

Child Protection Reform Amendment Act 2017

Explanatory notes for SL 2018 No. 160

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 the remaining provisions of the *Child Protection Reform Amendment Act 2017* (the Amendment Act).

The Amendment Act implements priority legislative reforms in response to a comprehensive review of the *Child Protection Act 1999*, undertaken between 2015 and 2017, as recommended by the Queensland Child Protection Commission of Inquiry.

The Amendment Act was passed by the Legislative Assembly on 26 October 2017 and was assented to on 10 November 2017.

The remaining provisions of the Amendment Act that will commence on 29 October 2018 relate to the following policy changes:

- ensuring positive long-term outcomes for children, young people and their families, including achieving improved permanency outcomes (sections 4, 5, 6, 12, 13, 14, 17, 20, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43, 44, 45, 50, 76, 77, 80 and 81)
- recognising the right of Aboriginal and Torres Strait Islander people to self-determination, including supporting Aboriginal and Torres Strait Islander children in developing and maintaining connections with their family, community and culture (sections 7, 17, 18, 22, 23, 26, 32, 46, 48 and 49)
- facilitating for Aboriginal and Torres Strait Islander families, the participation of the child and child's family in decision making by providing for the role and function of an Independent Entity for the child (sections 8, 9, 11, 21, 26, 39, 46, 67, 68 and 79)

- improving the support available to young people transitioning from care to independence (sections 17, 24, 27, 41 and 43), and
- enabling information sharing, including the making of guidelines about information sharing under the act (sections 10, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69 and 78).

The remaining provisions will also commence consequential amendments to the *Director of Child Protection Litigation Act 2016*, the *Adoption Act 2009* and the *Public Guardian Act 2014*.

Achievement of policy objectives

The above policy objectives are achieved by fixing a commencement date of 29 October 2018 for the remaining provisions of the Amendment Act.

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 Child Protection Reform Amendment Bill 2017 (the Bill), 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

The review of the *Child Protection Act 1999* included two stages of broad public consultation undertaken between 2015 and 2017. Key child protection stakeholders were consulted during the development of the Amendment Act. The results of this consultation are detailed in the explanatory notes to the Bill.

Results of consultation

Consultation outside of Government on the proclamation has not been undertaken. In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best

Practice Regulation was not consulted in relation to the proclamation. The Department of Child Safety, Youth and Women applied a self-assessed exclusion from further regulatory impact analysis on the basis that the Proclamation is of a machinery nature – category (g).

©The State of Queensland 2018