

Office of the Director of Child Protection Litigation

INSTRUMENT OF DELEGATION

Issued under the

DIRECTOR OF CHILD PROTECTION LITIGATION ACT 2016

I, Nigel A. Miller, Director of Child Protection Litigation “the Director” appointed under section 25 of the *Director of Child Protection Litigation Act 2016* the “DCPLA”, do hereby delegate pursuant to section 14 of the DCPLA the following powers and functions of the Director under the DCPLA to the occupants of the following positions.



Nigel A. Miller
Director of Child Protection Litigation

01 July 2016

From 1 July 2016 until otherwise determined, the officers recorded within this instrument are authorised to perform the powers and functions indicated, subject to limits where shown, in accordance with the *Director of Child Protection Litigation Act 2016*.

Delegates must at all times consider and comply with all applicable statutes, policies, procedures and practices affecting the exercise of a delegation in exercising the delegation.

All powers and functions of the Director may be exercised by an Assistant Director.

<i>Director of Child Protection Litigation Act 2016</i>	
Section	Delegation
<p>10 Applying for child protection orders and related orders</p> <p>(1) The director may, on behalf of the State, apply to the Childrens Court for the following—</p> <p>(a) a child protection order for a child under the <i>Child Protection Act 1999</i>, chapter 2, part 4;</p> <p>(b) an order transferring a child protection order or child protection proceeding to a participating State under the <i>Child Protection Act 1999</i>, section 212 or 225.</p> <p>(2) Subject to section 14, no other person may make an application mentioned in subsection (1).</p>	<p>The following positions may apply (in the Directors name) for a child protection order, an order transferring a child protection order or child protection proceeding:</p> <p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>11 Engaging lawyers</p> <p>The director may engage appropriately qualified lawyers to assist the director in carrying out the director's functions under this Act.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p>
<p>17 How director may deal with referral of child protection matter</p> <p>(1) For each child protection matter referred under section 15, the director may decide to either—</p> <p>(a) apply for a child protection order for the child; or...</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>(b) refer the matter back to the chief executive (child safety)...</p>	<p>Assistant Director (SO)</p>
<p>(2) Before deciding how to deal with the matter under subsection (1), the director may ask the chief executive (child safety) to provide further evidence or information about the matter.</p> <p><i>Example—</i></p> <p>The director may consider further evidence or other information may be needed to enable the Childrens Court to grant a child protection order. The director may ask the chief executive (child safety) for the evidence or information before deciding whether to apply for the order or refer the matter back to the chief executive (child safety).</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>

<p>18 When director must consult with chief executive (child safety) and give reasons</p> <p>(1) The director must consult with the chief executive (child safety) before doing any of the following things in relation to a child protection matter—</p> <p>(a) referring a child protection matter back to the chief executive (child safety) under section 17(1)(b); or...</p> <p>(2) If, after consulting with the chief executive (child safety), the director decides to do a thing mentioned in subsection (1) without the agreement of the chief executive (child safety), the director must give the chief executive (child safety) written reasons for the decision.</p>	<p>Assistant Director (SO)</p>
<p>18 When director must consult with chief executive (child safety) and give reasons</p> <p>(1) The director must consult with the chief executive (child safety) before doing any of the following things in relation to a child protection matter—</p> <p>(a) ...</p> <p>(b) applying for a child protection order of a different type, or an order that is otherwise different from, the order mentioned in the brief of evidence given by the chief executive (child safety); or</p> <p>(c) any other thing prescribed for this section in the guidelines made by the director under section 39.</p> <p>(2) If, after consulting with the chief executive (child safety), the director decides to do a thing mentioned in subsection (1) without the agreement of the chief executive (child safety), the director must give the chief executive (child safety) written reasons for the decision.</p>	<p>Lawyers on all levels may consult with the chief executive with approval from either an Assistant Director, Principal Lawyer or Senior Lawyer when applying for an order of a different type.</p> <p>The decision to apply for an order of a different type, or an order that is otherwise different from, the order mentioned in the brief may only be exercised by the following:</p> <p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>20 Disclosure by director of information for research purposes</p> <p>(1) For the purpose of allowing a person to carry out research, the director may authorise the person to have access to information relating to the administration of this Act, including information from a member of the director's staff.</p> <p>(2) The director may only authorise the person to have access to the information if the director is satisfied—</p> <p>(a) The research is relevant to the director's functions and powers under this Act; and</p> <p>(b) The information will be collected in a way that could not reasonably be expected to result in the identification of any of the individuals it relates to.</p> <p>(3) The director may authorise the person to use or disclose the information, or give access to the information, to someone else.</p>	<p>Assistant Director (SO)</p>

