

Child Protection Reform Amendment Act 2017

An overview of the legislative
amendments

October 2018

Background

- The Queensland Government is building a new child protection and family support system through its Supporting Families, Changing Futures reform program.
- Underpinning the system will be contemporary legislation that better reflects the role of parents, families, communities, government agencies, non-government organisations and the private sector in supporting Queensland children and families, now and into the future.
- Based on the recommendations of the Queensland Child Protection Commission of Inquiry, the Department of Child Safety, Youth and Women (the department) has undertaken a comprehensive review of the *Child Protection Act 1999* (the Act).
- The *Child Protection Reform Amendment Act 2017* (the Amendment Act) was passed by Parliament in October 2017 and assented in November 2017.
- To address the outcomes and minimise impacts on frontline staff, the department took a staged approach to allow for operational requirements to be planned and in place prior to the commencement of the provisions.
- Amendments commenced in three stages on 29 January and 23 July and 29 October 2018.

What's the intent?

The Amendment Act aims to:

- promote positive long-term outcomes for children in the child protection system through timely decision-making and decisive action towards either reunification with family or an alternative permanency option
- promote the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures
- provide a contemporary information sharing framework for the child protection and family support system, which is focused on children's safety and wellbeing
- support the implementation of other key reforms under the Supporting Families, Changing Futures reform program, including the Our Way strategy, and address identified legislative issues.

Underpinning all the legislative amendments is an updated paramount principle for administering the Act:

The safety, wellbeing and best interests of a child, **both through childhood and for the rest of the child's life**, are paramount.

January Amendments

- On 29 January 2018, **clauses 71 and 72 of the Amendment Act** commenced which address specific issues regarding information sharing and confidentiality provisions the *Child Protection Act 1999*. The sections enable:
 - the disclosure of information to individuals who are, or have been, in out-of-home care, including information that relates to another individual (**new section 188C**)
 - the disclosure of information to a parent, or another person acting on behalf of the child, if a child dies while subject to a child protection order (**new section 188D**)
 - information to be provided to the Police Commissioner if an investigation is being conducted by the Queensland Police Service following the death of a child, including information about a notifier, (**new section 188E**)
 - the chief executive to enter into arrangements with child welfare authorities in other jurisdictions to give the corresponding chief executive relevant information, including information about an unborn child, so that action can be taken to perform a function under a child welfare law in the receiving jurisdiction (**new section 189AB**)
- To support the new section 188C, the department has introduced the Time in Care Information Access Service. This service can provide people who are or have lived in out-of-home care with a Time in Care Report, as well as a range of documents the department holds such as their birth certificate, school reports and medical reports. To find out more about this service, email rti@communities.qld.gov.au.

July Amendments

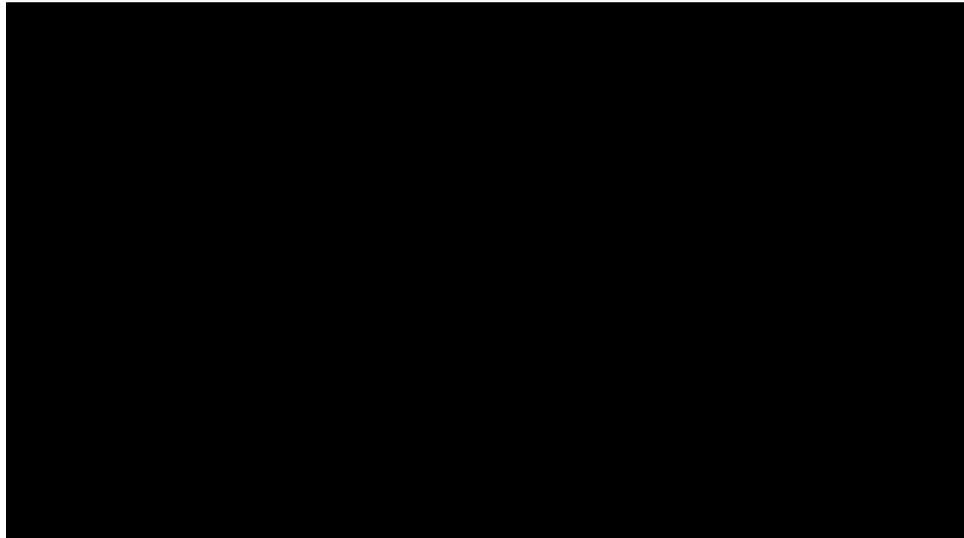
On 23 July 2018, provisions came into effect that:

- More effectively provide for the safety of children and young people subject to Intervention with Parental Agreement (IPA) and ensure parents and the department are clear about their requirements under the IPA (**sections 51ZB, 51ZC, 59**)
- Enable the department to seek a vaccination for a child or young person in the custody of the CE to comply with their routine vaccination schedule or in an emergency situation (**section 97**)
- Clarify the use of Temporary Custody Orders (**sections 51AB and 51AE**)
- Ensure QPS can issue child abduction quickly in emergency situations without the department's approval (**section 194**)
- Ensure the confidentiality of child who are, or are reasonably likely to be, witnesses in criminal proceedings (**section 193**)
- Provide for the department to more easily take part in a range of research and analytic projects (**section 189B**).

October Amendments

On 29 October 2018, the final stage of legislative amendments from the Amendment Act commenced.

These changes represent a significant shift in the way the Department of Child Safety, Youth and Women works with children and young people, parents, families, partner Queensland Government agencies, funded services and communities.



