

ANNUAL REPORT 2023–2024

Office of the
Director of Child Protection Litigation



Queensland
Government

Acknowledgement of Country

The Office of the Director of Child Protection Litigation (ODCPL) respectfully acknowledges the First Nations people of the State of Queensland, and their special cultural, historical, and spiritual connection with the lands across the State. The ODCPL respectfully acknowledges Aboriginal peoples and Torres Strait Islander peoples as two unique and diverse peoples with their own rich and distinct cultures, traditions, and customs. The ODCPL pays our respects to the Elders past, present and emerging.

About our annual report

This annual report presents information about the performance of the Director of Child Protection Litigation for the period 1 July 2023 to 30 June 2024. It contains a record of the activities and achievements for the financial year.

View our report online

Electronic copies of this annual report can be obtained at:
<https://www.dcpl.qld.gov.au/resources/directors-guidelines-annual-reports-delegations>

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The ODCPL is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us on telephone (07) 3738 9180 and we will arrange an interpreter to effectively communicate the report to you.

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The State of Queensland (Office of the Director of Child Protection Litigation) annual report 2023-2024.

Letter of compliance

1 November 2024

Director of
Child Protection Litigation

The Honourable Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity
1 William Street
BRISBANE QLD 4000

Dear Attorney-General

I am pleased to submit for presentation to the Parliament the Annual Report 2023-2024 for the Director of Child Protection Litigation.

The Director of Child Protection Litigation has now been operating for eight years. It was created on 1 July 2016, implementing recommendation 13.17 made by the *Queensland Child Protection Commission of Inquiry*.

I certify that this Annual Report complies with:

- section 40 of the *Director of Child Protection Litigation Act 2016*, and
- the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

The Director of Child Protection Litigation is not considered a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*.

A checklist outlining the annual reporting requirements is provided at Appendix 4 (page 164) of this annual report.

Yours sincerely



Nigel A. Miller
Director of Child Protection Litigation
Office of the Director of Child Protection Litigation

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Director of Child Protection Litigation's overview

It is with pleasure that I present the Annual Report of the Director of Child Protection Litigation (DCPL) for the financial year 2023-24.

The DCPL delivers world-class frontline services in the area of community safety by assisting in the State's child protection activities as a key part of Queensland's innovative child protection litigation model.

This report provides information about the DCPL's performance and records the DCPL's contribution to improving outcomes for vulnerable children and families across Queensland by providing greater accountability and independent oversight for child protection order applications proposed by Queensland's Department of Child Safety, Seniors and Disability Services (Child Safety), by ensuring that applications filed in the Childrens Court of Queensland (court) are supported by good quality evidence, promoting efficiency and evidence-based decision-making.

The DCPL and the Office of the Director of Child Protection Litigation (ODCPL) which was established to help the DCPL perform the DCPL's functions, have now operated for eight years.

The following is a high level summary of what is outlined in the Performance part of the report, which highlights the results of Queensland's child protection litigation model in respect of 2023-24:

Child protection matters (matters) received

- The number of *matters* the DCPL received from Child Safety increased 2.2% from 2022-23, to an overall total of 3,572 *matters*; and
- The disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received reduced slightly. However, Aboriginal and Torres

Strait Islander children still made up 44.6% of the total *matters* received.

Types of intervention in place

- The overall increase in *matters* received was due to a 14.2% rise in *matters* concerning children who were either on a court assessment order or a temporary custody order (both are emergency orders), which indicates there has been an increase in the number of children entering the statutory child protection system. This is consistent with a 17.0% increase in the number of notifications that Child Safety were required to investigate; and
- There was a 12.9% decline in *matters* concerning children on existing child protection orders.

Timeliness of matters received

- The number of *matters* received on the day that they needed to be dealt with by the DCPL increased to 6.1% of all *matters*, up from 5.2% of all *matters* received in 2022-23;
- There was a slight reduction in the number of *matters* received from Child Safety as a percentage of the total that concerned children on an emergency order that met the prescribed timeframe, down to 89.1% from 89.3% in 2022-23; and
- There was a small improvement in the number of *matters* received from Child Safety as a percentage of the total that concerned children on existing child protection orders that met the prescribed timeframe, up to 28.7% from 28.0% in 2022-23.

General consultation with Child Safety

- The DCPL consulted generally with Child Safety in the course of dealing with 89.1% of all *matters*, a marked increase from the 73.4% of *matters* dealt with in 2022-23.

Request for further evidence or information

- The DCPL asked Child Safety for further evidence or information when considering 72.2% of all *matters*, up from the 61.8% of *matters* dealt with in 2022-23.

Required consultation with Child Safety

- The DCPL was required to consult with Child Safety in respect to 22.6% of the total *matters*, as it was considering either referring the *matters* back to Child Safety or applying for orders of a different type, or for orders that were otherwise different from the order that Child Safety considered appropriate and desirable for the children's protection. This was up from the 19.9% of all *matters* dealt with in 2022-23.

Matters referred back to Child Safety

- The number of *matters* that the DCPL referred back to Child Safety increased 128%, to a total 114 *matters* (89 with and 25 without Child Safety's agreement).
- In the 8 years the DCPL has operated, 597 *matters* have been referred back to Child Safety, with the DCPL having no further involvement with respect to the children on 207 of these *matters* (34.7% of the total *matters* referred back).

Child protection order applications

- The number of child protection applications made by the DCPL increased 0.7%, to an overall total of 3,481.
- The number of *matters* that the DCPL applied for orders of a different type, or for orders that were otherwise different from

the orders that Child Safety considered appropriate and desirable for children's protection increased by 16.3%, to an overall total of 550 *matters*, or 15.3% of the total *matters* dealt with (449 with and 101 without Child Safety's agreement).

- There was a notable 10.4% increase from 2022-23 in the number of applications seeking orders granting either custody or short-term guardianship of children (short-term out-of-home orders); and a marked 11.2% decrease from 2022-23 in the number of applications seeking orders granting long-term guardianship of children (long-term out-of-home orders).

Total matters dealt with differently

- The total number of *matters* the DCPL dealt with differently (includes *matters* referred back and applications for orders of a different type, or otherwise differently to what Child Safety had considered appropriate and desirable) increased 27%, to an overall total of 664 *matters*, or 18.5% of all *matters* dealt with (538 with and 126 without Child Safety's agreement. This equates to the DCPL dealing with almost 1 in 5 *matters* differently, and in respect of the 126 *matters* dealt with differently without agreement, Child Safety did not request the DCPL to undertake an internal review.

Child protection applications determined

- The number of child protection applications determined by the court decreased 4.0%, to an overall total of 2,987, which included:
 - a 23.0% increase from 2022-23 in the number of applications determined by being withdrawn with the court's leave, showing DCPL's proactive case management that results in seeking applications to be withdrawn where the evidence no longer supports that a child is in need of protection, or that an order is no longer appropriate and desirable;

- a notable 29.4% decrease from 2022-23 in the number of in-home child protection orders made (including orders ranging from directive orders through to orders requiring the chief executive to supervise children's protection). This is consistent with a 15.3% increase from 2022-23 in the number of children being subject to Child Safety intervention with their parents' agreement (IPA), rather than being the subject of a *matter* referred to the DCPL;
- a 1.1% increase in the number short-term out-of-home orders made; and
- a 5.7% decrease in the number long-term out-of-home orders.

Child protection orders made consistent with DCPL's application

- The court made child protection orders consistent with the type of child protection orders sought by the DCPL at the time applications were determined in 99.3% of all applications.

Average number of court events and days for applications to be determined

- The average number of court events and the average length of days between the lodgement and determination of applications increased from 8.2 events in 2022-23 to 8.7 events in 2023-24 (0.5 more court events), and from an average of 290.2 days in 2022-23 to an average of 312.9 days in 2023-24 (22.7 more days).
- This is related to the increased number of applications that were adjourned for Child Safety to:
 - convene Family Group Meetings (FGMs) to either develop initial case plans for children, or to review and develop revised case plans for children (with the reason recorded against 44.4% of all adjournments, up from 39.8% in 2022-23); and
 - personally serve child protection applications and amended child protection applications on parents (with the reason was recorded against 23.8% of all adjournments, up from 15.8% in 2022-23).

Acknowledgements

It has been my privilege to again lead the ODCPL throughout another year of operation.

Throughout 2023-24, all staff, from ODCPL's Litigation Support Officers and Legal Clerks through to Lawyers and the Executive Management Team, worked together to deliver on the DCPL's functions and vision of representing the State in respect of promoting the safety, protection and positive futures for Queensland's vulnerable at-risk children with independence, fairness and transparency.

The ODCPL's achievements are because of the steadfast contributions of all its staff.

I acknowledge and thank each and every member for their unwavering commitment, cooperation, and support in the pursuit of the DCPL's functions.

Throughout our eighth year of operation, DCPL Lawyers consistently demonstrated their significant expertise in the specialist area of practice of child protection law. They did this, combined with an increased workload and ongoing pressure of deadlines set by the type of existing intervention that was in place at the time new *matters* were received, and continued to make the required decisions to either refer *matters* back to Child Safety, or to apply for child protection orders, often in compressed timeframes. DCPL Lawyers then also managed

the resulting *child protection proceedings* (*proceedings*) in the court, which included them travelling throughout Queensland to undertake the DCPL's functions in 64 court locations.

I want to acknowledge the expertise of Child Safety's frontline staff across Queensland. The decisions of DCPL Lawyers in respect of Queensland's vulnerable at-risk children are based on their professional assessments. On behalf ODCPL's staff, I express our continued gratitude for the commendable role they perform in investigating child protection concerns relating to children who have suffered significant harm or are at an unacceptable risk of suffering significant harm, and the ongoing services that they provide to these children.

I also acknowledge the work of the legal officers in Child Safety's Office of the Child and Family Official Solicitor (OCFOS) and offer thanks on behalf of all ODCPL staff for the continued assistance they provided to both the ODCPL and Child Safety's frontline staff in respect of their work to keep children safe.

During the year, Child Safety staff, OCFOS legal officers and DCPL Lawyers worked together in collaboration to further embed Queensland's innovative child protection model. The positive impact of the innovative shift in policy and practice that occurred by creating a professional separation between the decision to apply for a child protection order and the related frontline Child Safety casework is seen throughout this report.

I thank Crown Law and the Department of Justice and Attorney-General (DJAG) for the

continued ongoing support provided to the ODCPL throughout the year, and thank the other key stakeholders in the child protection system who provided the DCPL with support, guidance and feedback, including the members of the Judiciary, Legal Aid Queensland (LAQ), the Queensland Family and Child Commission (QFCC), the Office of the Public Guardian (OPG), the Aboriginal and Torres Strait Islander Legal Service (ATSILS), the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), child protection practitioners, separate representatives, and other members of the legal profession.

While I am not subject to ministerial direction in relation to the performance of my statutory functions, I extend my thanks to the Attorney-General and Minister for Justice, and the Director-General of DJAG for their time and support, and for the respect shown to the independence of my position.

In the next reporting period, the ongoing impact of a greater number of children entering the statutory child protection system and the resulting increased workloads will continue to be a challenge for the DCPL's service delivery and vision. There will also be a continued focus on working to eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system, and working with Child Safety as they continue with their Unify program, which is replacing their Integrated Case Management System. This will include the DCPL seeking to improve information sharing and collaboration with Child Safety through integration between Unify and DCPL's case management system.

About Us

Establishment of the Director of Child Protection Litigation

The DCPL was established under the *Director of Child Protection Litigation Act 2016* (the DCPL Act) on 1 July 2016 as an independent statutory officer, within the DJAG portfolio,

reporting directly to the Attorney-General and Minister for Justice. The ODCPL was also established on 1 July 2016, to help the DCPL perform the DCPL's functions.

Background to the establishment of the DCPL

On 1 July 2012, the Queensland Government established the Commission of Inquiry to chart a road map for the state's child protection system for the next decade.

The Commission of Inquiry's final report, *Taking Responsibility: A Roadmap for Queensland Child Protection*, which was presented to the Queensland Government on 1 July 2013 includes at page 481 that:

It was clear to the Commission that there is widespread mistrust and concern in relation to the conduct of proceedings by the department [then named Department of Communities, Child Safety and Disability Services] and its ability to present material that is sufficiently supported by relevant evidence. Those factors that appear to be materially contributing to this mistrust and concern are:

- a blurring in the role of Child Safety workers to include responsibilities usually discharged by a legal officer
- affidavits being prepared and sworn by Child Safety officers with little understanding of the implications of swearing an affidavit including the standards of evidence required
- lack of early 'independent' legal advice, and

- need for professional separation of the department's internal processes linked to child protection proceedings.

The Commission is of the view that a two-pronged approach is necessary to address the concerns. This would involve improving access to early, more independent, legal advice within the department and establishing a new independent statutory office — the Director of Child Protection — to make applications for care and protection orders on behalf of the department.

The Commission of Inquiry made the following two recommendations relevant to the establishment and operation of the DCPL:

Recommendation 13.16

That the [then named] Department of Communities, Child Safety and Disability Services enhance its in-house legal service provision by establishing an internal Office of the Official Solicitor within the department which shall have responsibility for:

- providing early, more independent legal advice to departmental officers in the conduct of alternative dispute-resolution processes and the preparation of applications for child protection orders
- working closely with the proposed specialist investigation teams so that legal

advice is provided at the earliest opportunity

- preparing briefs of evidence to be provided to the proposed Director of Child Protection in matters where the department considers a child protection order should be sought.

Recommendation 13.17

The Queensland Government establish an independent statutory agency — the Director of Child Protection — within the Justice portfolio to make decisions as to which matters will be the subject of a child protection application and what type of child protection order will be sought, as well as litigate the applications.

Staff from the Director of Child Protection will bring applications for child protection orders before the Childrens Court and higher courts, except in respect of certain interim or emergent orders where it is not practicable to do so. In the latter case, some officers within the [then named] Department of Communities, Child Safety and Disability Services will retain authority to make applications.

In December 2013, the Queensland Government responded to the Commission of Inquiry’s final report, which included an

acceptance of recommendations 13.16 and 13.17.

The establishment of the DCPL under the DCPL Act implemented recommendation 13.17 and the establishment of OCFS administratively within Child Safety implemented recommendation 13.16.

The DCPL Act was assented to on 25 May 2016 and commenced operation on 1 July 2016.

In establishing the DCPL, Queensland became the first jurisdiction in Australia to create a professional separation between the investigation and assessment of child protection concerns on behalf of the State, and the decision also on behalf of the State as to whether or not a child protection order application should be made and the type of order that should be sought.

The responsibility of deciding on behalf of the State whether or not a child protection order application should be made and the type of order that should be sought was transferred from Child Safety to the DCPL as an independent statutory officer.

The transfer of this key decision-making function represents a fundamental innovative shift in policy and practice in child protection litigation within Australia.

Other major child protection litigation reforms

In addition to the establishment of the DCPL, the other major child protection litigation reforms that commenced on 1 July 2016 were the establishment of a court case management framework for *proceedings* and the introduction of a general continuing duty of disclosure.

Court case management

The objective of the court case management framework is to provide a structure to the court to actively manage *proceedings*, minimise delay, and improve the quality of evidence and decision-making. This has included the establishment of a court case management committee and the commencement of revised *Childrens Court Rules* (the Rules). The Rules had not been significantly reviewed since they were made in 1997, and play a key part of the implementation of a court case management framework.

Duty of disclosure

The DCPL has a continuing duty to disclose, to each other party in a *proceeding*, all documents in the DCPL's possession or control that are relevant to the *proceeding*. Further, Child Safety has a corresponding duty to provide all information relevant to the *proceeding* to the DCPL, which continues until the *proceeding* is decided.

The duty of disclosure is subject to the provisions of section 191 of the *Child Protection Act 1999* (the CP Act), providing that the DCPL may refuse to disclose particular documents on certain grounds.

Disclosure occurs between the DCPL and parties to a *proceeding* and does not involve

the court, apart from its consideration of applications made under the CP Act or the making of directions with respect to disclosure under the Rules.

Where the DCPL refuses disclosure of a document, a party to the *proceeding* may make an application to the court, and the court may order the disclosure on the conditions it considers appropriate.

Collaborative Family Decision Making

Aligned with the commencement of the DCPL and the other child protection litigation reforms, Child Safety began transitioning FGMs to the Collaborative Family Decision Making program (CFDM) from 1 July 2016. This changed the operational structures of FGM delivery. The aim of CFDM is to:

- implement collaborative family decision making throughout the child and family system
- provide a consistent and empowering experience of decision-making and case planning/support planning for children, young people and their families who are involved with Child Safety
- embed practices that uphold the Strengthening Families, Protecting Children Framework for Practice (Framework for Practice) principle that we listen to children's, families' and communities' views and involve them in planning and decision making
- provide resources to increase and ensure CFDM processes.¹

¹ Page 5 of Child Safety's Family Group Meeting Convenor Handbook, Second Edition, Version 2 August 2022.

The DCPL's vision

Promoting the safety, protection, and positive futures for Queensland's vulnerable at-risk children with independence, fairness, and transparency.

The DCPL's purpose

In partnership with Child Safety, to improve outcomes for at-risk children and their families by providing greater accountability and independent oversight for child protection order applications proposed by Child Safety, and ensuring that applications filed in court are supported by good quality evidence, promoting efficiency and evidence-based decision-making.

The DCPL's functions and powers

The main purpose of the DCPL is to apply for child protection orders on behalf of the State and to then conduct the resulting *proceedings* representing the State.

The DCPL Act provides the following in respect of the DCPL's functions and powers:

- prepare for and apply for child protection orders, and conduct *proceedings*;
- prepare and apply for transfers of child protection orders and *proceedings* to other States or Territories within Australia or New Zealand;
- prepare, institute and conduct appeals against decisions about applications for child protection orders and decisions about the transfer of child protection orders and *proceedings* to a participating state; and
- in addition to the above, the DCPL also has functions to provide legal advice to, or appear for Child Safety on its instructions, for the following matters:
 - adoption
 - family law
 - Queensland Civil and Administrative Tribunal (QCAT) reviews
 - Hague Child Abduction Convention, or
 - other matters relating to the safety, wellbeing or protection of a child.²

Principles for the administration of the DCPL Act

The main principle for administering the DCPL Act is that the safety, wellbeing and best interests of a child, both through childhood and for the rest of his or her life, are paramount.³

The DCPL Act is to also be administered having regard to the following other principles:

- collaboration between the DCPL and Child Safety best achieves fair, timely and consistent outcomes for the protection of children;⁴
- in protecting a child, the DCPL should only take the action that is warranted in the circumstances, including, for example, by applying for the least intrusive child protection order;⁵
- the DCPL should consider whether sufficient, relevant and appropriate evidence is available in deciding whether to make an application for a child protection order;⁶

² Section 5 of the DCPL Act.

³ Section 9 of the DCPL Act.

⁴ Section 6(1)(a) of the DCPL Act.

⁵ Section 6(1)(b) of the DCPL Act.

⁶ Section 6(1)(c) of the DCPL Act.

- each principle stated in section 5B of the CP Act for ensuring safety, wellbeing and best interests of a child, to the extent the principle is capable of being applied to a person performing a function or exercising a power under the DCPL Act, including for example:
 - a child has a right to be protected from harm or risk of harm; and
 - a delay in making a decision in relation to a child should be avoided, unless appropriate for the child;⁷
- each principle stated in section 5BA of the CP Act for achieving permanency for a child, to the extent the principle is capable of being applied to a person performing a function or exercising a power under the DCPL Act. The principles provide that to ensure the wellbeing and best interests of a child, the action or order that should be preferred, having regard to the other general principles in section 5B and also the additional principles for Aboriginal or Torres Strait Islander children in section 5C of the CP Act, is the action or order that best ensures the child experiences or has:
 - ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers; and
 - stable living arrangements, with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs; and
 - legal arrangements for the child's care that provide the child with a sense of permanence and long-term stability, including, for example, a long-term guardianship order, a permanent care order or an adoption order for the child;⁸
- each additional principle applying in relation to an Aboriginal or Torres Strait Islander child stated in section 5C of the CP Act, which provides Aboriginal and Torres Strait Islander people have the right to self-determination, and the long-term effect of a decision on the child's identity and connection with the child's family and community must be taken into account. Further, the following further principles also apply (together referred to as the *Aboriginal and Torres Strait Islander child placement principle*):
 - the *prevention principle* that a child has the right to be brought up within the child's own family and community;
 - the *partnership principle* that Aboriginal or Torres Strait Islander persons have the right to participate in—
 - significant decisions under this Act about Aboriginal or Torres Strait Islander children, and
 - decisions relating to the development and delivery of services, provided by the department, that support Aboriginal or Torres Strait Islander families, or provide for the care or protection of Aboriginal or Torres Strait Islander children;
 - the *placement principle* that, if a child is to be placed in care, the child has a right to be placed with a member of the child's family group;
 - the *participation principle* that a child and the child's parents and family members have a right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child; and
 - the *connection principle* that a child has a right to be supported to develop and maintain a connection with the

⁷ Section 6(1)(d) of the DCPL Act.

⁸ Section 6(1)(e) of the DCPL Act.

child's family, community, culture, traditions and language, particularly when the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.⁹

Also, each principle relevant to exercising powers and making decisions under section 5D(1) of the CP Act applies to the extent the principle is capable of being applied to a person exercising a power or making a decision under the DCPL Act. This includes:

- a power under the CP Act should be exercised in a way that is open, fair and respectful of the rights of each person affected by the exercise of the power;
- to the extent that it is appropriate, the views of relevant persons should be sought and taken into account before a decision is made under this Act;
- if a relevant person for a decision under the CP Act needs help to participate in or understand the decision-making process, or to understand a statutory right relevant to the decision, the relevant person should be given help;
- a relevant person for a decision under the CP Act may obtain their own legal advice, or be represented by a lawyer or supported by another person, in relation to the decision-making process; and
- information about a child affected by a decision under the CP Act should be shared only to the extent necessary for the purposes of the CP Act, and in a way that protects the child's privacy.¹⁰

In addition, the principles relating to obtaining a child's views set out in section 5E of the CP Act apply in relation to giving a child an opportunity to express their views appropriately. This includes ensuring the following in relation to the exercise of a power or the making of a decision:

- the child is given meaningful and ongoing opportunities to participate;
- the child is allowed to decide whether or not the child will participate;
- the child is given information that is reasonably necessary to allow the child to participate;
- the child is advised about what help is available to the child;
- the person understands and considers, or makes a genuine attempt to understand and consider, any views expressed by the child;
- the child is allowed to express views that are different to views previously expressed by the child;
- communication with the child is carried out in a way that is appropriate for the child; and
- a record of views expressed by the child is made that, if appropriate, uses the child's words.¹¹

If a child decides to participate in the exercise of a power or the making of a decision, the person must ensure that the child is allowed to decide how the child will participate, and the person listens to and engages with, or makes a genuine attempt to listen to and engage with, the child, and the child is given help to participate if the child requires it. If the child decides not to participate, or is otherwise unable to participate, in the exercise of a power or the making of a decision, the person must ensure the person obtains, or makes a genuine attempt to obtain, the views of the child in another way that is appropriate for the child, and the child's decision, or inability, does not operate to the detriment of the child in relation to the exercise of the power or the making of the decision.

⁹ Section 6(1)(f) of the DCPL Act.

¹⁰ Section 6(2) of the DCPL Act.

¹¹ Section 6(3) of the DCPL Act.

DCPL's Guidelines

Under section 39 of the DCPL Act, the DCPL reissued written guidelines on 1 July 2019, a copy is in Appendix 5. The Guidelines were issued to:

- all staff employed in the ODCPL;
- Child Safety and all staff working in the following areas undertaking work relevant to the functions of the DCPL:
 - OCFOS
 - Child Safety Service Centres
 - Child Safety's Legal Services; and
- lawyers engaged by the DCPL to carry out the DCPL's functions under the DCPL Act.

Queensland's child protection litigation model in practice

Child Safety receives reports of concerns about child abuse and neglect

Under the CP Act, Child Safety receives reports of concerns about child abuse and neglect.

Child Safety's published data provides that in 2023-24, Child Safety received 141,691 reports of concerns (alleged harm or alleged risk of harm to a child) in relation to 87,403 children. The number of reports of concerns was up 1.3% from the 139,823 reports received in 2022-23, with the number of concerned children up 2.6% from the 85,176 children in 2022-23.

On considering the reported concerns, if Child Safety reasonably suspects a child is in need of protection, Child Safety must immediately investigate the concerns (the allegation) and assess whether the concerns about abuse and neglect can be substantiated (alleged harm or risk of harm) and, if they can, assess the child's protective needs; or take other action Child Safety considers appropriate.

Child Safety classifies the reported concerns that it determines need to be investigated and assessed as a notification. Child Safety's published data provides that in 2023-24, Child Safety recorded 40,389 notifications concerning 35,732 children. This is an increase of 17.8% on the 34,279 notifications recorded in 2022-23, with the number of concerned children also

increasing 16.7% (30,628 concerned children in 2022-23).

In 2023-24, Child Safety commenced 30,050 investigations (up 4.1% on 28,861 commenced in 2022-23) to assess whether the children were in need of protection. Child Safety usually conducts investigations with the consent of parents, but where this is not possible or appropriate, Child Safety can seek assessment orders (temporary assessment orders and or court assessment orders) from either a Magistrate or the court depending on the circumstances to authorise actions necessary as part of an investigation. OCFOS Legal Officers provide legal advice to Child Safety's frontline staff in respect to their investigations and assessments, and assist with obtaining assessment orders, by drafting and appearing on these applications.

In 2023-24, Child Safety's published data shows that there were 1,556 admissions to temporary assessment orders (up 15.0% on the 1,353 admissions to these orders in 2022-23), and 1,722 admissions to court assessment orders (up 17.0% on the 1,532 admissions to these orders in 2021-22).

In 2023-24, Child Safety completed 33,117 investigations (up 14.8% on the 28,853 investigations completed in 2022-23), with Child Safety recording a substantiated finding in respect to 7,525 investigations (up 3.3% from the 7,283 substantiated findings made in 2022-23). A substantiated finding means that Child Safety assessed that the concerned child had suffered significant harm, was suffering significant harm, or was at an unacceptable risk of suffering significant harm.

In 2023-24, of the substantiated findings, Child Safety assessed that 3,000 related to children in need of protection (down 2.6% from the

3,081 assessed as in need of protection in 2022-23).

If Child Safety assesses that a child is in need of protection and that their parents are able and willing to actively work with Child Safety to meet the child's protective needs, Child Safety will work with the parents through an agreement. This is referred to as intervention with parental agreement (an IPA).

If Child Safety assesses that a child protection order is required to meet a child's protective needs, as outlined in the following section, the *matter* is referred to the DCPL.

When Child Safety must refer a matter to the DCPL

Under the DCPL Act, Child Safety must refer the following types of *matters* to the DCPL:

- if Child Safety are satisfied that a child, is a child in need of protection and that a child protection order is appropriate and desirable for the child's protection, or
- if a child protection order is in force for a child, and Child Safety are satisfied the order is no longer appropriate and desirable for the child's protection, or
- if a permanent care order is in force for a child and Child Safety are satisfied that the child's permanent guardian under the order is not complying, in a significant way, with their obligations under the CP Act and the order is no longer appropriate and desirable for promoting the child's safety, wellbeing and best interests.

In support of each referred *matter*, Child Safety must provide the DCPL with a brief of evidence that includes:

- the reasons why the child is a child in need of protection, and the reasons why an order is appropriate and desirable for the child's protection along with the type of order Child Safety considers is appropriate and desirable for the child's protection, or

- the reasons why a child protection order is no longer appropriate and desirable for the child's protection, or
- the reasons why a child's permanent guardian is not complying, in a significant way, with the permanent guardian's obligations under the CP Act and why the order is no longer appropriate and desirable for the child's safety, wellbeing and best interests.

Child Safety must also provide the DCPL with available supporting documents and all other available documents and evidence that are relevant to the referred *matter*. OCFOS Legal Officers assist Child Safety to refer *matters* to the DCPL.

As outlined in the performance part of this report, the DCPL received a total of 3,572 referred *matters* in 2023-24, which was up 2.2% on the total of 3,494 *matters* received in 2022-23.

If Child Safety need more time to decide the most appropriate action to meet a child's ongoing protection and care needs, or the *matter* has been referred to the DCPL, and the DCPL requires further time to decide the most appropriate action to meet a child's ongoing protection and care needs and start taking

action, a temporary custody order can be sought by Child Safety. These orders must not be more than three business days in duration, and OCFS Legal Officers assist Child Safety by drafting and appearing on these applications.

Within the 3,572 referred *matters* received by the DCPL in 2023-24, 1,181 of the *matters* (33.1% of the total) concerned children already

How the DCPL deals with a referred matter

Once DCPL receives a *matter*, it is responsible for independently deciding whether or not an application for a child protection order should be made for a child in the court, and if so, what type of child protection order should be sought, as well as litigating the applications in *proceedings*.

Each referred *matter* that the DCPL receives from Child Safety is allocated to an experienced DCPL lawyer, either a Senior Lawyer or a Principal Lawyer, referred to as an Applicant Lawyer, to be dealt with under the DCPL Act.

If the Applicant Lawyer decides an application for a child protection order should be made, they draft the application and settle the initial supporting affidavit. The Applicant Lawyer's decision is based on the professional assessment of Child Safety Officers as to what order is considered appropriate and desirable for a child's protection, and also on the supporting documents and all other available documents and evidence that are relevant to the referred *matter*.

In considering referred *matters*, before deciding how to deal with them, the DCPL may ask Child Safety to provide further evidence or information about the *matter*. This ensures that the State only takes action that is warranted in the circumstances, and that applications made by the DCPL are supported by sufficient, relevant and appropriate evidence, which has been independently considered and assessed by the DCPL.

the subject of an existing child protection order, with the remaining 2,391 *matters* relating to children on either assessment orders (980 *matters* or 27.4% of the total) or temporary custody orders (935 *matters* or 26.2% of the total), or children subject to a care agreement between parents and Child Safety (11 *matters* or 0.3% of the total), or concern children that are on no order or care agreement (465 *matters* or 13.0% of the total).

In 2023-24, the DCPL sought further evidence or information from Child Safety when dealing with 2,596 *matters*, equating to 72.2% of the total *matters* the DCPL dealt with in the year.

As noted above, under the DCPL Act, in respect of each accepted referred *matter*, the DCPL must deal with it by deciding to either:

- apply for a child protection order for the child; or
- refer the *matter* back to Child Safety.

As outlined in the performance part of this report, in 2023-24, the DCPL made 3,481 child protection applications and referred back 114 *matters* to Child Safety (3.2% of the total *matters* dealt with).

In 2023-24, within the 3,481 child protection applications made, the DCPL made 550 applications (15.8% of the of the total child protection applications made) for child protection orders of a different type, or orders that were otherwise different to Child Safety's initial assessment on the *matters* (this is outlined in more detail within the performance part of this report).

Once the application and initial supporting affidavit are filed, a dedicated DCPL File Lawyer then takes responsibility for managing the resulting *proceedings* in the court at the particular location that the application has been filed, working directly with the Child Safety frontline staff in the location. This arrangement

ensures consistency in file management, with File Lawyers managing the *proceeding* from the point it is filed until the application has been determined. The Applicant Lawyer that reviewed the brief of evidence and decided to commence the *proceedings* by making a child protection application is then briefed to appear at any complex interim hearings, court ordered conferences and any final hearing.

The Child Safety Officers are not a party to the *proceedings*, rather they are the DCPL's witnesses.

Enabling legislation & responsible Minister

The DCPL was established under the DCPL Act, which commenced on 1 July 2016.

The DCPL Act is administered by the Attorney-General of Queensland.

Personal appearances at mentions, court ordered conferences and hearings are the preferred mode of attendance for DCPL Lawyers. However, if a personal appearance is not required, DCPL lawyers have used audio visual and telephone options to appear, for example where at the mention of a *proceeding*, procedural issues have been dealt with and the *proceeding* has been adjourned on an uncontested basis.

Also as outlined in the performance part of this report, in 2023-24, there were 2,987 child protection applications determined by the court.

The DCPL Act was passed by the Legislative Assembly on 11 May 2016 in cognate with the *Child Protection Reform Amendment Bill 2016*

Service delivery statements

In the State Budget 2024-25 service delivery statements, the DCPL had an efficiency measure and two effectiveness measures.

The first effectiveness measure shows how effective the DCPL is in applying for child protection orders, with the goal that the DCPL has only taken action that was warranted in the circumstances for the protection of children.

The second effectiveness measure shows the clearance rate (%), which is the number of applications for child protection orders finalised

against the number of child protection applications lodged within the year, with the goal to ensure that the DCPL is efficiently dealing with child protection applications, reflecting the general legal principle in the DCPL Act that a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.

The efficiency measure shows the average number of child protection applications made per DCPL Applicant Lawyer.

Table 1 – DCPL’s service delivery standards

Service standards and other measures	Notes	2022-23 Actual	2023-24 Target	2023-24 Actual
Legal and Prosecutions				
Service: Child protection legal services				
Rate of final child protection orders made by the Childrens Court when determining DCPL child protection applications		99.8%	99.0%	99.7%
Clearance rate (finalisations/lodgments) per cent of application for child protection order	1	90.0%	100.0%	85.9%
Average number of child protection applicants made per DCPL Applicant Lawyer	2		116	117
NOTES:				
1. The negative variance between the 2023–24 Target and the 2023–24 Actual is due to the ongoing increase in the number of applications adjourned, primarily for Family Group Meetings to be convened by external agencies to develop case plans for children, which occurs outside of the DCPL’s control.				
2. This measure was included from 2023-24.				

Governance - management and structure

Organisational structure

The ODCPL is based in Brisbane.

The Queensland Government determined that the ODCPL would be established as a Brisbane based model. The Brisbane based model has continued to be essential to ensure appropriate professional supervision, continuing professional development and support for staff and to promote consistency of approach.

The Brisbane based model has continued to support the ODCPL's culture and drive practice improvements in line with the reforms, and it has also allowed the ODCPL to share support services from across DJAG including Crown Law.

The ODCPL operates three chamber groups of lawyers, with each Chambers allocated specific regions across the State. This ensures the ODCPL is responsive to local service delivery needs, and results in a consistent group of lawyers appearing in the Court in a particular region and working with the local Child Safety Service Centre staff, OCFOS Legal Officers, partner agencies and local lawyers.

