the early intervention.

In terms of the actual oversight of the Director of Child Protection Litigation, this was something that we had conversations about with the drafting officers when this bill was being drafted. To this point it is not exactly clear the level of oversight which the QFCC would have over that position. We did have some discussions and they said that it would not be appropriate for the Queensland Family and Child Commission to oversight the directorate themselves because of the oversight within the legal profession. That is why we said in our opening statement that we would like further conversations around that particular point and get some further clarification.

Mr KELLY: Thanks very much. One of the things that struck me as I read through all of the submissions—and I think this question would start with Jo but everybody can make a contribution to this and it is good to see you again, Jo, and thank you for the many years of good work you have done in your area as a delegate—is that there is a real tension among the submissions around the need for long-term protection orders and the initial use of short-term orders. It seems that there is a body of evidence that suggests that long-term orders are perhaps more in the long-term interests of the child but the short-term orders fit with the policy objectives of the department in terms of trying to establish family reunification. Is there any consensus among child safety workers and the professionals attached to this area and legal professionals as well around that issue? Do you think that this legislation favours short-term intervention orders or long-term interventions, or favours neither?

Ms O'Shanesy: In response to that, I believe that there would be very little consensus with regard to the needs of children for short-term orders and for permanency. I think the nature of an order and the nature of an intervention for a child will very much depend on the nature of the evidence, the circumstances of the family and the circumstances of the child.

However, in terms of an understanding, as we all know, what children need is a sense of permanency. I believe that both the government and community based agencies and peak agencies throughout our state agree that children's needs need to be carefully assessed and their sense of permanency needs to be found somewhere, whether that be within their immediate family with their parents, with extended family, or with adopted family, or other long-term guardian.

For me this bill probably does not speak that much to the nature of permanency. My concern with the bill is that it turns very much to litigation and to finding evidence but not necessarily engaging so much with the family in a way that is going to be friendly to them so that they understand what is happening and what our intention is. That is just my opinion on the situation. I think it is very debateable about the short- and long-term orders. In the time that I have worked in the department—over 23 years over four decades—that has always been a debate for me and I am not convinced that this will address this issue.

Mr KELLY: Thank you. Does anybody else want to contribute to that?

Mr Gee: The feedback that I get from members is that I know a lot of people look at the United Kingdom legislation where they have a set period of time where the department works intensively with the parents and then after that period of time the role is reversed where then the parent must show cause. I think that sense of permanency and continuity and the delineation of a clear line is what seems to be missing and causes a lot of anxiety between families and children. Children will often ask, 'Why does it go on so long?' They are not talking about the actual decision; they are talking about the process.

If you can order short-term orders time in, time out, again, again and again, that permanency that everyone is talking about is elusive. I agree with Jo that there is no hard and fast answer but, certainly, having that indefinite time line adds a lot of angst to everybody involved in the system.

Mr DICKSON: I thank everybody for coming along this morning. Wendy, I have a question to you relating to permanency and also your opinion that adoption is probably the best option. That relates to the answer that Jo gave earlier. Can you drill that down and convince me why that should occur.

Ms Francis: Yes, I would like to do that. Adoption is a legal process. So a family has legally taken that child to be their own with all the legal rights and responsibilities as any biological child born into the family. If I can just speak from my own experience, my children are in their 30s. They all have good careers. They are married with children. But they still call on me for help. Our son is a paediatrician in Darwin and he rings and says, 'We want to do such and such. Can we have \$20,000 or whatever?' and we have to put it on our mortgage. They still call on us. In adoption, there is that permanency that that child belongs to that family.

On the other hand, in regard to guardianship, the guardian is responsible for a child until they are 18 years of age. The guardian operates under the decisions and the terms and conditions of the state. We are all concerned about what has happened in the past with closed adoptions. Children have not had access to their birth parents. Their birth certificates have been altered. None of that should ever happen again. Open adoption provides permanency and legal standing, but it removes the secrecy of the birth parents' identity. That is what we would recommend.

Mr DICKSON: Alan, I also have a question to you relating to the importance of the court services and also that the coordinating positions be retained. What costs saving do you think is there by going down the path that you were speaking of earlier? If these positions are taken away, what sort of cost impact is that going to have both financially and physically?

Mr Gee: I think I can only answer that in terms of examples because, obviously, I do not have access to financial data. Certainly, if you are going to have a distance related legal service, you are not going to have the intimacy. Therefore, that work is going to have to be picked up somewhere at the local level—presumably by the child safety officer. I know, certainly, in the area of copying files, that information that the department files is now going across. There is a significant cost in getting that information copied so that it is accessible. I do not know what the figure is on that, but that would be something that the committee, I would imagine, would be interested in, because I believe that it is significant. You are then going to have the costs where legal advice that is centrally based in Brisbane has to come out into the regions—obviously, not every time but certainly on occasions—to appear before court. As I gave in my example before, what happens if that legal advice comes to a court only to find out first thing in the morning that that court is adjourned until a later date? That is effectively costs lost to the government and the department for no result. That will not be known until the day.

As I said, you will find, I think, a departmental cost in staff turnover. I gave the example before about child safety officers already at the end of their tether coping with workloads. If they then have to pick up tasks that the court coordinator does within the child safety service centre, the court coordinator effectively works like a stationmaster at a train station in simple terms. They coordinate that. They are the face between the family and the department in the court process. It is almost a holding hand to get through. You are going to have a gap that is going to be picked up by that. That cannot be done by distance from Brisbane, by somebody who is not in the local courthouse. It does not directly answer your question, but I hope that it helps.

Mr DICKSON: Just to take that a little bit further, how many court coordinators do you believe we have in Queensland?

