

# **CHILDREN SERVICES TRIBUNAL BILL 2000**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

#### **Objectives of Legislation**

The object of the Bill is to establish the Children Services Tribunal to provide for the review of certain administrative decisions about services for children and young people.

The Bill aims to—

- provide a merit review process which is accessible, fair and expeditious
- ensure the tribunal conducts its proceedings in a way which protects and promotes the rights, interests and welfare of children and young people by ensuring their views and wishes are considered and by enabling their participation in decision making
- enable the tribunal to use an appropriate mix of adversarial and inquisitorial processes and powers to arrive at the best possible decision
- ensure the merits review processes of the tribunal are a means of enhancing service delivery to children and young people by promoting a co-operative relationship between the tribunal and review participants with a focus on achieving the best outcome for the children and young people concerned.

#### **Reasons for the Bill**

The tribunal established by this Bill will replace the existing Children's Services Appeals Tribunals, which currently operate as part of the Children's Commission. These tribunals are established under the *Children's Commissioner and Children's Services Appeals Tribunals Act 1996* and are headed by the Children's Commissioner.

This Bill, together with the *Commission for Children and Young People Bill 2000*, will replace the *Children’s Commissioner and Children’s Services Appeals Tribunals Act 1996* in its entirety.

The two Bills have been developed following relevant recommendations of the Inquiry into Abuse of Children in Queensland Institutions (the “Forde Inquiry”) and an independent review of the *Children’s Commissioner and Children’s Services Appeals Tribunals Act 1996* conducted by John Briton (the “Briton Review”). The Report of the Briton Review noted that if all or most of its recommendations were accepted by government, it would be preferable to replace the current Act with completely new legislation.

Both the Forde Inquiry and the Briton Review recommended the establishment of the tribunal as a separate entity to the Children’s Commission.

The Briton Review identified major deficiencies in the current legislation in relation to the tribunal. It found that the Act, unlike other legislation establishing similar merits review bodies, gives little guidance to the tribunal in the exercise of its powers and few options for the way in which the tribunal should conduct appeals. It found that the shortcomings in the Act contributed to many of the difficulties that have arisen in practice since the tribunals commenced operation. The Briton Review recommended that legislation provide the tribunal with more detailed powers to enable the participation of children and young people in decision making and to encourage alternative dispute resolution and investigative, rather than adversarial, procedures.

The Bill adopts the majority of the Briton Review’s key recommendations in relation to the tribunal.

This Bill does not change the current jurisdiction of the tribunal in relation to decisions able to be reviewed under current legislation. The tribunal will continue to have the jurisdiction provided to it by other Acts to review the following decisions—

- Certain case plan decisions about children in care and licensing and approval decisions about residential care services and foster carers under the *Child Protection Act 1999*
- Decisions about the fitness of a person to adopt children under the *Adoption of Children Act 1964*

- Licensing decisions under the *Child Care Act 1991*.

It is proposed in the *Commission for Children and Young People Bill 2000* that a decision of the Commissioner for Children and Young People made under that Bill that a person is not suitable for child related employment also be reviewable by the tribunal.

### **Estimated Cost for Government Implementation**

The cost of implementing this legislation will be met within existing resources.

### **Consultation**

Extensive consultations with government and non-government stakeholders occurred during the Briton Review.

Since the completion of the Briton Review, consultation has occurred with key government departments and agencies responsible for the implementation of the Bill, namely the Department of Justice and Attorney-General, Families, Youth and Community Care Queensland, the Children's Commission and Legal Aid Queensland.

An exposure draft of the Bill was released for public consultation during April and May 2000. The draft Bill was forwarded to approximately 100 persons and agencies. A public forum for key stakeholders was held in Brisbane in May 2000. A forum for current members of the Children's Services Appeals Tribunal was also held in May 2000.

The exposure draft of the Bill was made available on the Children's Commission and the FYCCQ web sites to enable electronic access to and feedback on the Bill.

### **Consistency with Fundamental Legislative Principles**

Comment on consistency with the fundamental legislative principles of the *Legislative Standards Act 1992* is required in relation to the following provisions—

- Clause 17 (Minister may obtain information from commissioner of police service)
- Clause 66 (Representation of parties other than children)

- Clause 93 (Children giving evidence etc.) and clause 94 (Questioning of children)
- Clause 105 (Confidentiality orders)
- Clauses 108 (Tribunal may authorise constituting members to enter places and have contact with children) and 121 (Authorised member or tribunal may authorise entry of places and contact with children by independent inquirers).

Apart from clause 66, all instances of departure from the fundamental legislative principles occur in the context of the tension between the rights of individuals as safeguarded by the *Legislative Standards Act 1992* and the often competing rights of children and young people to participate in review processes in an appropriate way which protects them from further distress and harm which may occur through a strictly adversarial review process. Given the vulnerability of the children and young people who may be involved in reviews by the tribunal and the principle that children have a right to be protected from harm, it is considered that the departure from the fundamental legislative principles in these specific circumstances is warranted.

### **Clause 17 (Minister may obtain information from commissioner of police service)**

Clause 17 enables the Minister to obtain a report on the criminal history of a tribunal member or a person who has applied to be considered for selection as a member. “Criminal history” is defined in the Dictionary to include all convictions and charges made against the person and overrides sections 5 and 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986*. In their role of reviewing decisions made about children and young people, tribunal members are likely to have direct or indirect contact with and access to personal details about children and young people. This provision is justified to ensure the protection of these vulnerable children and young people by enabling the Minister to have access to all relevant information about a person who is or has applied to be considered for appointment as a member. This power is consistent with the purpose of recent amendments to the *Family Services Act 1987* and provisions of the *Commission for Children and Young People Bill 2000* enabling the screening of persons employed in child related employment and criminal history reports to be obtained in relation to commission staff.

**Clause 66 (Representation of parties other than children)**

Clause 66 provides that an (adult) party may not be represented before the tribunal by a lawyer or agent without the Tribunal's permission. This mirrors existing provisions in the current legislation and is a standard feature of administrative review tribunals. Because the purpose of such tribunals is to review administrative decisions on merit and make the best possible decision in the circumstances rather than determining which party has presented the more convincing case, increased powers to control the management and direction of the proceedings are a feature of these bodies. The power to determine whether the parties should be represented is an important means by which a tribunal can control the direction of the proceedings.

In deciding an application by a party to be represented, the clause requires the tribunal to have regard to—

- the nature and complexity of the factual and legal issues involved, and
- the party's capacity to present their case.