The Blue Chambers deal with referred *matters* from the following locations:

- Brisbane court locations, including Brisbane, Caboolture, Cleveland, Holland Park, Pine Rivers, Sandgate, Redcliffe and Wynnum;
- Sunshine Coast court locations, including Caloundra, Gympie, Kingaroy and Maroochydore; and
- Central Queensland court locations, including Emerald, Gladstone and Rockhampton.

The Longman Chambers deal with referred *matters* from the following locations:

- Darling Downs and South West Queensland court locations, including Charleville, Dalby, Goondiwindi, Ipswich, Stanthorpe, Roma, Toowoomba and Warwick, and also undertakes some matters within Brisbane at Richlands;
- Northern Queensland Court locations, including Bowen, Charters Towers, Mackay, Proserpine and Townsville; and
- Western Queensland Court locations, including Longreach and Mt Isa.

The McDonald Chambers deal with referred *matters* from the following locations:

- South East Queensland court locations, including Beenleigh and Southport;
- Wide Bay Burnett court locations, including Bundaberg, Hervey Bay and Maryborough; and
- Far North Queensland court locations, including Atherton, Cairns, Innisfail, Mossman and Mareeba.

DCPL Lawyers have appeared in the court during 2023-24 sitting at 64 locations throughout the State, collaboratively working with officers employed within OCFOS, and Child Safety staff employed in 56 Child Safety Service Centres throughout the State.

The ODCPL organisational chart is located at Appendix 1.

Executive Management Team

ODCPL's executive management team comprises the DCPL, three Assistant Directors of Child Protection Litigation, a Practice Manager, and an Assistant Practice Manager.

The executive management team meets regularly and is responsible for formulating the ODCPL's strategic and operational priorities and initiatives in respect of service delivery and

stakeholder engagement, and oversees ODCPL's people, learning and development, policies, procedures and business processes.

The executive management team is also responsible for overseeing the ODCPL's governance including financial performance and high-level risk.

Code of Conduct for the Queensland Public Service

For the purposes of the *Public Sector Ethics Act 1994*, staff of the ODCPL are bound by the *Code of Conduct for the Queensland Public Service* (Code of Conduct).

All new employees, including contractors, volunteers and work experience students,

undertake mandatory face-to-face and online workplace ethics training as part of their induction and the on-line training is repeated annually. All new employees are provided with the Code of Conduct and the DJAG Workplace Policy, and they are also provided to staff of the ODCPL annually.

Human Rights Act 2019

The ODCPL is committed to ensuring our people act and make decisions compatibly with the *Human Rights Act 2019* (HR Act). In 2023-24, the ODCPL continued to further embed human rights into the DCPL's service delivery.

Human rights complaints management and reporting

No complaints were received by the DCPL during the 2023-24 year that contained human rights components.

Values

The ODCPL has embraced the five Queensland public service values: customers first, ideas into action, unleash potential, be courageous, and empower people. These values guide our staff behaviour and support our service commitment.

Governance - risk management and accountability

Risk Management

The ODCPL's risk management framework ensures risk is actively managed as an integral part of decision-making, planning and service delivery of achieving the DCPL's purpose of applying for child protection orders and conducting *proceedings*.

Information systems and recordkeeping

The ODCPL operates under the requirements of the *Public Records Act 2002*. The ODCPL has an obligation to create, maintain, preserve and dispose of records in compliance with legislation, policies and standards. The ODCPL also complies with the Queensland State Archives General Retention and Disposal Schedule.

To assist the ODCPL to manage records and record governance, the services of Crown Law's records team are engaged.

Employee performance management framework

The ODCPL's employee performance management framework includes induction, staff development, expectation agreements and recognition.

Leadership and management development framework

The ODCPL has a leadership and management framework, which includes:

- maintaining our commitment to support staff, promoting excellence in service delivery through the provision of regular and effective legal supervision and by

ensuring accessibility to operational management;

- ensuring that the management structure is fit for purpose and promotes continual improvement in service delivery, reflecting our priorities and the shape of the organisation to equip the DCPL to meet future demands, opportunities and challenges at operational and strategic levels;
- promoting increased opportunities, succession planning and career and professional development for staff, whilst ultimately maintaining staff retention rates through increased support, accessible management and strategic planning and priority setting;
- facilitating an innovative approach to service delivery, through generating increased scope for greater partnership and collaboration, better stakeholder engagement and improved strategic communication; and
- strategic planning, including business planning, and reinforcing the DCPL's ability to deliver its statutory functions effectively and efficiently.

Information security attestation

During the mandatory annual Information Security reporting process, the Director-General of DJAG, attested to the appropriateness of the information security risk management within DJAG to the Queensland Government Chief Information Security Officer, noting that appropriate assurance activities have been undertaken to inform this opinion and DJAG's information security risk position.

Governance - human resources

Our people

The lawyers and litigation support staff employed within the ODCPL came from a variety of backgrounds, both from other Government agencies and private practice, bringing with them a wide breadth of experience and skill.

Since commencing, the ODCPL has had good stability in its staffing complement as a result of high staff retention levels. This has resulted in the ODCPL being able to retain and develop a highly skilled and competent workforce who have been able to continue to develop their expertise in the area of child protection service delivery and in the specialist area of practice of child protection law. When required, the ODCPL has undertaken targeted recruitment of new lawyers and litigation support staff.

Strategic Workforce Planning

ODCPL continues to ensure leaders model and drive inclusive behaviours to ensure we work in a way that enables equity, and provides safety and security for everyone where staff feel they belong, and their contributions are valued.

The ODCPL has placed a strong focus on attracting and retaining a skilled, diverse, and capable workforce, with people from diverse backgrounds including non-English speaking backgrounds, people with disability, women, Aboriginal people, and Torres Strait Islander people being encouraged to apply for positions.

ODCPL's workforce policy and procedure is governed by policies of DJAG and DJAG's Inclusion, Diversity and Equity Strategy 2023-27. ODCPL have a representative on the DJAG Aboriginal peoples and Torres Strait Islander peoples working group and is committed to building and encouraging cultural capability in the workforce and improving workforce participation by Aboriginal peoples and Torres Strait Islander peoples, people with disabilities and people with culturally and linguistically diverse background, through embedding

equitable and inclusive recruitment practices and ensuring culturally safe onboarding processes.

ODCPL staff have engaged in training and continued education to enhance their cultural capacity and their understanding and respect for diversity.

The ODCPL has a strong focus on providing staff with higher duties opportunities and supports staff to develop their leadership skills.

The ODCPL promotes and actively supports flexible working arrangements in accordance with the Queensland Government's Flex-connect framework. Being a highly mobile workforce, ODCPL staff are able to work remotely without major disruption and provide a high-quality service.

Whilst increased workloads continued, ODCPL staff used technology effectively to remain connected, to appear at court events, and collaborate with Child Safety staff.

ODCPL management recognise the ongoing benefits associated with flexible working and are committed to maximising opportunities for staff to work flexibly. Flexible work arrangements are promoted and accessed across all levels of staff from the AO3 to SO levels; with the majority of staff utilising some form of flexible working arrangement, including flexible working hours, flexible working arrangements, leave arrangements, working from home and telecommuting, and part-time work to promote a healthy work-life balance.

ODCPL management supported the health and wellbeing of staff taking advantage of flexible and remote working arrangements and remained connected with staff working remotely through regular team meetings and leadership provided by Principal Lawyers.

ODCPL are an inclusive workplace that provides reasonable adjustment to support people living with a disability and recognises

the value of extending this approach to other employees to assist with the retention of skilled, experienced people. This has included modifications to roles or workplaces that better enables individuals to continue to work or to support individuals when returning to the workplace following a period of leave, particularly for women returning from maternity leave.

ODCPL have a high percentage of women in the workforce and continued to promote the representation of women in leadership roles in 2023-24, with one female permanently appointed to a Senior Officer role and two females were provided with higher duty opportunities in Senior Officer roles. One further female was provided with a higher duty

opportunity in a Principal Lawyer role (PO6 level) during the year. As at 30 June 2024, 75% of lawyers in Principal Lawyer roles were female.

The ODCPL also fosters a healthy and inclusive workplace, coming together as a group to celebrate achievements and social events, promoting positive working relationships, connection and wellbeing. These include, but are not limited to, celebrating Staff and Divisional Excellence Awards, and Years of Services Awards.

In 2023-24, no private lawyers were engaged by the DCPL under section 11 of the DCPL Act to carry out the DCPL's functions.

Workforce profile data

Table 2 – ODCPL’s full-time equivalent (FTE) overview	
	FTE
Total FTE for the Office of the Director of Child Protection Litigation	87.4
Headcount number of staff	93
Percentage of Frontline and Frontline Support staff (FTE)	100%
Percentage of Corporate staff (FTE)	0.0%
Percentage of permanent staff (FTE)	73.8%
Percentage of temporary staff (FTE)	25.1%
Percentage of casual staff (FTE)	0.0%
Percentage of contract staff (FTE)	1.1%
Percentage of Full-time staff (headcount)	87.10%
Percentage of Part-time staff (headcount)	12.90%
Percentage of Casual staff (headcount)	0.0%

Target group data

Table 3 – ODCPL’s workforce statistics		
Gender	Number (Headcount)	Percentage of total workforce (Calculated on headcount)
Woman	72	77.42%
Man	21	22.58%
Non-binary	0	0.0%
Diversity Groups	Number (Headcount)	Percentage of total workforce (Calculated on headcount)
Women	72	77.4%
Aboriginal Peoples and Torres Strait Island Peoples*	<5	2.2%
People with disability*	6	6.5%
Culturally and Linguistically Diverse – Speak a language at home other than English*	<5	4.3%
Women in Leadership Roles	Women (Headcount)	Women as percentage of total leadership cohort (Calculated on headcount)
Senior Officers (Classified and s122 equivalent combined)	2	66.7%
Senior Executive Service and Chief Executives (Classified and s122 equivalent combined)	0	0.00%

* Diversity rates are based on voluntary self-reporting and may not reflect total numbers.

Employee opinion survey

The ODCPL participated in the 2023 Working for Queensland Survey to better understand the level of workforce engagement and improve the experience of staff members. The overall employee engagement result was 62% favourable.

Health, safety and wellbeing

The ODCPL continued to promote staff health, safety and wellbeing in 2023-24 with staff being encouraged to access the #DJAGBeWell program. This program consists of webinars and resources to improve staff health and wellbeing.

This is within the context that the work of the ODCPL can expose staff to confronting and disturbing material including distressing and offensive content. Further, staff can be required to engage with persons involved with the child protection part of the justice system who have and may continue to experience distressing circumstances, together with managing significantly high workloads.

Complimenting the #DJAGBeWell program, the ODCPL also provided staff with the opportunity to participate in a well-check appointment. A well-check is a confidential one-on-one conversation between staff and an experienced clinician, designed to give staff an opportunity to discuss ways to strengthen their wellbeing in the context of the sensitive work they do, noting

Early retirement, Redundancy and retrenchment

No redundancy/early retirement/retrenchment packages were paid during the period.

their workload, court advocacy and other pressures that are inherent in ODCPL's work.

During a well-check, staff may be asked to reflect on their role, including:

- considering the nature of their work and how it may be impacting on them and their wellbeing;
- reviewing their self-care strategies;
- identifying any areas of risk for staff, their team or the ODCPL as a whole;
- understanding if there are any areas of their role that are negatively impacting on their health and wellbeing; and
- understanding how these issues may impact on their engagement and consider ways they can strengthen their wellbeing.

The content of discussions at well-checks remain private between staff and the clinician.

ODCPL's Executive Management Team

Nigel A. Miller - Director of Child Protection Litigation

Nigel A. Miller is Queensland's first Director of Child Protection Litigation. Nigel has experience across a range of fields, including in the complex area of child protection and public family law.

Nigel was called to the Queensland Bar in 2004 and admitted as a Barrister of the High Court in 2005. His legal practice has specialised in child protection and related areas of law, involving best interests and direct instructions advocacy for children and young people. Nigel has also specialised in acting for parents in the child protection jurisdiction.

Nigel has practised public family law in the United Kingdom with a London-based local authority and as an Independent Children's Lawyer in the family law jurisdiction. Nigel also has experience in domestic and family violence and criminal law, including representing young people in the youth justice jurisdiction.

Prior to his current appointment, Nigel held the position of Assistant Director of LAQ's Family Law Services overseeing the Children and Young People team and the Violence Prevention and Women's Advocacy team, and before that, held the position of Principal Lawyer within the Children and Young People team for five years.

Nigel was a founding board member of the Child Protection Practitioners Association of Queensland and in 2014 was awarded a Churchill Fellowship to explore the establishment of a child protection law specialist accreditation program in Queensland.

His other memberships have included the Queensland Law Society's (QLS) Children's Law Committee, and representing the QLS on the Children's Court of Queensland Case Management Committee. Nigel has also been a

Member of the Forde Foundation Board of Advice.

Qualifications

- Bachelor of Laws (Honours) 2002
- Bachelor of International Business 2002
- Admitted as a Barrister of the Supreme Court of Queensland 2004
- Entered on the High Court of Australia Register of Practitioners 2005
- Appointed a Churchill Fellow 2014
- Appointed as a Separate Representative in child protection matters
- Appointed as an Independent Children's Lawyer in family law matters

Lisa Stewart – A/Assistant Director of Child Protection Litigation, Longman Chambers

Lisa Stewart is acting in the role of Assistant Director of Child Protection Litigation, responsible for the management and operation of Longman Chambers, which covers the areas from the Darling Downs, South West Queensland, Northern Queensland, Western Queensland, and parts of Brisbane.

Lisa was admitted in 2007 and has 17 years' post admission across a variety of areas of law. Lisa has held legal roles in both Government and non-Government organisations and has extensive experience across the areas of family law, child protection, domestic violence, criminal and civil matters.

Lisa commenced her legal career in the community legal sector as general solicitor at Caxton Legal Centre. During this time Lisa developed a strong interest and commitment to advocating for vulnerable people accessing the justice system.

Lisa was called to the Queensland Bar in June 2010 and spent a number of years at the private bar before commencing practice as a Barrister at the Aboriginal and Torres Strait Island Legal Service. Lisa joined the ODCPL in 2016 as a Principal Lawyer.

Lisa commenced acting in the position of Assistant Director of Child Protection Litigation for Longman Chambers in April 2024.

Qualifications

- Bachelor of Laws/Arts 2007
- Admitted as a Lawyer of the Supreme Court of Queensland 2007
- Bar Practice Course 2010
- Entered on the High Court of Australia Register of Practitioners 2010

Poonam Wijesoma – A/Assistant Director of Child Protection Litigation, Blue Chambers

Poonam Wijesoma is acting in the role of Assistant Director of Child Protection Litigation, responsible for the management and operation of the Blue Chamber group, which covers a variety of areas including Central Queensland, the South Burnett, the Sunshine Coast, and parts of Brisbane.

Poonam has over 16 years' experience as a lawyer practicing in child protection within Queensland.

During the years of Poonam's practice, she has demonstrated her commitment to culturally aware child protection service delivery. Poonam has built strong relationships across Government, the judiciary and community groups, and understands child protection from a legal, policy and community perspective.

Poonam's goal is to use her knowledge and experience to lead practitioners to achieve better outcomes for our most vulnerable families and children through evidence based and transparent litigation.

Qualifications

- Bachelor of Laws 2004
- Admitted as a Lawyer of the Supreme Court of Queensland 2006
- Entered on the High Court of Australia Register of Practitioners 2016

Philip Scott - Assistant Director of Child Protection Litigation, McDonald Chambers

Philip Scott is an Assistant Director of Child Protection Litigation with the ODCPL, responsible for the management and operation of the McDonald Chambers, which covers a variety of areas from Far North Queensland, Wide Bay Burnett and South East Queensland, including Beenleigh and the Gold Coast.

Philip has more than 10 years' experience in child protection law, having devoted the majority of his legal career in this area, and through this experience he is committed to providing better outcomes for children and families in Queensland in partnership with Child Safety. In his prior role, as a Senior Principal Lawyer at Crown Law, Philip led a small group of specialised lawyers primarily undertaking complex legal matters representing the Chief Executive of the then Department of Communities, Child Safety and Disability Services in *proceedings* including Coronial Inquests, Child Protection Applications and Appeals, special medical procedures and the provision of specialised legal advice

Philip also has experience in criminal law having been a sworn member of the Queensland Police Service working in general duties and the prosecutions corps for approximately 8 years, and also has experience in a number of other areas of law including Native Title and Resources, Dangerous Prisoners, family law, coronial matters, cy-pres matters, Hague Convention matters, special medical procedures and mental health.

Qualifications

- Bachelor of Business/Laws 2007
- Admitted as a Lawyer of the Supreme Court of Queensland 2007
- Entered on the High Court of Australia Register of Practitioners 2008

Stacy Ellis – Practice Manager

Stacy has over 20 years' experience working in Local Government, over 10 years in private enterprise and over 9 years in the Queensland Public Sector. Stacy has undertaken various positions during this time including Executive Assistant to CEO supporting the Mayor and 10 Councillors, Customer Service Coordinator, HR/Payroll Coordinator and Executive Officer.

Stacy joined the ODCPL in June 2016 as a Senior Legal Secretary and was then successful in gaining the positions of Executive Officer and Assistant Practice Manager. In March 2022 Stacy was appointed to the position of Practice Manager and is responsible for providing strategic and business support to the ODCPL. This includes financial management, human resource management, information technology and business system support, and management of corporate administration.

In 2022 Stacy was awarded the overall DJAG Excellence Award for Excellence in Leadership.

Sharlene Schluter – Assistant Practice Manager

Sharlene has over 27 years' experience within legal firms in Queensland, and over 7 years in the Queensland Public Sector. Sharlene has undertaken various roles during this time including Secretary, Conveyancing Clerk, Paralegal, Staff Trainer and Online Training Course Developer.

Sharlene joined the ODCPL in October 2017 as a Litigation Support Officer, progressed to the role of Executive Assistant and Business Support Officer until successfully gaining the position of Assistant Practice Manager.

Sharlene is responsible for assisting the Practice Manager in the day-to-day operations of the ODCPL, as well as managing a small Legal Clerk and Travel Team.

Acknowledgments

Danielle Brown joined the ODCPL in 2016 in the role of Principal Lawyer, and in 2022 was successful in a permanent recruitment process for a Senior Officer within the ODCPL as an Assistant Director of Child Protection Litigation, Longman Chambers.

In April 2024, Danielle commenced a secondment with QCAT in the role of Ordinary Member, a position she has since been appointed to.

Graham Murray also joined the ODCPL in 2016 in the role of Assistant Director of Child Protection Litigation, Blue Chambers.

Graham has been on secondment with the Child Protection Litigation Model Project Team since February 2024.

The ODCPL would like to acknowledge the dedication, commitment and contribution that both Danielle and Graham have made to the ODCPL since their commencement in promoting the safety, protection, and positive futures for Queensland's vulnerable at-risk children.

Learning and development

The ODCPL maintains a strong commitment to the continuing professional development (CPD) of its staff. As well as the mentoring of early career lawyers by more experienced practitioners, the commitment to building the knowledge and skills of staff is reflected in our CPD program.

The ODCPL's CPD program forms part of a wider supervision and practice management framework. The CPD program reflects the ODCPL's ongoing focus on building the proficiency of its lawyers across all aspects of their role and responsibilities.

Through the CPD program, lawyers are encouraged to maintain a high standard of practice through a commitment to continued learning in their discipline. Further, the CPD program empowers lawyers at all levels through the provision of targeted practice resources. This facilitates the sharing of good practice across the ODCPL and fosters a growing understanding of what works well in the delivery of child protection litigation.

The CPD program assists lawyers to continually develop their skills and competence through attendance at a range of learning and development sessions.

The CPD program also requires lawyers to complete at least 10 CPD units per year (1 point is 1 hour), which mirrors the rules of the QLS and the Bar Association of Queensland relating to CPD.

CPD sessions are often recorded and are made available for staff who are unable to attend the live sessions to watch at a later date via the ODCPL's Learning and Development site. Training resources, including PowerPoint presentations and research articles, for each session are also made available to all staff through the site.

The program over the last eight years has included CPD sessions presented by a variety

of presenters, both in-house and from external agencies, with a focus on skills and/or knowledge relevant to the work of the DCPL.

In developing the CPD program, input is sought from staff employed in the ODCPL about suggested topic areas and has involved lawyers employed in the ODPCL with a particular interest and expertise in a relevant area presenting CPD sessions for their colleagues.

CPD sessions in the 2023-24 year included a focus on substantive law, practice and procedure, wellbeing, management and supervision, including staff attending sessions focussed on the following:

- appeals against decisions on child protection applications;
- ethics;
- inflicted injury and child protection proceedings;
- domestic and family violence;
- file management for File Lawyer training;
- child protection conferencing for ODCPL lawyers;
- FGMs in the Collaborative Family Decision Making program;
- psychological safety;
- cultural awareness training;
- sexual harassment training; and
- leading through change and developing a strategic mindset.

A full list of CPD sessions that staff were offered or supported to attend within the year can be found in Appendix 2.

Stakeholder engagement

The effective performance of the DCPL's statutory functions have required the development and maintenance of strong and constructive working relationships with Child Safety staff, including with both OCFOS Legal Officers and Child Safety Service Centre frontline staff, along with other key partner agencies. This has been central to achieving the collaboration as envisaged in the DCPL Act, which best achieves the promotion of fair, timely and consistent outcomes for the protection of children that are the subject of referred *matters* dealt with by the DCPL.

The ODCPL is also committed to stakeholder engagement with all stakeholders from across the sector involved in child protection litigation.

In 2023-24, ODCPL lawyers engaged in face-to-face consultations with Child Safety Service Centre staff across Queensland, and where needed, also used videoconferencing. As well as this, ODCPL staff engaged with other local stakeholders across Queensland, which included:

- regular meetings between the ODCPL and the OCFOS leadership teams;
- regular meetings between Child Safety Regional Directors and the ODCPL leadership team;
- ongoing engagement and collaboration with OCFOS Legal Officers and Child

Safety Service Centre staff, including meetings between ODCPL's Principal Lawyers and Child Safety Service Centre management teams;

- meetings with Magistrates, non-government agencies, legal representatives and other relevant agencies;
- participation in regular strategic meetings with child protection legal stakeholders and participation in local court legal stakeholder meetings; and
- presenting at relevant training events, symposiums, and workshops, including delivering training to frontline Child Safety staff.

The purpose of this engagement is to develop and maintain relationships, promote ongoing awareness and understanding of the DCPL's role and responsibilities, and to develop a culture of continuous improvement in service delivery.

Such engagement also allows the ODCPL to better understand the priorities and service delivery models of our key stakeholders and equips ODCPL staff to be more responsive to their needs. ODCPL looks forward to further stakeholder engagement in the coming financial year.

Our performance

Statistical information used in this part of the report has been collected and prepared by the DCPL, from operational data collected in the ODCPL's Visualfiles case management system.

The Visualfiles case management system is a 'live' operational system in which records are

constantly updated as the status of a *matter* changes in the system. This constant updating and data verification may result in a slight variance of figures over time. Percentage totals in this report may not add to 100% due to rounding to one decimal place.

Referred child protection matters

The DCPL receives referred *matters* from Child Safety. Each *matter* relates to an individual child, however, it should be noted that the same child may be subject to two or more referred *matters* within a reporting period.

Child Safety under the DCPL Act,¹² must refer a *matter* to the DCPL when:

- Child Safety is satisfied that a child is in need of protection and have assessed that a child protection order is appropriate and desirable to meet the child's protection and care needs, or
- if a child protection order is in force for a child, and Child Safety is satisfied that the order is no longer appropriate and desirable for the child's protection, with Child Safety assessing that either a child protection order is no longer required for the child, or that a different child protection order is required to meet the child's protection and care needs, or
- if a permanent care order is in force for a child, and Child Safety is satisfied the child's permanent guardian is not complying, in a significant way, with their obligations under the CP Act, and Child Safety have assessed that the order is no longer appropriate and desirable for the child's safety, wellbeing and best interests.

Each referred *matter* must comply with the DCPL Act and the DCPL's Guidelines,¹³ which require Child Safety to provide to the DCPL a completed 'Form A – Referral of Child Protection Matter Summary Form' (Form A) and a brief of evidence that includes:

- the reasons why the child is in need of protection, and the reasons why an order is appropriate and desirable for the child's protection along with the type of order Child Safety considers is appropriate and desirable for the child's protection, or
- the reasons why a child protection order is no longer appropriate and desirable for the child's protection, or
- the reasons why a child's permanent guardian is not complying, in a significant way, with the permanent guardian's obligations under the CP Act, and why the order is no longer appropriate and desirable for the child's safety, wellbeing and best interests.

Child Safety must also provide to the DCPL available supporting documents and all other available documents and evidence that are relevant to the referred *matter*.¹⁴

¹² Section 15 of the DCPL Act

¹³ DCPL issued Guidelines under s 39 of the DCPL Act

¹⁴ Section 16 of the DCPL Act

Referred child protection matters received by the DCPL in 2023-24

Table 4 - Referred <i>child protection matters</i> received by the DCPL		
2021-22	2022-23	2023-24
3,386 (1.3%) ↑	3,494 (3.2%) ↑	3,572 (2.2%) ↑

Table 5 – Monthly referred <i>matters</i> received by the DCPL based on receipt of Form A													
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	325	281	301	273	363	230	187	284	287	261	273	321	3,386
2022-23	242	360	330	263	316	275	203	249	358	284	290	324	3,494
2023-24	315	235	278	323	317	287	198	362	332	330	295	300	3,572

Table 6 – Quarterly referred <i>matters</i> received by the DCPL based on receipt of Form A							
Jul to Sep 2021		Oct to Dec 2021		Jan to Mar 2022		Apr to Jun 2022	
Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*
907	-1.2%	866	9.6%	758	-0.9%	855	-1.5%
Jul to Sep 2022		Oct to Dec 2022		Jan to Mar 2023		Apr to Jun 2023	
Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*
932	2.8%	854	-1.4%	810	6.7%	898	5.0%
Jul to Sep 2023		Oct to Dec 2023		Jan to Mar 2024		Apr to Jun 2024	
Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*	Referred matters received	Var.*
828	-11.2%	927	8.5%	892	10.1%	925	3.0%

*Variance is a comparison with corresponding quarter in the preceding year

The above tables set out the total number of referred *matters* received by the DCPL across 2021-22 to 2023-24, and also on a monthly and quarterly basis.

In 2023-24, statewide the DCPL received 3,572 referred *matters* from Child Safety by way of completed Form As, which in a year-on-year comparison, was a 2.3% increase (up 78 *matters*) on the 3,494 *matters* received in 2022-23. In terms of a two-year comparison, there was a 5.5%

increase (up 186 *matters*) on the 3,386 *matters* received in 2020-21.

During 2023-24, the above tables show that there continued to be large variances month to month in the numbers of new *matters* received, and further, there were also significant variances when a direct comparison is made across the years.

When viewing the number of *matters* received on a monthly and quarterly basis across 2023-24, it is notable that from October 2023 onwards, in most months and in each quarter, more *matters* were received.

In terms of the average number of *matters* received each month, in the first quarter, it averaged 276.0 *matters* per month, which was well down on the average 310.7 *matters* received per month across July to September 2022, and also below the average 300.3 *matters* received per month across July to September 2021.

However, the average number of *matters* received per month then increased to 309.0 *matters* across October to December 2023,

before increasing further to an average of 323.8 *matters* per month across February to June 2024.

As outlined below in the 'Types of intervention in place on referred *matters* received by month', the increase in the average number of *matters* received each month from February 2024 onwards relates to a significant rise in the number of *matters* concerning children on court assessment orders and temporary custody orders at the time they were referred to the DCPL. This indicates that a greater number of children began entering the statutory child protection system from February 2024 onwards.

Table 7 – Referred *matters* concerning Aboriginal and Torres Strait Islander children statewide

Cultural identity	2021-22		2022-23		2023-24	
	Count	Percentage	Count	Percentage	Count	Percentage
Aboriginal	1,237	36.5%	1,397	40.0%	1,373	38.4%
Aboriginal and Torres Strait Islander	160	4.7%	161	4.6%	168	4.7%
Torres Strait Islander	60	1.8%	69	2.0%	53	1.5%
Non-Aboriginal and Torres Strait Islander	1,926	56.9%	1,865	53.4%	1,965	55.0%
Not stated	3	0.1%	2	0.1%	13	0.4%
Total	3,386	100%	3,494	100%	3,572	100%

This table shows the number of new *matters* received that concerned Aboriginal and Torres Strait Islander children across 2021-22 to 2023-24.

The disproportionate representation of Aboriginal and Torres Strait Islander children on new *matters* received in 2023-24 as compared with 2022-23 reduced slightly. The overall number of *matters* reduced by 33 *matters* (from 1,627 *matters* or 46.6% of the total *matters* in 2022-23 to 1,594 *matters* or 44.6% of the total *matters* in 2023-24). However, in terms of a two-year comparison, there was an overall increase of 137 *matters* from the 1,457 *matters* or 43.0% of the total *matters* received in 2021-22.

In response, the DCPL remains committed to the reforms introduced through the *Child Protection Reform Amendment Act 2017* and then more recently through the *Child Protection Reform and Other Legislation Amendment Act 2022*, which are supported by the co-developed *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037* (Our Way) and the *Changing Tracks* action plans, including the latest action plan: *Breaking Cycles – Co-designing, developing and implementing services with and for Aboriginal and Torres Strait Islander children and their families*.

These reforms represent a generational strategy approach, which involves a long-term commitment

between the Queensland Government and the Aboriginal and Torres Strait Island community to work together in partnership with a key priority being the elimination of the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system.

The DCPL also acknowledges the development of the Better Justice Together: Queensland’s Aboriginal and Torres Strait Islander Justice Strategy 2024-2031, a co-designed whole-of-government and community strategy to address the overrepresentation of Aboriginal and Torres Strait Islanders in the criminal justice system.

Further, the DCPL continues to support and endorse the work of the Queensland Family and Child Commission (QFCC) in their ‘Principle Focus: A child-rights approach to systemic accountability for the safety and wellbeing of Queensland’s First Nations children’, which involves an in-depth, rights-based analysis of the implementation of the Aboriginal and Torres Strait Islander Child Placement Principles (prevention, partnership, placement, participation and connection) in Queensland’s child protection system as the means to address the disproportionate representation of Aboriginal and Torres Strait Islander children in the system.

Age of children subject to referred matters

Table 8 – Age of children at time *matters* received by the DCPL

Age	2021-22		2022-23		2023-24	
	Number	%	Number	%	Number	%
Under 1 year of age	512	15.1%	475	13.6%	469	13.1%
1 year of age	189	5.6%	198	5.7%	196	5.5%
2 years of age	254	7.5%	284	8.1%	294	8.2%
3 years of age	239	7.1%	242	6.9%	215	6.0%
4 years of age	178	5.3%	218	6.2%	190	5.3%
5 years of age	210	6.2%	211	6.0%	200	5.6%
6 years of age	196	5.8%	203	5.8%	211	5.9%
7 years of age	185	5.5%	192	5.5%	194	5.4%
8 years of age	175	5.2%	170	4.9%	197	5.5%
9 years of age	168	5.0%	198	5.7%	165	4.6%
10 years of age	175	5.2%	162	4.6%	189	5.3%
11 years of age	147	4.3%	165	4.7%	183	5.1%
12 years of age	151	4.5%	159	4.5%	161	4.5%
13 years of age	157	4.6%	171	4.9%	179	5.0%
14 years of age	172	5.1%	180	5.1%	179	5.0%
15 years of age	139	4.1%	134	3.8%	162	4.5%
16 years of age	98	2.9%	86	2.5%	133	3.7%
17 years of age	41	1.2%	46	1.3%	55	1.5%
Total	3,386	100%	3,494	100%	3,572	100%

This table sets out the age of children the subject of referred *matters* at the point in time the DCPL received the *matters* across 2021-22 to 2023-24.

The table shows that as a percentage of the total number of *matters*, there was a slight decrease in children aged three and under in 2023-24, decreasing from 34.3% of the total in 2022-23 (1,199 children) to 32.9% of the total (1,174 children), noting that children three and under

amounted to 35.3% of the total in 2021-22 (1,194 children).

The other noticeable trend was that as a percentage of the total, *matters* concerning children aged 14 and over increased to 14.8% in 2023-24 (529 children), which was noticeably up from the 12.8% of the total in 2022-23 (446 children), and 13.3% of the total in 2021-22 (450 children).

Type of intervention in place at the time a matter is referred to the DCPL

Existing types of intervention in place for a child at the time a referred *matter* is received by the DCPL falls into the following seven categories:

1. no order or statutory care agreement: this concerns children where there is no order or no statutory care agreement in place, which means the child is not on either a care agreement between Child Safety and the child's parents under the CP Act, or an order made by either a Magistrate or the court under the CP Act;
2. an assessment care agreement: this is an agreement between Child Safety and a child's parents under section 51ZD of the CP Act, which includes the child being temporarily placed in the care of someone other than the child's parents, and must not be more than 30 days in duration. This agreement is entered into by Child Safety when satisfied that the child's parents are able and willing to work with Child Safety to meet the child's interim protection needs while an investigation is carried out;
3. a temporary assessment order: this is an order obtained by Child Safety from a Magistrate under section 27 of the CP Act, which can be up to three business days in length, and can be extended by one business day. This order is made to authorise actions necessary as part of an investigation to assess whether a child is in need of protection, if the consent of a parent of the child to the actions has not been able to be obtained or it is not practicable to take steps to obtain the parent's consent;
4. a court assessment order: this is an order obtained by Child Safety from the court under section 44 of the CP Act, which can be up to 28 days in length, and can be extended for a further 28 days. This order is made to authorise actions necessary as part of an investigation to assess whether a child is in need of protection, if the consent of a parent of the child to the actions has not been able to be obtained or it is not practicable to take steps to obtain the parent's consent;
5. a child protection care agreement: this is an agreement between Child Safety and a child's parents under section 51ZD of the CP Act, which includes the child being temporarily placed in the care of someone other than the child's parents. The initial agreement must not be more than 30 days, but can be extended by agreement to not more than six months within a 12-month period. This agreement is entered into by Child Safety when satisfied that the child's parents are able and willing to work with Child Safety to meet the child's protection and care needs, and it is likely by the end of the intervention, the child's parents will be able to meet them;
6. a temporary custody order: this is an order obtained by Child Safety from a Magistrate under section 51AE of the CP Act, which can be up to three business days in length, and can be extended by one business day. The purpose of this order is to authorise the action necessary to ensure the immediate safety of a child whilst either Child Safety works with the DCPL if a *matter* has been referred about the child, or for Child Safety to decide the most appropriate action to meet the child's ongoing protection and care needs; and
7. a child protection order: this is an order obtained by the DCPL from the court, which can be any of the orders provided for by section 61 of the CP Act, including long-term orders. A child protection order is made to ensure the protection of a child the court decides is a child in need of protection.