Mr Gee: My understanding is one in every child service centre. Alex, do you have the answer to that?

Mr DICKSON: Perhaps you can come back with that, if you like.

Mr Gee: Thank you very much.

CHAIR: I think if you can confirm that, that would be good. Thank you.

Ms Storm: I am a court coordinator and a delegate and I am at Mount Isa. I am in the Mount-Isa-Gulf office. We do Doomadgee, Mornington Island, Normanton, Mount Isa, Cloncurry and quite a few other communities. I really wonder about the practicalities of this bill, because it feels like we have been forgotten. It feels like Aboriginal Australians, who are 98 per cent of the families who I deal with, have been relegated once again to the legal backwater. We have this elitist group in Brisbane applying laws that work for them and we do not have any conception of how it will work here.

CHAIR: Thank you.

Mr DICKSON: Thank you.

Mr HARPER: I would just like to thank and acknowledge everybody for being here today, particularly those child safety officers who are out there doing exactly as we have just heard from Mount Isa. I am interested to see what the numbers are in respect of child safety. I think in the briefing that we received we were told that there were over 8,000 active cases. In terms of the staff ratio, I would be interested to see if you could take that on notice. But there is definitely work to be done in that space with these two particular bills.

At the outset, I want to say that I have a sister-in-law who has five foster-children, albeit in a different state. I get the difficulties of long-term residency and adoption, as you pointed out, Wendy. It is a really complex area.

In your opening statement you talked about greater accountability and oversight. How would you respond to the suggestion that the bill lessens accountability, given that the director's office will be an independent statutory agency?

Ms Lauchs: I will start and then Nicole can add more if she would like. I think for us we see that the intent of the reform is around providing independence to the granting of child protection orders. We know at the moment, particularly with the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system, the QFCC believes that, by externalising that decision, we are providing a level of oversight in determining whether those orders are being granted in the best interests of the child without the local information and some of the pressures that happen from court coordinators and workers on the ground. So it provides a level of independence of the decision-making around the orders for young people and children. Does that really answer your question?

Mr HARPER: Yes, I think so. I am satisfied with that. Thanks very much.

CHAIR: I have a few questions with regard to the written submissions that we have received. The first is in regard to the Family and Child Commission. The other is the point that you raise in relation to clause 25 of the bill in defining a nonparty to a proceeding. What I am interested in, particularly in regard to your recommendation, is are you referring more to the role, the rights or the nature of the person who would be captured under that? I just wanted to understand.

Ms Lauchs: It was the nature of the person and the definition of 'significant'. Information that we have and the history that we have of legislation defining 'significant' but not providing any examples of what that is is confusing for staff on the ground. We see that already in the Child Protection Act with the 'significant' decisions being made by recognised entities. We felt that, unless there was further clarification for the courts that identified what would be a 'significant' person in a child's life, then we could have different interpretations of that across the state.

CHAIR: Okay. The Bar Association also raised an issue with that clause, but its consideration was in relation to the rights of that person to bring an appeal. I just wondered if your issue was consistent with that, but your issue is more around consistent applications for the courts.

Ms Lauchs: That is right.

CHAIR: I have a question for Protect All Children Today. You have made mention there about the Evidence Act. My understanding—and by no means this is my area of expertise—is that the Childrens Court in child protection proceedings is not bound by the rules of evidence. Can you just clarify for the benefit of the committee exactly what you feel would be of benefit under that act by being incorporated?

Ms Bryant: Sure. We believe that all court jurisdictions across Queensland should have the same provisions in relation to children giving evidence in court. That is access to giving prerecorded evidence prior to a hearing, or a trial, from safe, secure locations. There are vulnerable witness suites established in most courthouses throughout Queensland to provide a secure environment free from, in criminal matters, the child seeing the accused or the defendant. It is about ensuring that the provisions of the Evidence Act are applied across all jurisdictions in Queensland.

CHAIR: Is that not practically happening now?

Ms Bryant: No, it is not. Even in Magistrates Court matters it is hit and miss in relation to what provisions are applied. It is all about solicitors and prosecutors making submissions to have the Evidence Act provisions afforded to children and young people.

CHAIR: You feel it would give greater protection to children in these sorts of proceedings?

Ms Bryant: Absolutely.

CHAIR: Can they have access to provide such evidence in secure environments now? Is it that they do not have access to that or you want that consistently to be the case?

Ms Bryant: That's right. The facilities across Queensland vary greatly. For example, in Brisbane the Supreme and District Court precinct has excellent facilities. Across the courtyard to the Magistrates Court the facilities are not nearly as good. It is making sure there are adequate facilities for children to give evidence in those environments in a safe and secure manner using the facilities that we have at the District and Supreme Court for Magistrates and Children's Court matters as well, because the facilities are there, they just don't use them adequately.

Dr ROWAN: That is a fairly broad remit there when you look at not only the systems and the processes but potentially the physical design and the education and training that goes into various providers in those locations. Who is best to lead and coordinate that, if that was to occur, to have that standardisation that you are saying across the areas?

Ms Bryant: PACT works closely with the members of the District and Supreme Court in relation to court redevelopment and that kind of information. We have a wealth of 30 years experience providing support to children in that area. I worked closely, when they were redeveloping the various courthouses, to come up with facilities that will meet the needs of children and young people. Obviously in regional areas it is much more challenging to get those. We would be very happy to be consulted and involved in the process.

CHAIR: Thank you very much. Unfortunately the time for our questions for our current panel has expired. I thank you all very much for taking the time to appear. Alex, I apologise to your two delegates who dropped out, but please thank them on behalf of the committee for providing their expertise.