The Bill also provides that tribunal rules may include guidelines for deciding applications by parties for permission to be represented. The rules would therefore provide more detailed guidelines based on the factors the tribunal must consider as outlined in clause 66.

It is considered that clause 66 and the tribunal rules will provide sufficient protections for those parties who, because of the complexity of the case or because of a disability or for other reasons, are not capable of adequately presenting their cases by oral or written submissions. The Bill also provides many mechanisms to enable the tribunal to independently obtain information about the subject matter of the review, so that unlike a traditional adversarial forum, the tribunal is not solely reliant on the evidence adduced, and the submissions made, by the parties.

The restriction on representation does not apply if a party is a child or young person. The Bill does not require a child or young person to seek the permission of the tribunal to be represented. This is because most children and young people do not have the skills or the life experience to represent themselves adequately. Further, it would be inappropriate to require children and young people to personally appear and make submissions where the review is about a decision related to their care and their parents and/or carers are also parties to the review.

**Clause 93 (Children giving evidence etc) and clause 94 (Questioning of children)**

Clause 90 provides that children cannot be compelled to give evidence in a proceeding. Clause 93 limits the persons who may be present while a child is giving evidence or expressing the child's views to the tribunal to the tribunal members, the child's representative and the child's support person. If a child wishes to give evidence or express his or her views in the presence of the parties, the clause provides that the child may do so if he or she is aged 12 or more and is represented. Clause 92 prohibits the cross-examination of a young person who elects to give evidence or express their views to the tribunal in the presence of the other parties.

These provisions are similar to section 112 of the *Child Protection Act 1999* except that in that section the Children's Court may give leave for a child to be called as a witness and for a party to cross-examine a child witness if the child is aged 12 or more and is legally represented and agrees to give evidence. Because the proceedings before the tribunal may canvass the same or similar matters before the Childrens Court under the *Child Protection Act 1999*, it was considered that similar restrictions were appropriate in proceedings before the tribunal. Further, because the tribunal is not a court but an administrative decision making body, it was considered appropriate to restrict cross-examination altogether.

These clauses are considered necessary to ensure accessibility of review processes to children and young people, to ensure their views and wishes are heard and to reduce the stress for children and young people who choose to give evidence. Many children and young people involved in reviews will have suffered abuse and neglect within their families. They should not be required to give evidence and be cross-examined in an administrative proceeding where a party is likely to be the person who abused them. The parties may also be persons who have considerable influence over the child and young person. Their presence may impact on the child's capacity to give their best possible evidence or to express their true views.

These provisions seek to protect children and young people from further abuse in the system. The weight given to their evidence or views will be a matter for the tribunal to decide based on the child's age and maturity balanced with all other evidence and information obtained by the tribunal. As the primary focus of the tribunal is to make the best possible decision in the interests of the child about whom the reviewable decision has been made

rather than to decide between the competing cases of the parties, this protection is considered appropriate.

### **Clause 105 (Confidentiality orders)**

Clause 105 gives the tribunal power to make confidentiality orders in relation to documents produced, or evidence given to the tribunal. A confidentiality order can only be made where the tribunal is satisfied that, without the order—

- a child is likely to be harmed, or
- the safety of another person is likely to be endangered.

The effect of such an order is to prohibit or restrict the disclosure of the document or evidence to all or any of the parties. Such a restriction would mean that the tribunal will have access to information that is not available to all the parties. However, this power is considered necessary to ensure that very sensitive information about a child or parent is not released to a party where the release could result in further harm to a child or young person or jeopardise the safety of a person. Examples of circumstances where a confidentiality order would be appropriate are:

- a file held by FYCCQ about a young person who is in the guardianship of the chief executive under a child protection order may contain certain information about a parent that, if released to the young person who is a party to the proceedings before the tribunal, would cause further emotional harm to the young person
- a report produced by an independent inquirer may contain confidential information about a parent that, if released to another party who is a family member, would have a damaging effect on the ongoing relationship between the parent and the family member such that they will be unable to continue to work together in providing for the child's care and protection and therefore ultimately cause further emotional and psychological harm to the child
- there may be a history of domestic violence by the child's father against the child's mother. If certain aspects of the mother's evidence are revealed to the father, he may take further violent action against her.

The tribunal established by the *Guardianship and Administration Act 2000* has a similar ‘best interests’ focus. It contains a similar but broader provision for the making of confidentiality orders by that tribunal in relation to documents or evidence before it. Both tribunals have a welfare jurisdiction with a focus on the best interests of vulnerable persons. The overarching principle of this Bill is that the best interests of children are paramount. Another principle contained in clause 7 is that children are entitled to be protected from harm. These principles require that where the safety and wellbeing of a child conflicts with the rights of the parties, the child’s interests must take precedence.

**Clause 108 (Tribunal may authorise constituting members to enter places and have contact with children) and clause 121 (Authorised member or tribunal may authorise entry of places and contact with children by independent inquirers)**

These clauses enable constituting members and appointed independent inquirers to be authorised to enter and inspect places when a review concerns the suitability of facilities to be provided for a child or young person. They also enable constituting members and independent inquirers to be authorised to enter places to have contact with a child or young person. The exercise of these powers by members must be authorised by an order of the tribunal and their exercise by an independent inquirer must be authorised by a tribunal member who is a lawyer of 5 years standing.

In most cases, it is expected that entry to places and contact with children will occur with the relevant consents. These powers can only be utilised where consent has been or is likely to be refused. However, the powers are considered necessary to ensure that the tribunal has before it all relevant material and has obtained the child’s views. Judicial officers have a common law power to inspect places relevant to a matter before a Court. These clauses extend this type of power to tribunal members and independent inquirers and to having contact with children.

It should be noted that the tribunal or authorised member may only make an order about contact with a child if the tribunal or authorised member considers the order is in the best interests of the child, having regard to the child’s views and wishes. Further, nothing in the clauses compels a child to have contact with a member or an independent inquirer. If a child indicates by words or actions that she or he does not wish to see the member or inquirer then these powers cannot be used to compel the child to do so.



## **NOTES ON PROVISIONS**

### **PART 1—PRELIMINARY**

*Clause 1* sets out the short title of the Bill.

*Clause 2* provides for commencement of the Bill on proclamation.

*Clause 3* provides information as to the location of the “Dictionary” in the Bill.