<p>23 Director may ask for information</p> <p>(1) The director may ask the chief executive (child safety) for information relevant to a child protection matter</p> <p>(2) The chief executive (child safety) must take reasonable steps to provide the information.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4 and PO3)</p>
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Child Protection Act 1999	
Section	Delegation
<p>57A Withdrawal of application</p> <p>(1) The application may be withdrawn only with the court's leave.</p> <p>(2) When seeking the court's leave, the litigation director must give reasons why the order is no longer required.</p>	<p>The decision to withdraw an application may be exercised by the following positions:</p> <p>Assistant Director (SO)</p>
<p>64 Extension of certain child protection orders</p> <p>(1) An application for an extension of a child protection order for a child, other than an order granting long-term guardianship of a child, may be made to the Children's Court.</p> <p><i>Note— Only the litigation director may bring the application—see the <i>Director of Child Protection Litigation Act 2016</i>, section 10.</i></p> <p>(2) The application must be made before the order ends.</p> <p>(3) This part applies, with all necessary changes, to the application as if it were an application for a child protection order.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>65 Variation and revocation of child protection orders</p> <p>(1) The litigation director, a child's parent or the child may apply to the Children's Court for an order to—</p> <p>(a) vary or revoke a child protection order for the child; or</p> <p>(b) revoke a child protection order for the child and make another child protection order in its place.</p> <p>(2) However, a child's parent cannot—</p> <p>(a) apply for an order to revoke a child protection order for the child and make another child protection order in its place that grants guardianship of the child; or</p> <p>(b) without the leave of the court, apply for an order to vary or revoke a child protection order for the child if another application for an order by a parent of the child to vary or revoke the child protection order has been decided by the court.</p> <p>(3) For subsection (2) (b), the court may grant leave only if it is satisfied the child's parent has new evidence to give to the court.</p> <p>(4) This part applies, with the changes prescribed in subsection (5) and all other necessary changes, to the application as if</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>

<p>it were an application for a child protection order for the child.</p> <p>(5) If the application is made by the child or a parent of the child—</p> <p>(a) other parents of the child and the litigation director become respondents to the application; and</p> <p>(b) immediately after the application is made, the registrar must give written notice to the litigation director and chief executive of the time and place for hearing the application; and</p> <p>(c) as soon as practicable after receiving the registrar’s notice, the chief executive must comply with section 56 except so far as it relates to the applicant.</p> <p>(6) The court may, under subsection (1)(a), revoke a child protection order for a child only if it is satisfied the order is no longer appropriate and desirable for the child’s protection.</p> <p>(7) Without limiting the things to which the court may have regard in deciding an application under this section, the court—</p> <p>(a) may have regard to a contravention of the child protection order or this Act; and</p> <p>(b) for an application to revoke a child protection order granting long-term guardianship of a child under section 61(f)(i) or (ii)—must have regard to the child’s need for emotional security and stability.</p> <p>(8) In this section— child protection order does not include an interim order under section 67.</p>	
<p>70 Attendance of parties</p> <p>(1) The chairperson and parties must attend the conference.</p> <p>(2) However, subsection (1) does not require the child to attend the conference.</p> <p>(3) The parties may be represented by their legal representatives at the conference.</p> <p>(4) If the child is an Aboriginal or Torres Strait Islander child, a recognised entity for the child or member of a recognised entity for the child may attend the conference.</p> <p>(5) Also—</p> <p>(a) The chief executive must attend the conference; and</p> <p>(b) The public guardian may attend the conference.</p> <p>(c) However, no-one else can attend the conference without the chairperson’s approval.</p>	<p>The following positions may attend a court ordered conference on behalf of the Director:</p> <p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4 and PO3)</p>
<p>115 Hearing of applications together</p> <p>(1) The Childrens Court may hear 2 or more applications for orders together if, before any of the applications are decided, a party to the proceeding for any of the applications asks that the applications be heard together and the court considers it is in the interests of justice that the applications be heard together.</p> <p>(2) Subsection (1) applies even though the parties, or all of the parties, to the proceedings are not the same.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4 and PO3)</p>

