

Child Protection Reform Amendment Act 2017

Explanatory notes for SL 2018 No. 104

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 specific 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 provisions of the Amendment Act that will commence on 23 July 2018 relate to the following policy changes:

- clarification about the purpose and making of temporary custody orders (sections 15, 16 and 80 (to the extent that it inserts a transitional provision for applications for temporary custody orders))
- clarification regarding the operation of an intervention with parental agreement (sections 28, 29 and 31(2))
- vaccination of children in the chief executive's custody (section 47)
- access to information for prescribed research (section 73)
- extending the prohibition against publishing identifying information about a child witness in criminal proceedings (section 74), and

- clarification that a police officer is not prohibited from publishing identifying information about a child in the child protection system if the publication is necessary to perform his or her functions as a police officer, for example, publishing identifying information when issuing a child abduction alert in relation to a child missing from out-of-home care (section 75).

Achievement of policy objectives

The above policy objectives are achieved by fixing a commencement date of 23 July 2018 for specific provisions of the Amendment Act as stated in the schedule to the Proclamation.

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.

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).