*Clause 4* defines the term “harm” in the same way as it is defined in the *Child Protection Act 1999* as being any detrimental effect on the child’s wellbeing, as is its common usage. However, the detrimental effect must be significant in nature. The type of harm may be physical, psychological or emotional. It may be the result of physical, psychological or emotional abuse or neglect of a child or the result of sexual abuse or exploitation, but is not limited as to its cause.

*Clause 5* provides that the Act binds all persons.

*Clause 6* states the object of the Act.

*Clause 7* sets out the principles, which will guide the tribunal in the exercise of its jurisdiction. The principles make it clear that in matters involving children and young people, their best interests are the paramount consideration. The key principles outlined in this clause are reflected throughout the Bill.

### **PART 2—ESTABLISHMENT AND MEMBERSHIP OF CHILDREN SERVICES TRIBUNAL**

#### ***Division 1—Establishment of tribunal***

*Clause 8* establishes the Children Services Tribunal.

*Clause 9* provides that the tribunal is not subject to ministerial direction.

***Division 2—Membership of tribunal***

*Clause 10* provides that the members of the tribunal are the president, deputy president and other members and provides for the members to be appointed by the Governor in Council under this Bill.

*Clause 11* sets out the selection process for tribunal members, including a requirement to advertise for applications from appropriate persons. It also requires the Minister to consider certain matters when recommending persons for appointment as members by Governor in Council.

*Clause 12* sets out the eligibility requirements for appointment as a member.

*Clause 13* provides that the term of appointment of a member must not be longer than 3 years.

*Clause 14* sets out how a member may resign.

*Clause 15* relates to remuneration and other conditions of a member's office.

*Clause 16* sets out the basis upon which a member may be removed from office by the Governor in Council.

*Clause 17* enables the Minister to obtain a report on the criminal history of a member or a person who has applied to be considered for selection as a member from the commissioner of the police service. This provision is discussed in more detail above under 'Consistency with fundamental legislative principles'.

***Division 3—Functions and powers of president and deputy president***

*Clause 18* sets out the president's functions.

*Clause 19* provides that the president is not subject to the Minister's direction in performing or exercising the president's functions or powers under the Bill.

*Clause 20* relates to the president's responsibilities in relation to the list of ADR facilitators and the list of independent inquirers.

*Clause 21* provides that the president has the necessary or convenient powers to carry out the president's functions and the president has any other powers given to the president under this or any other Act.

*Clause 22* enables the president to delegate the president's powers to another member.

*Clause 23* sets out the circumstances in which the deputy president is to act as the president.

### **PART 3—REGISTRAR AND OTHER STAFF**

*Clause 24* sets out the qualifications and role of the registrar of the tribunal.

*Clause 25* empowers the registrar to keep records and information.

*Clause 26* provides that the registrar and other staff of the tribunal are to be employed under the *Public Service Act 1996*.

### **PART 4—ORGANISATION, JURISDICTION AND OPERATION OF TRIBUNAL**

#### ***Division 1—Sitting and constitution of tribunal***

*Clause 27* provides that the tribunal sits at times and places as directed by the president.

*Clause 28* sets out how and when the tribunal is to be constituted for a review and who should constitute the tribunal for particular reviews. The clause requires the constituting membership to include, to the extent practicable, Indigenous members if a party, or a person entitled to elect to become a party, is Indigenous and a member with specialist knowledge of the subject matter being reviewed. At least one of the three constituting members must be a lawyer of at least 5 years standing. For a review of a decision of the Commissioner for Children and Young People under the *Commission for Children and Young People Bill 2000* (a 'child-related employment review'), the clause enables the president to constitute the tribunal by a single member who must be a lawyer of 5 years standing.

*Clause 29* sets out who is the presiding member for a review.

*Clause 30* sets out the circumstances that would make a member ineligible to be a constituting member for a review.

*Clause 31* requires a constituting member to disclose to the president and the parties any interest he or she may have which could conflict with the proper performance of the member's function in the review. If the member is the president, he or she must disclose the interest to the parties. The member may then disqualify him or herself. The member may only continue to take part in the review with the agreement of the president and the parties.

*Clause 32* enables the president to reconstitute the tribunal with another member if one of the original constituting members is for any reason not available to continue with the review. The tribunal as reconstituted must continue and finish the review and may have regard to any record of the review made by the tribunal as previously constituted.

*Clause 33* sets out how the tribunal is to decide a question of law.

*Clause 34* sets out how all questions before the tribunal, other than a question of law, are to be decided.

### ***Division 2—Jurisdiction and matters relating to decisions***

*Clause 35* establishes the tribunal's jurisdiction to review reviewable decisions.

*Clause 36* enables the tribunal to hold a hearing for the review or to decide anything it is empowered to decide under this or any other Act.

*Clause 37* requires the tribunal to decide afresh the matter to which the reviewable decision relates and to take all reasonable steps to ensure it has all relevant material before it, including material not available to the decision maker.

*Clause 38* sets out the powers of the tribunal on review. After reviewing the reviewable decision, the tribunal may confirm, set aside or vary the decision, substitute its own decision or return the decision to the decision-maker for reconsideration. It also enables the tribunal to make recommendations about the policies, practices and procedures relevant to the decision to the chief executive of the government entity in which the

decision was made. This provision seeks to further the object of the Bill to foster an atmosphere of review that enhances the delivery of services to children and young people.

*Clause 39* enables the president to order an applicant for review to use the internal review process of the government entity in which the decision was made if the president is satisfied there is an appropriate internal review process available, the applicant has not used the process and it is reasonable for the applicant to use the process.

*Clause 40* empowers the president to suspend a review if—

- some or all the matters to which the reviewable decision relates is also before a court and
- the president considers that the court will decide the matters quickly and
- the court's decision would effectively decide the issues before the tribunal.

The clause requires the president to dismiss the review application if the court's decision effectively decides the issues before the tribunal.

The purpose of the clause is to guard against forum shopping and to ensure the tribunal's resources are not used in making decisions, which cannot take effect because of the determination of a related application by a court. An example of the application of this clause would be in circumstances where the tribunal is hearing a review application about a decision made under the *Child Protection Act 1999* to place a child with a particular carer and there is a concurrent application before the Childrens Court for revocation of the child's child protection order. The Court has listed the matter for hearing in 2 weeks. If the Court revokes the child protection order, the child would be returned to his or her family and the issue of placement of the child would be resolved. If the Court does not revoke the child protection order, the clause enables the suspension of the review to be cancelled. The tribunal may then continue to hear the application.