Types of intervention in place at the time the DCPL received the referred matters

Table 9 – Types of intervention in place at the time the DCPL received the referred *matters* statewide

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory agreement	551	16.5%	465	13.3%	-19.4%	465	13.0%	-2.3%
Assessment care agreement	31	0.9%	12	0.3%	-66.7%	4	0.1%	-66.7%
Temporary assessment order	2	0.1%	4	0.1%	0.0%	4	0.1%	0.0%
Court assessment order	895	26.8%	884	25.3%	-5.6%	976	27.3%	7.9%
Child protection care agreement	10	0.3%	10	0.3%	0.0%	7	0.2%	-33.3%
Temporary custody order	838	25.1%	791	22.6%	-10.0%	935	26.2%	15.9%
Child protection order	1,059	31.7%	1,328	38.0%	19.9%	1,181	33.1%	-12.9%
Total	3,386	100%	3,494	100%		3,572	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

This table sets out the statewide total types of existing interventions that were in place at the time referred *matters* were received by the DCPL with a year-on-year comparison across 2021-22 to 2023-24

In 2023-24, as compared to 2022-23, there was a 14.2% increase in the number of *matters* that concerned children who were either on a court assessment order or a temporary custody order (up 236 *matters*), and there was a 12.9% decrease in the number of *matters* that concerned children who were on an existing child protection order (down 147 *matters*). Across the other five categories there was little variance.

Noting that the purpose of court assessment orders is to authorise Child Safety's actions as part of an investigation to assess whether a child is in need of protection, and the purpose of temporary custody orders is to authorise actions necessary to ensure the immediate safety of a child whilst either Child Safety works with the DCPL if a *matter* has been referred about the child, the increase in these types of *matters* as referred to above, indicates that there has been an increase in the number of children entering the statutory child protection system, with their overall percentage of the total

number of *matters* increasing from 47.9% to 53.5% of the total.

This is consistent with the number of notifications that required an investigation by Child Safety increasing by 17.8% in 2023-24, and the number of children being admitted to a court assessment order in 2023-24 increasing 17.0% (1,532 to 1,792 children) – as per Child Safety's published data.

The decrease in the number of *matters* that concerned children who were already on an existing child protection order, is as a result of the earlier increases in these types of *matters* experienced across 2021-22 and then into 2022-23, due to an increase in *matters* concerning children on existing child protection orders that granted either custody or short-term guardianship of children. This is referred to in more detail below.

In respect to the other large category of *matters*, those that concerned children who were not on either a care agreement between Child Safety and the child's parents, or an order at the time the DCPL received the *matters*. The consistency in the number of these *matters* received in 2023-24 with 2022-23, is consistent with an increased number of children being

subject to Child Safety intervention with their parents' agreement (IPA), rather than being the subject of a *matter* referred to the DCPL. In 2023-24, the number of children subject to

Child Safety intervention through an IPA increased by 15.3% (2,005 to 2,311 children) – as per Child Safety's published data.

Types of existing child protection orders in place at the time *matters* referred

Table 10 – Types of existing child protection orders in place at the time the DCPL received *matters*

Type of order	2021-22		2022-23		2023-24	
	Number of orders	% of total	Number of orders	% of total	Number of orders	% of total
Directive order – other	9	0.8%	6	0.5%	10	0.8%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	16	1.5%	5	0.4%	10	0.8%
Supervision order	10	0.9%	16	1.2%	37	3.1%
Custody to a suitable person	10	0.9%	7	0.5%	1	0.1%
Custody to the chief executive	811	76.6%	1,079	81.3%	877	74.3%
Short-term guardianship to the chief executive	49	4.6%	36	2.7%	50	4.2%
Long-term guardianship to a suitable family member	1	0.1%	13	1.0%	2	0.2%
Long-term guardianship to another suitable person	11	1.0%	25	1.9%	12	1.0%
Long-term guardianship to the chief executive	142	13.4%	141	10.6%	182	15.4%
Permanent care order	0	0.0%	0	0.0%	0	0.0%
Total	1,059	100%	1,328	100%	1,181	100%

This table sets out the statewide total of the types of existing child protection orders in place at the time the *matters* were received by the DCPL across 2021-22 to 2023-24.

If a child was on more than one child protection order, the type of order included within the table is the order that appears last by reference to section 61 of the CP Act. For example, if a child was on a directive order that provided their contact with a parent was to be supervised and also an order requiring Child Safety to supervise their care, then this matter would be included as a 'supervision order' in the table. In respect of the types of existing child protection orders that were in place for children at the time *matters* were received by the DCPL,

across the years, there has been a noticeable variance in the number and types of orders.

Up until 2020-21, there had been a notable downward trend in respect of the number of *matters* that concerned children who were on an existing child protection order that granted custody of them to the chief executive (child safety). This was then followed with significant increases in these type of *matters* across 2020-21 and 2022-23, that as outlined in last year's Annual Report, was as a direct result of the evolving nature of the COVID-19 pandemic, which saw an increased number of these types of orders sought and made, which can have a maximum duration of two years, and require Child Safety to work with the children and their

families with the aim for the children to be returned.

The high number of *matters* received across June to September 2022 concerning children on existing short-term out of home child protection orders (which includes orders granting custody to the chief executive), indicated that the reunification of these children to their families was not achieved during those earlier orders, with the result being an increase in 2022-23 in the number of child protection applications made by the DCPL seeking child protection orders that granted long-term guardianship of children.

Again, the point is made that orders granting custody of children to the chief executive are limited under the CP Act to a maximum of two years in duration, and with the passage of time since the commencement of the pandemic, now in 2023-24, the above table shows an 18.7% decrease in the number of *matters* received that concerned children on orders granting custody of them to the chief executive (1,079 to 877 *matters*).

The other noticeable difference was a 29.1% increase in respect of the number of *matters* concerning children who were on an existing child protection order that granted long-term guardianship of them to the chief executive (141 to 182 *matters*).

This increase would be related to amendments that commenced on 29 November 2021 as a result of the *Child Protection and Other Legislation Amendment Act 2021*, which require Child Safety to review the case plans of children on orders that grant long-term guardianship of them to the chief executive, two years after the order was made, and consider whether permanency for these children can be best achieved by an alternative arrangement. The effect of this increase is then seen below in the section about the types of orders the DCPL sought, where there was a 10.9% increase in the number of applications seeking orders granting long-term guardianship of children to either a suitable family member or to another suitable person nominated by Child Safety.

Finally, the other notable change was in the 111.1% increase in the number of existing in-home child protection orders in place for children at the time DCPL received them (orders ranging from directive orders through to orders requiring the chief executive to supervise children's protection). *Matters* concerning these types of orders, which can only be up to one year in duration, increased from 27 *matters* in 2022-23 to 57 *matters* in 2023-24. Even on a two-year comparison, noting there had been a 22.8% decrease in 2022-23, the 2023-24 increase was still up 62.9% (35 *matters* as compared to 57 *matters*).

Types of intervention in place at the time matters received by month

Table 11 – Monthly referred *matters* concerning children on no order or statutory care agreement

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	53	49	60	52	81	30	18	30	30	35	48	65	551
2022-23	30	49	36	32	51	44	31	33	36	25	37	61	465
2023-24	36	33	43	30	39	40	24	56	46	45	39	34	465

Table 12 – Monthly referred *matters* concerning children on assessment care agreements

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	4	0	0	0	2	8	0	6	3	7	0	1	31
2022-23	0	1	0	0	0	2	0	1	1	5	0	2	12
2023-24	1	0	0	1	0	0	0	0	1	0	1	0	4

Table 13 – Monthly referred *matters* concerning children on temporary assessment orders

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	0	0	0	0	0	2	0	0	0	0	0	0	2
2022-23	0	0	0	0	4	0	0	0	0	0	0	0	4
2023-24	0	1	0	0	0	0	0	3	0	0	0	0	4

Table 14 – Monthly referred *matters* concerning children on court assessment orders

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	108	60	90	65	80	91	65	79	75	62	57	63	895
2022-23	52	82	75	54	63	102	51	60	121	79	78	67	884
2023-24	89	54	83	79	75	86	61	100	106	93	83	67	976

Table 15 – Monthly referred *matters* concerning children on child protection care agreements

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	0	1	0	0	1	1	0	2	1	4	0	0	10
2022-23	2	0	1	2	0	0	0	2	1	0	2	0	10
2023-24	0	0	0	0	0	2	0	1	0	1	2	1	7

Table 16 – Monthly referred *matters* concerning children on temporary custody orders

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	70	59	75	71	88	64	35	65	70	81	69	91	838
2022-23	47	84	69	59	82	70	49	61	64	84	59	63	791
2023-24	72	70	51	70	71	77	57	93	76	107	87	104	935

Table 17 – Monthly referred *matters* concerning children on child protection orders

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	90	112	76	85	111	34	69	102	108	72	99	101	1,059
2022-23	111	144	149	116	116	57	72	92	135	91	114	131	1,328
2023-24	117	77	101	143	132	82	56	109	103	84	83	94	1,181

The above tables set out the types of intervention in place on *matters* received by the DCPL on a monthly basis across 2021-22 to 2023-24.

The tables show large variances, both increases and decreases, in the different types of *matters* across the last three years.

Most notably, as outlined above, the increases observed in 2023-24 in new *matters* concerning children on court assessment orders and temporary custody orders can be seen from February through to June 2024.

Across July 2023 to January 2024, on average, the DCPL received 75.3 court assessment orders per month and 66.9 temporary custody orders per month, which were consistent with what were the monthly averages received across 2021-22 (an average of 74.6 court assessment orders per month and an average of 69.8 temporary custody orders per month), and in 2022-23 (an average of 73.7 court assessment orders per month and an average of 65.9 temporary custody orders per month).

Then across February to June 2024, an average of 89.8 court assessment orders were received per month (an increase of 14.5 per month) and an average of 93.8 temporary custody orders were received per month (an increase of 26.9 per month).

This shows that a greater number of children began entering the statutory child protection system from January 2024 onwards, which is noted has continued into the first quarter of the 2024-25 financial year.

In respect of children on existing child protection orders, the monthly average across July 2023 to January 2024 was down 8.2 *matters* per month, before decreasing by an average of 18.4 *matters* per month through February to June 2024. Whereas for the only other large category of matters, no orders or statutory care agreements, the monthly average was consistent.

Types of intervention in place and cultural by reference to Child Safety's six regions

The types of existing intervention in place at the time referred *matters* were received by the DCPL by reference to Child Safety's six regions are set out below in tables along with tables that show the number of *matters* referred to the

DCPL that concerned Aboriginal and Torres Strait Islander children from each region. A full list of Child Safety's Child Safety Service Centres in each region can be found in Appendix 3.

Child Safety's Brisbane and Moreton Bay region

Table 18 – Types of intervention in place for *matters* received from the Brisbane and Moreton Bay region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	91	13.7%	74	10.7%	-21.9%	98	16.2%	51.4%
Assessment care agreement	9	1.4%	2	0.3%	-78.6%	0	0.0%	-100.0%
Temporary assessment order	0	0.0%	0	0.0%	n/a	0	0.0%	n/a
Court assessment order	173	26.0%	162	23.3%	-10.4%	155	25.6%	9.9%
Child protection care agreement	3	0.5%	3	0.4%	-20.0%	0	0.0%	-100.0%
Temporary custody order	203	30.5%	166	23.9%	-21.6%	163	26.9%	12.6%
Child protection order	187	28.1%	287	41.4%	47.3%	190	31.4%	-24.2%
Total	666	100%	694	100%		606	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 19 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	174	26.1%	214	30.8%	187	30.9%
Aboriginal and Torres Strait Islander	9	1.4%	17	2.4%	16	2.6%
Torres Strait Islander	5	0.8%	5	0.7%	2	0.3%
Non-Aboriginal and Torres Strait Islander	476	71.5%	458	66.0%	401	66.2%
Not stated	2	0.3%	0	0.0%	0	0.0%
Total	666	100%	694	100%	606	100%

In 2023-24, there was a decrease of 88 *matters* received from Child Safety's Brisbane and Moreton Bay region, which equates to a 12.7% decrease as compared with 2022-23.

In terms of a two-year comparison, there was still an overall decrease of 60 *matters* (down 9.0%).

In relation to the types of intervention in place for the *matters* received from this region, there

were the following notable variances in 2023-24 as compared with 2022-23:

- there was a significant increase in the number of *matters* that concerned children not on any orders or statutory care agreements (up 51.4% or 24 *matters*), whereas on a statewide basis, there was a slight reduction in these types of *matters* as a percentage of the total; and
- consistent with the overall statewide trend, albeit on a larger scale, there was a noticeable decrease in the number of *matters* concerning children on an existing child protection order (down 97 *matters* or 24.2%).

As to the *matters* concerning children on court assessment orders and temporary custody orders from this region; consistent with what was seen on a statewide basis, these increased as a percentage of the overall total, however, in line with the overall decrease in the number of *matters* received from this region, there was an actual reduction in the number of these types of *matters* received.

With regard to the significant increase in the number of *matters* that concerned children not on any orders or statutory care agreements in this region, as outlined below, this is aligned with a significant increase in the number of *matters* that the DCPL referred back from this region (increased from 1 in 2022-23 to 21 in 2023-24). This aside, as outlined below in this report, there was only a marginal increase in the number of applications the DCPL made in respect of *matters* received from this region that sought orders that would see children remain in their homes.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the Brisbane and Moreton Bay region in 2023-24, consistent with the overall statewide decrease, there was a decrease from 236 *matters*, or 33.9% of the total *matters* received in 2022-23, to 205 *matters*, or 33.8% of the total *matters* received in 2023-24. However in terms of a two-year comparison, the 2023-24 total was up from the 188 *matters* that concerned Aboriginal and Torres Strait Islander children, or 28.2% of the total *matters* received in 2021-22.

Table 20 – Types of intervention in place for *matters* received from Sunshine Coast and Central Qld region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	56	12.3%	80	15.0%	22.0%	48	10.0%	-33.3%
Assessment care agreement	3	0.7%	2	0.4%	-42.9%	1	0.2%	-50.0%
Temporary assessment order	0	0.0%	0	0.0%	n/a	0	0.0%	n/a
Court assessment order	101	22.1%	82	15.3%	-30.8%	112	23.4%	52.9%
Child protection care agreement	4	0.9%	1	0.2%	-77.8%	2	0.4%	100.0%
Temporary custody order	110	24.1%	143	26.7%	10.8%	135	28.2%	5.6%
Child protection order	182	39.9%	227	42.4%	6.3%	180	37.7%	-11.1%
Total	456	100%	535	100%		478	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 21 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	159	34.9%	197	36.8%	179	37.4%
Aboriginal and Torres Strait Islander	14	3.1%	14	2.6%	12	2.5%
Torres Strait Islander	10	2.2%	9	1.7%	6	1.3%
Non-Aboriginal and Torres Strait Islander	273	59.9%	315	58.9%	280	58.6%
Not stated	0	0.0%	0	0.0%	1	0.2%
Total	456	100%	535	100%	478	100%

In 2023-24, there was a decrease of 57 *matters* received from Child Safety's Sunshine Coast and Central Queensland region, which equates to a 10.7% decrease as compared with the number of *matters* received in 2022-23.

In terms of a two-year comparison, there was an overall increase of 22 *matters* received (up 4.8%).

In relation to the types of intervention in place for the *matters* received from this region, there were the following notable variances in 2023-24 as compared with 2022-23:

- there was a significant increase in the number of *matters* concerning children on court assessment orders (up 52.9% or a total of 30 *matters*), which was well above the increases seen on a statewide basis;
- there was a significant decrease in the number of *matters* that concerned children not on any orders or statutory care agreements (down 33.3% or 32 *matters*), whereas on a statewide basis, there was only a slight reduction in these types of *matters* as a percentage of the total; and

- consistent with the statewide trend, there was a noticeable decrease in the number of *matters* concerning children on an existing child protection order (down 11.1% or 47 *matters*).

As to the *matters* concerning children on temporary custody orders from this region; consistent with what was seen on a statewide level, these increased as a percentage of the overall total by 5.6%. However, in line with the overall decrease in the number of *matters* received from this region, there was an actual reduction in the number of these types of *matters* received by 8.

In regard to the significant decrease in the number of *matters* that concerned children not on any orders or statutory care agreements, as outlined below, this is aligned with a significant decrease in the number of applications the DCPL made in respect of *matters* received from

this region that sought orders that would see children remain in their homes.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the Sunshine Coast and Central Queensland region, consistent with what was seen across the State, there was a decrease from 220 *matters* received in 2022-23, to 197 *matters* in 2023-24.

However, due to the overall decrease in the actual number of *matters* received from this region, as a percentage of the overall total, the number of Aboriginal and Torres Strait Islander children increased from 41.1% to 41.2% of the total. And in terms of a two-year comparison, there was an overall increase of 14 *matters* from 2021-22, where Aboriginal and Torres Strait Islander children made up 40.1% of the overall total number of *matters*.

Table 22 – Types of intervention in place for *matters* received from Child Safety's North Qld region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	56	14.4%	71	15.4%	6.9%	39	8.5%	-44.8%
Assessment care agreement	6	1.5%	1	0.2%	-86.7%	0	0.0%	-100.0%
Temporary assessment order	0	0.0%	4	0.9%	Infinity	1	0.2%	-77.8%
Court assessment order	111	28.5%	123	26.7%	-6.3%	146	31.9%	19.5%
Child protection care agreement	1	0.3%	3	0.7%	133.3%	0	0.0%	-100.0%
Temporary custody order	105	26.9%	102	22.1%	-17.8%	129	28.2%	27.6%
Child protection order	111	28.5%	157	34.1%	19.6%	143	31.2%	-8.5%
Total	390	100%	461	100%		458	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 23 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	177	45.4%	258	56.0%	220	48.0%
Aboriginal and Torres Strait Islander	31	7.9%	22	4.8%	40	8.7%
Torres Strait Islander	8	2.1%	7	1.5%	10	2.2%
Non-Aboriginal and Torres Strait Islander	174	44.6%	174	37.7%	188	41.0%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	390	100%	461	100%	458	100%

In 2023-24, there was a slight decrease of three *matters* received from Child Safety's North Queensland region as compared with 2022-23.

In terms of a two-year comparison, there was an overall increase of 68 *matters* (up 17.4%).

In relation to the types of intervention in place for the *matters* received from this region, there were the following notable variances in 2023-24 as compared with 2022-23:

- there was a significant decrease in the number of *matters* that concerned children

not subject to any orders or statutory care agreements (down 44.8% or 32 *matters*), whereas on a statewide basis, there was only a slight reduction in these types of *matters* as a percentage of the overall total number of *matters*;

- there was a considerable increase in the number of *matters* concerning children on temporary custody orders (up 27.6% or a total of 27 *matters*), which was well above the increases seen on a statewide basis;

- there was also a considerable increase in the number of *matters* concerning children on court assessment orders (up 19.5% or a total of 23 *matters*), which was well above the increases seen on a statewide basis; and
- consistent with the statewide trend, there was a noticeable decrease in the number of *matters* concerning children on an existing child protection order (down 8.5% or 14 *matters*).

In regard to the significant decrease in the number of *matters* that concerned children not on any orders or statutory care agreements, as outlined below, this is aligned with a slight decrease in the number of applications the DCPL made in respect of *matters* received from

this region that sought orders that would see children remain in their homes.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the North Queensland region, consistent with what was seen across the State, there was a decrease from 287 *matters*, or 62.3% of the total *matters* received in 2022-23, to 270 *matters*, or 59% of the total *matters* in 2023-24.

However, in terms of a two-year comparison, there has been a sizeable increase of 54 *matters* from the 216 *matters*, or 55.4% of the total *matters* received in 2021-22 that concerned Aboriginal and Torres Strait Islander children.

Table 24 – Types of intervention in place for *matters* received from Child Safety's Far North Qld region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	163	34.4%	65	14.6%	-57.6%	86	21.5%	47.3%
Assessment care agreement	11	2.3%	7	1.6%	-30.4%	1	0.3%	-81.3%
Temporary assessment order	0	0.0%	0	0.0%	n/a	0	0.0%	n/a
Court assessment order	118	24.9%	105	23.5%	-5.6%	81	20.3%	-13.6%
Child protection care agreement	1	0.2%	1	0.2%	0.0%	2	0.5%	150.0%
Temporary custody order	71	15.0%	76	17.0%	13.3%	75	18.8%	10.6%
Child protection order	110	23.2%	192	43.0%	85.3%	155	38.8%	-9.8%
Total	474	100%	446	100%		400	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 25 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	225	47.5%	216	48.4%	209	52.3%
Aboriginal and Torres Strait Islander	75	15.8%	92	20.6%	60	15.0%
Torres Strait Islander	33	7.0%	35	7.8%	30	7.5%
Non-Aboriginal and Torres Strait Islander	141	29.7%	103	23.1%	99	24.8%
Not stated	0	0.0%	0	0.0%	2	0.5%
Total	474	100%	446	100%	400	100%

In 2023-24, there was a decrease of 46 *matters* received from Child Safety's Far North Queensland region, which equates to a 10.3% decrease as compared with 2022-23.

In terms of a two-year comparison, there was an overall decrease of 74 *matters* (down 15.6%).

In relation to the types of intervention in place for the *matters* received from this region, there were the following notable variances in 2023-24 as compared with 2022-23:

- consistent with the overall statewide trend, there was a noticeable decrease in the number of *matters* concerning children on an existing child protection order (down 37 *matters* or 9.8%);
- against the overall statewide trend, there was a noticeable decrease in the number of *matters* concerning children on a court assessment order (down 24 *matters* or 13.6%); and
- there was a significant increase in the number of *matters* that concerned children not on any orders or statutory care

agreements (up 47.3% or 21 *matters*), whereas on a statewide basis, there was a slight reduction in these types of *matters* as a percentage of the total number of *matters*.

As to the *matters* concerning children on temporary custody orders from this region; consistent with what was seen on a statewide level, these increased as a percentage of the overall total by 10.6%. However, in line with the overall decrease in the number of *matters* received from this region, there was an actual reduction in the number of these types of *matters* received by one.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the Far North Queensland region, consistent with what was seen across the State, there was a decrease from 343 *matters*, or 76.9% of the total *matters* received in 2022-23, to 299 *matters*, or 74.8% of the total *matters* in 2023-24.

However, in terms of a two-year comparison, although there has been a decrease of 34 *matters*, the percentage of *matters* concerning Aboriginal and Torres Strait Islander children has increased from the then 70.3% of the total overall number *matters* received from this region.

Table 26 – Types of intervention in place for *matters* received from Child Safety's South East region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	125	16.4%	85	11.2%	-31.7%	138	16.1%	43.8%
Assessment care agreement	1	0.1%	0	0.0%	-100.0%	2	0.2%	Infinity
Temporary assessment order	0	0.0%	0	0.0%	n/a	0	0.0%	n/a
Court assessment order	211	27.7%	233	30.6%	10.5%	222	26.0%	-15.0%
Child protection care agreement	1	0.1%	2	0.3%	200.0%	3	0.4%	33.3%
Temporary custody order	122	16.0%	110	14.5%	-9.4%	153	17.9%	23.4%
Child protection order	301	39.6%	253	33.2%	-16.2%	337	39.4%	18.7%
Total	761	100%	683	100%		855	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 27 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	242	31.8%	218	31.9%	236	27.6%
Aboriginal and Torres Strait Islander	22	2.9%	9	1.3%	26	3.0%
Torres Strait Islander	3	0.4%	1	0.1%	2	0.2%
Non-Aboriginal and Torres Strait Islander	492	64.7%	453	66.3%	587	68.7%
Not stated	2	0.3%	2	0.3%	4	0.5%
Total	761	100%	683	100%	855	100%

In 2023-24, there was a significant increase of 172 *matters* received from Child Safety's South East region, which equates to a 25.2% increase as compared with 2022-23.

In terms of a two-year comparison, there was an overall increase of 94 *matters* (up 12.4%).

In relation to the types of intervention in place for the *matters* received from this region, there were the following notable variances in 2023-24 as compared with 2022-23:

- against the overall statewide trend, there was a significant increase in the number of

matters concerning children on an existing child protection order (up 84 *matters* or 18.7%);

- there was a significant increase in the number of *matters* that concerned children not on any orders or statutory care agreements (up 43.8% or 43 *matters*), whereas on a statewide basis, there was a slight reduction in these types of *matters* as a percentage of the total;
- consistent with the overall statewide trend, albeit at a greater rate, there was a noticeable increase in the number of

matters concerning children on temporary custody orders (up 43 *matters* or 23.4%); and

- against the overall statewide upward trend, there was a decrease in the number of *matters* concerning children on a court assessment order (down 11 *matters* or 15.0%).

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the

South East region, noting the overall increase in the number of matters received from the region, there was an increase in the number of *matters* from 228 in 2022-23 to 264 *matters* in 2023-24 that concerned Aboriginal and Torres Strait Islander children, but on a percentage basis, there was a decrease from 33.4% to 30.9% of the total *matters* received.

In terms of a two-year comparison, there was a slight decrease of three *matters*, and as a percentage, a notable decrease from 35.1% of the total *matters* received in 2021-22.

Table 28 – Types of intervention in place for *matters* received from Child Safety's South West region

Type of existing intervention	2021-22		2022-23		Var.*	2023-24		Var.**
No order or statutory care agreement	60	9.4%	90	13.3%	41.5%	56	7.3%	-45.1%
Assessment care agreement	1	0.2%	0	0.0%	-100.0%	0	0.0%	n/a
Temporary assessment order	2	0.3%	0	0.0%	-100.0%	3	0.4%	Infinity
Court assessment order	181	28.3%	179	26.5%	-6.4%	260	33.7%	27.2%
Child protection care agreement	0	0.0%	0	0.0%	n/a	0	0.0%	n/a
Temporary custody order	227	35.5%	194	28.7%	-19.2%	280	36.3%	26.5%
Child protection order	168	26.3%	221	31.4%	19.4%	172	22.3%	-29.0%
Total	639	100%	675	100%		771	100%	

*Variance between 2021-22 and 2022-23 percentages of overall total

** Variance between 2022-23 and 2023-24 percentages of overall total

Table 29 – Children identified as Aboriginal and Torres Strait Islander on referred *matters* from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	252	39.4%	280	41.5%	342	44.4%
Aboriginal and Torres Strait Islander	11	1.7%	12	1.8%	14	1.8%
Torres Strait Islander	4	0.6%	10	1.5%	3	0.4%
Non-Aboriginal and Torres Strait Islander	370	57.9%	372	55.1%	406	52.7%
Not stated	2	0.3%	1	0.1%	6	0.8%
Total	639	100%	675	100%	771	100%

In 2023-24, there was a significant increase of 96 *matters* received from Child Safety's South West region, which equates to a 14.2% increase as compared with 2022-23.

In terms of a two-year comparison, there was an overall increase of 132 *matters* (up 20.7%).

In relation to the types of intervention in place for the *matters* received from this region, there were the following notable variances in 2023-24 as compared with 2022-23:

- above the overall statewide uptrend, there was a significant increase in the number of

matters concerning children on a temporary custody order (up 86 *matters* or 26.5%);

- also above the overall statewide uptrend, there was a significant increase in the number of *matters* concerning children on a court assessment order (up 81 *matters* or 27.2%);
- aligned with the overall statewide downtrend, there was a significant decrease in the number of *matters* concerning children on an existing child

protection order (down 49 *matters* or 29.0%); and

- there was a significant decrease in the number of *matters* that concerned children not on any orders or statutory care agreements (down 45.1% or 34 *matters*), whereas on a statewide basis, there was a slight reduction in these types of *matters* as a percentage of the total.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children on *matters* received from the

South West region, noting the overall increase in the number of *matters* received from the region, there was an increase in both the number of *matters* from 302 in 2022-23 to 359 *matters* in 2023-24, and on a percentage basis, from 44.7% to 46.6% of the total *matters* received.

In terms of a two-year comparison, the increases were more significant, up 92 *matters*, and as a percentage, a notable increase from 41.8% of the total *matters* received in 2021-22 that concerned Aboriginal and Torres Strait Islander children.

Timeliness of referred matters received by the DCPL in 2023-24

Under the DCPL's Guidelines issued under section 39 of the DCPL Act, Child Safety must refer the following types of *matters* to the DCPL within prescribed timeframes:

- if a *matter* concerns a child that is on an emergency order, defined to include children on either a temporary assessment order, court assessment order or temporary custody order, the *matter* should be referred as soon as practicable and where possible, no later than 24 hours before the emergency order ends (Guideline 31), and
- if a *matter* concerns a child on a child protection order, the *matter* should be referred as soon as practicable and where possible, not less than 20 business days before the child protection order ends (Guideline 30).

The prescribed timeframes are predominantly about ensuring that there is sufficient time for Child Safety and the DCPL to take action to ensure the child's ongoing protection. They ensure that Child Safety has sufficient time pre-referral of a *matter* to complete investigations and assessments to a high standard, or where a further child protection order is assessed as appropriate and desirable, to provide a comprehensive brief of evidence that contains the supporting documents that details the case work undertaken during the previous order.

The timeframes also assist the DCPL and Child Safety to collaborate in a manner that ensures there is sufficient time for the DCPL to deal with a referred *matter*, by either applying for a child

protection order or by referring the *matter* back to Child Safety. Further, it provides sufficient time for DCPL to properly consider all relevant information and evidence, and ensures that the decision-making by the DCPL is fully informed and consistent with the principles in the DCPL Act and the CP Act. That is, timeliness and avoiding unnecessary delay in decision-making reflects the principle that it is in a child's best interests for a decision to be made as soon as possible, and that a delay in making a decision for a child should be avoided, and that the State takes the least intrusive action warranted in the circumstances.

The DCPL must deal with a referred *matter* under section 17 of the DCPL Act by either applying for a child protection order or referring the *matter* back to Child Safety.

The actual time available for the DCPL to deal with a *matter* is dependent on the type of existing intervention that is in place at the time the referred *matter* is received, and the particular circumstances that relate to that *matter*. In effect, the DCPL must ensure that any application for a child protection order is made as quickly as possible, prior to the ending of any existing intervention for the child. Where no intervention is in place (no order or statutory agreement) at the time the *matter* is referred, and DCPL assess that there is no immediate risk to the child's safety, the *matter* is dealt with as soon as practicable, and in any event within 14 days, unless further evidence or information is requested from Child Safety. This ensures compliance with the statutory presumption that delay is contrary to the child's best interests.¹⁵

¹⁵ Section 5B(m) of the CP Act

Referred matters the DCPL needed to deal with on the same day they were received

Table 30 – Referred *matters* for children that needed to be dealt with on day received

2021-22		2022-23		2023-24	
Number of <i>matters</i> DCPL needed to deal with on day received	% of total <i>matters</i> referred	Number of <i>matters</i> DCPL needed to deal with on day received	% of total <i>matters</i> referred	Number of <i>matters</i> DCPL needed to deal with on day received	% of total <i>matters</i> referred
217	6.4% ↓	182	5.2% ↓	218	6.1% ↑

This table sets out number of *matters* received by the DCPL that needed to be dealt with on the day they were received, with a year-on-year comparison across 2021-22 to 2023-24.

In 2023-24, the DCPL had to deal with 218 *matters* (6.1% of all *matters* received) on the day that they were received. This was an increase from 2022-23, where the DCPL had to deal with 182 *matters* (5.2% of all *matters* received) on the day that they were received, but fairly consistent with 2021-22, where 217 *matters* (6.4% of all *matters* received) had to be dealt with on the day they were received.

With 6.1% of the total *matters* equating to 218 *matters*, the critical decision about whether to apply for a child protection order must be made on the day, resulting in reduced time being available for the DCPL and Child Safety to collaborate, and for requests and provision of further evidence or information. It also creates significant workload challenges for DCPL Lawyers who are required to reprioritise work to accommodate the work required to meet the DCPL's statutory obligations to deal with these *matters*.

However, in considering the above statistics, it must also be noted that where Child Safety have referred a *matter* to the DCPL, Child Safety in collaboration with the DCPL, can still seek a temporary custody order to be made, which can be up to three business days in length.

A magistrate can make a temporary custody order on a *matter* that has been referred to the DCPL if satisfied:

- the child would be at unacceptable risk of suffering harm if the order is not made; and
- that during the order, the DCPL will decide the most appropriate action to meet the child's ongoing protection and care needs and start taking that action.¹⁶

Child Safety can also seek to extend a temporary custody order by a further business day, which a magistrate may grant if satisfied that the DCPL intends to apply for a child protection order for the child within the extended term of the order.¹⁷

¹⁶ Section 51AE of the CP Act

¹⁷ Section 51AH(4) of the CP Act

Temporary custody orders made, and extended on *matters* received by the DCPL

Table 31 – Number of temporary custody orders made on *matters* post DCPL receiving them

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	5	14	0	6	8	8	2	9	5	9	0	5	71
2022-23	1	6	4	0	2	4	1	8	0	6	3	0	35
2023-24	0	0	1	3	0	2	3	6	14	2	8	2	41

Table 32 – Number of temporary custody orders extended for DCPL to apply for a child protection order

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	24	32	20	27	28	20	8	16	26	19	33	40	293
2022-23	13	26	17	13	19	9	18	24	7	28	15	8	197
2023-24	14	20	9	18	15	20	10	24	21	19	28	14	212

These tables set out the number of temporary custody orders made on *matters* that the DCPL had already received, and the number of temporary custody orders that were extended by a business day for the DCPL to apply for a child protection order on a monthly basis across 2021-22 to 2023-24.