<p>117 Who may appeal</p> <p>(1) The following persons may appeal to the appellate court against a decision on an application for a temporary assessment order or a temporary custody order for a child—</p> <ul style="list-style-type: none"> (a) the applicant; (b) the child; (c) the child’s parents. <p>(2) A party to the proceeding for an application for a court assessment order or child protection order for a child may appeal to the appellate court against a decision on the application.</p> <p>(3) In this section—</p> <p>parent, of a child, means each of the following persons—</p> <ul style="list-style-type: none"> (a) the child’s mother or father; (b) a person in whose favour a residence order or contact order for the child is in operation under the <i>Family Law Act 1975</i> (Cwlth); (c) a person, other than the chief executive, having custody or guardianship of the child under— <ul style="list-style-type: none"> (i) a law of the State, other than the Act; or (ii) a law of another State; (d) a long-term guardian of the child. 	<p>Assistant Director (SO)</p>
<p>186 Confidentiality of notifiers of harm or risk of harm</p> <p>(1) This section applies if a person (the notifier) notifies the chief executive or an authorised officer, police officer, doctor or nurse that the notifier suspects—</p> <ul style="list-style-type: none"> (a) a child has been, is being or is likely to be, harmed; or (b) an unborn child may be at risk of harm after he or she is born. <p>(2) The person who receives the notification, or a person who becomes aware of the identity of the notifier, must not disclose the identity of the notifier to another person unless the disclosure is made—</p> <ul style="list-style-type: none"> (a) in the course of performing functions under this Act or a child welfare law or interstate law of another State to another person performing functions under this Act or a child welfare law or interstate law of another State; or (b) under the <i>Child Protection (International Measures) Act 2003</i>, part 6; or (c) to the ombudsman conducting an investigation under the <i>Ombudsman Act 2001</i>; or (e) for the performance by the chief executive (adoptions) of his or her functions under the <i>Adoption Act 2009</i>; or (f) by way of evidence given in a legal proceeding under subsections (3) and (4). (g) to the litigation director for the purposes of the director performing a function under the <i>Director of Child Protection Litigation Act 2016</i>. <p>Maximum penalty—40 penalty units.</p> <p>(3) Subject to subsection (4)—</p> <ul style="list-style-type: none"> (a) evidence of the identity of the notifier or from which the identity of the notifier could be deduced must not be given in a proceeding before a court or tribunal without leave of the court or tribunal; and 	<p>The following may receive notifier details on behalf of the Director in accordance with this provision:</p> <p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4 and PO3)</p>

<p>(b) unless leave is granted, a party or witness in the proceeding—</p> <p>(i) must not be asked, and, if asked, can not be required to answer, any question that can not be answered without disclosing the identity of, or leading to the identification of, the notifier; and</p> <p>(ii) must not be asked to produce, and, if asked, can not be required to produce, any document that identifies, or may lead to the identification of, the notifier.</p> <p>(4) The court or tribunal must not grant leave unless—</p> <p>(a) it is satisfied—</p> <p>(i) the evidence is of critical importance in the proceeding; and</p> <p>(ii) there is compelling reason in the public interest for disclosure; or</p> <p>(b) the notifier agrees to the evidence being given in the proceeding.</p> <p>(5) In deciding whether to grant leave, the court or tribunal must take into account—</p> <p>(a) the possible effects of disclosure on the safety or wellbeing of the notifier and the notifier’s family; and</p> <p>(b) the public interest in maintaining confidentiality of notifiers.</p> <p>(6) As far as practicable, an application for leave must be heard in a way that protects the identity of the notifier pending a decision on the application.</p>	
<p>189C Litigation director’s duty of disclosure</p> <p>(1) This section applies in relation to a proceeding for a child protection order.</p> <p>(2) The litigation director has a duty to disclose, to each other party, all documents in the litigation director’s possession or control that are relevant to the proceeding.</p> <p>(3) The duty continues until the proceeding is decided.</p> <p>(4) The duty applies subject to section 191.</p> <p>(5) If the litigation director does not disclose a document to a party on a ground mentioned in section 191(2), the litigation director must give the party a written notice stating—</p> <p>(a) the ground for the non-disclosure; and</p> <p>(b) that the litigation director is not required to disclose the document to the party other than as required under section 191; and</p> <p>(c) that the party may apply to the court for an order under section 191 that it be disclosed.</p> <p>(6) Nothing in this section—</p> <p>(a) requires disclosure that is unlawful under this or another law; or</p> <p>(b) affects a person’s right to anything under another law.</p> <p>(7) For this section, a reference to a document in the litigation director’s possession or control is taken to include a document in the chief executive’s possession or control.</p> <p><i>Note—</i> The <i>Director of Child Protection Litigation Act 2016</i> requires the chief executive to give relevant documents to the litigation director.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4 and PO3)</p>