*Clause 41* sets out the other circumstances in which the tribunal may dismiss an application for review.

*Clause 42* requires the tribunal's decision to be in writing. It also requires the tribunal to state the reasons for its decision in a manner that can be readily understood by the parties.

*Clause 43* requires the registrar, as soon as practicable after the tribunal's decision is made, to give the parties a notice stating the tribunal's decision, the reasons for the decision and information about parties' appeal rights. The registrar is required to omit from the information notice any information, which if left in the notice would contravene a confidentiality order made by the tribunal under clause 105.

*Clause 44* requires the registrar to give a copy of the tribunal's decision to the chief executive of the government entity in which the decision was made. It also requires a copy of any recommendations made to the chief executive by the tribunal about the entity's policies, practices and procedures relating to the decision reviewed to be given to the decision maker.

*Clause 45* provides that the tribunal's decision takes effect on the day it is made unless a later date is stated in the decision. It also provides that the tribunal's decision is taken to be the decision of the decision-maker and must give effect by the government entity in which the decision was made.

### ***Division 3—General powers and procedures of the tribunal***

*Clause 46* sets out the general powers of the tribunal. These powers include the power to receive information on oath or affirmation, to question a person giving evidence and make interim orders.

*Clause 47* enables the tribunal, where appropriate, to conduct its proceedings by telecommunication. It also enables the tribunal to decide all or part of a proceeding from the papers without the parties appearing in person if the parties agree and the tribunal considers it appropriate.

*Clause 48* provides for proceedings before the tribunal to be held in private. It sets out who may be present at a hearing. This clause is subject to clause 50, which gives the tribunal a discretion to order that a proceeding be held in public if no information identifying a particular child will be given during the proceeding. These clauses aim to protect the privacy and dignity of children, many of whom have suffered abuse or neglect in their families and intervention by the State into their lives, by ensuring that personal information about their lives and their families is not released further in an open proceeding. Child protection proceedings in the Childrens Court are closed proceedings. These clauses ensure the same protection is given to children in administrative decision making proceedings about their care and welfare.

Proceedings related to a child-related employment review are also required to be held in private. This is because information about a person's criminal history, which is protected under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, will frequently be disclosed during these proceedings. This information is required to be kept confidential under the *Commission for Children and Young People Bill 2000* and should not be disclosed publicly on review.

*Clause 49* requires the tribunal to inquire as to whether a party or witness requires a support person present in the proceeding and enables the tribunal to allow the nominated support person to be present. A support person cannot be another party and cannot act as a representative of the party or witness or address the tribunal.

*Clause 50* gives the tribunal a discretion to order that a proceeding be held in public provided no identifying information about a child will be given in the proceeding. However, it requires a proceeding relating to a child related employment review to be held in private. The reasons for this are stated in the note for clause 48.

*Clause 51* sets out the general manner in which the tribunal should conduct its proceedings. It enables the tribunal to decide its own procedures subject to the Bill, the tribunal rules and procedural directions given by the president.

*Clause 52* requires the tribunal to take measures to ensure the manner in which it conducts its proceedings recognises and is responsive to the needs, traditions and customs of children, Indigenous peoples and people from other cultural and linguistic backgrounds and persons with intellectual or physical disabilities. The tribunal is required to ensure that participants in proceedings understand its procedures and that the tribunal itself understands the context of actions taken or views expressed by participants.

*Examples of the measures the tribunal could take are—*

- *The use of an interpreter if any party or witness experiences difficulty communicating in English*
- *The use of a person who has specialist knowledge and skill to facilitate communication if a party or witness has a disability which would limit their taking part in proceedings.*

- *Where a party or child is Aboriginal, the tribunal could appoint an appropriate person with knowledge of the traditions and cultural practices of the party's or child's community to provide it with advice as to how the proceedings should be conducted and to facilitate communication.*

The clause also requires the tribunal to discontinue a proceeding if a person who has difficulty communicating in English does not have an interpreter or a person with a disability which prevents him or her from full participating in the proceeding does not have a person to facilitate communication.

*Clause 53* enables the tribunal to appoint an expert to advise the tribunal on matters related to the review.

*Clause 54* empowers the president to give written directions of a general or limited application about the tribunal's procedure where the procedures are not dealt with in the Act or tribunal rules.

*Clause 55* sets out matters the tribunal must consider when exercising its power to adjourn a proceeding involving a child. It also sets out what the tribunal must do when it adjourns a proceeding.

*Clause 56* ensures the tribunal cannot decide matters, including the review application, unless the parties have had reasonable notice of the proceeding. "Reasonable notice" is not defined because it may vary in specific circumstances; for example to allow access to legal advice and travel time that may vary in different parts of the State. This clause also recognises that in some cases it may not be practicable to give a party notice, for example if they cannot be located.

#### ***Division 4—Starting a review, parties and representatives, and stay of reviewable decisions***

*Clause 57* describes how the term 'reviewable decision' is used in the Bill.

*Clause 58* sets out the process for making an application to the tribunal for review of a reviewable decision. The clause requires a review application to fully state the grounds for review and be filed within 28 days after the applicant received notice from the decision maker of the reviewable decision. It also enables the president to extend the time for filing an application.



*Clause 59* enables applications for review to be filed on behalf of a child with the president's permission. The president's permission can only be given if—

- the person seeking to make the application is not entitled to make an application in their own name, and
- the president considers that it is in the child's best interests for the application to be made and it would be inappropriate or unreasonable to expect the child to make the application themselves.

The Bill provides for various measures and procedures aimed at facilitating the participation of children and young people in reviews, including—

- provisions for the representation of children and young people,
- provisions protecting child witnesses, and
- provision in the principles contained in clause 7 that children who are entitled to initiate reviews should be given the necessary information and help for them to do so.

Generally children and young people should be encouraged and supported to exercise their rights themselves. However, this clause recognises that there will be circumstances where children and young people will not be capable of acting on their own behalf because, for example, he or she is too young, is experiencing developmental delays or has an intellectual disability and a review of the decision affecting them would be appropriate to ensure their ongoing protection and wellbeing.

Oversight by the president is required to ensure—

- that children and young people have the opportunity to make the application themselves if this is possible and appropriate, and
- to safeguard against the possibility of persons who do not have rights to seek review using a child without the child's knowledge as a means of obtaining review of a decision with which they do not agree in circumstances where it would not be in the child's best interests for the review to occur.