The first table shows that in 2023-24, in respect of the *matters* the DCPL dealt with by making child protection applications (3,481 applications), Child Safety sought and were granted 41 temporary custody orders post the referral of *matters* to the DCPL. This was a slight increase on the 35 temporary custody orders that Child Safety sought and were granted in 2022-23. However, it is still significantly down from the 71 temporary custody orders that Child Safety sought and were granted in 2021-22 in respect of *matters* already referred to the DCPL.

The second table shows that in 2023-24, Child Safety sought and were granted the extension

of 212 temporary custody orders by a business day, which was a slight increase from the 197 custody orders that Child Safety sought and were granted in 2022-23. However, as with the temporary custody orders made on *matters* post the referral to DCPL, there has been a significant reduction from the 293 temporary custody orders that were extended in 2021-22.

The slight increase in the number of temporary custody orders sought and made in respect of *matters* already referred to the DCPL, occurred within the context of an overall increase of 7.9% in the total number of *matters* received that concerned children on court assessment orders (976 in total). And the increase in the number of temporary custody orders that were extended in respect of *matters* already referred to the DCPL, this occurred within the context of a 15.9% increase in *matters* received that concerned children on temporary custody orders (1,179 in total).

Referred matters concerning children subject to an emergency order

2021-22		2022-23		2023-24	
Number of <i>matters</i> referred no later than 24 hours	% of total <i>matters</i> referred	Number of <i>matters</i> referred no later than 24 hours	% of total <i>matters</i> referred	Number of <i>matters</i> referred no later than 24 hours	% of total <i>matters</i> referred
1,536	88.5% ↑	1,499	89.3% ↑	1,707	89.1% ↓

Year		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	Not less than 24 hours	164	109	151	118	139	134	94	131	125	127	111	133	1,536
	Total	178	119	165	136	168	157	100	144	145	143	126	154	1,735
2022-23	Not less than 24 hours	86	146	132	104	139	162	83	102	170	127	124	124	1,499
	Total	99	166	144	113	149	172	100	121	185	163	137	130	1,679
2023-24	Not less than 24 hours	150	114	126	133	135	143	107	183	150	177	142	147	1,707
	Total	161	125	134	149	146	164	117	196	182	200	170	171	1,915

These tables set out the number of referred *matters* and the percentage of the total number of *matters* received that concerned children on emergency orders, and the number that met the timeframe of being referred no later than less than 24 hours before the order ended on a monthly basis, and across 2021-22 to 2023-24.

In 2023-24, overall, the DCPL received a total of 1,915 referred *matters* concerning children on emergency orders, defined to include either a temporary assessment order, court assessment order or temporary custody order, an increase of 236 *matters* from 2022-23.

If a *matter* concerns a child that is on an emergency order, under the DCPL’s guidelines, the *matter* should be referred by Child Safety as soon as practicable and where possible, no later than 24 hours before the emergency order ends.

In 2023-24, the number of *matters* and their percentage of the total *matters* concerning children on emergency orders that were referred no later than 24 hours before the orders ended, reduced slightly as compared with 2022-23. However, on a two-year comparison, in the context of the overall increase experienced in these types of *matters* received, the number of *matters* meeting the timeframe still increased.

On a month-by-month basis, there has continued to be a large amount of variance between the total number of *matters* received, and the number of *matters* referred not less than 24 hours before the orders ended. This ranged from a monthly high of 94.0% of the *matters* meeting the timeframe in September 2023 (126 out of 134 *matters*) through to a low of 82.4% of the *matters* meeting the timeframe in March 2024 (150 out of 182 *matters*).

Table 35 – Types of emergency order *matters* received by 24 hours before order ended

Type of order	2021-22				2022-23				2023-24			
	Number of <i>matters</i> received less than 24 hours		Number of <i>matters</i> received more than 24 hours		Number of <i>matters</i> received less than 24 hours		Number of <i>matters</i> received more than 24 hours		Number of <i>matters</i> received less than 24 hours		Number of <i>matters</i> received more than 24 hours	
TAO	0	0.0%	2	100%	0	0.0%	4	100%	0	0.0%	4	100%
CAO	29	3.2%	866	96.8%	51	5.8%	833	94.2%	63	6.5%	913	93.5%
TCO	170	20.3%	668	79.7%	129	16.3%	662	83.7%	145	15.5%	790	84.5%
Total	199	11.5%	1,536	88.5%	180	10.7%	1,499	89.3%	208	10.9%	1,707	89.1%

This table sets out the statistics of each type of referred *matter* that concerned a child on an emergency order by order type across 2021-22 to 2023-24.

The table shows that in the context of the overall increase in 2023-24 in the number of referred *matters* concerning children on emergency orders, although there was an increase in the number of *matters* that met the timeframe (1,499 to 1,707), there was a slight decrease in the overall percentage of the total,

reducing from 89.3% to 89.1%. This is also then reflected in the increase in the number of *matters* that did not meet the timeframe, which although increased by 28 *matters* (180 to 208), there was only a slight increase in the percentage of the overall total, from 10.7% to 10.9%.

In terms of a two-year comparison, there has been an increase in the number of referred *matters* meeting the timeframe.

The following tables set out the timeliness statistics of referred *matters* concerning children on temporary assessment orders, court assessment orders and temporary custody

orders across 2021-22 to 2023-24, by reference to when the orders were received and were due to end by business days.

Table 36 – Timeliness of *matters* received concerning children on a temporary assessment order

Time	2021-22		2022-23		2023-24	
	Number of matters	% of total	Number of matters	% of total	Number of matters	% of total
On the business day the order ended	0	0.0%	0	0.0%	0	0.0%
On the business day before the order ended	2	100%	4	100%	4	100%
1 clear business day or more before the order ended	0	0.0%	0	0.0%	0	0.0%
Total	2	100%	4	100%	4	100%

Table 37 – Timeliness of *matters* received concerning children on a court assessment order

Time	2021-22		2022-23		2023-24	
	Number of matters	% of total	Number of matters	% of total	Number of matters	% of total
On the day the order ended	29	3.2%	51	5.8%	63	6.5%
Day before the order ended	325	36.3%	332	37.6%	517	53.0%
1 clear business day before the order ended	254	28.4%	233	26.4%	199	20.4%
Between 2 & 3 clear business days before order ended	210	23.5%	163	18.4%	165	16.9%
4 clear business days or more before the order ended	77	8.6%	105	11.9%	32	3.3%
Total	895	100%	884	100%	976	100%

Table 38 – Timeliness of *matters* received concerning children on a temporary custody order

Time	2021-22		2022-23		2023-24	
	Number of matters	% of total	Number of matters	% of total	Number of matters	% of total
On the day the order ended	170	20.3%	129	16.3%	145	15.5%
Day before the order ended	452	53.9%	500	63.2%	596	63.7%
1 clear business day or more before the order ended	216	25.8%	162	20.5%	194	20.7%
Total	838	100%	791	100%	935	100%

Although the above tables show that 100% of the *matters* concerning children on a temporary assessment order once again met the timeframes in 2023-24, this is within the context

that there were only four of these types of *matters* received.

In respect of the *matters* that concerned children on both court assessment orders and temporary custody orders, in the context of an overall increase in these types of *matters* received in 2023-24, the marginal increase in the number of *matters* being received on the day the orders ended were overshadowed by the substantial increases in the number of *matters* that were received the day before the orders ended.

For court assessment orders, 53% of these types of *matters* (517 in total) were received the day before the orders ended, and for temporary custody orders, 63.7% of these types of *matters* (596 in total) were also received the day before the orders ended.

This in practice, equated to the DCPL receiving 31.9% of all *matters* (1,113 in total) on the day before their respective orders ended, which in operation, involved many of these *matters* being received late in the afternoon the day before, and so effectively meant they were also dealt with on the day the orders were ending.

The comments made above in respect of the *matters* that needed to be dealt with on the day they were received (218 *matters* or 6.1% of the total *matters*) equally apply to the *matters* received the day before their respective orders were ending, with the critical decision about whether to apply for a child protection order on behalf of the State being made in a compressed timeframe, resulting in less time for the DCPL and Child Safety to collaborate, and for requests and provision of further evidence or information to be made.

It also creates significant workload challenges for DCPL Lawyers who are required to constantly reprioritise other work to accommodate the work required to meet the DCPL's statutory obligations to deal with these *matters*.

Referred matters concerning children on a child protection order

The following tables set out the timeliness statistics of referred *matters* concerning children on child protection orders received across 2021-22 to 2023-24 no later than 20

business days before the orders ended, and also by reference to the number of *matters* received in less than 20 business days before they were due to end and on a monthly basis.

Table 39 – Timeliness of referred *matters* for children on a child protection order

2021-22		2022-23		2023-24	
Number of <i>matters</i> referred no later than 20 business days	% of total <i>matters</i> referred	Number of <i>matters</i> referred no later than 20 business days	% of total <i>matters</i> referred	Number of <i>matters</i> referred no later than 20 business days	% of total <i>matters</i> referred
366	34.6% ↑	372	28.0% ↓	339	28.7% ↑

Table 40 – *Matters* received for children on a child protection order by business days before order ended

Time	2021-22		2022-23		2023-24	
	Number of matters	% of total	Number of matters	% of total	Number of matters	% of total
On the day existing CPO ended	8	0.8%	0	0.0%	5	0.4%
Day before existing CPO ended	18	1.7%	34	2.6%	72	6.1%
1 clear business day before existing CPO ended	35	3.3%	76	5.7%	89	7.5%
Between 2 and 3 clear business days before existing CPO ended	145	13.7%	147	10.9%	171	14.5%
Between 4 and 8 clear business days before existing CPO ended	227	21.4%	323	24.3%	246	20.8%
Between 9 and 13 clear business days before existing CPO ended	116	11.0%	226	16.9%	136	11.5%
Between 14 and 18 clear business days before existing CPO ended	144	13.6%	150	11.6%	123	10.4%
19 clear business days and more before existing CPO ended (not less than 20 business days)	366	34.6%	372	28.0%	339	28.7%
Total	1,059	100%	1,328	100%	1,181	100%

Table 41 - *Matters* for children on orders received not less than 20 business days before order ended

Year		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	Not less than 20 days	36	37	19	34	36	11	24	21	43	30	40	35	366
	Total	90	112	76	85	111	34	69	102	108	72	99	101	1,059
2022-23	Not less than 20 days	26	25	45	46	29	19	25	17	47	23	35	35	372
	Total	111	144	149	116	116	57	72	92	135	91	114	131	1,328
2023-24	Not less than 20 days	39	25	38	61	27	27	17	25	17	18	21	24	339
	Total	117	77	101	143	132	82	56	109	103	84	83	94	1,181

In 2023-24, the DCPL received a total of 1,181 referred *matters* concerning children on existing child protection orders.

Under the DCPL's Guidelines, if a *matter* concerns a child who is on a child protection order, the *matter* should be referred by Child Safety no later than 20 business days before the child protection order ends.

The above tables show that of the 1,181 *matters* concerning children on child protection orders, only 28.7% of the *matters* (339 *matters*) met the prescribed timeframe of 20 business days. This was a marginal improvement on the 28.0% achieved in 2022-23, and a marked decrease on the 34.6% of *matters* that met the timeframe in 2021-22.

The marginal increase in the number of *matters* that met the timeframe occurred against the backdrop of a decrease seen in the overall number of these types of *matters* (1,328 down to 1,181).

As seen with *matters* concerning children on court assessment orders and temporary custody orders, there was a substantial increase in the number of *matters* that were received the day before the orders ended (increasing from 34 to 72 *matters*, an increase of 111.8%). There was also a notable increase in the number of *matters* that were received within only one clear business day before the orders ended (increasing from 76 to 89 *matters*, an increase of 17.1%).

In terms of the *matters* received on a monthly basis, it shows there was a continued large amount of variance between the total number of *matters* and the number of *matters* that met the timeframe, ranging from a monthly low of 16.5% of the *matters* in March 2024 (17 out of 103 *matters*) through to a monthly high of 42.7% of the *matters* in October 2023 (61 out of 143 *matters*).

The monthly statistics also show there was a noticeable decline in the number of *matters* meeting the timeframe across February to June 2024, with the monthly average decreasing to 22.3%, which can be contrasted with the monthly averages across the same months in 2021-22 of 35.4% and in 2022-23 of 27.2%.

It is important to note that these are the *matters* where there has been lengthy involvement between Child Safety and the child and their family, and the management of these *matters* within compressed timeframes continues to be a significant challenge.

When these *matters* do not meet the timeframe, it results in critical decisions about whether to apply for a further child protection order being made with reduced time being available for the DCPL and Child Safety to collaborate, and for the request and provision of further evidence or information. That said, the DCPL will continue to work collaboratively with Child Safety to promote greater compliance with the prescribed timeframes, supporting better outcomes for children and their families.

Dealing with referred *child protection matters* in 2023-24

Under the DCPL Act, in respect of each accepted referred *matter*, the DCPL must deal with it by deciding to either apply for a child

protection order for the child; or to refer the *matter* back to Child Safety.

Child protection matters dealt with by the DCPL

Table 42 – Referred <i>child protection matters</i> dealt with by the DCPL		
2021-22	2022-23	2023-24
3,354 (0.8%) ↑	3,506 (4.5%) ↑	3,595 (2.5%) ↑

Table 43 – Number of referred *child protection matters* dealt with by the DCPL by month

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	315	290	300	277	314	269	204	295	280	243	256	311	3,354
2022-23	260	372	331	236	357	239	258	223	350	303	266	311	3,506
2023-24	324	270	248	298	356	292	217	318	327	371	299	275	3,595

These tables set out the referred *matters* dealt with by the DCPL across the years 2021-22 to 2023-24, and on a monthly basis.

In 2023-24, the DCPL dealt with 3,595 referred *matters*, which in a year-on-year comparison,

was a 2.5% increase on the 3,506 *matters* dealt with in 2022-23 (up 89 *matters*).

In terms of a two-year comparison, there was an increase of 7.2% from the 3,354 *matters* dealt with in 2020-21 (up 241 *matters*).

General consultation between the DCPL and Child Safety about referred matters

Table 44 – Referred *matters* dealt with that included general consultation by the DCPL with Child Safety

2021-22		2022-23		2023-24	
No. of matters DCPL consulted generally with Child Safety	% of total <i>matters</i> dealt with	No. of matters DCPL consulted generally with Child Safety	% of total <i>matters</i> dealt with	No. of matters DCPL consulted generally with Child Safety	% of total <i>matters</i> dealt with
2,292	68.3%	2,572	73.4%	3,202	89.1%

This table sets out the number of referred *matters* dealt with by the DCPL that included general consultation between the DCPL and Child Safety across 2021-22 to 2023-24.

Of the 3,595 *matters* dealt with by the DCPL in 2023-24, the DCPL consulted generally with

Child Safety in the course of dealing with 3,202 of the *matters* (89.1% of the total *matters* dealt with). This was a marked increase from the 73.4% of *matters* dealt with in 2022-23 and the earlier 68.3% of *matters* dealt with in 2021-22.

DCPL's requests for further evidence or information about referred matters

Table 45 – Matters dealt with that DCPL requesting further evidence or information from Child Safety

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total matters dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total matters dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total matters dealt with
1,866	55.6%	2,168	61.8%	2,596	72.2%

This table sets out the number of referred *matters* dealt with by the DCPL that included a request for further evidence or information from Child Safety across 2021-22 to 2023-24.

Before deciding how to deal with a *matter*, the DCPL may ask Child Safety to provide further evidence or information about the *matter*. This function ensures that the State only takes action that is warranted in the circumstances, and that the child protection order applications the DCPL makes, are supported by sufficient, relevant and appropriate evidence, which has been independently considered and assessed by the DCPL.

In respect of the 3,595 *matters* that were dealt with by the DCPL in 2023-24, the DCPL asked for further evidence or information from Child Safety when considering 2,596 of the *matters* (72.2% of total *matters* dealt with).

This was a noticeable increase from 2022-23, where the DCPL asked for further evidence or information in respect of dealing with 2,168 matters (61.8% of total *matters* dealt with) and up markedly from 2021-22, where further evidence or information was requested when dealing with 1,866 matters (55.6% of the total *matters* dealt with).

Prior to 2022-23, on average over the preceding six years of operation, the DCPL had asked Child Safety to provide further evidence or information in respect of 57.1% of *matters* that had been dealt with. The increase in requests to 61.8% in 2022-23 and then to 72.2% in 2023-24 of the total *matters* dealt with, is a very strong indicator that Queensland's innovative child protection litigation model is working to improve the number of child protection applications filed that are supported by good quality evidence, promoting efficiency and supporting evidence-based decision making.

DCPL requests for further evidence or information across Child Safety's 6 regions

The following six tables set out the number of referred *matters* dealt with by the DCPL that included requests for further evidence or

information from Child Safety across 2021-22 to 2023-24 by their six regions.

Table 46 – Further evidence or information requested on Brisbane and Moreton Bay region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
304	45.4%	412	58.9%	425	69.2%

Table 47 – Further evidence or information requested on Sunshine Coast and Central region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
182	40.1%	298	56.1%	324	66.5%

Table 48 – Further evidence or information requested on North Queensland region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
225	58.6%	356	78.9%	366	78.4%

Table 49 – Further evidence or information requested on Far North Queensland region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
302	64.7%	243	52.6%	271	67.8%

Table 50 – Further evidence or information requested on South East region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
458	61.4%	378	55.0%	559	66.0%

Table 51 – Further evidence or information requested on South West region *matters*

2021-22		2022-23		2023-24	
No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with	No. of matters DCPL asked Child Safety for further evidence or information	% of total <i>matters</i> dealt with
395	62.4%	481	71.2%	647	83.4%

The above tables evidence that across the last three years at a regional level, and within each region, there have been significant differences in the number of *matters* that the DCPL was required to ask Child Safety for further evidence or information before deciding how to deal with *matters*. It has ranged from a low of 40.1% of the total *matters* dealt with in 2021-22 in the Sunshine Coast and Central Queensland region, to a high of 83.4% of the total *matters* dealt with in 2023-24 in the South West region.

As outlined within the Organisational structure section above, within the Governance – management and structure part of this report on page 22, the DCPL Applicant lawyers (Senior and Principal Lawyers) within each of the three Chamber groups within the ODCPL, each consider and deal with referred *matters* from

across three of Child Safety's six regions. This approach brings a consistency to how new *matters* are dealt with across Child Safety's six regions, and seeks to ensure that the State only takes action that is warranted in the circumstances, and that the applications made across the different regions, are supported by sufficient, relevant and appropriate evidence, which has been independently considered and assessed by the DCPL.

This as noted above in reference to the statewide statistics, is a very strong indicator that Queensland's innovative child protection litigation model increases the number of child protection applications filed that are supported by good quality evidence, promoting efficiency and evidence-based decision making.

Required consultation between the DCPL and Child Safety about referred matters

Table 52 – *Matters* dealt with that required consultation with Child Safety under the DCPL Act

2021-22		2022-23		2023-24	
No. of matters the DCPL was required to consult with Child Safety	% of total <i>matters</i> dealt with	No. of matters the DCPL was required to consult with Child Safety	% of total <i>matters</i> dealt with	No. of matters the DCPL was required to consult with Child Safety	% of total <i>matters</i> dealt with
586	17.5%	696	19.9%	813	22.6%

This table sets out the number of referred *matters* dealt with by the DCPL that included required consultation with Child Safety under the DCPL Act across 2021-22 to 2023-24.

In deciding whether to apply for a child protection order, the DCPL may apply for an order of a different type, or an order that is otherwise different from the order that Child Safety considered appropriate and desirable for a child's protection when referring a *matter* to the DCPL.

If the DCPL is considering either referring a *matter* back to Child Safety or applying for an order of a different type, or an order that is otherwise different from the order that Child Safety considered appropriate and desirable for a child's protection, the DCPL must consult with Child Safety under section 18 of the DCPL Act to try and reach an agreement in respect of how the *matter* should be dealt with.

In 2023-24, the DCPL consulted with Child Safety under the DCPL Act in respect of 813

matters out of the 3,595 *matters* that were dealt with, which equates to 22.6% of the total number of *matters* dealt with by the DCPL.

This was an increase of 117 *matters* from 2022-23, and in terms of a two-year comparison, an increase of 227 *matters* from 2020-21. In terms of the overall percentages of *matters* requiring consultation, there was a 13.6% increase in 2023-24 (19.9% of the total *matters* dealt with as compared with 22.6%), and on a two year basis, there has been a 29.1% increase (17.5% of the total *matters* dealt with compared with 22.6%).

The increase aligns with the significant increase in the number of *matters* the DCPL referred back to Child Safety in 2023-24 as outlined in the next section, and an increase in the number of applications the DCPL made for an order of a different type, or an order that was otherwise different from the order that Child Safety had considered appropriate and desirable for a child's protection when referring a *matter* to the DCPL.

Child protection matters the DCPL dealt with by referring them back to Child Safety

Table 53 – Number of *matters* dealt with by the DCPL referring the *matter* back to Child Safety

	2021-22		2022-23		2023-24	
	No. of matters referred back	% of total <i>matters</i> dealt with	No. of matters referred back	% of total <i>matters</i> dealt with	No. of matters referred back	% of total <i>matters</i> dealt with
Total <i>matters</i>	52	1.6%	50	1.4%	114	3.2%
With agreement	45	1.3%	35	1.0%	89	2.5%
Without agreement	7	0.2%	15	0.4%	25	0.7%

Table 54 – *Child protection matters* the DCPL referred back to Child Safety by month

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	1	6	6	2	13	16	4	0	3	0	0	1	52
2022-23	2	10	6	0	10	6	5	1	6	1	0	3	50
2023-24	11	6	8	23	12	4	8	16	6	10	7	3	114

These tables set out the *matters* dealt with by the DCPL referring them back to Child Safety across 2021-22 to 2023-24, and on a monthly basis.

As outlined earlier, under the DCPL Act, the DCPL must deal with each referred *matter* by either:

- applying for a child protection order for the child; or
- referring the *matter* back to Child Safety.

Matters are referred back to Child Safety by the DCPL because there is either:

- a need for Child Safety to undertake further investigation, which could include Child Safety obtaining further evidence or information, in respect of the reasons why a child is a child in need of protection, and/or the reasons why a child protection order is appropriate and desirable for the child's protection, and/or in relation to the type of order Child Safety has considered was an appropriate and desirable type of child protection order; or

- the DCPL decide that the child, the subject of the referred *matter*, was not a child in need of protection that required a child protection order to be made.

Dealing with *matters* by referring them back to Child Safety in these circumstances is an important part of the DCPL's independent oversight function, giving effect to statutory principles about ensuring there is sufficient, relevant and appropriate evidence to support applications for child protection orders and that the DCPL only takes action that is warranted in the circumstances.

In 2023-24, the DCPL referred back 114 *matters* to Child Safety, 89 of which were with agreement, and 25 without agreement. This significant increase in the number of *matters* referred back to Child Safety, represents 3.2% of all *matters* the DCPL dealt with (*matters* referred back and applications made), and is notably higher than the 50 *matters* referred back to Child Safety in 2022-23 (1.4% of all *matters* dealt with) and the 52 *matters* referred back in 2021-22 (1.6% of all *matters* dealt with).

The tables show that across 2021-22 and 2022-23, there was relative consistency in the number of *matters* referred back as a percentage of the total *matters* dealt with by the DCPL, before there was the significant increase in the number of *matters* referred back in 2023-24.

In terms of the monthly statistics, it shows that there was no particular month/s across the years

that has seen a greater number of *matters* referred back.

These statistics show that the DCPL's refer back function is working, and noting that the numbers of *matters* referred back without agreement is still very low, is another strong indicator that Queensland's innovative child protection litigation model is working to improve and support evidence-based decision making.

Matters referred back that concerned Aboriginal and Torres Strait Islander children

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	23	44.2%	18	36.0%	34	29.8%
Aboriginal and Torres Strait Islander	0	0.0%	6	12.0%	5	4.4%
Torres Strait Islander	1	1.9%	1	2.0%	0	0.0%
Non-Aboriginal and Torres Strait Islander	28	53.8%	25	50.0%	73	64.0%
Not stated	0	0.0%	0	0.0%	2	1.8%
Total	52	100%	50	100%	114	100%

This table shows the number of *matters* concerning Aboriginal and Torres Strait Islander children that the DCPL referred back to Child Safety across 2021-22 to 2023-24.

In 2023-24, whilst there was an overall significant increase in the number of *matters* that DCPL referred back to Child Safety, there was a much smaller increase in the number of

matters referred back that concerned Aboriginal and Torres Strait Islander children, increasing from 25 *matters* to 39 *matters*. However, as a percentage of the total *matters* referred back, Aboriginal and Torres Strait Islander children reduced from 50.0% of the total *matters* referred back in 2022-23, to only 34.2% of the total *matters* referred back in 2023-24.

Matters referred back to Child Safety across their six regions

The following six tables set out the number of referred *matters* the DCPL referred back to

Child Safety by reference to their six regions across 2021-22 to 2023-24.

Table 56 – *Matters* dealt with by DCPL referring them back in the Brisbane and Moreton Bay region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	19	2.8%	1	0.1%	21	3.4%
With agreement	15	2.2%	1	0.1%	21	3.4%
Without agreement	4	0.6%	0	0.0%	0	0.0%

Table 57 – *Matters* dealt with by DCPL referring them back in the Sunshine Coast and Central region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	4	0.9%	5	0.9%	13	2.7%
With agreement	4	0.9%	2	0.4%	9	1.8%
Without agreement	0	0.0%	3	0.5%	4	0.8%

Table 58 – *Matters* dealt with by DCPL referring them back in the North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	11	2.9%	9	2.0%	29	6.2%
With agreement	10	2.6%	9	2.0%	23	4.9%
Without agreement	1	0.3%	0	0.0%	6	1.3%

Table 59 – *Matters* dealt with by DCPL referring them back in the Far North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	12	2.6%	8	1.7%	9	2.3%
With agreement	12	2.6%	6	1.3%	8	2.0%
Without agreement	0	0.0%	2	0.4%	1	0.3%

Table 60 – *Matters* dealt with by DCPL referring them back in the South East region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	3	0.4%	4	0.6%	26	3.1%
With agreement	3	0.4%	0	0.0%	21	2.5%
Without agreement	0	0.0%	4	0.6%	5	0.6%

Table 61 – *Matters* dealt with by DCPL referring them back in the South West region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	3	0.5%	23	3.4%	16	2.1%
With agreement	1	0.2%	17	2.5%	7	0.9%
Without agreement	2	0.3%	6	0.9%	9	1.2%

As with the regional statistics relating to when the DCPL asked Child Safety to provide further evidence or information before deciding how to deal with *matters*, the above tables evidence that across the last three years at a regional level, and within each region, there have been significant differences in the number of *matters* that the DCPL referred back to Child Safety, both with and without their agreement.

Again, as outlined within the Organisational structure section above, within the Governance – management and structure part of this report on page 22, the DCPL Applicant lawyers (Senior and Principal Lawyers) within each of

the three Chamber groups within the ODCPL, each consider and deal with referred *matters* from across three of Child Safety’s six regions. This approach brings a consistency to how *matters* are dealt with across Child Safety’s six regions, and is an important part of the DCPL’s independent oversight function within the child protection litigation model, giving effect to statutory principles about ensuring there is sufficient, relevant and appropriate evidence to support applications for child protection orders and that the DCPL only takes action on behalf of the State that is warranted in the circumstances.

Matters referred back that DCPL has had no further involvement with the children

Table 62 – Matters the DCPL has referred back to Child Safety and had no further involvement with the children

	2021-22	2022-23	2023-24
Total matters referred back	52	50	114
Number of matters referred back where the child has not been subject to another referral	22	27	50
% of total matters referred back	42.3%	54.0%	43.9%

This table provides as at 22 October 2024, an overview of the last three years of *matters* that the DCPL has referred back to Child Safety and had not received a further referred *matter* relating to the children.

In respect of the 114 *matters* that the DCPL referred back to Child Safety in 2023-24, the DCPL has not received a further referred *matter* from Child Safety concerning 50 of these children, which equates to 43.9% of the total *matters* referred back within the year.

Whilst recognising that the Commission of Inquiry's final report, *Taking Responsibility: A Roadmap for Queensland Child Protection* did not identify that the establishment of the DCPL would contribute to reducing the number of

children and young people in the child protection system, the above statistics do evidence that the DCPL is achieving the policy objective of providing independent oversight to applications that have been proposed by Child Safety.

Out of the 597 *matters* that the DCPL has referred back to Child Safety from commencement through to 30 June 2024, the DCPL has had no further involvement in respect of 207 of these children (34.7% of the total *matters* referred back), which is another strong indicator that Queensland's innovative child protection litigation model is working, and is providing an assurance that State intervention is required, and occurring only when necessary.

Matters the DCPL dealt with by applying for a child protection order in 2023-24

Child protection applications made by the DCPL

Table 63 – Child protection applications made by the DCPL		
2021-22	2022-23	2023-24
3,303 (0.5%) ↑	3,456 (4.7%) ↑	3,481 (0.7%) ↑

Table 64 – Monthly child protection applications made by the DCPL

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	314	284	294	275	301	253	201	295	277	243	256	310	3,303
2022-23	258	362	325	236	347	233	253	222	344	302	268	306	3,456
2023-24	313	264	240	275	344	288	209	302	321	361	292	272	3,481

Table 65 – Quarterly child protection applications made by the DCPL

Jul to Sep 2021		Oct to Dec 2021		Jan to Mar 2022		Apr to Jun 2022	
Applications made	Var.*	Applications made	Var.*	Applications made	Var.*	Applications made	Var.*
892	-1.1%	829	6.8%	773	2.7%	809	-5.4%
Jul to Sep 2022		Oct to Dec 2022		Jan to Mar 2023		Apr to Jun 2023	
Applications made	Var.*	Applications made	Var.*	Applications made	Var.*	Applications made	Var.*
945	5.9%	816	-1.6%	819	6.0%	876	8.3%
Jul to Sep 2023		Oct to Dec 2023		Jan to Mar 2024		Apr to Jun 2024	
Applications made	Var.*	Applications made	Var.*	Applications made	Var.*	Applications made	Var.*
817	-13.5%	907	11.2%	832	1.6%	925	5.6%

*Variance is a comparison with corresponding quarter in the preceding year

The above tables set out the number of *matters* the DCPL dealt with by the making of child protection applications on a yearly, monthly and quarterly basis across 2021-22 to 2023-24.

In 2023-24, the DCPL made 3,481 applications for child protection orders, which in a year-on-year comparison, was a 0.7% increase on the 3,456 applications made in 2022-23. In terms of a two-year comparison, there was a 5.4% increase (3,303 to 3,481).

The above tables show that during 2023-24, consistent with the monthly numbers of *matters* received, there continued to be large variances month to month in the numbers of *matters* the DCPL dealt with by making applications for child protection orders when making direct monthly comparisons across the years.

When viewing the number of applications made on a monthly and quarterly basis across 2023-24, there was a noticeable decrease in the number of applications made within the July to

September 2023 quarter as compared with the two earlier years, this was then followed by increases across the other three quarters. This

is aligned with the increase in new *matters* received from October 2023 onwards.

Applications made that concerned Aboriginal and Torres Strait Islander children

Table 66 – Applications concerning children identified as Aboriginal and Torres Strait Islander						
Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	1,199	36.3%	1,365	39.5%	1,356	39.0%
Aboriginal and Torres Strait Islander	159	4.3%	159	4.6%	164	4.7%
Torres Strait Islander	65	1.6%	69	2.0%	53	1.5%
Non-Aboriginal and Torres Strait Islander	1,877	56.8%	1,861	53.8%	1,897	54.5%
Not stated	3	0.1%	2	0.1%	11	0.3%
Total	3,303	100%	3,456	100%	3,481	100%

Consistent with the referred *matters* statistics above, this table shows the disproportionate representation of Aboriginal and Torres Strait Islander children on applications for a child protection order decreased slightly in 2023-24, from 1,593 applications or 46.1% of the total applications made in 2022-23, to 1,573 applications or 45.2% of the total applications made (a decrease of 20 applications).

However, this was still a significant increase on 2021-22, where 1,423 or 43.1% of the total applications made concerned Aboriginal and Torres Strait Islander children (an increase of 150 applications on a two-year comparison).

Types of child protection orders that the DCPL may seek for the Court to make

The DCPL on an application can seek for the court to make any one or more of the following child protection orders that the court considers appropriate in the circumstances:

- *Directive order to do or refrain from doing something*: directing a named parent of a child to do or refrain from doing something directly related to their child's protection. This order can be up to 12 months in duration;
- *Directive order – no contact*: directing a named parent of a child not to have contact (direct or indirect) with their child. This order prevents any contact between the parent and their child. This order can be up to 12 months in duration;
- *Directive order – supervised contact*: directing a named parent not to have contact (direct or indirect) with their child other than when a stated person, or a person of a stated category is present. This order provides that any contact the parent has with their child is to be supervised. This order can be up to 12 months in duration;
- *Supervision order*: an order requiring the chief executive (Child Safety) to supervise a child's protection in relation to the matters stated in the order. This order can be up to 12 months in duration.
- *Custody to either a suitable family member or to the chief executive (Child Safety) order*: grants custody of a child to either a suitable person, other than a parent of the child, who is a member of the child's family, or to the chief executive. This order provides them with the right to the child's daily care and the right and responsibility to make decisions about the child's daily care. This order can be up to two years in duration.
- *Short-term guardianship to the chief executive order (Child Safety)*: grants short-term guardianship of a child to the chief executive. This order provides the chief executive with all the powers, rights and responsibilities in relation to:
 - the child's daily care and making decisions about the child's daily care, and
 - for making decisions about the long-term care, wellbeing and development of the child.This order can be up to two years in duration.
- *Long-term guardianship to either a suitable family member, another suitable person or the chief executive (Child Safety)*: grants long-term guardianship of a child to either a suitable member of a child's family (other than a parent of the child), or to another suitable person, or to the chief executive. This order provides them with all the powers, rights and responsibilities in relation to:
 - the child's daily care and making decisions about the child's daily care, and
 - for making decisions about the long-term care, wellbeing and development of the child.This order ends on the day before the child turns 18 years.
- *Permanent care order*: an order granting long-term guardianship of a child to a suitable person. This order provides them with all the powers, rights and responsibilities in relation to:
 - the child's daily care and making decisions about the child's daily care, and
 - for making decisions about the long-term care, wellbeing and development of the child.This order ends on the day before the child turns 18 years.

