

Child Death Review Legislation Amendment Act 2020

Explanatory notes for SL 2020 No. 85

Made under the

Child Death Review Legislation Amendment Act 2020

General Outline

Short Title

Proclamation commencing remaining provisions of the *Child Death Review Legislation Amendment Act 2020*.

Authorising law

Section 2 of the *Child Death Review Legislation Amendment Act 2020* (the Act).

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 1 July 2020 as the commencement date for the provisions of the Act that are not in force.

The Act received assent on 13 February 2020.

Section 2 of the Act provides for commencement on a day to be fixed by proclamation.

The policy objective of the Act is to implement the recommendation of the Queensland Family and Child Commission report, *A systems review of individual agency findings following the death of a child*, and give effect to the Government's commitment to develop a new, independent model for reviewing child death cases.

The Act establishes a new child death review model by:

- expanding the requirement to conduct an internal systems review following the death or serious physical injury of a child known to Child Safety, to other relevant government agencies involved in providing services to that child (in addition to Child Safety and the litigation director); and

- establishing a new, independent Child Death Review Board, located within the Queensland Family and Child Commission, responsible for carrying out systems reviews, following child deaths connected to the child protection system, to identify opportunities for continuous improvement in systems, legislation, policies and practices; and to identify preventative mechanisms to help protect children and prevent deaths that may be avoidable.

Achievement of policy objectives

The policy objective is achieved by fixing 1 July 2020 as the commencement date for the Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The main benefit of the Proclamation is the commencement of the provisions of the Act that are not yet in force.

As part of the 2019-20 Budget, the Government allocated \$2.521 million net over four years (\$0.825 million net ongoing and 3.8 new FTEs) to establish and operate the new Child Death Review Board. The requirement for agencies to conduct internal reviews will be met from within their existing resources.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Queensland Family and Child Commission were consulted regarding the proposed commencement date and are supportive of the approach.

A self-assessment by the Department of Justice and Attorney-General has determined that the proclamation is excluded from regulatory impact analysis under exclusion category (g) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal of a machinery nature.