*Clause 60* sets out the procedures the registrar and the decision-maker must follow once a review application has been filed. The purpose of the clause is to ensure—

- the decision maker is quickly notified of the review application, and
- the registrar is quickly provided with information about the names and addresses of all other persons who are entitled to apply for the review
- all persons entitled to seek review of the decision are informed of the review application.

The clause requires the registrar to notify these persons and inform them of their right to elect to become a party.

*Clause 61* sets out who are the parties to a review.

*Clause 62* enables persons notified of a review application under clause 60 to elect to become a party to a review by filing a notice of election with the registrar within 7 days after the person receives the clause 60 notice. The purpose of this clause is to ensure that all persons entitled to seek review of a decision are informed of any review application in relation to the decision and have the opportunity to be included in the review by electing to become parties. The clause recognises that the other persons entitled to seek review of a decision have a special interest in any review application and should have an automatic entitlement to participate rather than being required to apply for the leave of the tribunal to be joined as parties. The election process ensures that persons who do not wish to participate are not compelled to do so.

*Clause 63* enables the tribunal, of its own motion or an application of the person, to join a person who is genuinely concerned in the subject matter of the review as a party. Where the review concerns a child, the tribunal may only join the person if it is satisfied that to do so would be in the child's best interests.

*Clause 64* sets out the rights of parties to appear and provides that a corporation may appear through an officer of the corporation who is not a lawyer.

*Clause 65* enables the tribunal to deal with 2 or more review applications together if the tribunal considers they arise from the same or similar circumstances.

*Clause 66* enables representation of adult parties by a lawyer or agent only with the tribunal's permission. When deciding an application for representation, the tribunal must have regard to the nature and complexity of the facts and the law and the party's capacity to present his or her case. The purpose of this clause is discussed above in relation to consistency with fundamental legislative principles.

*Clause 67* enables children and young people who are parties to be represented before the tribunal by a lawyer. The purpose of this clause is to ensure that children and young people are represented if they choose to have a representative. The clause reflects the reality that the vast majority of children and young people do not have the skills or the life experience to represent themselves adequately. It also reflects the fact that it would be inappropriate to require children and young people to personally appear and make submissions where the review is about a decision related to their care and their parents and/or carers are also parties to the review.

*Clause 68* obliges the tribunal to consider the appointment of a separate representative for a child about whom the reviewable decision was made, whether or not the child is a party to the review. The separate representative is obligated to act in the child's best interests having regard to the child's views and wishes. The separate representative has the same rights and obligations of a party. This means, for example, that a separate representative has the same entitlement to inspect and view documents filed with the tribunal in a review, to call and cross-examine witnesses and to appeal a decision of the tribunal.

*Clause 69* clarifies that the filing of a review application does not effect the operation of the reviewable decision unless the tribunal stays the decision under clause 70.

*Clause 70* enables the tribunal to stay the operation of a reviewable decision and sets out other matters relating to stay decisions. In deciding whether to stay a decision, the tribunal is required to have regard to the principles in clause 7, particularly the principles that the child's best interests are paramount. The tribunal must also take into account the interests of any person likely to be effected by the stay decision and any submissions made by the parties.

*Clause 71* sets out the process for the withdrawal of a review application by an applicant. If an application was filed by a person on behalf of a child under clause 59, the president's or tribunal's permission to withdraw the application is required. This is because the filing of the application under section 59 can only be done with the president's permission.

### ***Division 5—Documents***

*Clause 72* preserves the operation of sections 186 and 191 of the *Child Protection Act 1999*. Section 186 ensures that confidentiality is maintained about the identity of persons who notify statutory authorities of their concerns about possible harm to a child. This section prohibits officers from disclosing notifier details except to others requiring the information to perform duties under the *Child Protection Act 1999*, or if ordered by a court or tribunal. Because this section was considered by the Parliament, when the *Child Protection Act 1999* was passed, to be essential to the effectiveness of the system for the protection of children in Queensland, it is considered appropriate that this section continue to apply, as was intended by the Parliament, to administrative review proceedings in relation to reviewable decisions made under that Act.

Section 191 of the *Child Protection Act 1999* allows an officer involved in the administration of that Act to refuse to disclose certain information to a court or tribunal. The circumstances relate to the safety of a child or family member, or to identifying a notifier, or to the disclosure of highly personal information and jeopardising the trust of the child or family member. The section enables a court or tribunal to order the disclosure if it is satisfied that the information is relevant to the proceedings and that the arguments in favour of disclosing it outweigh the arguments against. Again, because the policy encapsulated in this section was approved by the Parliament when the *Child Protection Act 1999* was passed and because this section applies to the current tribunal, it is not appropriate for this Bill to override it.

*Clause 73* enables the president or presiding member sitting alone to exercise the tribunal's powers under clauses 74, 75 and 76. The powers in these clauses relate to the production of documents and the determination of disputes as to their relevance. The purpose of this clause is to enable a review application to be processed and dealt with more expeditiously by enabling the tribunal to gather all relevant information as early as possible in a review without requiring the convening of the 3 constituting members.

*Clause 74* requires the decision maker to provide to the tribunal a notice stating the reasons for the decision and all other relevant documents in their possession within 21 days of having received notice that a review application has been lodged. This clause also contains a provision, which allows the tribunal to shorten or extend the 21 day period, but the time limit must not be less than 3 business days.

The clause also enables the tribunal to order the decision maker to provide further information about the reasons for the decision if the tribunal considers the notice provided by the decision maker does not adequately give sufficient information about the reasons for the decision.

*Clause 75* allows the tribunal to order a person to provide a document if it considers it may be relevant to the review. The tribunal must give the person at least 3 business days to provide the document to the tribunal. The clause makes it an offence for a person to fail to comply with the order unless they have a reasonable excuse.

*Clause 76* applies to a person who under the previous clause is required to give the tribunal a document. If the person objects to giving the document to the tribunal they may apply to the tribunal for an order that states they do not have to give the document. In order to determine the question of relevance, the tribunal may order the person to produce the document so it can be examined by the tribunal or by an independent inquirer appointed to report on the document's relevance. If the tribunal decides to order that the document does not have to be produced, it must be returned to the person.

*Clause 77* requires the registrar to allow parties to inspect and copy the documents provided to the tribunal for the purpose of a review. This clause does not apply if the tribunal has made a confidentiality order in relation to the document. For example, if the tribunal had made a confidentiality order restricting access to the document by one of the parties, the registrar would not be required by this clause to allow that party to inspect and copy the document. This clause also does not apply to any documents provided to the Tribunal, which are subject of an application for an order under the previous clause.