<p>(8) The rules of court may make provision about disclosure under this section, including the time by which a document must be disclosed.</p>	
<p>191 Refusal to disclose particular documents or information</p> <p>(1) Subsection (2) states the grounds on which—</p> <ul style="list-style-type: none"> (a) the litigation director may refuse to disclose a document to a party to a proceeding under section 189C; or (b) another person who is or was engaged in the administration of this Act may refuse to disclose to a court or tribunal in a proceeding, or to a party to a proceeding, information obtained under or in relation to the administration of this Act. <p>(2) The litigation director or other person may refuse to disclose the document or information if—</p> <ul style="list-style-type: none"> (a) it is the subject of legal professional privilege; or (b) it is a communication between— <ul style="list-style-type: none"> (i) a public service employee employed in the department; and (ii) the litigation director, a member of the litigation director’s staff or a lawyer engaged under the <i>Director of Child Protection Litigation Act 2016</i>, section 11; or (c) its disclosure would be likely to endanger a person’s safety or psychological health; or (d) it identifies or is likely to identify its source and identification of the source is likely to prejudice the achievement of the purpose of this Act; or (e) it is a record of confidential therapeutic counselling and the person to whom it relates does not consent to its disclosure; or (f) its disclosure could reasonably be expected to— <ul style="list-style-type: none"> (i) prejudice the investigation of a contravention or possible contravention of the law in a particular case; or (ii) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or (iii) enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained; or (g) the litigation director or other person reasonably believes— <ul style="list-style-type: none"> (i) it is or contains personal information that is not materially relevant to the proceeding; or (ii) its disclosure would be contrary to the public interest; or (iii) there is other good reason for not disclosing it, having regard to the best interests of a child who is a subject of the proceeding; or (h) the party already has the document, or a copy of the document, or the information. <p>(3) The litigation director or other person must refuse to disclose a record mentioned in subsection (2)(e) unless the litigation director or other person considers disclosure is</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>

<p>necessary to prevent or lessen a risk of harm to a child or serious risk to the health or safety of anyone else.</p> <p>(4) Despite subsections (2) and (3), on the application of a party to the proceeding, the court or tribunal may order the disclosure of the document or information if satisfied—</p> <p>(a) it is materially relevant to the proceeding; and</p> <p>(b) its disclosure is, on balance, in the public interest.</p> <p>(5) The court or tribunal may order the disclosure on the conditions it considers appropriate, including conditions to ensure the best interests of a child who is a subject of the proceeding and the privacy and safety of any individual.</p> <p>(6) To enable the court or tribunal to make a decision about the disclosure of the document or information, the litigation director or other person must disclose it to the judicial officers of the court or tribunal.</p> <p>(7) In deciding whether or not the document or information should be disclosed, the judicial officers must deal with it in a way that ensures it is not disclosed to anyone else.</p> <p>(8) If the court or tribunal refuses to order disclosure of the document or information, the judicial officers must return anything produced to them under subsection (6).</p> <p>(9) The rules of court may make provision about a matter under this section.</p> <p>(10) In this section— judicial officers, of a court or tribunal, means the person or persons constituting the court or tribunal.</p>	
<p>212 Application for transfer The litigation director may apply to the Childrens Court for an order transferring a child protection order to a participating State.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>225 Application for transfer</p> <p>(1) If there is a child protection proceeding pending in the Childrens Court, an application may be made to the court transferring the proceeding to the Childrens Court in a participating State.</p> <p><i>Note—</i> Only the litigation director may make the application—see the <i>Director of Child Protection Litigation Act 2016</i>, section 10.</p> <p>(2) The application must—</p> <p>(a) state the grounds on which it is made; and</p> <p>(b) state the nature of the order sought; and</p> <p>(c) comply with applicable rules of court; and</p> <p>(d) be filed in the court.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>
<p>238 Revocation of registration</p> <p>(1) Any of the following persons may apply to the Childrens Court to revoke the registration of an interstate transfer decision or associated interim order under this part—</p> <p>(a) the chief executive;</p> <p>(b) the litigation director;</p> <p>(c) the child the subject of the proceeding;</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>

