

Child Protection Reform Amendment Act 2017

Explanatory notes for SL 2018 No. 2

made under the

Child Protection Reform Amendment Act 2017

General Outline

Short title

Proclamation made under the *Child Protection Reform Amendment Act 2017*.

Authorising law

Section 2 of the *Child Protection Reform Amendment Act 2017*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence sections 68(3), 69(2), 71 and 72 of the *Child Protection Reform Amendment Act 2017* (the Amendment Act) on 29 January 2018.

Sections 68(3) and 69(2) include references to new sections inserted as a result of section 71 of the Amendment Act. Section 68(3) adds a new note in section 187(4) of the *Child Protection Act 1999* to refer to the new section 188C.

Section 69(2) amends section 188(3) of the *Child Protection Act 1999* to include a reference to new sections 188C and 188D.

Section 71 enables the chief executive to disclose information in the chief executive's possession or control to a person who is, or has been, in out-of-home care; the Queensland Police Commissioner following the death of a child, and to the parent/s of a deceased child.

Section 72 of the Amendment Act enables the chief executive to disclose information to the chief executive responsible for child protection in another Australian jurisdiction or New Zealand.

The Amendment Act implements priority legislative reforms in response to a comprehensive review of the *Child Protection Act 1999*, recommended by the Queensland Child Protection Commission of Inquiry. The review was undertaken between 2015 and 2017. The Child Protection Reform Amendment Bill 2017 was passed by the Legislative Assembly on 26 October 2017.

The Amendment Act received assent on 10 November 2017.

Key policy objectives of the Amendment Act include:

- promoting positive long-term outcomes for children in the child protection system through timely decision-making, and decisive action towards either reunification with family or alternative long-term care
- the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures
- a contemporary information sharing regime for the child protection and family support system, which is focused on children's safety and wellbeing, and
- supporting the implementation of other key reforms under the *Supporting Families Changing Futures* program and addressing identified legislative issues.

Achievement of policy objectives

Commencing the provisions contained within sections 68(3), 69(2), 71 and 72 of the Amendment Act as a priority will enhance the chief executive's ability to perform functions under the *Child Protection Act 1999*, and enable other persons and entities to perform their relevant functions.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means of achieving the purpose of the Proclamation.

Benefits and costs of implementation

As outlined in the explanatory notes to the Amendment Act, any costs associated with the implementation of the Amendment Act will be met through existing resources.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Key child protection stakeholders were consulted during the review of the *Child Protection Act 1999* and the development of the Amendment Act. The results of this consultation are detailed in the explanatory notes to the Amendment Act.

No consultation was undertaken on the Proclamation as it is of a machinery nature.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted. The Department applied a self-assessed exclusion from further regulatory impact analysis on the basis that the Proclamation is of a machinery nature – category (g).

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