*Clause 78* enables a person to provide a copy of a document to the tribunal instead of the original.

***Division 6—Preliminary conferences***

*Clause 79* allows the president, registrar or tribunal to require the parties to attend preliminary conferences. The procedure for the preliminary conference is at the Tribunal's discretion. At the preliminary conference the tribunal can do a number of different things, for example: identify and clarify the issues, refer the parties to alternate dispute resolution, identify information to be given to the tribunal, give information to the parties about tribunal procedures. The general purpose of a preliminary conference is to determine procedural issues, clarify whether a referral to alternative dispute resolution would be appropriate and to make directions organising the matter for hearing or final determination.

*Clause 80* enables the president or presiding member to direct that the tribunal may be constituted by a single member for a preliminary conference.

*Clause 81* requires the registrar to give notice of the preliminary conference to the parties.

***Division 7—Alternative dispute resolution***

*Clause 82* states that the purpose of the alternative dispute resolution (ADR) process is to identify and reduce the issues in dispute and to promote settlement of the issues.

*Clause 83* enables the tribunal to refer the parties to ADR at any stage of the review and to make orders and give directions about the conduct of the ADR.

*Clause 84* requires the registrar to appoint a facilitator to conduct ADR. The facilitator must have professional experience in communicating with children if a child is likely to participate in ADR.

*Clause 85* requires a facilitator to disclose to the president and the parties any interest he or she may have which could conflict with the proper performance of the facilitator's function. The facilitator may then disqualify himself or herself. The facilitator may only continue to conduct the ADR with the agreement of the president and the parties.

*Clause 86* enables the facilitator to decide the way the ADR is conducted, subject to any orders or directions made by the tribunal.

*Clause 87* ensures the confidentiality of ADR by providing that anything said or done during ADR is inadmissible in any proceeding unless all parties involved in the ADR consent or the proceeding relates to a disclosure made by an ADR facilitator under the following clause.

*Clause 88* requires the ADR facilitator to maintain the confidentiality of any information disclosed during ADR. The ADR facilitator may disclose information coming to the facilitator's knowledge during ADR if all the parties involved in ADR agree or the disclosure is necessary to protect a child from harm or the risk of harm or to prevent injury to a person or damage to property. Certain information can also be disclosed in the facilitator's report to the tribunal made under the following clause.

*Clause 89* outlines the information that must be included in the facilitator's report to the tribunal.

*Clause 90* provides that if the dispute is settled at ADR, the settlement must be written down, signed by the parties and then filed with the registrar. The tribunal can then decide the review according to the terms of the settlement without conducting any further hearing provided the terms of the settlement represent a decision that could have been made in relation to the matter and, if the review is about a child, is in the best interests of the child.

### ***Division 8—Children as witnesses etc.***

The purpose of the provisions in this Division is to ensure accessibility of review processes to children and young people, to ensure their views and wishes are heard and to reduce the stress for children and young people who choose to give evidence or express their views in a proceeding.

Many children and young people involved in reviews of decisions made under the *Child Protection Act 1999* (which currently form the majority of appeals to the existing tribunal) will have suffered abuse and neglect within their families. They should not be required to give evidence and be cross-examined in an administrative proceeding where a party is likely to be the person who abused them or is currently caring for them. The parties may also be persons who have considerable influence over the child and young person. Their presence may impact on the child's capacity to give

their best possible evidence or to express their true views. It may also be contrary to strengthening positive family relationships for children to give evidence in matters about their care by their parents. The Bill provides for other means by which children's views can be given to the tribunal without requiring them to give evidence in a proceeding and be cross-examined on that evidence.

*Clause 91* provides that before a child gives evidence in a proceeding the tribunal must be satisfied that the child is willing to do so. The child can not be compelled to give evidence.

*Clause 92* provides that if the tribunal is reviewing a decision about a child, the child has the right to have their views made known to the Tribunal, whether or not they are a party or a witness to the review.

*Clause 93* restricts who can be present while the child is presenting their views to the tribunal or giving evidence. If the child is 12 years of age or older and is represented, the child can choose to give evidence or present their views to the Tribunal in the presence of the parties.

*Clause 94* provides that a child who has chosen to give evidence or express their views in the presence of the parties under the previous clause cannot be cross-examined. The clause specifies that only tribunal members, the child's lawyer or the child's separate representative may ask the child questions.

*Clause 95* creates an exception to the application of clauses 93 and 94 where a person under the age of 18 years is the applicant for review of a decision of the Commissioner for Children and Young People to declare the young person unsuitable for child related employment. If the child elects to give evidence, the tribunal is required to tell the child, before they give evidence, that they may be cross-examined, that they may refuse to be further cross examined at any time and if they do refuse to be cross-examined then the review application is taken to be withdrawn and the review ceases.

*Clause 96* creates an exception to the application of clauses 93 and 94 in relation to a person under the age of 18 years who is a parent of a child about whom the reviewable decision was made and is a party to a review. If the parent elects to give evidence, the tribunal is required to tell the parent before they give evidence that they may be cross-examined on their evidence, that they may refuse to be further cross-examined but if they do so, this may effect the weight given to the parent's evidence. This clause



attempts to achieve an appropriate balance between the rights of a young parent who will often themselves be very vulnerable and the fact that it is the best interests of his or her child which is the paramount consideration in the review.

### ***Division 9—Witnesses generally***

*Clause 97* empowers the presiding member to notify a person to attend at a proceeding as a witness or to produce an item. The notice must state the time and place that the person is to attend.

*Clause 98* enables the presiding member to require an adult witness to take an oath or make an affirmation and to make arrangements for the administration of an oath or affirmation where a proceeding is being conducted by telephone or video conferencing or another form of communication under clause 47.

*Clause 99* allows a witness to be paid allowances and expenses prescribed under a tribunal rule or as decided by the president.

*Clause 100* enables the tribunal to allow a witness to give evidence without being sworn or making an affirmation.

*Clause 101* enables the tribunal to refuse to allow a party to call further evidence or cross-examine a witness if it considers there is sufficient evidence about the matter already before the tribunal or that the evidence has been sufficiently tested by cross examination.

*Clause 102* enables the tribunal to examine and cross-examine an adult witness or a child who has elected to give evidence under clauses 95 or 96.