<p>(d) a parent of the child; (e) a party to the proceeding; (f) a person entitled under the interstate law of the participating State to receive notice of the proceeding.</p> <p>(2) The registrar must immediately give a copy of the application to— (a) the interstate officer for the participating State; and (b) each person mentioned in subsection (1).</p> <p>(3) The court may grant the application and revoke the registration only if it is satisfied that, when the interstate transfer decision or associated interim order was registered— (a) the period for appealing, or applying for review of, the decision or order had not expired; or (b) the decision or order was the subject of an appeal or application for review; or (c) the decision or order was stayed.</p> <p>(4) Immediately after the registration of the decision or order is revoked, the registrar must— (a) notify the interstate officer for the participating State and the registrar of the Childrens Court in that State; and (b) return the documents relating to the decision or order that were filed in the court under section 235.</p> <p>(5) To remove doubt, it is declared that revocation of the registration of the interstate transfer decision or associated interim order does not prevent a re-registration of the decision or order.</p>	
<p>239 Appeal against decision of Childrens Court</p> <p>(1) This section applies to a decision of the Childrens Court (the original decision) on an application for an order transferring a child protection order or child protection proceeding to a participating State.</p> <p>(2) A party to the proceeding for the application may appeal to the appellate court against the decision.</p> <p>(3) The appeal is started by filing a written notice of appeal with the registrar of the appellate court.</p> <p>(4) The appellant must file the notice of appeal, and serve a copy of the notice on the other persons entitled to appeal against the decision, within the following times— (a) if the original decision is to order the transfer of a child protection order—within 10 business days after receiving the notice under section 216; (b) if the original decision is to order the transfer of a child protection proceeding—within 10 business days after receiving the notice under section 231; (c) otherwise—within 10 business days after the decision.</p> <p>(5) The appellate court may not extend the period for filing and serving the notice of appeal.</p> <p>(6) The notice of appeal must state fully the grounds of the appeal and the facts relied on.</p> <p>(7) The original decision is stayed until the appellate court decides the appeal.</p> <p>(8) The appeal must be decided on the evidence and proceedings before the Childrens Court.</p>	<p>Assistant Director (SO)</p>

<p>(9) However, the appellate court may order that the appeal be heard afresh, in whole or part.</p> <p>(10) The appellate court must hear and decide the appeal as soon as possible.</p> <p>(11) In deciding the appeal, the appellate court may—</p> <ul style="list-style-type: none"> (a) confirm the original decision; or (b) vary the original decision; or (c) set aside the original decision and substitute another decision. 	
<p>246AA Litigation director to review office's involvement in matter</p> <p>The litigation director must carry out a review of the involvement of the office of the director in a matter relating to the child if—</p> <ul style="list-style-type: none"> (a) the chief executive gives notice to the litigation director under section 246A(3); and (b) any of the following apply— <ul style="list-style-type: none"> (i) at the time of the child's death or serious physical injury, the litigation director is involved in performing a litigation function in relation to the child; or (ii) within 1 year before the child's death or serious physical injury, the litigation director has performed a litigation function in relation to the child; or (iii) the chief executive requests the review in writing. 	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>The review may also be carried out by external Counsel engaged by either the Director or Assistant Director</p>
<p>246AB Deciding terms of reference and extent of review</p> <p>(1) If a review is to be carried out by the chief executive, the chief executive must decide the extent of, and terms of reference for, the review. If a review is to be carried out by the litigation director, the director must decide the extent of, and terms of reference for, the review.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p>
<p>246BA Litigation director's review</p> <p>(1) Without limiting the matters the litigation director may consider in making a decision under section 246AB(2), the terms of reference for the review may include any of the following—</p> <ul style="list-style-type: none"> (a) considering whether the litigation director's office complied with legislative requirements, guidelines made by the director under the <i>Director of Child Protection Act 2016</i>, section 39 and any policies relevant to the performance of a litigation function in relation to the child; (b) commenting on the adequacy of the legislative requirements, guidelines and policies mentioned in paragraph (a) for performing litigation functions; (c) commenting on whether sufficient evidence was made available to the office of the litigation director for the purposes of making decisions under the <i>Director of Child Protection Litigation Act 2016</i>; 	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p>