It is also noted that the DCPL on a child protection application can seek for the court to extend, vary or revoke a child protection order.

Matters dealt with by the DCPL applying for a different type of order or otherwise different

Table 67 – Matters DCPL applied for a different type of order, or for an order otherwise different

	2021-22		2022-23		2023-24	
	Number of matters dealt with differently	% of total matters dealt with	Number of matters dealt with differently	% of total matters dealt with	Number of matters dealt with differently	% of total matters dealt with
Total matters	418	12.5%	473	13.5%	550	15.3%
With agreement	368	11.0%	398	11.4%	449	12.5%
Without agreement	50	1.5%	75	2.1%	101	2.8%

This table sets out the number of referred *matters* dealt with by the DCPL by applying for a child protection order of a different type, or a child protection order/s that was otherwise different to Child Safety's initial assessment across 2021-22 to 2023-24.

As referred to above, in deciding whether to apply for a child protection order, the DCPL may apply for an order of a different type, or a child protection order that is otherwise different, from the child protection order that Child Safety at the point of referring the *matter* to the DCPL considered appropriate and desirable for a child's protection.

In 2023-24, the DCPL dealt with a total of 550 referred *matters* by applying for a child protection order of a different type, or a child protection order that was otherwise different to Child Safety's initial assessment, which represents 15.3% of the total *matters* the DCPL dealt with in the year. This was a notable increase on the 473 *matters* or 13.5% of the total *matters* dealt with differently in 2022-23, and the 418 *matters* or 12.5% of the total percentage of *matters* dealt with differently in 2020-21.

In terms of *matters* dealt with differently without agreement, in 2023-24, there was an increase to 101 *matters*, or 2.8% of the total *matters* dealt with. When considering the number of *matters* dealt with differently without agreement, it equates to 18.4% of the total *matters* dealt with differently (101 out of 550). This was up from the 15.9% in 2022-23 (75 out of 473), and the 12.0% in 2022-22 (50 out of 418).

The DCPL, in dealing with *matters* differently across the last three years by applying for different types of child protection orders, or for orders that were otherwise different to Child Safety's initial assessment, has ranged from 12.5% through to the current 15.3% of all *matters*. This evidences the benefit of the DCPL's independent oversight function and the effectiveness of collaboration between the DCPL and Child Safety. Through this collaboration and partnership between specialised child protection lawyers and Child Safety's frontline staff, the DCPL also fulfils an educative function, particularly with respect to more complex matters, including those involving the interpretation of contested legislative provisions.

Table 68 – Child protection matters dealt with differently by the DCPL when applying for an order

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	38	26	46	29	38	31	23	39	38	38	24	48	418
2022-23	45	54	38	34	40	29	43	40	43	40	33	34	473
2023-24	45	43	51	55	41	41	45	30	47	69	50	33	550

Table 69 – Quarterly matters dealt with differently by the DCPL when applying for an order

Jul to Sep 2021		Oct to Dec 2021		Jan to Mar 2022		Apr to Jun 2022	
<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*
110	-8.3%	98	-18.3%	100	-9.1%	110	29.4%
Jul to Sep 2022		Oct to Dec 2022		Jan to Mar 2023		Apr to Jun 2023	
<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*
137	24.5%	103	3.0%	126	31.3%	107	-0.9%
Jul to Sep 2023		Oct to Dec 2023		Jan to Mar 2024		Apr to Jun 2024	
<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*	<i>Matters dealt with differently</i>	Var.*
139	1.5%	137	33.0%	122	-3.2%	152	42.1%

*Variance is a comparison with corresponding quarter in the preceding year

These tables set out the number of *matters* the DCPL dealt with differently to Child Safety's initial assessment when applying for a child protection order on a monthly and quarterly basis across 2021-22 to 2023-24.

It is noted that during 2023-24, consistent with the monthly numbers of *matters* received, there were variances month to month in the numbers of *matters* the DCPL dealt with differently when

making applications for child protection orders, and also on a direct monthly comparison across the years.

When viewing the number of applications made differently on a quarterly basis, the number of *matters* dealt with differently were higher across three of the four quarters of 2023-24 as compared with 2022-23, with only a minor decrease in the January to March 2024 quarter.

Matters dealt with by the DCPL applying for a different type of order or otherwise different from Child Safety's six regions

The following six tables set out the number of referred *matters* dealt with by the DCPL applying for a different type of order or

otherwise different by each of Child Safety's regions across 2021-22 to 2023-24.

Table 70 – Applications for a different order, or otherwise different in Brisbane and Moreton Bay region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	72	10.7%	86	12.3%	98	16.0%
With agreement	55	8.2%	73	10.4%	78	12.7%
Without agreement	17	2.5%	13	1.9%	20	3.3%

Table 71 – Applications for a different order, or otherwise different in Sunshine Coast and Central region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	27	6.0%	63	11.9%	75	15.4%
With agreement	23	5.1%	49	9.2%	62	12.7%
Without agreement	4	0.9%	14	2.6%	13	2.7%

Table 72 – Applications for a different order, or otherwise different in North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	45	11.7%	79	17.5%	66	14.1%
With agreement	44	11.5%	73	16.2%	60	12.8%
Without agreement	1	0.3%	6	1.3%	6	1.3%

Table 73 – Applications for a different order, or otherwise different in Far North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	79	16.9%	59	12.8%	67	16.8%
With agreement	71	15.2%	43	9.3%	58	14.5%
Without agreement	8	1.7%	16	3.5%	9	2.3%

Table 74 – Applications for a different order, or otherwise different in South East region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	95	12.7%	87	12.7%	140	16.5%
With agreement	83	11.1%	76	11.1%	108	12.8%
Without agreement	12	1.6%	11	1.6%	32	3.8%

Table 75 – Applications for a different order, or otherwise different in South West region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total matters	100	15.8%	99	14.6%	104	13.4%
With agreement	92	14.5%	84	12.4%	83	10.7%
Without agreement	8	1.3%	15	2.2%	21	2.7%

As with the regional statistics relating to when the DCPL asked Child Safety for further evidence or information when dealing with *matters*, and also when the DCPL referred *matters* back to Child Safety, the above tables evidence that across the last three years at a regional level, and within each region, there were significant differences in the number of *matters* that the DCPL dealt with by applying for a different type of order or for orders otherwise different from Child Safety’s initial assessment, both with and without the agreement of Child Safety.

It has ranged from a low of 6.0% of the total *matters* dealt with in 2021-22 in the Sunshine Coast and Central Queensland region through to a high of 16.8% of the total *matters* dealt with in 2023-24 in the Far North Queensland region.

Again, as outlined earlier in this report, the ODCPL’s Applicant lawyers (Senior and Principal Lawyers) within each of ODCPL’s three Chamber groups, each consider and deal with referred *matters* from across three of Child

Safety’s six regions. This approach brings a consistency to how *matters* are dealt with across the regions, and seeks to ensure that the State only takes action that is warranted in the circumstances, and that the applications which are made across the different regions, are supported by sufficient, relevant and appropriate evidence, which has been independently considered and assessed by the DCPL.

This as with the earlier regional statistics relating to when the DCPL was required to ask Child Safety for further evidence or information before deciding how to deal with *matters*, and also in terms of the *matters* that the DCPL referred back to Child Safety, is a strong indicator that Queensland’s innovative child protection litigation model is significantly improving the quality of child protection applications that are being made by ensuring that the most appropriate type of orders are being sought, and that they are supported by good quality evidence, which promotes efficiency and evidence-based decision making.

Child Safety’s initial assessment and the applications made by DCPL by type of order

The below table sets out Child Safety’s assessment and how the DCPL dealt with referred *matters* by the type of child protection orders sought, by reference to the orders set out in section 61 of the CP Act, noting that where

more than one type of order was sought within a child protection application, the order that appears last by reference to section 61 is reflected in the table.

Table 76 – Child Safety’s initial assessment and the applications made by the DCPL by type of order

Type of order	2021-22				2022-23				2023-24			
	Number of Child Safety’s assessment and % of total		Number of applications made and % of total		Number of Child Safety’s assessment and % of total		Number of applications made and % of total		Number of Child Safety’s assessment and % of total		Number of applications made and % of total	
Revoke a child protection order	18	0.5%	18	0.5%	20	0.6%	20	0.6%	25	0.7%	25	0.7%
Directive order – other	17	0.5%	10	0.3%	4	0.1%	2	0.1%	8	0.2%	11	0.3%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Directive order supervised contact	87	2.6%	71	2.1%	56	1.6%	48	1.4%	92	2.6%	88	2.5%
Order for the chief executive to supervise a child’s protection	380	11.5%	406	12.3%	336	9.7%	358	10.4%	312	9.0%	321	9.2%
Custody to a suitable person	8	0.2%	3	0.1%	9	0.3%	5	0.1%	4	0.1%	4	0.1%
Custody to the chief executive	1,578	47.8%	1,581	47.9%	1,517	43.9%	1,561	45.2%	1,696	48.7%	1,726	49.6%
Short-term guardianship to the chief executive	66	2.0%	57	1.7%	75	2.2%	46	1.3%	92	2.6%	49	1.4%
Long-term guardianship to a suitable family member	64	1.9%	69	2.1%	71	2.1%	73	2.1%	69	2.0%	76	2.2%
Long-term guardianship to another suitable person	53	1.6%	51	1.5%	48	1.4%	46	1.3%	64	1.8%	56	1.6%
Long-term guardianship to the chief executive	957	29.0%	963	29.2%	1,210	35.0%	1,191	34.5%	1,019	29.3%	1,032	29.6%
Permanent care order	75	2.3%	74	2.2%	110	3.2%	106	3.1%	100	2.9%	93	2.7%
Transfer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	3,303	100%	3,302	100%	3,456	100%	3,456	100%	3,481	100%	3,481	100%

The above table shows that across the years, there has been variances in the number and types of child protection orders sought on applications made. The most notable changes in 2023-24, outlined in more detail below related to the following:

- a notable increase in the number of applications seeking orders granting either custody or short-term guardianship of children (short-term out of home orders), and
- a marked decrease in the number of orders seeking either long-term guardianship of children to the chief executive, or permanent care, that is an order granting

long-term guardianship of a child to a suitable person (a permanent care order).

In respect of applications seeking in-home child protection orders, that is, orders ranging from directive orders through to orders requiring the chief executive to supervise a child's protection, there was little change. In 2023-24, 420 applications sought in-home orders, which equated to 12.1% of all applications made, whereas in 2022-23, 408 applications sought in-home orders, or 11.8% of all applications made. These two years are a marked decrease from the 487 applications or 14.7% of the total applications made in 2021-22 that sought in-home orders.

Increase in child protection applications seeking short-term out of home orders

In 2023-24, as compared with 2022-23, there was a 10.4% increase in the number of child protection order applications made that sought either custody or short-term guardianship orders for children (short-term out-of-home orders), with 1,779 applications or 51.1% of the total applications made as against 1,612 applications or 46.6% of the total applications made (an increase of 167 applications in 2023-24).

This is a reversal of what had been a clear downward trend visible for these types of

applications from 2019-20 onwards, where 55.6% of the total applications made (1,808 applications) sought short-term out-of-home orders, then in 2020-21 it reduced to 53.3% of total applications, before decreasing further to 49.9% in 2021-22, and then 46.6% in 2022-23. The reversal in the downward trend is consistent with the significant increase observed in new *matters* received in 2023-24 concerning children on court assessment orders and temporary custody orders.

Decrease in child protection order applications seeking long-term guardianship orders

In 2023-24, as compared with 2022-23, there was an 11.2% decrease in the number of child protection order applications made that sought orders granting long-term guardianship of children (long-term out-of-home orders), with 1,257 applications or 36.1% of the total applications made as compared with a year earlier when 1,416 applications or 41.0% of the total applications made sought these orders (a decrease of 159 applications in 2023-24).

The decrease in applications seeking long-term out-of-home orders is also a reversal of what had been a clear upward trend in applications

seeking these types of orders post the permanency and stability amendments implemented under the *Child Protection Reform Amendment Act 2017*, which commenced on 29 October 2018, and subsequent amendments through the *Child Protection and Other Legislation Amendment Act 2021* that commenced on 29 November 2021. In response to these amendments, there was a substantial increase across 2021-22 and 2022-23 in the number of applications made seeking orders that grant long-term guardianship of children.

Also as outlined in last year's Annual Report, the substantial increase in these types of applications was also related to the impact of the COVID-19 pandemic that resulted in an increase in new *matters* received and dealt with across March to December 2020, and then the connected subsequent increase in *matters* received across July to September 2022 and onwards that concerned children on existing short-term out-of-home child protection orders that granted either custody or short-term guardianship of the children.

The effect of the amendments, which commenced on 29 October 2018, was that if a previous child protection order had been made for a child that granted either custody or short-term guardianship of the child (a short-term out-of-home order), the court must be satisfied of additional requirements before making any successive child protection order granting either custody or short-term guardianship of the child that would see the child being in continuous care for more than two years (see next section). Then in terms of the amendments that commenced on 29 November 2021, they require Child Safety to review the case plans of children on orders that grant long-term guardianship of them to the chief executive and consider whether permanency for these children can be best achieved by an alternative arrangement.

Aligned with these amendments, there was a 23.3% increase in 2022-23 of the number of applications made seeking the various types of orders that granted long-term guardianship of children, with these types of applications making up 40.9% of the total applications made (1,415 applications). This was well up on the 34.8% to the total applications made in 2021-22 (1,148 applications) and the 32.7% in 2020-21 (1,074 applications). Now in 2023-24, as outlined above, there was a reduction to 1,257 applications or 36.1% of the applications made.

Within applications seeking orders granting long-term guardianship of children made in 2023-24, there was a 13.4% decrease in applications seeking long-term guardianship of children to the chief executive, decreasing from 1,191 applications in 2022-23 to 1,032 applications in 2023-24. There was also a decrease of 12.3% in the number of applications seeking permanent care orders of children to suitable people, reducing from 106 in 2022-23 to 93 in 2023-24. This is balanced with respective increases for applications seeking to grant long-term guardianship of children to suitable family members (up 4.1%, from 73 to 76) and other people nominated by Child Safety as being suitable (up 21.7%, from 46 to 56).

Applications seeking a successive order granting custody or short-term guardianship

Table 77 – Applications seeking a successive order granting either custody or short-term guardianship

Jul to Sep 2021			Oct to Dec 2021			Jan to Mar 2022			Apr to Jun 2022		
Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total
245	43	17.6%	207	30	14.5%	209	48	23.0%	191	45	23.6%
Jul to Sep 2022			Oct to Dec 2022			Jan to Mar 2023			Apr to Jun 2023		
Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total
358	59	16.5%	255	30	11.8%	241	45	18.7%	270	50	18.5%
Jul to Sep 2023			Oct to Dec 2023			Jan to Mar 2024			Apr to Jun 2024		
Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total	Total preceding short-term orders	Number of successive short-term orders	% of total
222	52	23.4%	278	68	24.5%	204	43	21.1%	213	25	11.7%

This table shows on a quarterly basis the number of child protection applications made by the DCPL that sought a successive child protection order that granted either custody or short-term guardianship of a child. That is, the applications made were in respect of children who had already been on an existing child protection order that granted either custody or short-term guardianship of them at the point that a new application was made.

As referred to in the above section, there were permanency and stability amendments that commenced on 29 October 2018 as a result of the *Child Protection Reform Amendment Act 2017*. The effect of these amendments is that if a previous child protection order has been made for a child that granted either custody or short-term guardianship of the child (a short-term out-of-home order), any successive child

protection order granting either custody or short-term guardianship of the child that would see the child being in continuous care for more than two years, cannot be made unless:

- it is in the best interests of the child, and
- the court considers reunification of the child with their family is reasonably achievable within the longer stated time.

In July to September 2018, the last full quarter before the permanency and stability amendments commenced, applications seeking successive child protection orders granting either custody or short-term guardianship of children occurred in 29.8% of these types of applications.

On commencement of the amendments, this then decreased slightly in the October to December 2018 quarter to 27.0%, before further decreases were seen across January to March 2019 (21.8%) and April to June 2019 (17.4%).

Across 2019-20, the first full year of the reforms, there was then a marked decrease in the number of applications seeking successive child protection orders granting either custody or short-term guardianship of children, down to only 10.3% of these types of applications before increasing to 13.5% in 2020-21.

Then from the above table, it is noted that there were increases across the years that have been relatively consistent, being 19.5% of applications in 2020-21, 16.4% in 2022-23 and 20.5% in 2023-24, evidencing the progress that has been made in addressing the concern noted in the Commission of Inquiry's final report that there were a high number of children and young people on multiple short-term orders in the child protection system that could have indicated that many children were 'drifting' in care without achieving either reunification with their family or long-term out-of-home care.

Types of orders sought by the DCPL by reference to Child Safety's six regions

The below tables set out the types of child protection orders sought by the DCPL across Child Safety's six regions by reference to the orders set out in section 61 of the CP Act, noting that where more than one type of order was sought within an application, the order that

appears last by reference to section 61 is reflected in the table. Also, the tables below show the number of applications made that concerned Aboriginal and Torres Strait Islander children in each region.

Child Safety's Brisbane and Moreton Bay region

Table 78 – Types of orders sought on matters received from Child Safety's Brisbane and Moreton Bay region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	4	0.6%	3	0.4%	9	1.5%
Directive order – other	0	0.0%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	10	1.5%	5	0.7%	6	1.0%
Order for the chief executive to supervise a child's protection	59	9.1%	65	9.3%	69	11.6%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	306	47.0%	313	44.8%	297	50.1%
Short-term guardianship to the chief executive	21	3.2%	13	1.9%	13	2.2%
Long-term guardianship to a suitable family member	10	1.5%	14	2.0%	19	3.2%
Long-term guardianship to another suitable person	13	2.0%	14	2.0%	9	1.5%
Long-term guardianship to the chief executive	209	32.1%	239	43.2%	152	25.6%
Permanent care order	19	2.9%	32	4.6%	19	3.2%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	651	100%	698	100%	593	100%

Table 79 – Children identified as Aboriginal and Torres Strait Islander on applications made this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	168	25.8%	216	30.9%	182	30.7%
Aboriginal and Torres Strait Islander	11	1.7%	16	2.3%	16	2.7%
Torres Strait Islander	3	0.5%	5	0.7%	2	0.3%
Non-Aboriginal and Torres Strait Islander	468	71.9%	461	66.0%	393	66.3%
Not stated	1	0.2%	0	0.0%	0	0.0%
Total	651	100%	698	100%	593	100%

Within Child Safety's Brisbane and Moreton Bay region, there was a decrease of 15.0% in the number of applications made in 2023-24 (down 105 applications) as compared with 2022-23, and on a two-year comparison, it was down 8.9% (down 58 applications).

In respect to the types of child protection orders sought, noting the overall decrease in applications made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- consistent with the statewide statistics, there was little change in the number of applications made that sought in-home orders – 75 applications, or 12.6% of the total applications made as compared with the 70 applications, or 10.0% of the total made in 2022-23;
- also consistent with the statewide statistics, there was an increase in the number of applications made that sought either custody or short-term guardianship orders (short-term out-of-home orders) as a percentage of the total applications made, increasing from 46.7% in 2022-23 to 52.3% in 2023-24;
- there was a significant decrease in the number of applications seeking orders granting long-term guardianship of children in 2023-24, with these types of applications

decreasing from 299, or 42.8% of the total number of applications made in 2022-23, to 199 or 33.6% of the total number of applications made in 2023-24, a decrease of 33.4% (100 applications). This was well below the statewide decrease of 11.2%; and

- there was an 21.7% decrease in the number of applications seeking to grant long-term guardianship to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 60, or 8.6% of the total applications made, as compared with the 47 applications, 7.9% of the total applications made in 2023-24. Whereas on a statewide basis, there was no change in the number of these types of applications.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made, in 2023-24 in this region, in line with the slight decrease seen on a statewide basis, there was a reduction from 237 applications, or 34.0% of the total applications made in 2022-23 to 200 applications, or 33.7% of the total applications made in 2023-24. However, this was still well above the 182 applications, or 28.0% of the total applications made in 2021-22.

Table 80 – Types of orders sought on matters received from Child Safety's Sunshine Coast and Central region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	3	0.7%	8	1.5%	6	1.3%
Directive order – other	0	0.0%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	0	0.0%	8	1.5%	7	1.5%
Order for the chief executive to supervise a child's protection	34	7.5%	41	7.8%	24	5.1%
Custody to a suitable person	1	0.2%	2	0.4%	0	0.0%
Custody to the chief executive	210	46.6%	230	43.7%	256	54.0%
Short-term guardianship to the chief executive	8	1.8%	13	2.5%	9	1.9%
Long-term guardianship to a suitable family member	23	5.1%	8	1.5%	9	1.9%
Long-term guardianship to another suitable person	10	2.2%	4	0.8%	4	0.8%
Long-term guardianship to the chief executive	155	34.4%	200	38.0%	145	30.6%
Permanent care order	7	1.6%	12	2.3%	14	3.0%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	451	100%	526	100%	474	100%

Table 81 – Children identified as Aboriginal and Torres Strait Islander on applications made from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	160	35.5%	199	37.8%	189	39.9%
Aboriginal and Torres Strait Islander	13	2.9%	12	2.3%	10	2.1%
Torres Strait Islander	10	2.2%	9	1.7%	6	1.3%
Non-Aboriginal and Torres Strait Islander	268	59.4%	306	58.2%	268	56.5%
Not stated	0	0.0%	0	0.0%	1	0.2%
Total	451	100%	526	100%	474	100%

In 2023-24 within Child Safety's Sunshine Coast and Central Queensland region, there was an overall decrease of 52 applications made, down 9.9% as compared with 2022-23.

However, the 474 applications made in 2023-24 was still 23 applications more than the 451 applications made in 2021-22.

In respect to the types of child protection orders sought, noting the overall decrease in applications made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 36.7% decrease in the number of applications made that sought in-home orders – 31 applications, or 6.5% of the total applications made in 2023-24, as compared with the 49 applications, or 9.3% of the total applications made in 2022-23 – whereas on a statewide basis there was little variance in these types of applications;
- there was an increase of 8.2% in the number of applications made that sought either custody or short-term guardianship orders (short-term out-of-home orders), with 265 applications made for these type of orders, or 55.9% of the total applications made, being well above the 245 applications made for these type of orders, 46.6% of the total applications made in 2022-23;
- in relation to the number of applications seeking orders granting long-term guardianship of children in 2023-24, the 172 applications made equated to 36.3%

of the total applications made, well down on the 224 applications, or 42.6% of the total applications made in 2021-22; and

- there was a small increase in the number of applications seeking to grant long-term guardianship of children to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 27, or 5.7% of the total applications made, as compared with the 24 applications made in 2022-23 or 4.6% of the total applications made.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made, in 2023-24 as result of the overall decrease in the actual number of applications made in this region, there was a reduction from 220 applications to 205 applications concerning Aboriginal and Torres Strait Islander children. However, in terms of percentages, the number of applications made concerning Aboriginal and Torres Strait Islander children increased from 41.8% of the total in 2022-23 to 43.2% of the total applications made in 2023-24. This was well up on the 183 applications, or 40.6% of the total applications made in 2021-22.

Table 82 – Types of orders sought on matters received from Child Safety's North Queensland region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	2	0.5%	2	0.5%	3	0.7%
Directive order – other	0	0.0%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	10	2.7%	0	0.0%	4	0.9%
Order for the chief executive to supervise a child's protection	33	8.8%	36	8.1%	26	5.9%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	220	59.0%	219	48.5%	250	57.1%
Short-term guardianship to the chief executive	3	0.8%	3	0.7%	9	2.1%
Long-term guardianship to a suitable family member	4	1.1%	10	2.3%	4	0.9%
Long-term guardianship to another suitable person	8	2.1%	7	1.6%	5	1.1%
Long-term guardianship to the chief executive	85	22.8%	133	30.1%	123	28.1%
Permanent care order	8	2.1%	32	7.2%	14	3.2%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	373	100%	442	100%	438	100%

Table 83 – Children identified as Aboriginal and Torres Strait Islander on applications made from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	167	44.8%	253	57.2%	207	47.3%
Aboriginal and Torres Strait Islander	30	8.0%	17	3.8%	36	8.2%
Torres Strait Islander	10	2.7%	7	1.6%	10	2.3%
Non-Aboriginal and Torres Strait Islander	166	44.5%	165	37.3%	183	41.8%
Not stated	0	0.0%	0	0.0%	2	0.5%
Total	373	100%	442	100%	438	100%

Within Child Safety's North Queensland region, there was a small decrease of four applications made in 2023-24 as compared with 2022-23 (down 0.9%), and on two-year comparison,

there has been a 17.4% increase in the number of applications made (up 65 applications).

In respect to the types of child protection orders sought, noting the overall minor decrease in

applications made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a decrease of 16.7% in the number of applications made that sought in-home orders – 30 applications made or 6.8% of the total applications made as compared with the 36 applications made, or 8.1% of the total made in 2022-23.
- consistent with the statewide statistics, there was an increase in the number of applications made that sought either custody or short-term guardianship orders of children (short-term out-of-home orders), increasing from 222 applications, or 50.2% of the total applications made to 259 applications, or 59.1% of the total applications made (an increase of 37 applications);
- there was a decrease in the number of applications seeking orders granting long-term guardianship of children in 2023-24, with these types of applications decreasing from 182, or 41.2% of the total number of applications made in 2022-23, to 146 or 33.3% of the total number of applications made in 2023-24, a decrease of 19.8%

(down 36 applications). This was above the statewide 11.2% decrease in these types of applications; and

- there was a significant 51.0% decrease in the number of applications seeking to grant long-term guardianship to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 23, or 5.3% of the total applications made, as compared with the 49 applications, or 11.1% of the total applications made in 2022-23. Whereas on a statewide basis, there was no change in the number of these types of applications.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made, in 2023-24 in this region there was a decrease. The number of applications made concerning Aboriginal and Torres Strait Islander children reduced from 277 applications, or 62.7% of the total applications in 2022-23, to 253 applications, or 57.8% of the total applications made in 2023-24. However, this was still above the 55.5% of total applications made in 2021-22.

Table 84 – Types of orders sought on matters received from Child Safety's Far North Queensland region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	0	0.0%	0	0.0%	3	0.8%
Directive order – other	0	0.0%	1	0.2%	1	0.3%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	6	1.3%	3	0.7%	2	0.5%
Order for the chief executive to supervise a child's protection	114	25.1%	50	11.0%	47	12.0%
Custody to a suitable person	0	0.0%	2	0.4%	0	0.0%
Custody to the chief executive	215	47.3%	190	41.9%	172	44.0%
Short-term guardianship to the chief executive	3	0.7%	5	1.1%	6	1.5%
Long-term guardianship to a suitable family member	6	1.3%	21	4.6%	13	3.3%
Long-term guardianship to another suitable person	1	0.2%	6	1.3%	1	0.3%
Long-term guardianship to the chief executive	107	23.5%	176	38.8%	142	36.3%
Permanent care order	3	0.7%	0	0.0%	4	1.0%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	455	100%	454	100%	391	100%

Table 85 – Children identified as Aboriginal and Torres Strait Islander on applications made from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	209	45.9%	219	48.2%	206	52.7%
Aboriginal and Torres Strait Islander	74	16.3%	93	20.5%	59	15.1%
Torres Strait Islander	37	8.1%	35	7.7%	30	7.7%
Non-Aboriginal and Torres Strait Islander	135	29.7%	107	23.6%	94	24.0%
Not stated	0	0.0%	0	0.0%	2	0.5%
Total	455	100%	454	100%	391	100%

Within Child Safety's Far North Queensland region, there was a marked decrease of 63 applications made (down 13.9%) in 2023-24 as compared with 2022-23, which itself was consistent with 2021-22.

In respect to the types of child protection orders sought, noting the overall marked decrease in applications made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a small decrease in the number of applications made that sought in-home orders of children – 50 applications made or 12.8% of the total applications made as compared with the 54 applications made, or 11.9% of the total made in 2022-23. Both of these years are markedly different to 120 applications made, or 26.5% of the total made in 2021-22;
- there was a 9.6% decrease in the number of applications made that sought either custody or short-term guardianship orders (short-term out-of-home orders), with 178 applications made in 2023-24 seeking these types of orders as compared with 197 applications made in 2022-23. This is at odds with the statewide increase in these types of applications, however, noting the overall decrease in the number of applications made in this region, as a percentage of the total applications made, applications seeking short-term out-of-home orders increased from 43.4% in 2022-23 to 45.5% of the total applications made in 2023-24;
- there was a decrease in the number of applications seeking orders granting long-term guardianship of children in 2023-24, with these types of applications decreasing from 203, or 44.7% of the total number of

applications made in 2022-23, to 160 or 40.9% of the total number of applications made in 2023-24, a decrease of 21.2% (43 applications). This was above the statewide 11.2% decrease in these types of applications; and

- there was a significant 33.3% decrease in the number of applications seeking to grant long-term guardianship of children to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 18, or 4.6% of the total applications made, as compared with the 27 applications, 5.9% of the total applications made in 2022-23. Whereas on a statewide basis, there was no change in the number of these types of applications.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made, in 2023-24 in this region, consistent with the small statewide decrease, albeit within the context of the overwhelming number of applications made concerning Aboriginal and Torres Strait Islander children in this region, there was a decrease from 347 applications in 2022-23, or 76.4% of the total applications, to 295 applications, or 75.4% of the total applications in 2023-24.

Table 86 – Types of orders sought on matters received from Child Safety's South East region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	7	0.9%	2	0.3%	3	0.4%
Directive order – other	2	0.3%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	29	3.9%	14	2.0%	23	2.8%
Order for the chief executive to supervise a child's protection	108	14.5%	90	13.2%	110	13.4%
Custody to a suitable person	2	0.3%	1	0.1%	4	0.5%
Custody to the chief executive	307	41.3%	291	42.6%	363	44.2%
Short-term guardianship to the chief executive	15	2.0%	10	1.5%	6	0.7%
Long-term guardianship to a suitable family member	17	2.3%	13	1.9%	20	2.4%
Long-term guardianship to another suitable person	16	2.2%	9	1.3%	33	4.0%
Long-term guardianship to the chief executive	210	28.3%	238	34.8%	228	27.8%
Permanent care order	30	4.0%	15	2.2%	31	3.8%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	743	100%	683	100%	821	100%

Table 87 – Children identified as Aboriginal and Torres Strait Islander on applications made from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	237	31.9%	213	31.2%	226	27.5%
Aboriginal and Torres Strait Islander	23	3.1%	9	1.3%	26	3.2%
Torres Strait Islander	1	0.1%	1	0.1%	2	0.2%
Non-Aboriginal and Torres Strait Islander	480	64.6%	459	67.2%	560	68.2%
Not stated	2	0.3%	1	0.1%	7	0.9%
Total	743	100%	683	100%	821	100%

Within Child Safety's South East region, there was a significant increase of 138 applications made (up 20.2%) in 2023-24 as compared with 2022-23, and on a two-year comparison, there

has been a 10.5% increase in this region. The increase in 2023-24 in this region is in stark contrast to the overall statewide increase of only 0.7%.

In respect to the types of child protection orders sought, noting the overall marked increase in applications made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 27.9% increase in the number of applications made that sought in-home orders of children, with 133 applications made, or 16.2% of the total applications made seeking in-home orders as compared with the 104 applications made, or 15.2% of the total in 2022-23. This increase is contrasted with the little change seen in these types of applications on a statewide basis, however, it is noted that in 2021-22, 139 applications, or 18.7% of the total applications made in this region sought in-home orders;
- there was also a 23.5% increase in the number of applications made seeking orders that would grant custody or short-term guardianship of children (short-term out-of-home orders), rising from the 302 applications, or 44.2% of the total made in 2022-23, to 373 applications, or 45.4% of the total in 2023-24. This increase is well above the 10.4% statewide increase in these types of applications;
- noting the overall increase in the number of applications made, there was an increase in the number of applications seeking orders granting long-term guardianship of children in 2023-24, with these types of

applications increasing from 275, albeit amounting to 40.3% of the total number of applications made in 2022-23, to 312 or 38.0% of the total number of applications made in 2023-24 (an increase of 37 applications); and

- there was a significant 127.0% increase in the number of applications seeking to grant long-term guardianship of children to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 84, or 10.2% of the total applications made, as compared with the 37 applications, 5.4% of the total applications made in 2022-23. Whereas on a statewide basis, there was no change in the number of these types of applications.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made in this region in 2023-24, in the context of the overall increase in the number of applications made, there was an increase, with the number of applications rising to 254, up from 223 in 2022-23. However, as a percentage of the total, there was a decrease to 30.9% of the total applications made as compared with 32.7% of the total applications made in 2022-23. The number of applications made in 2023-24 that concerned Aboriginal and Torres Strait Islander children were also below the 261 applications, or 35.1% of the total applications made in 2021-22.

Table 88 – Types of orders sought on matters received from Child Safety's South West region

Type of order	2021-22		2022-23		2023-24	
	Number of CPOs	% of total	Number of CPOs	% of total	Number of CPOs	% of total
Revoke a child protection order	2	0.3%	5	0.8%	1	0.1%
Directive order – other	8	1.3%	1	0.2%	10	1.3%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	16	2.5%	18	2.8%	46	6.1%
Order for the chief executive to supervise a child's protection	58	9.2%	76	11.6%	45	5.9%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	323	51.3%	319	48.9%	388	51.1%
Short-term guardianship to the chief executive	7	1.1%	2	0.3%	6	0.8%
Long-term guardianship to a suitable family member	9	1.4%	7	1.1%	11	1.4%
Long-term guardianship to another suitable person	3	0.5%	6	0.9%	4	0.5%
Long-term guardianship to the chief executive	197	31.3%	204	31.2%	238	31.3%
Permanent care order	7	1.1%	15	2.3%	11	1.4%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	630	100%	653	100%	760	100%

Table 89 – Children identified as Aboriginal and Torres Strait Islander on applications made from this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	258	41.0%	266	40.7%	340	44.7%
Aboriginal and Torres Strait Islander	8	1.3%	12	1.8%	16	2.1%
Torres Strait Islander	4	0.6%	12	1.8%	3	0.4%
Non-Aboriginal and Torres Strait Islander	360	57.1%	362	55.4%	397	52.2%
Not stated	0	0.0%	1	0.2%	4	0.5%
Total	630	100%	653	100%	760	100%

Within Child Safety's South West region, there was a significant increase of 103 applications made (up 16.8%) in 2023-24 as compared with 2022-23, and on a two-year comparison, there has been a 20.6% increase in this region. The increase in 2023-24 in this region as with the

South East region, is in stark contrast to the statewide overall increase of only 0.7%.