*Clause 103* sets out offences by witnesses.

*Clause 104* prevents a separate representative from being called to give evidence in a proceeding about a communication with a child for whom the separate representative was appointed. The purpose of this clause is to clarify that any communications between the child and the separate representative are privileged, that is disclosure of the content of the communications cannot be compelled in any proceeding.

***Division 10—Other supporting provisions***

*Clause 105* enables the tribunal to make a confidentiality order that restricts disclosure to a party to the review of some or all of the evidence or the whole or part of the contents of a document given to the tribunal during a review. The tribunal can make the confidentiality order if it is satisfied that by not doing so a child is likely to be harmed or another person's safety is likely to be endangered. The purpose of and rationale for this clause is outlined in the discussion relating to fundamental legislative principles.

*Clause 106* enables the president or tribunal to make an order to authorise the medical examination of a child. The president or tribunal must be satisfied that any medical information already before the tribunal is insufficient for the purposes of the review and that it is in the child's best interests to make the order authorising the medical examination. When deciding whether the order would be in the child's best interests, the tribunal must consider the child's views and wishes and the effect a further medical examination may have on a child having regard to the number of previous medical examinations of the child.

*Clause 107* provides that if an order authorising a medical examination is made under clause 103 then a doctor can examine the child. A parent or guardian's consent is not required. However, this clause does not effect any rights of the child under common law to refuse a medical examination. When deciding any liability in relation to carrying out the examination, the doctor is taken to have the consent of the child's parents or guardian.

*Clause 108* enables the tribunal to authorise its constituting members to enter and inspect a place where the suitability of the place is the subject of the review. It also enables the tribunal to authorise its constituting members to enter a place for the purpose of having contact with a child. The tribunal may give its authorisation if it is satisfied that—

- it is in the child's best interests, having regard to the child's views and wishes, for the constituting members to have contact with the child
- contact with the child has been or is likely to be refused by the child's parent, carer or guardian, and
- a separate representative or independent inquirer could not provide the information the tribunal is seeking to obtain from contact with the child.

The clause sets out the requirements for the written authorisation and clarifies the powers of members under the authorisation and the times in which the entry and/or contact with a child may occur. The clause clarifies that the tribunal's authorisation does not compel a child to have contact with a member.

*Clause 109* empowers the constituting members to exercise the powers given under the previous clause.

*Clause 110* sets out the procedure the constituting members must follow prior to exercising entry powers.

*Clause 111* sets out contempt offences in relation to the tribunal. The clause expressly exempts children from being charged with a contempt offence. This exemption reinforces the principle that proceedings before the tribunal should have the child's best interests as its focus. This provision does not prevent prosecution for offences under the *Criminal Code* eg assault.

*Clause 112* enables the tribunal to exclude a person who has contravened the above clause from the proceeding.

*Clause 113* requires each party to pay their own costs for the review. The tribunal has a discretion to order costs against an adult in special circumstances where the tribunal considers a costs award appropriate.

*Clause 114* provides that the amount of the costs is a debt owing by the party against whom the award was made to the person in whose favour the award was made.

## **PART 5—INQUIRIES BY INDEPENDENT INQUIRERS**

### ***Division 1—Appointment of independent inquirers for inquiries and other matters***

*Clause 115* enables the tribunal to appoint an independent inquirer to inquire into matters related to the review and sets out the matters the inquirer's instrument of appointment must address. The independent inquirer must have professional experience in working with children if the inquirer is likely to have contact with a child for the purpose of the inquiry.

*Clause 116* requires an independent inquirer to disclose to the president and the parties any interest he or she may have which could conflict with the proper performance of the inquirer's function. The independent inquirer may then disqualify him or herself. The inquirer may only continue to conduct the ADR with the agreement of the president and the parties.

*Clause 117* sets out the functions of an independent inquirer.

*Clause 118* enables the tribunal to give the independent inquirer access to any documents, including documents to which a confidentiality order applies, where this is necessary for the inquiry.

*Clause 119* requires the production of the independent inquirer's instrument of appointment prior to exercising any powers given to the inquirer under the Bill.

### ***Division 2—Powers of independent inquirers***

*Clause 120* defines "authorised member" for the purpose of the subdivision as the president if the president is a lawyer of at least 5 years standing or a constituting member who is a lawyer of at least 5 years standing.

*Clause 121* enables the independent inquirer to be authorised by the authorised member or the tribunal to enter and inspect a place where the suitability of the place is the subject of or related to the independent inquirer's inquiry and it is satisfied that entry to the place has been, or is likely to be, refused. It also enables the authorised member or tribunal to authorise an independent inquirer to enter a place for the purpose of having contact with a child. The authorised member or tribunal may give its authorisation if it is satisfied that the contact is in the child's best interests, having regard to the child's views and wishes, and contact with the child has been or is likely to be refused by the child's parent, carer or guardian.

The clause sets out the requirements for the written authorisation and clarifies the powers of members under the authorisation and the times in which the entry and/or contact with a child may occur. The clause clarifies that the authorisation does not compel a child to have contact with an inquirer.

*Clause 122* provides that the independent inquirer may exercise the powers under the previous clause.

*Clause 123* sets out the procedure the independent inquirer must follow prior to exercising entry powers.

### ***Division 3—Independent inquirer’s reports***

*Clause 124* provides that the registrar must give a copy of the independent inquirer’s report to each of the parties. This requirement is subject to any confidentiality order, which may have been made by the tribunal in relation to the report.

*Clause 125* provides that the parties may cross-examine the independent inquirer on the contents of the report. If a confidentiality order is in force in relation to the report, the clause prohibits the asking of, and if asked, the answering of, a question which, if answered, would contravene the order.

*Clause 126* enables the tribunal to adopt any findings, observations or recommendations contained in the report.

## **PART 6—ENSURING TRIBUNAL DECISIONS AND RECOMMENDATIONS ARE GIVEN EFFECT**

*Clause 127* provides that part 6 applies to decisions of the tribunal other than a decision to confirm the reviewable decision and to recommendations made by the tribunal about the policies, practices and procedures relevant to the making of the reviewable decision.

*Clause 128* provides that the president may ask the chief executive of the government entity in which the reviewable decision was made to notify the president within a reasonable stated time of the steps taken to implement the tribunal’s decision and/or recommendations and, if no steps have been taken, the reasons for this.