Changes to Queensland’s child protection legislation

Safe Care and Connection...

Intent of changes	What are the objectives and Deliverables?	Key sections of the Child Protection Act 1999
<p><i>To recognise the rights of Aboriginal and Torres Strait Islander peoples and ensure the connection of Aboriginal and Torres Strait Islander children and young people with their family, community and culture.</i></p> <p>We have a responsibility to build our collective cultural capability and understanding.</p> <p>We need to build on our relationships with families, communities, organisations and individuals, to ensure the way we work with Aboriginal and Torres Strait Islander children and young people keeps them connected to their cultural heritage, their family, their community and country.</p> <p>We have to place a focus, across the child protection system on culturally sound decision-making is required.</p>	<p>Objectives</p> <ol style="list-style-type: none"> 1. Ensure connection of Aboriginal and Torres Strait Islander children with their family, community and culture 2. Provide for the right of Aboriginal and Torres Strait Islander people to self determination 3. Better support a child and their family to participate in decision making, particularly cultural decisions <p>Deliverables</p> <ul style="list-style-type: none"> • Delegation of functions and powers under the Act to an appropriate Aboriginal or Torres Strait Islander entity • All decisions made about an Aboriginal and/or Torres Strait Islander child are aligned to the five elements of the Child Placement Principle (Partnership, Connection, Prevention, Participation, Placement) • Remove reference to Recognised Entities • Introduce the new concept of an Independent Entity • Cultural support planning for all Aboriginal and Torres Strait Islander children and young people 	<ul style="list-style-type: none"> • Section 5C – additional principles for Aboriginal and Torres Strait Islander children and young people • Sections 6, 6AA & 6AB – independent Aboriginal or Torres Strait Islander entity and principles • Chapter 4, Part 2A – prescribed delegates for Aboriginal and Torres Strait Islander children • Section 83 – placing an Aboriginal or Torres Strait Islander child or young person in care

Changes to Queensland’s child protection legislation

Permanency...

Intent of changes	What are the objectives and deliverables?	Key sections of the Child Protection Act 1999
<p><i>To promote positive long-term outcomes for children and young people in the child protection system through timely decision-making and decisive action toward either reunification with family or alternative long-term care, as well as support for young people who have left care up to 25 years old.</i></p> <p>From the moment a child or young person comes into contact with the child protection system we will need to think about how each decision we make will impact on their life, both in the short and long-term – for the rest of the child’s life.</p> <p>We must take a collaborative and consistent approach to support and enable decisions that will achieve relational, physical and legal permanency.</p>	<p>Objectives</p> <ol style="list-style-type: none"> Better promote permanency and stability for a child or young person in care Ensure better long-term outcomes for children and young people who have been in care Simplify court processes for changing a child’s guardian Ensure help is available for a young person in their transition to adulthood up to 25 years of age. <p>Deliverables</p> <ul style="list-style-type: none"> Amended paramount principle – Safety, wellbeing and best interests of a child both through childhood <i>and for the rest of the child’s life</i> New Permanency Principles including additional principles for Aboriginal and Torres Strait Islander children Permanency goals detailed in case plans New Permanent Care Orders and complaints framework for children and young people on PCOs Prevention of use of consecutive short-term orders beyond two years Transition planning is undertaken with all young people from the age of 15. 	<ul style="list-style-type: none"> Amendment of Section 5A which is the paramount principle New section 5BA – principles for achieving permanency for a child Section 59, 59A, 61, 65AA, Division 3A – permanent care orders New Section 79A – obligations of long-term or permanent guardian Section 51B – what is a case plan (includes permanency in the case plan) Section 62 – duration of child protection orders Sections 51B(1B), 75 – transition to independence

Changes to Queensland’s child protection legislation

Information Sharing...

Intent of changes	What are the objectives and deliverables?	Key sections of the Child Protection Act 1999
<p><i>To provide a contemporary information-sharing regime for the child protection and family support system which is focused on the safety and wellbeing of children and young people.</i></p> <p>It will be easier to decide when it is appropriate to share information and what information can be shared to ensure the safety and wellbeing of children and young people known to the child protection system.</p> <p>Services providing support to a family will be able to share information with each other in the event the family moves from one part of the state to another.</p> <p>A service that was previously working with the family to provide preventative support will be able to share information with another service which begins to work with a family because the child is now in need of protection.</p>	<p>Objectives</p> <ol style="list-style-type: none"> 1. Implement a contemporary information sharing regime focused on the best interests of children and young people 2. clarify and simplify the provisions in the Act that enable the sharing of relevant information while protecting the confidentiality of the information <p>Deliverables</p> <ul style="list-style-type: none"> • Develop and publish Information Sharing Guidelines that provides advice on when information should be shared and on secure use, storage, retention and disposal of information • Enable ‘specialist service providers’ funded by the Queensland or Commonwealth Governments to share relevant information with each other • Clarification regarding unborn children and pregnant women • Improved capacity to participate in research and projects to build a strong evidence base. 	<ul style="list-style-type: none"> • Section 159C – Information Sharing Guideline • Chapter 5A – Information Sharing

Resources & Contacts...

For more information about the changes to the child protection legislation, go to the Child Safety website:

www.communities.qld.gov.au/childsafety/about-us/legislation

For any questions or concerns, please call the Child Protection Reform Amendment Act Implementation Team on (07) 3238 7689 or email:

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