In respect to the types of child protection orders sought, noting the overall marked increase in applications made in this region, the following

points are made in relation to 2023-24 as compared with 2022-23:

- in line with the overall statewide statistics, applications seeking in-home orders were relatively consistent, with 101 applications, or 13.3% of the total applications made in 2023-24 seeking in-home orders of children, as compared with 95 applications, or 14.5% of the total applications made in 2022-23;
- there was a 22.7% increase in the number of applications made seeking orders that would grant custody or short-term guardianship of children (short-term out-of-home orders), rising from the 321 applications, or 49.2% of the total made in 2022-23, to 394 applications, or 51.8% of the total in 2023-24. This increase is well above the 10.4% statewide increase in these types of applications;
- there was an increase in the number of applications seeking orders granting long-term guardianship of children in 2023-24, with these types of applications increasing from 232 applications, or 35.5% of the total number of applications made in 2022-23,

to 264 applications, albeit only 34.7% of the total applications made in 2023-24 (an increase of 32 applications); and

- there was a 7.1% decrease in the number of applications seeking to grant long-term guardianship of children to either a suitable family member or another suitable person along with applications seeking to grant permanent care of children to suitable people. In 2023-24, these applications totalled 26, or 3.4% of the total applications made, as compared with the 28 applications, 4.3% of the total applications made in 2022-23. Whereas on a statewide basis, there was no change in the number of these types of applications.

In terms of the disproportionate representation of Aboriginal and Torres Strait Islander children on applications made in this region in 2023-24, there was an increase from 290 applications in 2022-23, or 44.4% of the total applications, to 359 applications, or 47.2% of the total applications. This increase is against the slight decrease observed on an overall statewide basis, and up on the 2021-22 figures of 270 applications, or 42.9% of the total applications.

Location of applications made by the DCPL by reference to South-East Queensland

Table 90 – Location of applications made by the DCPL by reference to South-East Queensland

2021-22		2022-23		2023-24	
No. of applications made within South-East Queensland	% of total applications made	No. of applications made within South-East Queensland	% of total applications made	No. of applications made within South-East Queensland	% of total applications made
2,153	65.2%	2,185	63.2%	2,345	67.4%

This table sets out the total number of applications made by the DCPL across 2021-22 to 2023-24 at court locations in South-East Queensland as defined by section 17 of the *Magistrates Act 1991* (south-east Queensland Magistrates Courts districts).

In 2023-24, 67.4% of the applications made by the DCPL (2,345 out of 3,481 applications)

were filed within court locations in South-East Queensland. This was an increase on 2022-23, where 63.2% of all applications (2,185 out of 3,456 applications) were filed in South-East Queensland, and was also an increase from 2020-21, where it was 64.3% of all applications (2,153 out of 3,303).

Total matters dealt with differently through either referring them back or an order

Table 91 – Total *matters* the DCPL dealt with differently (refer backs and applications)

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	470	14.0%	523	14.9%	664	18.5%
With agreement	413	12.3%	433	12.4%	538	15.0%
Without agreement	57	1.7%	90	2.6%	126	3.5%

This table sets out the total number of referred *matters* dealt with differently by the DCPL, either through the referral of the *matter* back to Child Safety, or by applying for a child protection order of a different type, or a child protection order/s that was otherwise different to Child Safety's initial assessment across 2021-22 to 2023-24.

It shows that as a percentage of the total *matters* dealt with differently by the DCPL, an upward trend

is visible over the last three years, with the 18.5% of *matters* dealt with differently in 2023-24 equating to almost 1 in 5 of the DCPL's decisions being different to Child Safety's initial assessment.

Whilst acknowledging there has been an increase in the number of *matters* dealt with differently without agreement across the years, it is still a relatively small amount of the total *matters* dealt with, adding up to 3.5% of the overall number of *matters* being dealt with.

Total matters dealt with differently across Child Safety's six regions

The following six tables set out the total number of referred *matters* dealt with by the DCPL differently, either through the referral of *matters* back to Child Safety, or by applying for child

protection orders of a different type, or a child protection order/s that was otherwise different to Child Safety's initial assessment by Child Safety's six regions across 2021-22 to 2023-24.

Table 92 – Total *matters* dealt with differently in Brisbane and Moreton Bay region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	91	13.6%	87	12.4%	119	19.4%
With agreement	70	10.4%	74	10.6%	99	16.1%
Without agreement	21	3.1%	13	1.9%	20	3.3%

Table 93 – Total *matters* DCPL dealt with differently in Sunshine Coast and Central Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	31	6.8%	68	12.8%	88	18.1%
With agreement	27	5.9%	51	9.6%	71	14.6%
Without agreement	4	0.9%	17	3.2%	17	2.5%

Table 94 – Total *matters* DCPL dealt with differently in North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	56	14.6%	88	19.5%	95	20.3%
With agreement	54	14.1%	82	18.2%	83	17.8%
Without agreement	2	0.5%	6	1.3%	12	2.6%

Table 95 – Total *matters* DCPL dealt with differently in Far North Queensland region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	91	19.5%	67	14.5%	76	19.0%
With agreement	83	17.8%	49	10.6%	66	16.5%
Without agreement	8	1.7%	18	3.9%	10	2.5%

Table 96 – Total *matters* DCPL dealt with differently in South East region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	98	13.1%	91	13.2%	166	19.6%
With agreement	86	11.5%	76	11.1%	129	15.2%
Without agreement	12	1.6%	15	2.2%	37	4.4%

Table 97 – Total *matters* dealt with differently in South West region

	2021-22		2022-23		2023-24	
	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with	Number of <i>matters</i> dealt with differently	% of total <i>matters</i> dealt with
Total <i>matters</i>	103	16.3%	122	18.0%	120	15.5%
With agreement	93	14.7%	101	14.9%	90	11.6%
Without agreement	10	1.6%	21	3.1%	30	3.9%

As with the regional statistics relating to when the DCPL was required to ask Child Safety for further evidence or information when dealing with *matters*, and also in terms of the *matters* that the DCPL referred back to Child Safety, the above tables evidence that across the last three years at a regional level, and within each region, there have been significant differences in the total number of *matters* that the DCPL has dealt with differently to Child Safety’s initial assessment, by either referring *matters* back to Child Safety or by applying for a different type

of order or otherwise different from Child Safety’s initial assessment, both with and without the agreement of Child Safety.

It has ranged from a low of 6.8% of the total *matters* dealt with in 2021-22 in the Sunshine Coast and Central Queensland region to high of 20.3% of the total *matters* dealt with in 2023-24 in the North Queensland region.

Again, as outlined earlier in this report, the ODCPL’s Applicant lawyers (Senior and

Principal Lawyers) within each of ODCPL's three Chamber groups, each consider and deal with referred *matters* from across three of Child Safety's six regions. This approach brings a consistency to how *matters* are dealt with across the regions, and seeks to ensure that the State only takes action that is warranted in the circumstances, and that the applications which are made across the different regions, are supported by sufficient, relevant and appropriate evidence, which has been

independently considered and assessed by the DCPL.

This as with the earlier regional statistics is another strong indicator that Queensland's innovative child protection litigation model is significantly improving the quality of child protection applications that are being made by ensuring that they are seeking the most appropriate type of order, and are supported by good quality evidence, which is promoting efficiency and evidence-based decision making.

Written reasons where matters referred back or dealt with differently without agreement

If an agreement is not reached between the DCPL and Child Safety after consultation has occurred under the DCPL Act, the DCPL must provide Child Safety with written reasons for the

DCPL's decision to deal with the *matter* differently to what Child Safety has assessed to be appropriate and desirable for a child's protection.

Internal review of the DCPL's decision to refer matters back or to deal with differently

Child Safety may request an internal review under the DCPL's Guidelines of *matters* that the DCPL has dealt with by either referring them back to Child Safety, or by applying for an order of a different type, or an order that was otherwise different from the order that Child Safety considered appropriate and desirable for a child's protection without Child Safety's agreement.

same information that was considered in reaching the initial decision. If Child Safety have new information that they would like the DCPL to consider, Child Safety will refer a new *matter* to the DCPL.

An internal review is conducted by a different lawyer of the same or higher level employed in the ODCPL. The review is conducted on the

In 2023-24, as with the last five years, Child Safety did not request the DCPL to undertake an internal review of any of the 126 decisions made without agreement in respect of the DCPL's decision when dealing with referred *matters*.

DCPL as a respondent

Table 98 – The DCPL as a respondent

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	6	1	0	0	5	5	0	1	1	3	7	6	35
2022-23	5	4	1	4	6	0	1	5	8	0	3	0	37
2023-24	0	5	0	5	2	1	9	2	2	6	6	1	39

Table 99 – Children identified as Aboriginal and Torres Strait Islander on applications DCPL responded to

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	19	54.3%	13	35.1%	8	20.5%
Aboriginal and Torres Strait Islander	0	0.0%	1	2.7%	0	0.0%
Torres Strait Islander	0	0.0%	0	0.0%	0	0.0%
Non-Aboriginal and Torres Strait Islander	16	45.7%	23	62.2%	31	79.5%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	35	100%	37	100%	39	100%

Under the CP Act, a child's parent or the child may apply to the Court to either vary or revoke child protection orders and the DCPL is a respondent to the application. The above tables set out the number of applications that were made that the DCPL was a respondent to across 2021-22 to 2023-24, and the number of these applications that concerned Aboriginal and Torres Strait Islander children.

In 2023-24, the DCPL was a respondent to 39 applications made to either vary or revoke child protection orders for children, which was only a slight increase on the number of applications the DCPL responded to in the earlier years of 2021-22 and 2022-23.

In terms of the total applications made in the Court in 2023-24, 3,520 applications (3,481 + 39), the 39 applications that the DCPL was a respondent to represent 1.1% of the total applications made in the year, which is just

above 2022-23, which equated to 1.0% and is consistent with 2021-22, where the 36 applications represented 1.1% of the total applications made.

The above table shows that in respect to the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system, only 8 applications, or 20.5% of the total number of applications that the DCPL responded to concerned Aboriginal and Torres Strait Islander children. This was a marked decrease from 2021-22 and 2022-23, and is not consistent with the proportion of overrepresentation seen across the other points presented throughout this report. This clearly indicates that the parents of Aboriginal and Torres Strait Islander children are far less likely to make applications to either vary or revoke child protection orders for children.

Child protection applications determined

Child protection applications determined by the court in 2023-24

Table 100 – Child protection applications determined by the court		
2021-22	2022-23	2023-24
3,412 (-5.5%) ↓	3,111 (-8.8%) ↓	2,987 (-4.0%) ↓

Table 101 – Monthly child protection applications determined by the court

Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2021-22	313	272	384	253	336	246	164	215	319	274	266	370	3,412
2022-23	301	282	287	234	278	283	119	244	326	233	253	271	3,111
2023-24	268	318	227	263	294	213	106	309	293	265	183	248	2,987

Table 102 – Quarterly child protection applications determined by the court

Jul to Sep 2021		Oct to Dec 2021		Jan to Mar 2022		Apr to Jun 2022	
Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*
969	-2.7%	835	-7.3%	698	-13.3%	910	0.2%
Jul to Sep 2022		Oct to Dec 2022		Jan to Mar 2023		Apr to Jun 2023	
Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*
870	-10.2%	795	-4.8%	689	-1.3%	757	-16.8%
Jul to Sep 2023		Oct to Dec 2023		Jan to Mar 2024		Apr to Jun 2024	
Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*	Number of applications determined	Var.*
813	-6.6%	770	-3.1%	708	2.8%	696	-8.1%

*Variance is a comparison with corresponding quarter in the preceding year

These tables set out the number of child protection applications determined on a yearly, monthly and quarterly basis across 2021-22 to 2023-24.

In 2023-24, the court determined 2,987 applications for child protection orders, which in a year-on-year comparison, was a 4.0%

decrease on the 3,111 applications determined in 2022-23.

In terms of a two-year comparison, there has been a 12.5% decrease in the number of applications determined.

The decreases outlined in the above tables followed earlier increases of 15.0% between 2018-19 and 2019-20, and 36.8% between 2019-20 and 2020-21. These earlier increases were because of the implementation of the changes to the child protection litigation model that commenced on 1 July 2019, the most significant being that the DCPL commenced managing all *proceedings* in direct consultation with Child Safety frontline staff, rather than through OCFOS legal officers.

The decrease in applications determined in 2021-22, was reflective of the number of applications that would have been determined across April to June 2020, shifting into 2020-21 as a result of the effect of the Guidelines issued in March 2020 by the Magistrates Court (including Childrens Court) in response to the COVID-19 pandemic. The applications shifting into 2020-21 increased the overall numbers of applications that were determined in 2020-21 to a degree.

In respect to the decrease in applications that were determined in 2022-23, this in part related

to the overall increase in the number of child protection applications made that sought long-term guardianship orders to the chief executive.

The further decrease in applications determined in 2023-24, relates to the ongoing increase in the number of applications that have needed to be adjourned for Child Safety to convene Family Group Meetings (FGMs) to either develop initial case plans for children, or to review and develop revised case plans for a children, combined with an increasing number of applications that have been adjourned for Child Safety to personally serve child protection applications and amended child protection applications on parents (see detail below in the reasons for the adjournment of applications section). This resulted in the increase of both the average number of court events and the average number of days between lodgement and determination of applications. With the applications that were finalised in 2023-24, requiring on average, 0.5 more court events and 22.7 more days between lodgement and determination than 2022-23 (see below).

Applications determined that concerned Aboriginal and Torres Strait Islander children

Table 103 – Applications determined concerning Aboriginal and Torres Strait Islander children

Cultural identity	2021-22		2022-23		2023-24	
	Number	Percentage	Number	Percentage	Number	Percentage
Aboriginal	1,196	35.1%	1,082	34.8%	1,158	38.8%
Aboriginal and Torres Strait Islander	139	4.1%	129	4.1%	130	4.4%
Torres Strait Islander	80	2.3%	66	2.1%	47	1.6%
Non-Aboriginal and Torres Strait Islander	1,996	58.5%	1,831	58.9%	1,650	55.2%
Not stated	1	0.03%	3	0.1%	2	0.1%
Total	3,412	100%	3,111	100%	2,987	100%

In respect of child protection applications determined, this table shows the number of applications determined that concerned Aboriginal and Torres Strait Islander children across 2021-22 to 2023-24.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications, the above table shows that although there was a slight decrease in the number of Aboriginal and Torres Strait Islander children on new *matters* received in 2023-24, there was an increase in the number of Aboriginal and Torres Strait Islander children subject to determined applications.

The number of determined applications that concerned Aboriginal and Torres Strait Islander

children increased from 1,277 applications, or 41.0% of the total applications determined in 2022-23, to 1,335 applications, or 44.7% of the total applications determined in 2023-24 (an increase of 58 applications).

In terms of a two-year comparison, noting that less applications were determined in 2023-24, the actual number had decreased from 1,415 in 2021-22, however, as a percentage of the total, there was a substantial increase from the 41.5% of the total applications in 2021-22.

Noting that 1,573 applications made in 2023-24 concerned Aboriginal and Torres Strait Islander children, the overall number of child protection applications before the court concerning Aboriginal and Torres Strait Islander children increased.

Applications determined by type of orders made by the court or withdrawn

Table 104 – Types of final orders made by the court and applications withdrawn

Type of order	2021-22		2022-23		2023-24	
	Number of applications determined	% of total applications determined	Number of applications determined	% of total applications determined	Number of applications determined	% of total applications determined
No orders made ¹⁸	14	0.4%	19	0.6%	22	0.7%
Withdrawn	213	6.2%	174	5.6%	214	7.2%
Revoke a child protection order	14	0.4%	40	1.3%	37	1.2%
Directive order – other	3	0.1%	12	0.4%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order supervised contact	50	1.5%	35	1.1%	33	1.1%
Order for the chief executive to supervise a child's protection	390	11.4%	330	10.6%	233	7.8%
Custody to a suitable person	2	0.1%	5	0.2%	1	0.03%
Custody to the chief executive	1,575	46.2%	1,254	40.3%	1,289	43.2%
Short-term guardianship to the chief executive	59	1.7%	50	1.6%	34	1.1%
Long-term guardianship to a suitable family member	83	2.4%	110	3.5%	118	4.0%
Long-term guardianship to another suitable person	73	2.1%	71	2.3%	69	2.3%
Long-term guardianship to the chief executive	855	25.1%	866	27.8%	836	28.0%
Permanent care order	80	2.3%	145	4.7%	101	3.4%
Transfer	1	0.01%	0	0.0%	0	0.0%
Total	3,412	100%	3,111	100%	2,987	100.0%

This table sets out how the applications were determined, including applications that were withdrawn, across 2021-22 to 2023-24 by reference to the orders set out in section 61 of the CP Act, noting that where the court made more than one type of order, the order that appears last by reference to section 61 is reflected in the table.

Across the years, as with the statistics set out above in respect to the applications made, there has been some variance in the actual number and types of child protection orders made, and in terms of their percentage of the overall total number of applications determined.

¹⁸ DCPL was a respondent to 14 applications that were dismissed in 2021-22, 14 applications that were dismissed in 2022-23, and a further 14 applications that were dismissed in 2023-24.

The most notable change is in respect of the number of child protection orders determined, was the decrease in orders made that resulted in children remaining with their families (in-home orders), that is, orders ranging from directive orders through to orders requiring the chief executive to supervise children's protection.

In 2023-24, as compared with 2022-23, there was a 29.4% decrease in the number of in-home child protection orders made (266 orders or 8.9% of the total orders made as compared with 377 orders or 12.1% of the total orders made). This followed an earlier 14.9% decrease in 2022-23, as compared to 2021-22 (377 orders or 12.1% of the total orders made as compared with 443 orders or 13.0% of the total orders made).

Then, as seen in the applications made statistics, there was a 1.1% increase in the number of applications determined that made either orders granting custody or short-term guardianship of children (short-term out-of-home orders), increasing from 1,309 to 1,324 orders. However, as a percentage of the total applications determined, they increased from 42.1% to 44.3% of the total. This it is noted was still a marked reduction from the 1,636 short-term out-of-home orders made, or 48.0% of the total number of applications determined in 2021-22.

Also in line with the applications made statistics, there was the 5.7% decrease in the number of child protection applications determined that granted long-term guardianship of children, reducing from 1,192 orders, or 38.3% of the total applications determined in 2022-23 to 1,124 orders, or 37.7% of the total applications determined in 2023-24.

The other noticeable variance within the applications determined statistics relates to the increase in the number of applications that were withdrawn, which was relatively consistent with 2021-22. This is analysed in more detail below.

In respect of the revocations made in 2023-24, it is noted that 10 of the 37 revocations were made on applications that the DCPL was a respondent to, or 27% of the total revocations. This was down from the 16 out of the 40 revocations made in 2022-23, or 40.0% of the total revocations, but still markedly up from the two out of 14 revocations made in 2021-22, or 14.3% of the total revocations.

It is noted that in respect of six of the 10 revocations made in 2023-24 that the DCPL was a respondent to, on average, the applications were before the court from lodgement to finalisation for an average of 66.6 days, with the other four applications taking 602 days. This indicates that the majority of these applications were not contested by the DCPL. It is noted that in respect of 12 of the 16 applications the DCPL was a respondent to in 2022-23 that resulted in a revocation, they were before the court from lodgement to finalisation for an average of 54.4 days.

As outlined earlier within this part, Child Safety under the DCPL Act must refer to the DCPL as a *matter* when a child protection order is in force for a child, and Child Safety is satisfied that the order is no longer appropriate and desirable for the child's protection, with Child Safety assessing that a child protection order is no longer required for the child. The number of applications brought by parents seeking a revocation of an order, which are then not contested, will need to be monitored.

Orders sought on applications that were determined by way of withdrawal

Table 105 – Types of final orders sought on applications that were determined by way of withdrawal

Type of order	2021-22		2022-23		2023-24	
	Number of applications withdrawn	% of total applications withdrawn	Number of applications withdrawn	% of total applications withdrawn	Number of applications withdrawn	% of total applications withdrawn
Revoke a child protection order ¹⁹	14	6.6%	10	5.7%	6	2.8%
Directive order – other	2	0.9%	0	0.0%	6	2.8%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order supervised contact	24	11.3%	16	9.2%	16	7.5%
Order for the chief executive to supervise a child’s protection	58	27.2%	49	28.2%	70	32.7%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	91	42.7%	72	41.4%	79	36.9%
Short-term guardianship to the chief executive	6	2.8%	2	1.1%	2	0.9%
Long-term guardianship to a suitable family member	0	0.0%	0	0.0%	1	0.5%
Long-term guardianship to another suitable person	4	1.9%	1	0.6%	1	0.5%
Long-term guardianship to the chief executive	10	4.7%	24	13.8%	33	15.4%
Permanent care order	4	1.9%	0	0.0%	0	0.0%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	213	100%	174	100%	214	100.0%

This table sets out the types of orders that the DCPL had sought in respect of the child protection applications that were then withdrawn across 2021-22 to 2023-24, by reference to the orders set out in section 61 of the CP Act, noting that where the DCPL had sought more than one type of order, the order that appears last by reference to section 61 is reflected in the table.

The above table reflects that as *proceedings* evolve, the DCPL is informed through the expertise and experience of frontline Child Safety staff, recognising that Child Safety’s assessments are ongoing.

Against this backdrop, the DCPL continuously reviews any further evidence or information within *proceedings* and Child Safety’s ongoing assessments with respect to children’s

¹⁹ DCPL was a respondent to 13 applications for the revocation of orders that were withdrawn in 2021-22, 10 applications for the revocation of orders that were withdrawn in 2022-23 and a further 6 applications that were withdrawn in 2023-24.

protective needs and their parents' capacity to respond to those needs.

This proactive case management of *proceedings* means the DCPL continually reviews whether a child the subject of *proceedings* is suffering, or is at an unacceptable risk of suffering significant harm. Where the evidence no longer supports that a child is a child in need of protection, or that an order is no longer appropriate and desirable, the DCPL takes active steps in making an application to withdraw the *proceedings*.

In 2023-24, 214 applications, or 7.2% of the total applications determined were withdrawn with the court's leave. This was a marked increase on the 174 applications, or 5.6% of the

total applications determined by being withdrawn in 2022-23, and above the 213 applications, or 6.2% of the total applications that were determined by being withdrawn in 2021-22.

The statistics in relation to the number and type of orders that were being sought on applications that were withdrawn, demonstrates that in protecting children, the DCPL on behalf of the State is only taking action that is warranted in the circumstances. For example, in 2023-24, in respect to the applications withdrawn with leave of the court, 33 of the applications were seeking orders that would have granted long-term guardianship of the children to the chief executive.

Aboriginal and Torres Strait Islander children on applications withdrawn

Table 106 – Aboriginal and Torres Strait Islander children on withdrawn applications

Cultural identity	2021-22		2022-23		2023-24	
	Count	Percentage	Count	Percentage	Count	Percentage
Aboriginal	65	30.5%	48	27.6%	61	28.5%
Aboriginal and Torres Strait Islander	1	0.5%	9	5.2%	5	2.3%
Torres Strait Islander	2	0.9%	7	4.0%	3	1.4%
Non-Aboriginal and Torres Strait Islander	145	68.1%	110	63.2%	145	67.8%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	213	100%	174	100%	214	100%

This table shows the number of applications determined by being withdrawn that concerned Aboriginal and Torres Strait Islander children across 2021-22 to 2023-24.

It shows that the number of applications withdrawn in respect of Aboriginal and Torres Strait Islander children has increased slightly across the last three years. In 2021-22, 68 applications relating to Aboriginal and Torres

Strait Islander children were withdrawn, or 31.9% of the total applications withdrawn. In 2022-23, although the number reduced to 64 applications, due to a smaller number of overall applications withdrawn, they equated to a higher percentage of the total applications withdrawn (36.8%). Then in 2023-24, 69 applications relating to Aboriginal and Torres Strait Islander children were withdrawn, or 32.2% of the total applications withdrawn.

Age of children on orders made granting long-term guardianship

Table 107 – Age of children at time orders granting long-term guardianship made

Age	2021-22		2022-23		2023-24	
	Number	%	Number	%	Number	%
Under 1 year of age	36	3.3%	37	3.1%	30	2.7%
1 year of age	44	4.0%	62	5.2%	37	3.3%
2 years of age	54	4.9%	60	5.0%	52	4.6%
3 years of age	77	7.1%	90	7.6%	83	7.4%
4 years of age	67	6.1%	76	6.4%	80	7.1%
5 years of age	56	5.1%	88	7.4%	67	6.0%
6 years of age	79	7.2%	82	6.9%	79	7.0%
7 years of age	54	4.9%	66	5.5%	54	4.8%
8 years of age	56	5.1%	66	5.5%	66	5.9%
9 years of age	58	5.3%	59	4.9%	62	5.5%
10 years of age	73	6.7%	49	4.1%	62	5.5%
11 years of age	58	5.3%	58	4.9%	50	4.4%
12 years of age	61	5.6%	54	4.5%	69	6.1%
13 years of age	57	5.2%	68	5.7%	68	6.0%
14 years of age	79	7.2%	81	6.8%	64	5.7%
15 years of age	75	6.9%	85	7.1%	89	7.9%
16 years of age	63	5.8%	62	5.2%	58	5.2%
17 years of age	44	4.0%	49	4.1%	54	4.8%
Total	1,091	100%	1,192	100%	1,124	100%

Table 108 – Average age of children at time orders granting long-term guardianship made

	2021-22	2022-23	2023-24
Average age:	9.27 years	9.00 years	9.34 years

The changes in the number of orders made that granted long-term guardianship of children are set out in the above two tables, along with key information about the age of these children at the point in time the orders were made across 2021-22 to 2023-24.

The tables show the age of children the subject of child protection orders granting long-term guardianship at the point in time the orders were made along with a mean average age. The tables evidence that the average age of children when these orders were made increased in 2023-24 to be just above 2021-22.

It is however noted that prior to the COVID-19 pandemic, the average age of children when these types of orders had been made had fallen across 2017-18 to 2018-19 (from 9.02 years to 8.86 years), and then across 2018-19 to 2019-20 (from 8.86 years to 8.74 years). The above table then clearly shows that the average age across the last three years has remained above 9 years of age.

The increase in the average age across 2021-22 to 2023-24 was influenced as outlined in last year's Annual Report, by the response to the COVID-19 pandemic, which provided that applications were to be adjourned for a minimum period of three months unless urgent circumstances existed that warranted an earlier listing, or as otherwise directed by the court. In response, there was a significant decrease in the rate that applications were determined across April to June 2020, with the applications shifting into 2020-21, resulting in an overall increase in the age of these children across 2020-21 and then in 2021-22 at the time the orders were made.

On this point, noting that applications seeking long-term guardianship to the chief executive

are more likely to be contested (they are on average before the court for more days and require more court events as set out below), and combined with the fact that the number of applications seeking these types of orders in 2022-23 (up 24,5%), it was expected that the mean average age of children at the point orders granting long-term guardianship are made would rise over this year and next year.

In respect to the number of orders made granting long-term guardianship to suitable people (including permanent care orders), there was an 11.7% decrease (326 to 288 orders). However, within these types of orders, there was a 7.3% increase in the number of orders made that granted long-term guardianship to a suitable family member (up from 110 to 116 orders). This increase is aligned with the amendments made by the *Child Protection and Other Legislation Amendment Act 2021* that commenced on 29 November 2021, which requires Child Safety to review the case plans of children on orders that grant long-term guardianship of them to the chief executive and consider whether permanency for these children can be best achieved by an alternative arrangement.

Aboriginal and Torres Strait Islander children on long-term guardianship orders

Table 109 – Aboriginal and Torres Strait Islander children on long-term guardianship orders

Cultural identity	2021-22		2022-23		2023-24	
	Number	Percentage	Number	Percentage	Number	Percentage
Aboriginal	366	33.5%	419	35.2%	480	42.7%
Aboriginal and Torres Strait Islander	30	2.7%	39	3.3%	40	3.6%
Torres Strait Islander	22	2.0%	20	1.7%	11	1.0%
Non-Aboriginal and Torres Strait Islander	673	61.7%	714	59.9%	593	52.8%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	1,091	100%	1,192	100%	1,124	100%

This table shows the number of long-term guardianship orders made that concerned Aboriginal and Torres Strait Islander children across 2021-22 to 2023-24.

Noting the statistics relating to the slight decrease in the disproportionate representation of Aboriginal and Torres Strait Islander children across new *matters* received and applications made, the above table shows that the overall percentage of the total number of orders made granting long-term guardianship in respect of

Aboriginal and Torres Strait Islander children markedly increased in 2023-24.

In 2021-22, 418 applications, or 38.3% of the total long-term orders made concerned Aboriginal and Torres Strait Islander children. This increased to 478 orders, or 40.1% of the total long-term guardianship orders made in 2022-23, before increasing again in 2023-24 to 531 orders, or 47.2% of the total number of long-term guardianship orders made.

Table 110 – Aboriginal and Torres Strait Islander children on long-term guardianship orders to a suitable family member

Cultural identity	2021-22		2022-23		2023-24	
	Number	Percentage	Number	Percentage	Number	Percentage
Aboriginal	36	43.4%	61	55.5%	54	45.8%
Aboriginal and Torres Strait Islander	5	6.0%	1	0.9%	6	5.1%
Torres Strait Islander	0	0.0%	2	1.8%	2	1.7%
Non-Aboriginal and Torres Strait Islander	42	50.6%	46	41.8%	56	47.5%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	83	100%	110	100%	118	100%

The above table shows that in 2023-24, there was a slight reduction in the number of orders made that granted long-term guardianship of Aboriginal and Torres Strait Islander children to

suitable family members, decreasing from 64 orders, or 58.2% of the total number of these orders made in 2022-23, to 62 orders, or 52.5% of the total number of these types of orders made

in 2023-24. However, this was still up on 41 orders, or 49.4% of the total in 2021-22.

When considering the number of these types of orders made that concerned Aboriginal and Torres Strait Islander children, it is important to note that at 52.5% of the total number of these types of orders made, it is well above the 44.6% of new *matters* and 45.2% of applications made that concerned Aboriginal and Torres Strait Islander children.

However, it is noted in respect to the following table, it shows that in 2023-24, as with the orders granting long-term guardianship to a suitable

family member, there was also a slight reduction in the number of orders granting long-term guardianship of Aboriginal and Torres Strait Islander children to other suitable people nominated by Child Safety, noting it was well below the percentages of new *matters* and applications made that concerned Aboriginal and Torres Strait Islander children.

These types of orders decreased from 24 orders, or 33.8% of the total number of these types of orders made in 2022-23, to 23 orders, or 33.3% of the total number of these types of orders made in 2023-24. However, this too was still up on the 18 orders, or 24.7% of the total in 2021-22.

Table 111 – Cultural status on orders granting long-term guardianship to another suitable person

Cultural identity	2021-22		2022-23		2023-24	
	Count	Percentage	Count	Percentage	Count	Percentage
Aboriginal	18	24.7%	21	29.6%	23	33.3%
Aboriginal and Torres Strait Islander	0	0.0%	2	2.8%	0	0.0%
Torres Strait Islander	0	0.0%	1	1.4%	0	0.0%
Non-Aboriginal and Torres Strait Islander	55	75.3%	47	66.2%	46	66.7%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	73	100%	71	100%	69	100%

Table 112 – Aboriginal and Torres Strait Islander children on orders granting long-term guardianship to the chief executive

Cultural identity	2021-22		2022-23		2023-24	
	Count	Percentage	Count	Percentage	Count	Percentage
Aboriginal	290	33.9%	312	36.0%	382	45.7%
Aboriginal and Torres Strait Islander	20	2.3%	31	3.6%	34	4.1%
Torres Strait Islander	21	2.5%	17	2.0%	9	1.1%
Non-Aboriginal and Torres Strait Islander	524	61.3%	506	58.4%	411	49.2%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	855	100%	866	100%	836	100%

To provide further context to understanding the disproportionate representation of Aboriginal and Torres Strait Islander children within the child protection system, the above table

outlines that in 2023-24, the number of orders made that granted long-term guardianship in respect of Aboriginal and Torres Strait Islander

children to the chief executive significantly increased.

In 2022-23, 360 orders, or 41.6% of the total number of these orders made concerned Aboriginal and Torres Strait Islander children. This itself had been an increase on the 331 orders or 38.7% of the total number of these orders made in 2021-22.

However, in 2023-24, there was a significant increase to 425 orders, or 50.8% of these types of orders made. This equates to a 18.1% increase (360 to 425 orders) in the number of orders made granting long-term guardianship of Aboriginal and Torres Strait Islander children to the care of the State.

This then must be contrasted with the number of orders granting permanent care of Aboriginal and Torres Strait Islander children to suitable people as outlined in the following table, where there was a marked reduction over the two years, with 21 orders, or 20.8% of the permanent care orders made in 2023-24 compared with 28 orders, or 35.0% of these types of orders made in 2021-22. However, as with orders granting long-term guardianship to suitable people nominated by Child Safety, permanent care orders in respect to Aboriginal and Torres Strait Islander children are well below the percentages of new *matters* and applications being made for all types of orders.

Table 113 – Aboriginal and Torres Strait Islander children on orders granting permanent care to a suitable person

Cultural identity	2021-22		2022-23		2023-24	
	Count	Percentage	Count	Percentage	Count	Percentage
Aboriginal	24	30.0%	24	16.6%	21	20.8%
Aboriginal and Torres Strait Islander	3	3.8%	5	3.4%	0	0.0%
Torres Strait Islander	1	1.3%	0	0.0%	0	0.0%
Non-Aboriginal and Torres Strait Islander	52	65.0%	116	80.0%	80	79.2%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	80	100%	145	100%	101	100%

Average number of court events and days between lodgement and determination of all applications

Table 114 – Average number of court events & days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	3,412	Total number of applications determined	3,111	Total number of applications determined	2,987
Average number of court events	8.2 events	Average number of court events	8.2 events	Average number of court events	8.7 events
Average number of days	292.1 days	Average number of days	290.2 days	Average number of days	312.9 days

This table sets out the average number of court events and calendar days between lodgement and the determination of all applications across 2021-22 to 2023-24.