*Clause 129* provides that if, after receiving the chief executive’s report, the president considers that no adequate or appropriate steps have been taken to implement the tribunal’s decision or recommendations, the president may report on the matter to the Minister responsible for the government entity.

## **PART 7—APPEALS**

*Clause 130* provides that a party may appeal the tribunal’s decision on a question of law to the District Court.

*Clause 131* provides that a party may appeal the tribunal’s decision within 28 days after the date the party received notice of the decision or the day the party otherwise became aware of the decision and enables the court to extend this time.

*Clause 132* provides that an appeal does not affect the operation of the tribunal’s decision, unless the court stays the decision.

*Clause 133* sets out the powers of the court on appeal.

## **PART 8—MISCELLANEOUS**

*Clause 134* enables the government entity in which the reviewable decision was made to nominate an officer or the holder of an office in the entity as the decision maker for the purpose of the review. This clause enables flexibility in relation to who may appear in a review as the decision maker. It reflects the fact that officers involved in the making of the original decision may, by the time it is reviewed by the tribunal, no longer be in the employ of the entity or for any other reason are not available to appear at the review. It also reflects the fact that decision making in relation to children in care under the *Child Protection Act 1999* is frequently done on a collaborative basis with a number of officers having detailed case knowledge of the family to whom the decision relates.

*Clause 135* makes it an offence to obstruct an independent inquirer, unless the person has a reasonable excuse.

*Clause 136* makes it an offence for a person to state anything to the tribunal or an independent inquirer, which the person knows, is false or misleading.

*Clause 137* makes it an offence for a person to give to the tribunal or an independent inquirer a document containing information, which the person knows, is false or misleading. The person does not commit the offence if the person tells the tribunal or the independent inquirer how it is false or misleading and gives the correct information, if possible.

*Clause 138* sets out the manner in which decisions, directions, notices or orders of the tribunal are given to a child. If, under the Bill, a child is required to be given a document or notified of a matter, this should be done in a way that is appropriate to his or her age and ability to understand the information. This may mean that if a child is pre-literate, a document need not be given at all but the information is explained in a way that is appropriate to the child's age.

*Clause 139* requires the tribunal to do everything reasonably possible to communicate the information in a written decision, direction, notice or order given to a person, where the person is blind, illiterate or does not understand English.

*Clause 140* requires the registrar to return documents or other things produced to the tribunal to the person who produced them after any appeal has been finalised or after 35 days has elapsed since the date of the tribunal's decision.

*Clause 141* makes it an offence to publish information given in evidence or otherwise in a tribunal proceeding or information likely to identify a person involved in the proceeding. Many reviews will be about children and young people's care arrangements and very personal information about a child and his or her family may be provided during a proceeding. This provision recognises the emotional trauma to a child (even many years later) of seeing or hearing themselves and their family publicly identified as a family in which abuse has occurred. It recognises the child's right to privacy. The clause gives the tribunal a discretion to allow a person to publish information given to the tribunal.

*Clause 142* prohibits a person who was or is a member, an expert, an independent inquirer or an employee of the tribunal who, in performing duties under the Bill, obtained information about a person's affairs, from disclosing the information. However, the clause allows disclosure for purposes related to the person's duties under the Bill and where the information relates to an adult and the adult has given their written consent to the disclosure provided the information is unlikely to identify a child.

*Clause 143* gives the same immunity as a judge of the Supreme Court to a member, expert, ADR facilitator or independent inquirer in performing their functions. It also gives the immunity to a person appearing for someone else before the tribunal as a barrister appearing in the Supreme Court. A witness in a tribunal proceeding also has the same immunity as a witness in a proceeding in the Supreme Court.

*Clause 144* provides protection from civil liability for a member of the tribunal's staff acting honestly and properly in their capacity under the Bill.

*Clause 145* requires the president to provide the Commissioner for Children and Young People with non-identifying information about reviews. This clause recognises the general advocacy role of the Commission in overseeing the provision of services to children and seeks to ensure relevant information is given to the Commission to assist it in the performance of that function.

*Clause 146* requires the president to prepare an annual report to the Minister who must table a copy of the report in the Legislative Assembly within 14 days of receipt of the report.

*Clause 147* enables the president to approve forms for the Act.

*Clause 148* deals with proceedings for offences under the Act.

*Clause 149* sets out the regulation making power. The clause clarifies that if a regulation imposes a fee for the filing of an application or other document, the fee is not payable if the application or document is filed by a child or on behalf of a child.

*Clause 150* enables the Governor in Council to make rules for the tribunal's practice and procedure and the conduct of the tribunal's business.

*Clause 151* relates to amendments to other Acts.

## **PART 9—SAVING AND TRANSITIONAL PROVISIONS**

*Clause 152* contains definitions for terms used in part 9.

*Clause 153* has the effect of continuing the appointment of tribunal members who were appointed under the repealed Act for the balance of the term for which the member was originally appointed. The appointments of these members are treated as appointments under this Act.

*Clause 154* provides that a decision made prior to commencement of this Act which a person had a right to appeal to a tribunal under the repealed *Children's Commissioner and Children's Services Appeals Tribunal Act 1996* is taken to be a reviewable decision under this Act. It provides that the provisions of this Act apply to the review of the decision with any necessary changes.



*Clause 155* continues appeals commenced but not finalised under the repealed Act as applications for review made under this Act. The clause provides that the provisions of this Act apply to the review of the decision with any necessary changes.

*Clause 156* provides that members of a tribunal established under the repealed Act to hear an appeal constitute the tribunal for a review under this Act. The Chairperson under the repealed Act is taken to be the presiding member of the tribunal under this Act. The clause also enables a tribunal, which has started to hear an appeal under the repealed Act to continue to deal with the appeal as a review under this Act. The clause also has the effect of validating anything done by the tribunal under the repealed Act.

*Clause 157* continues a person's right of appeal to the District Court under section 65 of the repealed Act and enables the District Court to hear and decide the appeal under that Act. However, the clause does allow the District Court to refer the matter back to the tribunal established under this Act for re-consideration.

## **SCHEDULE 1—CONSEQUENTIAL AMENDMENTS**

*Schedule 3* lists the Acts amended by the Bill. The consequential amendments relate to the change of terminology from 'appeal' to 'review' and the change in references to the tribunal established under the *Children's Commission and Children's Services Appeals Tribunal Act 1996* to the tribunal established under this Bill.

## **SCHEDULE 2—DICTIONARY**

*Schedule 2* defines terms used in the Bill.