<p>(d) making recommendations relating to the matters mentioned in paragraphs (a) to (c) and suggesting strategies to put into effect the recommendations.</p> <p>(2) In this section— policies include procedures, protocols, standards, systems and guidelines.</p>	
<p>246D Report about review</p> <p>(1) This section applies if the chief executive or litigation director is, under division 2, required to carry out a review.</p> <p>(2) As soon as practicable, and not more than 6 months, after the triggering event for the review, the chief executive or litigation director must—</p> <p>(a) complete the review; and</p> <p>(b) prepare a report about the review; and</p> <p>(c) give the following documents (the original review documents) to the review panel to which the review is allocated under section 246HF—</p> <p>(i) a copy of the report under paragraph (b);</p> <p>(ii) any documents obtained by the chief executive or litigation director and used for the review.</p> <p>(3) If both the chief executive and litigation director are required to carry out a review for the same child, when complying with subsection (2)(c), the chief executive and director must also give a copy of the report about the review to each other.</p> <p>(4) In this section— triggering event means—</p> <p>(a) for a review by the chief executive under section 246A(1)(a) to (d)—the chief executive becoming aware of the child’s death or serious physical injury; or</p> <p>(b) for a review by the chief executive under section 246A(1)(e)—the chief executive receiving the Minister’s written request; or</p> <p>(c) for a review by the litigation director under section 246AA(b)(i) or (ii)—the director receiving the chief executive’s written notice of the chief executive’s review under section 246A(3); or</p> <p>(d) for a review by the litigation director under section 246AA(b)(iii)—the director receiving the chief executive’s written request.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p>
<p>246DA Review panel may obtain further information</p> <p>(1) After receiving the original review documents, the review panel may ask the chief executive or litigation director for further information relevant to the panel’s review.</p> <p>(2) The chief executive or director must comply with the request to the extent that the chief executive or director has the information or may obtain it under this Act or the <i>Director of Child Protection Litigation Act 2016</i>.</p> <p>(3) For the purpose of complying with the request, the chief executive may ask another entity for particular information requested by the panel.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p>

Childrens Court Rules 2016	
Rule	Delegation
<p>61 Litigation director to file document stating disclosure duty complied with</p> <p>The litigation director must file a written notice before the child protection proceeding is finally decided stating the director—</p> <ul style="list-style-type: none"> (a) understands the director’s duty of disclosure under the Child Protection Act, section 189C and the consequences for failing to disclose a document under the Child Protection Act, section 189D; and (b) has considered the matters mentioned in rule 58; and (c) has complied and will continue to comply with the duty of disclosure to the best of the director’s knowledge and ability. 	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer (PO4)</p>
<p>77 Power to amend</p> <ul style="list-style-type: none"> (1) At any stage of a proceeding, the court may allow or direct a party to the proceeding to amend a document in the proceeding in a way and on the conditions the court considers appropriate. (2) An amendment under subrule (1) must be filed in the court and served on each other party to the proceeding as soon as practicable after being made. (3) Also, the registrar may give leave to amend an originating application or notice of appeal if— <ul style="list-style-type: none"> (a) the amendment is a technical matter; or (b) the document has not been served and all sealed copies of the document, and the other documents filed with the document, are returned to the court. 	<p>All Lawyers may seek leave to amend a document filed in a proceeding, however only the following may amend the type or duration of child protection order sought.</p> <p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p> <p>Lawyer’s at the PO4/PO3 level may only amend the duration of an order sought and only where OCFOS are in agreement with the amendment. For example at a COC a PO4/3 may agree to amend an application for a child protection order seeking custody to the chief executive for a period of 2 years to a period of 18 months where OCFOS are in agreement.</p>

<i>Child Protection (International Measures) Act 2003</i>	
Section	Delegation
<p>7 Circumstances in which Queensland court may exercise jurisdiction</p> <p>(1) If, under this Act, a Queensland court may exercise jurisdiction for a matter, the court may exercise the jurisdiction for the matter—</p> <p style="padding-left: 20px;">(a) on application by the department, litigation director or public trustee; or</p> <p style="padding-left: 20px;">(b) on its own initiative.</p> <p>(2) For this Act, the department, litigation director and public trustee may make applications to a Queensland court.</p> <p>(3) Subsections (1) and (2) are not limited by, and do not limit, a provision made by or under this Act or another Act that states other persons may make an application under this Act or otherwise make a request to a Queensland court.</p> <p><i>Example for subsection (3)—</i></p> <p>As mentioned in section 16(2)(b)(iii), a Queensland authority may exercise jurisdiction in relation to a child habitually resident in a Convention country only if the Queensland authority is requested to assume the jurisdiction by, or at the invitation of, a competent authority of the country of the child's habitual residence or country of refuge.</p>	<p>Assistant Director (SO)</p> <p>Principal Lawyer (PO6)</p> <p>Senior Lawyer (PO5)</p>