It shows that in respect of all applications determined in 2023-24, the average number of court events and the average length of days between the lodgement and determination increased from 8.2 events to 8.7 events, and increased from an average of 290.2 days to an average of 312.9 days respectively (22.7 more days).

Prior to 2023-24, there had been a slight reduction in the average length of days between the lodgement and determination of all applications between 2021-22 and 2022-23,

however, the average number of court events per determination had remained the same.

The increase in the average number of court events and the average number of days required for applications to be determined is related to the increased number of applications being adjourned for Child Safety to convene Family Group Meetings (FGMs) to either develop initial case plans for children, or to review and develop a revised case plans for children, combined with an increased number of applications that have been adjourned for Child Safety to personally serve child protection applications and amended child protection applications on parents (see detail below in the reasons for the adjournment of applications section).

Average number of court events and days between lodgement and determination of applications granting long-term guardianship to suitable people

Table 115 – Average number of court events and days between lodgement and determination of applications granting long-term guardianship to suitable people, including permanent care orders

2021–22		2022-23		2023-24	
Total number of applications determined	236	Total number of applications determined	326	Total number of applications determined	288
Average number of court events	6.6 events	Average number of court events	6.2 events	Average number of court events	6.5 events
Average number of days	224.7 days	Average number of days	229.2 days	Average number of days	226.5 days

This table sets out the average number of court events and calendar days between lodgement and the determination of all applications across

2021-22 to 2023-24 that granted long-term guardianship to suitable people.

In contrast to the table showing the average number of court events and calendar days between lodgement and the determination of all applications across 2021-22 to 2023-24, for the applications that resulting in orders granting long-term guardianship of children, including permanent care orders to suitable people, on average, were before the court for substantially less days and required fewer court events to be determined.

In 2021-22, on average these applications required 67.2 fewer days and 1.6 less court events. Then in 2022-23, on average it took 61.0 less days and 2.0 less court events, before in 2023-24, the average number of days for these types of orders to be made reduced further to be 86.4 less days, and also 2.2 fewer court events per determined application.

Average number of court events and days between lodgement and determination of applications granting long-term guardianship to the chief executive

Table 116 – Average number of court events and days between lodgement and determination of applications granting long-term guardianship to the chief executive

2021–22		2022-23		2023-24	
Total number of applications determined	855	Total number of applications determined	866	Total number of applications determined	836
Average number of court events	10.0 events	Average number of court events	9.5 events	Average number of court events	10.0 events
Average number of days	364.3 days	Average number of days	350.6 days	Average number of days	369.5 days

This table sets out the average number of court events and calendar days between lodgement and the determination of applications that resulting in orders granting long-term guardianship of children to the chief executive across 2021-22 to 2023-24.

In a marked contrast to the two earlier tables, this table shows that in respect of these applications, on average, they required a significant number of more days before the court and a much greater number of court events to be determined.

In 2021-22, on average these applications required 72.2 more days and 1.8 more court events than the average of all applications determined, and 139.6 more days and 3.4 more court events as opposed to orders granting long-term guardianship to suitable people.

Then in 2022-23, on average it took 60.4 more days and 1.3 more court events, and 121.4

more days and 3.3 more court events than the orders granting long-term guardianship to suitable people.

Finally, in 2023-24, these applications required 56.6 more days and 1.3 more court events above the average of all applications determined, and 143.0 more days and 3.5 more court events than the orders granting long-term guardianship to suitable people.

The increased number of days and court events required for applications seeking orders granting long-term guardianship of children to the chief executive is because on average, these applications are more likely to be contested. Whereas the applications resulting in orders that grant long-term guardianship, including permanent care orders to suitable people, are on average, not contested to the same degree.

Reasons for the adjournment of applications before the court statewide

Standard reasons why applications are adjourned

When hearing and determining an application for a child protection order, the CP Act provides that the court may adjourn a *proceeding* for a period of time decided by the court. In deciding the period of adjournment, the court must take into account the principle that it is in the child's best interests for the application for the order to be decided as soon as possible, and that delay in making a decision for a child should be avoided.

In practice, *proceedings* are adjourned for any number of reasons, with the following being an overview of the standard reasons, in the order that they usually occur in a *proceeding*, which the DCPL captures and reports on (see below):

- *Service of a document/s*: each party or participant to a *proceeding* under the Rules must be served with (given) a copy of document/s filed in the court, this reason is used when a party has yet to be served and it is to occur in the adjourned period;
- *Respondent parent absent*: is used when a parent to a *proceeding* is absent from a court event and the *proceeding* is adjourned by the court, noting that before the court may hear and decide an application in the absence of a parent, they must be given reasonable notice of the hearing and fail to attend or continue to attend the hearing;
- *Participant absent*: is used when a participant to a *proceeding* is absent from a court event and the *proceeding* is adjourned by the court, noting that this could include the child the subject of the application, a separate representative of the child, a person allowed to participate in the *proceeding* under section 113 of the CP Act (see below reason), a legal guardian of a party, or the public guardian;
- *Party or participant to obtain legal advice and or representation*: is used when the court provides a party (including a child) or a participant/s an opportunity to obtain legal

advice and/or representation for the *proceeding*;

- *DCPL to ask Child Safety for information*: is used when due to an a change in circumstances or a development in the *proceeding*, the DCPL needs ask Child Safety for information, documents and/or evidence under the DCPL Act and CP Act;
- *DCPL to receive requested information from Child Safety*: is used when the DCPL is waiting to receive information, documents and/or evidence it has requested from Child Safety under the DCPL Act and CP Act;
- *Disclosure request*: is used when the DCPL needs to respond to a disclosure request and provide disclosure (information) to parties under the CP Act and the Rules;
- *FGM to develop initial case plan, or FGM to review and develop revised case plan*: is used when a *proceeding* needs to be adjourned for Child Safety to convene a Family Group Meeting (FGM) to either develop an initial case plan for a child, or to review and develop a revised case plan for a child.

Under the CP Act, when Child Safety is satisfied that a child is in need of protection and needs ongoing help under the CP Act, Child Safety must develop a case plan for the child, which occurs at an FGM. The case plan is a written plan for meeting the child's protection and care needs, and an FGM is a meeting of the following persons:

- the child (unless it would be inappropriate for them to attend and participate due to their age or ability to understand);
- their parents;
- other family members who are considered likely to make a useful contribution to the plan's development at the FGM;
- other persons whom the child has a significant relationship;

- any legal representative of the child,
- if the child is Aboriginal or Torres Strait Islander, an independent Aboriginal or Torres Strait Islander entity for the child;
- the public guardian; and
- anyone else considered likely to make a useful contribution to the plan's development at the FGM;

The DCPL is not involved in FGMs unless invited by Child Safety, and is not responsible for the development of case plans. However, the court cannot hear and decide to make a child protection order unless a child has a current case plan developed or revised under the CP Act, that is appropriate for meeting the child's assessed protection and care needs;

- *Court ordered conference*: is used when the making of a child protection order is contested, and unless exceptional circumstances exist, before the order is made, the court order that a conference (a court event) between the parties is to be held before the proceeding continues. The purpose of the conference is for the parties to come together to decide the matters in dispute or to try to resolve the matters;
- *Separate representative appointed*: is used when the court has ordered under the CP Act that a child is to be separately legally represented in the *proceeding* and it is adjourned for this to occur;

Adjournments of applications in practice

A *proceeding* may be adjourned for one or more reasons. Further, an application may be adjourned more than once for the same reason. DCPL's statistics, and also child death and serious physical injury case reviews demonstrate that *proceedings* commonly proceed as follows:

- at a first mention of an application in court, it may be adjourned for both 'service of documents' on a party and for Child Safety to convene an 'FGM to develop an initial

- *Social Assessment Report*: is used when either Child Safety or a separate representative have identified a need and/or have commissioned a social assessment report to be prepared, which is an assessment of the child and their family carried out by an appropriately qualified practitioner under the CP Act;
- *113 non-party application*: is used when a *proceeding* is adjourned to allow a non-party to make an application under section 113 of the CP Act to take part in the *proceeding*;
- *DCPL to consider amending or withdrawal of application*: is used when the DCPL needs to consider amending an application as a result of further evidence or information provided, or to consider withdrawal of application either on own motion or on receipt of representations from a party or participant under s 57A of the CP Act;
- *Outcome of other relevant proceeding*: is used when the court is awaiting the outcome of another relevant *proceeding*, such as a Domestic and Family Violence Protection *proceeding*, or a criminal *proceeding*, or a reviewable decision *proceeding* in the Queensland Civil and Administrative Tribunal, or a family law *proceeding*; and
- *Participant contesting*: is used when a party or a participant to a *proceeding* is contesting either interim orders or a final order and the application/s have been adjourned for either an interim hearing or a final hearing.

case plan for a child'. In respect of child protection applications and amended child protection applications, these must be personally served, which Child Safety undertakes, and all other documents can be personally served, or by sending it by post to a person's address or if provided via email address, or in another way ordered by the court;

- at a second mention, the court may adjourn an application for a 'party (parent) to obtain

legal advice and representation', and as Child Safety is yet to convene an FGM, it is again adjourned for the development of a case plan;

- at a third mention, a further adjournment is typically required for a case plan to be developed as Child Safety is yet to convene an FGM. As time has passed and due to the dynamic nature of families, an adjournment may also be required due to a change in the family's circumstances or for another development raised by a party (e.g. a child's placement has changed or contact between a child and a parent may have been limited or suspended). Following this, the DCPL may be required to request information from Child Safety, ask for documents and/or evidence about the development, or to receive the requested information, documents and/or evidence;
- at a fourth mention of an application, if an FGM is still yet to be convened, it will again be adjourned for this reason;
- at a fifth mention of an application, if a case plan has been developed and filed in the proceeding, the majority of *proceedings* are resolved and determined at this point. If a party on receiving the case plan indicates that they are not in agreement with the making of the child protection order, the court will adjourn the *proceeding* and order that a conference between the parties is to be held before the *proceeding* continues – it is noted that a court ordered conference is a court event;
- at a sixth mention of an application, over 50% of applications that have been to a court ordered conference will result in an agreement between the parties and will be determined by the court. If the parties were unable to resolve the matters in dispute at the conference and a party indicates that the making of the child protection order is still contested, then the court may appoint a separate representative for the child and the *proceeding* is adjourned for this to be arranged;

- at a seventh mention of the application, if the allocated separate representative has decided to commission an independent social assessment report, the *proceeding* will be adjourned for a lengthy period for this to occur;
- at the eight mention of the application, if the social assessment report is not completed, the *proceeding* will be adjourned for this to occur; and if more than 6 months has elapsed since the child's case plan was developed, then the case plan will need to be reviewed and a revised case plan developed, which will also need to occur in the adjourned period. During *proceedings*, Child Safety may do this at another FGM, or they may review and develop a revised case plan without an FGM provided a reasonable opportunity is provided to all relevant people to participate in the review and preparation of a revised case plan; and
- at a ninth mention of an application, if the social assessment report has been completed and filed, and the child has a current case plan, many of the remaining applications will be determined at this point by agreement. If the making of the child protection order is still contested, then the court may then list the application for a contested final hearing.

It is noted in addition to the above points, the making of interim child protection orders (e.g. an order granting temporary custody to Child Safety) may be contested and an interim hearing will occur. Also, applications at times need to be adjourned because the DCPL needs to consider amending or withdrawal of an application as a result of further evidence or information that has been provided, or because the outcome of another relevant proceeding is needed, such as a Domestic and Family Violence Protection proceeding, or a criminal proceeding, or a reviewable decision proceeding in QCAT, or a family law proceeding. Further, there are any number of other less standard reasons as to why applications need to be adjourned.

Table 117 – Reasons for adjournment of applications across Queensland

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	3,705	16.8%	3,580	15.8%	6,052	23.8%
Respondent parent absent	952	4.3%	1,137	5.0%	1,300	5.1%
Participant absent	396	1.8%	405	1.8%	579	2.3%
Party or participant obtain legal advice and or representation	3,137	14.2%	3,720	16.5%	4,641	18.3%
DCPL to ask Child Safety for information	568	2.6%	513	2.3%	637	2.5%
DCPL to receive information from Child Safety	1,427	6.5%	1,762	7.8%	2,476	9.8%
Disclosure request	43	0.2%	33	0.1%	29	0.1%
FGM to develop initial case plan, or FGM to review and develop revised case plan	7,677	34.8%	8,990	39.8%	11,282	44.4%
Court ordered conference	1,738	7.9%	1,590	7.0%	1,564	6.2%
Separate representative appointed	1,397	6.3%	1,268	5.6%	1,348	5.3%
Social Assessment Report	1,797	8.2%	1,719	7.6%	1,754	6.9%
113 non-party application	101	0.5%	82	0.4%	91	0.4%
DCPL to consider amending or withdrawal of application	595	2.7%	740	3.3%	1,102	4.3%
Outcome of other relevant <i>proceeding</i>	183	0.8%	131	0.6%	106	0.4%
Participant contesting	1,026	4.7%	805	3.6%	912	3.6%
Total adjournments²⁰	22,030		22,598		25,383	

This table sets out the standard reasons for the adjournment of applications recorded across Queensland for 2021-22 to 2022-23.

These statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans for children. Further, the number of applications being

adjourned for this reason has increased considerably across the three years to the point where this was the reason for almost half of all adjournments of applications in 2023-24 (44.4%).

The second most frequent reason is for Child Safety to effect service of documents on a party or participant to a *proceeding*. The increase in applications being adjourned for the service of documents in 2023-24 (23.8%), as opposed to

²⁰ As a *proceeding* may be adjourned for one or more reasons, the total number of adjournments and percentages not add up.

the earlier two years relates to the outcome of an appeal decision that was delivered on 6 September 2023, which provided case law guidance on the requirements of the service provisions of the CP Act and the Rules in respect of serving parents with child protection applications and amended child protection applications. In response, DCPL worked with Child Safety and OCFOS to provide guidance to Child Safety Officers on what is required in terms of personal service.

The third most frequent reason for the adjournment of applications relates to providing

parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*. This reason as with the above two, also increased in 2023-24, but to a lesser extent.

The other noticeable change across the three years is that as applications are before the court for longer and due to changes in the families' circumstances or other developments raised by a party, there has been an increasing number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety.

Applications determined by type of order across Child Safety's six regions

In this section, the types of orders made by the court in each of Child Safety's six regions across 2021-22 to 2023-24 are set out by reference to the orders set out in section 61 of the CP Act, noting that where more than one type of order was made, the order that appears last by reference to section 61 is reflected in each table. Also, the tables below show the

number of applications made that concerned Aboriginal and Torres Strait Islander children in each region along with the average number of court events and calendar days between lodgement and the determination of all applications, and the reasons applications were adjourned in each region.

Child Safety's Brisbane and Moreton Bay region

Table 118 – Child protection applications determined in Child Safety's Brisbane and Moreton Bay region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	9	1.4%	3	0.5%	6	1.0%
Withdrawn	35	5.5%	42	6.5%	43	7.1%
Revoke a child protection order	2	0.3%	12	1.8%	12	2.0%
Directive order – other	0	0.0%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	9	1.4%	4	0.6%	3	0.5%
Order for the chief executive to supervise a child's protection	69	10.8%	36	5.5%	32	5.3%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	269	42.2%	265	40.8%	244	40.3%
Short-term guardianship to the chief executive	4	0.6%	13	2.0%	12	2.0%
Long-term guardianship to a suitable family member	14	2.2%	24	3.7%	30	5.0%
Long-term guardianship to another suitable person	15	2.4%	28	4.3%	10	1.7%
Long-term guardianship to the chief executive	193	30.3%	186	28.7%	187	30.9%
Permanent care order	19	3.0%	36	5.5%	27	4.5%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	638	100%	649	100%	606	100%

Table 119 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
	Number	%	Number	%	Number	%
Aboriginal	176	27.6%	171	26.3%	176	29.0%
Aboriginal and Torres Strait Islander	13	2.0%	16	2.5%	3	0.5%
Torres Strait Islander	2	0.3%	2	0.3%	7	1.2%
Non-Aboriginal and Torres Strait Islander	447	70.1%	458	70.6%	420	69.3%
Not stated	0	0.0%	2	0.3%	0	0.0%
Total	638	100%	649	100%	606	100%

Table 120 – Average number of court events and days between lodgement and determination of applications

2021-22		2022-23		2023-24	
Total number of applications determined	638	Total number of applications determined	649	Total number of applications determined	606
Average number of court events	8.4 events	Average number of court events	8.1 events	Average number of court events	7.5 events
Average number of days	303.3 days	Average number of days	295.8 days	Average number of days	280.0 days

Table 121 – Reasons for adjournment of applications across Child Safety’s Brisbane and Moreton Bay Region

Reason for adjournment	2021-22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	903	20.7%	780	18.4%	1,408	30.4%
Respondent parent absent	138	3.2%	246	5.8%	161	3.5%
Participant absent	53	1.2%	62	1.5%	108	2.3%
Party or participant obtain legal advice and or representation	515	11.8%	572	13.5%	702	15.2%
DCPL to ask CE for info	45	1.0%	18	0.4%	39	0.8%
DCPL to receive info from CE	211	4.8%	147	3.5%	295	6.4%
Disclosure request	4	0.1%	4	0.1%	3	0.1%
FGM to develop initial case plan, or FGM to review and develop revised case plan	1,368	31.4%	1,539	36.2%	1,805	39.0%
Court ordered conference	398	9.1%	294	6.9%	282	6.1%
Separate representative appointed	328	7.5%	314	7.4%	294	6.4%
Social Assessment Report	514	11.8%	483	11.4%	391	8.5%
113 non-party application	11	0.3%	10	0.2%	7	0.2%
DCPL to consider amending or withdrawal of application	73	1.7%	98	2.3%	222	4.8%
Outcome of other relevant <i>proceeding</i>	59	1.4%	49	1.2%	13	0.3%
Participant contesting	210	4.8%	130	3.1%	160	3.5%
Total adjournments	4,358		4,246		4,625	

Within Child Safety's Brisbane and Moreton Bay region, there was a decrease of 43 child protection applications determined (down 6.6%) in 2023-24, (606 applications) as compared with 2022-23 (649 applications), which was greater than the overall statewide decrease of 4.0%. It was also below the 638 applications determined in 2021-22.

In respect to the types of child protection orders made, noting the overall decrease in orders made in this region, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a minor increase in the number of applications that were determined by being withdrawn, increasing from 42, or 6.5% of the total applications determined in 2022-23, to 43 or 7.1% of the total applications in 2023-24. This was consistent with the statewide statistics for applications withdrawn;
- there was a 12.5% decrease in the number of in-home orders made, reducing from 40 orders, or 6.2% of the total applications determined in 2022-23, to 35 orders, or 5.8% of all applications determined in 2023-24. This is well below the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 7.9% decrease in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), decreasing from 278 orders in 2022-23, or 42.8% of the total applications determined to 256 orders in 2023-24, or 42.2% of the total applications determined. This was in contrast with the statewide statistics that saw a 1.1% increase in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children decreased by 7.3% in 2023-24, reducing from 274 orders, or 42.2% of the total applications determined in 2022-23, to 254 orders, or

41.9% of the total applications determined. This decrease was largely consistent with the statewide decrease of 5.7%. In terms of the types of long-term guardianship orders made, there was an increase in orders granting guardianship to suitable family members, up by six orders, or 25.0% (from 24 to 30 orders), but a significant decrease in orders granting guardianship to other suitable people, down 18 orders, or 64.3% (from 28 to 10 orders) and also in orders granting permanent care of children to suitable people, down nine orders, or 25.0% (from 36 to 27 orders). Whereas orders granting long-term guardianship of children to the chief executive increased by one order, where on a statewide basis there was an overall decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, the above table shows that in contrast with the overall statewide increase, the number of applications determined concerning children identified as Aboriginal and Torres Strait Islander reduced from 189 in 2022-23 to 186 in 2023-24, however, due to the decrease in the number of applications determined, as a percentage of the total applications determined, it increased from 29.1% to 30.7% of the total applications determined.

As to the average number of court events and days between lodgement and the determination of all applications in the Brisbane and Moreton Bay region, there was on average, a reduction of 0.6 court events and 15.8 days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, there was a decrease of 0.9 court events and 23.3 days. In comparison with the overall statewide statistics, applications in this region on average took 23.9 less days and 1.2 less court events per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide

statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. However, in each year, the number of applications being adjourned for this reason, although increased considerably across the three years, it has consistently been a lower percentage of applications as compared to the overall state results. For example, across 2023-24, 39.0% of adjournments were for this reason whereas the statewide percentage was 44.4%.

The second most frequent reason for adjournments, as with the statewide statistics, was for Child Safety to effect service of documents on a party or participant to a *proceeding*. The increase in applications being adjourned for the service of documents in 2023-

24 was 30.4%, which was well above the statewide percentage of 23.8%.

As to the third most frequent reason for the adjournment of applications, as with the statewide statistics, was to provide parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*.

The other noticeable change across the three years is that, as with the statewide statistics, there was an increasing number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety, up to 6.4% in 2023-24, but well below the statewide percentage of 9.8% of all adjournments.

Table 122 – Child protection applications determined in Child Safety's Sunshine Coast and Central Qld region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	1	0.2%	1	0.2%	8	1.6%
Withdrawn	29	5.6%	27	5.3%	30	5.9%
Revoke a child protection order	3	0.6%	6	1.2%	7	1.4%
Directive order – other	0	0.0%	0	0.0%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	2	0.4%	2	0.4%	7	1.4%
Order for the chief executive to supervise a child's protection	33	6.3%	46	9.1%	27	5.3%
Custody to a suitable person	0	0.0%	3	0.6%	0	0.0%
Custody to the chief executive	231	44.4%	215	42.5%	231	45.3%
Short-term guardianship to the chief executive	17	3.3%	11	2.2%	8	1.6%
Long-term guardianship to a suitable family member	18	3.5%	11	2.2%	12	2.4%
Long-term guardianship to another suitable person	13	2.5%	6	1.2%	10	2.0%
Long-term guardianship to the chief executive	168	32.3%	162	32.0%	156	30.6%
Permanent care order	4	0.8%	16	3.2%	14	2.7%
Transfer	1	0.2%	0	0.0%	0	0.0%
Total	520	100%	506	100%	510	100%

Table 123 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	176	33.8%	160	31.6%	202	39.6%
Aboriginal and Torres Strait Islander	12	2.3%	14	2.8%	13	2.5%
Torres Strait Islander	7	1.3%	14	2.8%	2	0.4%
Non-Aboriginal and Torres Strait Islander	325	62.5%	318	62.8%	293	57.5%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	520	100%	506	100%	510	100%

Table 124 – Average number of court events and days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	520	Total number of applications determined	506	Total number of applications determined	510
Average number of court events	7.8 events	Average number of court events	7.6 events	Average number of court events	6.9 events
Average number of days	276.7 days	Average number of days	262.7 days	Average number of days	245.1 days

Table 125 – Reasons for adjournment of applications across Child Safety’s Sunshine Coast and Central Qld region

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	675	22.8%	529	19.5%	672	26.1%
Respondent parent absent	71	2.4%	138	5.1%	350	13.6%
Participant absent	45	1.5%	88	3.2%	76	3.0%
Party or participant obtain legal advice and or representation	246	8.3%	285	10.5%	328	12.8%
DCPL to ask CE for info	41	1.4%	46	1.7%	45	1.7%
DCPL to receive info from CE	214	7.2%	196	7.2%	295	11.5%
Disclosure request	20	0.7%	10	0.4%	0	0.0%
FGM to develop initial case plan, or FGM to review and develop revised case plan	964	32.5%	827	30.5%	931	36.2%
Court ordered conference	259	8.7%	228	8.4%	162	6.3%
Separate representative appointed	241	8.1%	132	4.9%	137	5.3%
Social Assessment Report	303	10.2%	227	8.4%	186	7.2%
113 non-party application	7	0.2%	5	0.2%	13	0.5%
DCPL to consider amending or withdrawal of application	52	1.8%	98	3.6%	122	4.7%
Outcome of other relevant <i>proceeding</i>	28	0.9%	17	0.6%	18	0.7%
Participant contesting	212	7.1%	193	7.1%	164	6.4%
Total adjournments	2,967		2,711		2,572	

Within Child Safety’s Sunshine Coast and Central Queensland region, there was an increase of 4 child protection applications determined (up 0.8%) in 2023-24 (510) as compared with 2022-23 (506), which was

above the overall statewide decrease of 4.0%. It was 10 below the 520 applications determined in 2021-22.

In respect to the types of child protection orders made, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was an 11.1% increase in the number of applications that were determined by being withdrawn, increasing from 27, or 5.3% of the total applications determined in 2022-23, to 30 or 5.9% of the total applications in 2023-24. This was consistent with the statewide increase in applications withdrawn;
- the number of in-home orders made decreased by 29.2%, reducing from 48 orders, or 9.5% of the total applications determined in 2022-23, to 34 orders, or 6.7% of all applications determined in 2023-24. This was consistent with the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 4.4% increase in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), increasing from 229 orders in 2022-23, or 45.3% of the total applications determined, to 239 orders in 2023-24, or 46.9% of the total applications determined. This was above the statewide increase of 1.1% in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children decreased slightly by 1.5% in 2023-24, reducing from 195 orders, or 38.5% of the total applications determined in 2022-23, to 192 orders, or 37.6% of the total applications determined. This decrease was below the overall statewide decrease of 5.7%. In terms of the types of long-term guardianship orders made, there was an increase in orders granting guardianship to suitable family members, up by one order (from 11 to 12 orders), and an increase in orders granting guardianship to other suitable people, up by four orders, or 66.7% (from 6 to 10 orders). There was then a decrease in the number of orders granting permanent care of children to suitable people, down two

orders, or 12.5% (from 16 to 14 orders) and there was also a decrease in orders granting long-term guardianship of children to the chief executive, down 3.7%, or by six orders (162 to 156 orders), which was consistent with the overall statewide decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, the above table shows that consistent with the overall statewide increase, the number of applications determined concerning children identified as Aboriginal and Torres Strait Islander increased by 29, from 188 in 2022-23 to 217 in 2023-24, however, due to the decrease in the number of applications determined, as a percentage of the total applications determined, it increased from 37.2% to 42.5% of the total applications determined.

As to the average number of court events and days between lodgement and the determination of all applications in the Sunshine Coast and Central Queensland region, there was on average, a reduction of 0.7 court events and 17.6 days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, there was a decrease of 0.9 court events and 31.6 days. In comparison with the overall statewide statistics, applications in this region on average took 67.8 less days and 1.1 less court events per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. However, it is noted that there was a reduction from 32.5% of all adjournments being for this reason in 2021-22 to 30.5% of all adjournments in 2022-23, before it increased to 36.2% of all adjournments in 2023-24. This reason in this region has also consistently been a lower percentage as compared with the overall state results. For example, across 2023-

24, for this reason the statewide percentage was 44.4%.

The second most frequent reason for adjournments, as with the statewide statistics, was for Child Safety to effect service of documents on a party or participant to a *proceeding*. The increase in applications being adjourned for the service of documents in 2023-24 was 26.1%, which was well above the statewide percentage of 23.8%. As with adjournments for FGMs, it is noted that there was a decrease in the number of applications adjourned for this reason in 2022-23 as compared with 2021-22.

The third most frequent reason for the adjournment of applications, as with the statewide statistics, was to provide parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*.

The other noticeable change across the three years is that, as with the statewide statistics, there was an increasing number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety, increasing from 7.2% of all adjournments in both 2021-22 and 2022-23, to 11.5% of all adjournments in 2023-24, which was above the statewide percentage of 9.8% of all adjournments.

Table 126 – Child protection applications determined in Child Safety's North Queensland region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	0	0.0%	3	0.9%	0	0.0%
Withdrawn	29	7.4%	24	7.1%	16	4.8%
Revoke a child protection order	1	0.3%	3	0.9%	5	1.5%
Directive order – other	0	0.0%	1	0.3%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	7	1.8%	2	0.6%	1	0.3%
Order for the chief executive to supervise a child's protection	31	7.9%	25	7.4%	34	10.1%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	188	48.1%	144	42.7%	153	45.5%
Short-term guardianship to the chief executive	1	0.3%	3	0.9%	4	1.2%
Long-term guardianship to a suitable family member	8	2.0%	7	2.1%	9	2.7%
Long-term guardianship to another suitable person	23	5.9%	8	2.4%	7	2.1%
Long-term guardianship to the chief executive	87	22.0%	83	24.6%	91	27.1%
Permanent care order	17	4.3%	34	10.1%	16	4.8%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	392	100%	337	100%	336	100%

Table 127 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	177	45.2%	168	49.9%	165	49.1%
Aboriginal and Torres Strait Islander	27	6.9%	13	3.9%	23	6.8%
Torres Strait Islander	7	1.8%	11	3.3%	3	0.9%
Non-Aboriginal and Torres Strait Islander	181	46.2%	145	43.0%	145	43.2%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	392	100%	337	100%	336	100%

Table 128 – Average number of court events and days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	392	Total number of applications determined	337	Total number of applications determined	336
Average number of court events	9.9 events	Average number of court events	9.7 events	Average number of court events	9.6 events
Average number of days	311.1 days	Average number of days	311.2 days	Average number of days	309.9 days

Table 129 – Reasons for adjournment of applications across Child Safety’s North Queensland Region

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	511	15.7%	425	13.5%	467	11.3%
Respondent parent absent	217	6.7%	244	7.7%	282	6.8%
Participant absent	32	1.0%	87	2.8%	96	2.3%
Party or participant obtain legal advice and or representation	512	15.8%	617	19.6%	1,018	24.7%
DCPL to ask CE for info	97	3.0%	110	3.5%	276	6.7%
DCPL to receive info from CE	251	7.7%	315	10.0%	460	11.2%
Disclosure request	3	0.1%	0	0.0%	0	0.0%
FGM to develop initial case plan, or FGM to review and develop revised case plan	1,081	33.3%	1,307	41.5%	2,014	48.9%
Court ordered conference	152	4.7%	167	5.3%	235	5.7%
Separate representative appointed	105	3.2%	173	5.5%	231	5.6%
Social Assessment Report	132	4.1%	188	6.0%	237	5.8%
113 non-party application	28	0.9%	11	0.3%	5	0.1%
DCPL to consider amending or withdrawal of application	101	3.1%	67	2.1%	57	1.4%
Outcome of other relevant <i>proceeding</i>	0	0.0%	0	0.0%	25	0.6%
Participant contesting	113	3.5%	86	2.7%	52	1.3%
Total adjournments	3,246		3,150		4,120	

Within Child Safety’s North Queensland region, there was a decrease of one child protection application determined (down 0.3%) in 2023-24 (336) as compared with 2022-23 (337), which was above the overall statewide decrease of 4.0%. It was down 14.3% from the 392 applications determined in 2021-22.

In respect to the types of child protection orders made, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 33.3% decrease in the number of applications that were determined by being withdrawn, decreasing from 24, or

7.1% of the total applications determined in 2022-23, to 16 or 4.8% of the total applications in 2023-24. This was the overall statewide increase in applications withdrawn;

- the number of in-home orders made increased by 25.0%, rising from 28 orders, or 8.3% of the total applications determined in 2022-23, to 35 orders, or 10.4% of all applications determined in 2023-24. This is in stark contrast to the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 6.8% increase in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), increasing from 147 orders in 2022-23, or 43.6% of the total applications determined to 157 orders in 2023-24, or 46.7% of the total applications determined. This was above the statewide increase of 1.1% in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children decreased by 6.8% in 2023-24, reducing from 132 orders, or 39.2% of the total applications determined in 2022-23, to 123 orders, or 36.6% of the total applications determined. This decrease was largely consistent with the statewide decrease of 5.7%. In terms of the types of long-term guardianship orders made, there was an increase in orders granting guardianship to suitable family members, up by two orders, or 28.6% (from 7 to 9 orders), but a decrease in orders granting guardianship to other suitable people, down one order (from 8 to 7 orders) and a significant decrease in the number of orders granting permanent care of children to suitable people, down 18 orders, or 52.9% (from 34 to 16 orders). Whereas orders granting long-term guardianship of children to the chief executive increased 9.6%, or by eight orders (83 to 93 orders), where on a statewide basis there was an overall decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, the above table shows that against the overall statewide increase, the number of applications determined concerning children identified as Aboriginal and Torres Strait Islander decreased by one in this region, from 192 in 2022-23 to 191 in 2023-24, decreasing as a percentage of the total applications determined from 57.0% to 56.8% of the total applications determined.

As to the average number of court events and days between lodgement and the determination of all applications in the North Queensland region, there was on average, a slight reduction of 0.1 court events and 1.3 days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, there was a decrease of 0.3 court events and 1.2 days. In comparison with the overall statewide statistics, applications in this region on average took 3.0 less days, but 0.9 more court events per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. However, applications adjourned for this reason have increased significantly over the three years, increasing from 33.3% of all adjournments in 2021-22 to 41.5% of all adjournments in 2022-23, before increasing up to 48.9% of all adjournments in 2023-24. This is well above the overall statewide results of 44.4% for reason in 2023-24.

The second most frequent reason for adjournments in this region was to provide parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*. This has consistently increased across the three years to where 24.7% of all adjournments in 2023-24 was for this reason.

As for adjournments for Child Safety to effect service of documents on a party or participant to a *proceeding*, this was the third most frequent reason, whereas across the state it was the second most frequent reason. It is also notable that the frequency of this reason has reduced across the three years from 15.7% in 2021-22, to 13.5% in 2022-23 before decreasing further in 2023-24 to 11.3% of all adjournments, this is in marked contrast to overall statewide statistics.

As with other regions and the statewide statistics, the other noticeable change across the three years is that there was an increasing number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety, increasing from 7.7% of all adjournments in both 2021-22 and 10.0% in 2022-23, to 11.2% of all adjournments in 2023-24, which was above the statewide percentage of 9.8% of all adjournments.

Table 130 – Child protection applications determined in Child Safety's Far North Queensland region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	0	0.0%	0	0.0%	0	0.0%
Withdrawn	24	5.3%	12	3.6%	18	4.9%
Revoke a child protection order	0	0.0%	0	0.0%	3	0.8%
Directive order – other	0	0.0%	1	0.3%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	1	0.2%	4	1.2%	1	0.3%
Order for the chief executive to supervise a child's protection	96	21.0%	71	21.3%	49	13.5%
Custody to a suitable person	0	0.0%	0	0.0%	0	0.0%
Custody to the chief executive	249	54.5%	126	37.8%	176	48.4%
Short-term guardianship to the chief executive	1	0.2%	4	1.2%	2	0.5%
Long-term guardianship to a suitable family member	8	1.8%	20	6.0%	23	6.3%
Long-term guardianship to another suitable person	3	0.7%	4	1.2%	0	0.0%
Long-term guardianship to the chief executive	69	15.1%	86	25.8%	92	25.3%
Permanent care order	6	1.3%	5	1.5%	0	0.0%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	457	100%	333	100%	364	100%

Table 131 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	206	45.1%	132	39.6%	166	45.6%
Aboriginal and Torres Strait Islander	70	15.3%	65	19.5%	67	18.4%
Torres Strait Islander	47	10.3%	32	9.6%	29	8.0%
Non-Aboriginal and Torres Strait Islander	134	29.3%	104	31.2%	101	27.7%
Not stated	0	0.0%	0	0.0%	1	0.3%
Total	457	100%	333	100%	364	100%

Table 132 – Average number of court events and days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	457	Total number of applications determined	333	Total number of applications determined	364
Average number of court events	6.3 events	Average number of court events	6.9 events	Average number of court events	9.7 events
Average number of days	267.3 days	Average number of days	279.6 days	Average number of days	397.4 days

Table 134 – Reasons for adjournment of applications across Child Safety’s Far North Queensland Region

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	295	12.2%	580	21.2%	823	26.2%
Respondent parent absent	215	8.9%	345	12.6%	237	7.5%
Participant absent	68	2.8%	64	2.3%	84	2.7%
Party or participant obtain legal advice and or representation	451	18.7%	577	21.1%	431	13.7%
DCPL to ask CE for info	103	4.3%	168	6.1%	109	3.5%
DCPL to receive info from CE	167	6.9%	407	14.9%	346	11.0%
Disclosure request	8	0.3%	3	0.1%	10	0.3%
FGM to develop initial case plan, or FGM to review and develop revised case plan	1,003	41.5%	1,242	45.3%	1,338	42.6%
Court ordered conference	155	6.4%	112	4.1%	187	5.9%
Separate representative appointed	188	7.8%	192	7.0%	156	5.0%
Social Assessment Report	269	11.1%	198	7.2%	311	9.9%
113 non-party application	6	0.2%	8	0.3%	1	0.03%
DCPL to consider amending or withdrawal of application	102	4.2%	148	5.4%	95	3.0%
Outcome of other relevant <i>proceeding</i>	14	0.6%	12	0.4%	4	0.1%
Participant contesting	62	2.6%	53	1.9%	162	5.2%
Total adjournments	2,416		2,739		3,143	

Within Child Safety’s Far North Queensland region, there was an increase of 31 child protection applications determined (up 9.3%) in 2023-24 (364) as compared with 2022-23 (333), which was well above the overall statewide decrease of 4.0%. However, it was

down 20.4% from the 457 applications determined in 2021-22.

In respect to the types of child protection orders made, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 50.0% increase in the number of applications that were determined by being withdrawn, increasing from 12, or 3.6% of the total applications determined in 2022-23, to 18 or 4.9% of the total applications in 2023-24. This was consistent with the overall statewide increase in applications withdrawn;
- the number of in-home orders made decreased by 34.2%, decreasing from 76 orders, or 22.8% of the total applications determined in 2022-23, to 50 orders, or 13.7% of all applications determined in 2023-24. This is just above the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 36.9% increase in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), increasing from 130 orders in 2022-23, or 39.0% of the total applications determined to 178 orders in 2023-24, or 48.9% of the total applications determined. This was well above the statewide increase of 1.1% in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children remained consistent at 115 orders, or 34.5% of the total applications determined in 2022-23 and 31.6% of the total applications determined 2023-24. In terms of the types of long-term guardianship orders made, there was an increase in orders granting guardianship to suitable family members, up by three orders, or 15.0% (from 20 to 23 orders), however, there was not a single order granting guardianship to other suitable people, down from four orders made in 2022-23, and there was also not a single order granting permanent care of children to suitable people, down from 5 orders in 2022-23. Whereas orders granting long-term guardianship of children to the chief executive increased 7.0%, or by eight orders (86 to 92 orders), where on

a statewide basis there was an overall decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, the above table shows that consistent with the overall statewide increase, however at a significantly higher percentage than the overall statistics, the number of applications determined concerning children identified as Aboriginal and Torres Strait Islander increased markedly in this region, from 229, or 68.8% of the total applications determined in 2022-23 to 262, or 72.0% of the total applications determined in 2023-24.

As to the average number of court events and days between lodgement and the determination of all applications in the Far North Queensland region, there was on average, a significant increase of 2.8 court events and 117.8 days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, there was an increase of 3.4 court events and 130.1 days. In comparison with the overall statewide statistics, applications in this region on average took 84.5 more days and 1.0 more court events per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. However, applications adjourned for this reason against the statewide statistics reduced slightly in 2023-24, down to 42.6% of all adjournments as compared with 45.3% in 2022-23, but still up on the 41.5% of applications that were adjourned for this reason in 2021-22. The 42.6% in 2023-24 was below the overall statewide results of 44.4% for reason in 2023-24.

The second most frequent reason for adjournments, as with the statewide statistics, was for Child Safety to effect service of documents on a party or participant to a

proceeding. This reason increased to 26.2% of all adjournments in 2023-24, which was well above the statewide percentage of 23.8%. This was also up from the 21.2% of adjournments for this reason in this region, and markedly up on the 12.2% of adjournments in 2021-22.

The third most frequent reason for the adjournment of applications, as with the statewide statistics, was to provide parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*. However, there was a significant decrease in 2023-24 to 13.7%, down from

21.1% in 2022-23, but this does coincide with the increased number of applications that were adjourned for service of documents.

The other noticeable change across the three years relates to the number of applications being adjourned for social assessment reports. It was 11.1% of adjournments in 2021-22 before decreasing to 7.2% of adjournments in 2022-23. However in 2023-24, it has increased again to 9.9% of all adjournments, and like with adjournments for FGMs, this reason can require lengthy periods of adjournments.

Table 135 – Child protection applications determined in Child Safety's South East region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	1	0.1%	4	0.6%	4	0.6%
Withdrawn	67	8.2%	36	5.4%	47	7.4%
Revoke a child protection order	6	0.7%	10	1.5%	6	0.9%
Directive order – other	3	0.4%	2	0.3%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	13	1.6%	11	1.6%	12	1.9%
Order for the chief executive to supervise a child's protection	111	13.6%	99	14.8%	51	8.0%
Custody to a suitable person	2	0.2%	1	0.1%	1	0.2%
Custody to the chief executive	336	41.2%	263	39.3%	256	40.3%
Short-term guardianship to the chief executive	33	4.0%	10	1.5%	5	0.8%
Long-term guardianship to a suitable family member	15	1.8%	26	3.9%	28	4.4%
Long-term guardianship to another suitable person	11	1.3%	18	2.7%	27	4.3%
Long-term guardianship to the chief executive	194	23.8%	157	23.5%	168	26.5%
Permanent care order	24	2.9%	32	4.8%	30	4.7%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	816	100%	669	100%	635	100%

Table 136 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	236	28.9%	219	32.7%	207	32.6%
Aboriginal and Torres Strait Islander	12	1.5%	14	2.1%	15	2.4%
Torres Strait Islander	4	0.5%	3	0.4%	0	0.0%
Non-Aboriginal and Torres Strait Islander	563	69.0%	432	64.6%	413	65.0%
Not stated	1	0.1%	1	0.1%	0	0.0%
Total	816	100%	669	100%	635	100%

Table 137 – Average number of court events and days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	816	Total number of applications determined	669	Total number of applications determined	635
Average number of court events	8.3 events	Average number of court events	7.8 events	Average number of court events	8.5 events
Average number of days	291.4 days	Average number of days	272.0 days	Average number of days	313.0 days

Table 138 – Reasons for adjournment of applications across Child Safety’s South East Region

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	966	21.5%	936	20.0%	1,701	34.5%
Respondent parent absent	209	4.6%	95	2.0%	180	3.7%
Participant absent	163	3.6%	52	1.1%	84	1.7%
Party or participant obtain legal advice and or representation	486	10.8%	515	11.0%	943	19.1%
DCPL to ask CE for info	131	2.9%	68	1.4%	91	1.8%
DCPL to receive info from CE	307	6.8%	448	9.6%	631	12.8%
Disclosure request	6	0.1%	4	0.1%	6	0.1%
FGM to develop initial case plan, or FGM to review and develop revised case plan	1,717	38.2%	2,019	43.0%	2,287	46.4%
Court ordered conference	477	10.6%	432	9.2%	418	8.5%
Separate representative appointed	258	5.7%	186	4.0%	318	6.5%
Social Assessment Report	214	4.8%	210	4.5%	230	4.7%
113 non-party application	29	0.6%	40	0.9%	53	1.1%
DCPL to consider amending or withdrawal of application	141	3.1%	168	3.6%	279	5.7%
Outcome of other relevant <i>proceeding</i>	79	1.8%	50	1.1%	43	0.9%
Participant contesting	257	5.7%	161	3.4%	193	3.9%
Total adjournments	4,499		4,691		4,925	

Within Child Safety’s South East Queensland region, there was a decrease of 34 child protection applications determined (down 5.1%) in 2023-24 (635) as compared with 2022-23 (669), which was just above the overall statewide decrease of 4.0%. However, it was

down 22.2% from the 816 applications determined in 2021-22.

In respect to the types of child protection orders made, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 30.6% increase in the number of applications that were determined by being withdrawn, increasing from 36, or 5.4% of the total applications determined in 2022-23, to 47 or 7.4% of the total applications in 2023-24. This was above the overall statewide increase in applications withdrawn;
- the number of in-home orders made decreased by 43.8%, decreasing from 112 orders, or 16.7% of the total applications determined in 2022-23, to 63 orders, or 9.9% of all applications determined in 2023-24. This is well above the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 4.4% decrease in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), decreasing from 274 orders in 2022-23, or 41.0% of the total applications determined to 262 orders in 2023-24, or 41.3% of the total applications determined. This was below the overall statewide increase of 1.1% in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children increased by 8.6% in 2023-24, increasing from 233 orders, or 34.8% of the total applications determined in 2022-23, to 253 orders, or 39.8% of the total applications determined. This increase was well above the overall statewide decrease of 5.7%. In terms of the types of long-term guardianship orders made, there was an increase in orders granting guardianship to suitable family members, up by two orders (from 26 to 28 orders), and a significant increase in orders granting guardianship to other suitable people, up by nine orders, or 50.0% (from 18 to 27 orders). There was then a slight decrease in the number of orders granting permanent care of children to suitable people, down two orders, or 6.3% (from 32 to 30 orders) and there was an increase in orders granting long-term guardianship of

children to the chief executive, up 7.0%, or by 11 orders (157 to 168 orders), which was well above the overall statewide decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, in the context of the overall decrease in applications determined in this region, the number of applications determined that concerned Aboriginal and Torres Strait Islander children decreased from 236, or 35.3% of the total applications determined in 2022-23 to 222, or 35.0% of the total applications determined in 2023-24.

As to the average number of court events and days between lodgement and the determination of all applications in the Queensland region, there was on average, an increase of 0.7 court events and 41.0 days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, the increase was only 0.2 court events and 21.6 days. In comparison with the overall statewide statistics, applications in this region on average took 0.1 more days and 0.2 less court events per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. Applications adjourned for this reason have increased significantly over the three years, increasing from 38.2% of all adjournments in 2021-22 to 43.0% of all adjournments in 2022-23, before increasing up to 46.4% of all adjournments in 2023-24. This is above the overall statewide results of 44.4% for reason in 2023-24.

The second most frequent reason for adjournments, as with the statewide statistics, was for Child Safety to effect service of documents on a party or participant to a *proceeding*. This reason increased to 34.5% of

all adjournments in 2023-24, which was well above the statewide percentage of 23.8%. This was markedly up from the 20.0% of adjournments for this reason in this region in 2022-23, which was just below 21.5% of adjournments in 2021-22.

The third most frequent reason for the adjournment of applications, as with the statewide statistics, was to provide parties and participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*. This reason consistently increased across the three years from 10.8% in

2021-22, to 11.0% in 2022-23, then to 19.1% in 2023-24.

As with other regions and the statewide statistics, the other noticeable change across the three years is that there was an increasing number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety, increasing from 6.8% of all adjournments in 2021-22, then 9.6% in 2022-23, before increasing further to 12.8% of all adjournments in 2023-24, which was above the statewide percentage of 9.8% of all adjournments.

Table 139 – Child protection applications determined in Child Safety's South West region

Type of order	2021-22		2022-23		2023-24	
	Number	% of total	Number	% of total	Number	% of total
No orders made	3	0.5%	8	1.3%	4	0.7%
Withdrawn	29	4.9%	33	5.3%	60	11.2%
Revoke a child protection order	2	0.3%	9	1.5%	4	0.7%
Directive order – other	0	0.0%	8	1.3%	0	0.0%
Directive order – no contact with child	0	0.0%	0	0.0%	0	0.0%
Directive order – supervised contact	18	3.1%	12	1.9%	9	1.7%
Order for the chief executive to supervise a child's protection	50	8.5%	53	8.6%	40	7.5%
Custody to a suitable person	0	0.0%	1	0.2%	0	0.0%
Custody to the chief executive	302	51.3%	241	39.1%	229	42.7%
Short-term guardianship to the chief executive	3	0.5%	9	1.5%	3	0.6%
Long-term guardianship to a suitable family member	20	3.4%	22	3.6%	16	3.0%
Long-term guardianship to another suitable person	8	1.4%	7	1.1%	15	2.8%
Long-term guardianship to the chief executive	144	24.4%	192	31.1%	142	26.5%
Permanent care order	10	1.7%	22	3.6%	14	2.6%
Transfer	0	0.0%	0	0.0%	0	0.0%
Total	589	100%	617	100%	536	100%

Table 140 – Aboriginal and Torres Strait Islander children on applications determined in this region

Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	225	38.2%	232	37.6%	242	45.1%
Aboriginal and Torres Strait Islander	5	0.8%	7	1.1%	9	1.7%
Torres Strait Islander	13	2.2%	4	0.6%	6	1.1%
Non-Aboriginal and Torres Strait Islander	346	58.7%	374	60.6%	278	51.9%
Not stated	0	0.0%	0	0.0%	1	0.2%
Total	589	100%	617	100%	536	100%

Table 141 – Average number of court events and days between lodgement and determination of applications

2021–22		2022-23		2023-24	
Total number of applications determined	589	Total number of applications determined	617	Total number of applications determined	536
Average number of court events	8.6 events	Average number of court events	9.2 events	Average number of court events	10.7 events
Average number of days	301.3 days	Average number of days	320.8 days	Average number of days	359.1 days

Table 142 – Reasons for adjournment of applications across Child Safety’s South West Region

Reason for adjournment	2021–22		2022-23		2023-24	
	Number of applications	% of total	Number of applications	% of total	Number of applications	% of total
Service of a document/s	355	7.8%	330	6.5%	981	16.4%
Respondent parent absent	102	2.2%	69	1.4%	90	1.5%
Participant absent	35	0.8%	52	1.0%	131	2.2%
Party or participant obtain legal advice and or representation	927	20.4%	1,154	22.8%	1,219	20.3%
DCPL to ask CE for info	151	3.3%	103	2.0%	77	1.3%
DCPL to receive info from CE	277	6.1%	249	4.9%	449	7.5%
Disclosure request	2	0.0%	12	0.2%	10	0.2%
FGM to develop initial case plan, or FGM to review and develop revised case plan	1,544	34.0%	2,056	40.6%	2,907	48.5%
Court ordered conference	297	6.5%	357	7.1%	280	4.7%
Separate representative appointed	277	6.1%	271	5.4%	212	3.5%
Social Assessment Report	365	8.0%	413	8.2%	399	6.7%
113 non-party application	20	0.4%	8	0.2%	12	0.2%
DCPL to consider amending or withdrawal of application	126	2.8%	161	3.2%	327	5.5%
Outcome of other relevant <i>proceeding</i>	3	0.1%	3	0.1%	3	0.1%
Participant contesting	172	3.8%	182	3.6%	181	3.0%
Total adjournments	4544		5,061		5998	

Within Child Safety’s South West Queensland region, there was a decrease of 81 child protection applications determined (down 13.1%) in 2023-24 (536) as compared with 2022-23 (617), which was well above the overall statewide decrease of 4.0%. On a two-

year comparison, it was down 9.0% from the 589 applications determined in 2021-22.

In respect to the types of child protection orders made, the following points are made in relation to 2023-24 as compared with 2022-23:

- there was a 81.8% increase in the number of applications that were determined by being withdrawn, increasing from 33, or 5.3% of the total applications determined in 2022-23, to 60 or 11.2% of the total applications in 2023-24. This was well above the overall statewide increase in applications withdrawn;
- the number of in-home orders made decreased by 32.9%, decreasing from 73 orders, or 11.8% of the total applications determined in 2022-23, to 49 orders, or 9.1% of all applications determined in 2023-24. This is above the statewide decrease of 29.4% in the number of in-home child protection orders made;
- there was a 7.6% decrease in the number of orders made that granted either custody or short-term guardianship (short-term out of home orders), decreasing from 251 orders in 2022-23, or 40.7% of the total applications determined to 232 orders in 2023-24, or 43.4% of the total applications determined, noting the overall decrease in the total number of applications determined in the region. This was in contrast to the overall statewide increase of 1.1% in the number of short-term out of home orders made; and
- the number of orders granting long-term guardianship of children decreased by 23.0% in 2023-24, decreasing from 243 orders, or 39.4% of the total applications determined in 2022-23, to 187 orders, or 34.9% of the total applications determined. This decrease was well above the overall statewide decrease of 5.7%. In terms of the types of long-term guardianship orders made, there was a decrease in orders granting guardianship to suitable family members, down by 27.3% or six orders (from 22 to 16 orders), and a significant increase in orders granting guardianship to other suitable people, up by eight orders, or 114.3% (from 7 to 15 orders). There was then a notable decrease in the number of orders granting permanent care of children to suitable people, down 36.4% or eight orders (from 22 to 14 orders) and there

was significant decrease in orders granting long-term guardianship of children to the chief executive, down 26.0%, or by 50 orders (192 to 142 orders), which was well above the overall statewide decrease of 3.5% in these types of orders.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children who were subject to child protection applications determined in this region, in the context of the overall decrease in applications determined in this region, the number of applications determined that concerned Aboriginal and Torres Strait Islander children increased from 243 applications, or 39.4% of the total applications determined in 2022-23 to 257, or 47.9% of the total applications determined in 2023-24.

As to the average number of court events and days between lodgement and the determination of all applications in the Queensland region, there was on average 1.5 more court events and 38.3 more days per determination in 2023-24 as compared with 2022-23. On a two-year comparison, 2.1 more court events and 57.8 more days were required. In comparison with the overall statewide statistics, applications in this region on average took 2.0 more court events and required 46.2 more days per determination in 2023-24.

In relation to the reasons for adjournments in this region, the statistics as with the statewide statistics demonstrate that the primary reason for the adjournment of all applications before the court over the last three years has been for FGMs to be convened to either develop initial case plans or to review and develop revised case plans. Applications adjourned for this reason have increased significantly over the three years, increasing from 34.0% of all adjournments in 2021-22 to 40.6% of all adjournments in 2022-23, before increasing up to 48.5% of all adjournments in 2023-24. This is well above the overall statewide results of 44.4% for reason in 2023-24.

As with the North Queensland region, the second most frequent reason for adjournments in this region was to provide parties and

participants with a reasonable opportunity to obtain legal advice and representation for *proceedings*. This has consistently remained above 20% each year, with it accounting for 20.4% of adjournments in 2021-22, 22.8% of all adjournments in 2022-23 before remaining at 20.3% in 2023-24.

Also, as with the North Queensland region the third most frequent reason for adjournments was for Child Safety to effect service of documents on a party or participant to a *proceeding*. This reason increased to 16.4% of all adjournments in 2023-24, which was well below the statewide percentage of 23.8%. This

was markedly up from the 6.5% of adjournments for this reason in this region in 2022-23, which was just below 7.8% of adjournments in 2021-22.

As with other regions and the statewide statistics, there has been an increase over the three years in the number of applications being adjourned for the DCPL to receive information, documents or evidence from Child Safety, increasing from 6.1% of all adjournments in 2021-22, before decreasing to 4.9% in 2022-23, and then increasing to 7.5% of all adjournments in 2023-24, which was below the statewide percentage of 9.8% of all adjournments.

Orders made consistent with the type of order sought at time application determined

Table 143 – Orders made consistent with type of order sought by the DCPL at time applications determined

Jul to Sep 2021			Oct to Dec 2021			Jan to Mar 2022			Apr to Jun 2022		
Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total
969	968	99.9%	835	824	98.7%	698	696	99.7%	910	909	99.9%
Jul to Sep 2022			Oct to Dec 2022			Jan to Mar 2023			Apr to Jun 2023		
Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total
870	867	99.7%	795	790	99.4%	689	687	99.7%	757	750	99.1%
Jul to Sep 2023			Oct to Dec 2023			Jan to Mar 2024			Apr to Jun 2024		
Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total	Total orders made	Orders consistent with type DCPL sought	% of total
813	808	99.4%	770	770	100%	708	696	98.3%	696	691	99.3%

The above table shows across 2021-22 to 2023-24, the child protection orders made by the court consistent with the type of child protection orders sought by the DCPL at the time applications were determined.

This demonstrates that across the last 3 years, the court made orders consistent with the type of orders sought by DCPL at the time the applications were determined in almost 100% of applications, with the combined yearly percentages being 99.6% in 2021-22, 99.5% in 2022-23 and 99.3% in 2023-24.

This reflects the DCPL's proactive case management of *proceedings*, where if the DCPL determines that the type of child protection order initially sought is no longer considered appropriate and desirable based on

the current evidence, the DCPL takes active steps to file amended applications, seeking less or more intrusive orders where that is supported by the current evidence and Child Safety's assessment.

This shows that DCPL has been effectively dealing with child protection applications to an exceptionally high standard, and that only action that is warranted in the circumstances is being taken. Delivering on the purpose and role of the DCPL to improve outcomes for at-risk children and their families by providing greater accountability and independent oversight of child protection applications, and ensuring that applications filed in the court are supported by good quality evidence, promoting efficiency and evidence-based decision-making.

Successive child protection orders made granting either custody or short-term guardianship

Table 144 – Successive child protection orders made granting either custody or short-term guardianship

Jul to Sep 2021			Oct to Dec 2021			Jan to Mar 2022			Apr to Jun 2022		
Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total
244	58	23.8%	173	41	23.7%	186	33	17.7%	220	45	20.5%
Jul to Sep 2022			Oct to Dec 2022			Jan to Mar 2023			Apr to Jun 2023		
Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total
250	59	23.6%	204	51	25.0%	191	32	16.8%	248	56	22.6%
Jul to Sep 2023			Oct to Dec 2023			Jan to Mar 2024			Apr to Jun 2024		
Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total	Total preceding short-term orders	Number of successive short-term orders made	% of total
219	39	17.8%	244	58	23.8%	213	57	26.8%	197	47	23.9%

The above table shows the number of successive child protection orders made by the court that granted either custody or short-term guardianship of children again.

That is, the children who had already been the subject of a previous child protection order that granted either custody or short-term guardianship of them, and before the order had ended, a new child protection application was filed that resulted in another order granting either custody or short-term guardianship of them.

It is noted that in line with the permanency and stability amendments implemented under the *Child Protection Reform Amendment Act 2017*, which commenced operation on 29 October 2018, there was a marked decrease in the number of children, and as a percentage, on successive orders being made that grant either custody or short-term guardianship of them.

In July to September 2018, the last full quarter before the permanency and stability

amendments commenced, there were successive child protection orders made granting either custody or short-term guardianship of children in 38.7% of these types of orders.

On commencement of the amendments, this then decreased in the October to December 2018 quarter to 24.4%, before slight increases were seen across January to March 2019 (26.9%) and April to June 2019 (25.6%). The marked decrease then continued across 2019-20.

As outlined in the table, the number of successive orders made granting either custody or short-term guardianship of children across the years have been relatively consistent, with 2021-22 at 21.5%, then 2022-23 was 22.2% before 2023-24 was 23.0%.

It is noted that as with applications made, the decreases in successive orders made evidence the progress that has been made to address

the concern noted in the Commission of Inquiry's final report that there were a high number of children and young people on multiple short-term orders in the child protection

system that could have indicated that many children were 'drifting' in care without achieving either reunification with their family or long-term out-of-home care.

Appeals

The decision to bring an appeal and the actions taken to respond to appeals, has continued to contribute to the development of a publicly available body of jurisprudence in child protection law, which serves to establish legal precedents and consistency in the application of legal principles and decision-making in the child protection jurisdiction.

In 2023-24, when required, the DCPL decided to appeal a decision by the court at first instance, with appeals being heard and determined by either a Childrens Court judge, or if not available, a District Court judge.

In addition to the appeal initiated by the DCPL, the DCPL was also the respondent to a much larger number of appeals initiated by other participants in the *proceedings* at first instance.

On appeals, the DCPL achieved positive outcomes in terms of ensuring the concerned children's protection and care needs were advocated for and met.

The below tables set out the number of child protection appeals filed across 2021-22 to 2023-24, and the number of appeals that concerned Aboriginal and Torres Strait Islander children.

Appeals filed

Table 145 – Child protection appeals filed		
2021-22	2022-23	2023-24
23 (-43.9%) ↓	19 (-17.4%) ↓	21 (10.5%) ↑

Table 146 – Aboriginal and Torres Strait Islander children on appeals filed						
Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	6	26.1%	1	5.3%	9	40.9%
Aboriginal and Torres Strait Islander	2	8.3%	0	0.0%	0	0.0%
Torres Strait Islander	0	0.0%	0	0.0%	0	0.0%
Non-Aboriginal and Torres Strait Islander	15	65.2%	18	94.7%	13	59.1%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	23	100%	19	100%	22	100%

These tables show that in 2023-24, there was a 10.5% increase in appeals filed (up by two), and on a two-year comparison, there has been an 8.7% decrease (down by 2).

In 2021-22, the DCPL was the appellant in one appeal lodged and a respondent to the other 22 appeals.

In 2022-23, the DCPL lodged two appeals and was a respondent to the other 17 appeals, and in 2023-24, the DCPL lodged one appeal and was a respondent to the other 20 appeals.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system, the above table shows that the number of appeals filed in respect of decisions on

applications made about Aboriginal and Torres Strait Islander children across the three years is not consistent with the proportion of overrepresentation seen across the other points of the system presented throughout this report. Noting that overwhelmingly the DCPL was a respondent to appeals filed, the above statistics clearly indicate that the parents of Aboriginal and Torres Strait Islander children are far less likely to appeal decisions made on applications.

Appeals determined

Table 147 – Child protection appeals determined		
2021-22	2022-23	2023-24
21 (-46.2%) ↓	21	18 (14.3%) ↓

Table 148 – Outcome of appeals determined			
	2021-22	2022-23	2023-24
Confirmed the decision appealed against	19	15	13
Varied the decision appealed against	0	0	0
Set aside the decision and substituted another decision	0	0	0
Set aside the decision appealed against and remitted back	2	6	5
Total	21	21	18

Table 149 – Children identified as Aboriginal and Torres Strait Islander on appeals determined						
Cultural identity	2021-22		2022-23		2023-24	
Aboriginal	6	28.6%	3	14.3%	3	16.7%
Aboriginal and Torres Strait Islander	0	0.0%	0	0.0%	2	11.1%
Torres Strait Islander	0	0.0%	0	0.0%	0	0.0%
Non-Aboriginal and Torres Strait Islander	15	71.4%	18	85.7%	13	72.2%
Not stated	0	0.0%	0	0.0%	0	0.0%
Total	21	100%	21	100%	18	100%

The above tables set out the number and outcome of child protection appeals against decisions on applications that were determined

across 2021-22 to 2023-24, and the number of these appeals that concerned Aboriginal and Torres Strait Islander children.

In 2023-24, there was a 14.3% decrease in the number of appeals determined (down three).

In 2021-22, the DCPL was:

- the appellant in one appeal against a decision on an application to make interim orders and respondent in one appeal against a decision on an application to make interim orders that were set aside with the matters being remitted back to the court that had made the decision;
- respondent against three appeals pm decisions on applications to make interim orders that were dismissed, with the interim orders appealed against being confirmed; and
- the appellant in four appeals against decisions on applications to make final orders, and a respondent against 12 appeals on decisions against applications to make final orders that were dismissed, with the final orders appealed against confirmed.

In 2022-23, the DCPL was:

- a respondent against four appeals on applications to make interim orders that were dismissed, with the interim orders appealed against confirmed;
- the appellant in two appeals against decisions to make final orders that were set aside with the matters being remitted back to the court that had made the decision; and
- the respondent to 15 appeals against decisions on applications to make final

orders, with 4 appeals allowed with decisions to set aside and the matters and remit them back to the court location that had made the decisions, and the other 11 appeals being dismissed, with the final orders appealed against confirmed.

In 2023-24, the DCPL was:

- the appellant in one appeal against a decision on an application to make interim orders that were set aside with the matter being remitted back to the court that had made the decision;
- the respondent to four appeals against decisions on applications to make interim orders that were dismissed, with the interim orders appealed against confirmed; and
- the respondent to 13 appeals against decisions on applications to make final orders, with four appeals allowed, with the decisions set aside and the matters remitted back to the court location that had made the decisions, and the other nine appeals being dismissed, with the final orders appealed against confirmed.

In respect of the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system, the above table shows that as with the number of appeals filed in respect of decisions on applications made about Aboriginal and Torres Strait Islander children, the appeals determined across the three years have not been consistent with the proportion of overrepresentation seen across the other points of the system presented throughout this report.

Child death and serious physical injury reporting

The death of a child is a profound loss, impacting parents, family and close community as well as carers and professionals who have worked, either directly or indirectly, with the child and their family.

Serious physical injuries to children are also accompanied by grief, and families recovering from such tragedies are entitled to compassion and dignity.

Where the DCPL was performing a litigation function in respect of a child who dies or a child who sustains a serious physical injury, the DCPL has an obligation under the CP Act to undertake a case review of the matter. This is also required if the DCPL has performed a

litigation function within the year before the death or injury.

The purpose of the case review is to promote the safety and wellbeing of children who come into contact with the child protection system, by facilitating ongoing learning and improvement in the provision of services, to promote accountability and to support collaboration and joint learning by agencies involved with the child.

Reports from child death case reviews undertaken by the DCPL are submitted to Queensland's Child Death Review Board, and are also provided to the State Coroner for use by a coroner to help in an investigation under the *Coroners Act 2003*.

Child death and serious physical injury case reviews

The DCPL conducts case reviews in accordance with the DCPL's *Child Death and Serious Physical Injury Case Review Policy*, which implements the statutory provisions in respect of reviews that are required to be completed under Chapter 7A of the CP Act.

Child death and serious physical injury case reviews are not criminal investigations into how a child died or was injured, or who was culpable for the death or injury. These are matters for the Coroner and Criminal Courts to determine as necessary. Rather, the purpose of requiring child death and serious physical injury case reviews is to facilitate the ongoing learning and improvement in the provision of services by the DCPL, and to promote the accountability of the DCPL.

Finally, in conducting reviews of child deaths and serious physical injuries, the DCPL must comply with legislation which prohibits the disclosure or use of confidential information that may identify the DCPL's involvement with a child, or their family, or may lead to the identification of a notifier of harm. These protections ensure confidentiality, maintain

individuals' right to privacy and safeguard the integrity of the child protection system.

The DCPL's case reviews must be completed as soon as practicable, and within six months of receiving notice from Child Safety of a child's death or of a serious physical injury sustained by a child. This promotes the effective dissemination of lessons learned from reviews of systems and practice, and ensures recommendations arising can be promptly implemented by the DCPL as part of the ODCPL's commitment to continuous improvement.

Whilst it is inevitable that reviews vary in respect of breadth and complexity depending upon the individual circumstances of a matter, statutory provisions provide that the terms of reference for DCPL's internal review may include:

- whether the ODCPL complied with legislative requirements, the *Director's Guidelines* and any policies relevant to the performance of a litigation function;

- commenting on the adequacy of legislation, guidelines and policies for performing litigation functions;
- making recommendations and suggesting strategies to implement these recommendations.
- commenting on whether sufficient evidence was made available to the ODCPL for the purposes of decision making; and

2023-24 Child Death and other case reviews

During the 2023-24, the DCPL was given notice of 15 matters that required a case review to be undertaken (a decrease of one from 2022-23). Of these notices, one related to a matter involving the death of a child (a decrease of four from 2022-23), and the remaining fourteen notices related to serious physical injuries sustained by children (an increase of three from 2022-23).

In the same period, the DCPL completed case reviews in respect of nine matters (down from the 21 reviews undertaken in 2022-23). One of the reviews related to the death of a child (down from nine completed in 2022-23) and the remaining eight reviews concerned serious physical injuries sustained by children (down from 12 completed in 2022-23). The report relating to the one child death case review was submitted to the Child Death Review Board for external consideration.

As outlined above, the DCPL is committed to facilitating ongoing learning and continuous improvement in the provision of litigation services. As the key agency with responsibility for safeguarding and promoting the safety, wellbeing and best interests of children who are subject to *proceedings* for child protection orders, the DCPL must ensure adherence to legislative requirements and expectations in order to safeguard and promote the safety, wellbeing and best interests of children, ensuring compliance with model litigant principles in representing the State in preparing and applying for child protection orders.

Child death and serious physical injury case reviews promote accountability and monitor the effectiveness of service delivery.

In respect of DCPL's litigation functions, these reviews provide an independent evidence based review and objective analysis of how the *matter* was dealt with and why decisions were made, enabling important lessons to be learnt and services improved, ultimately reducing the risk of future harm to children within the statutory system.

In respect to the nine reviews completed by the DCPL in 2023-24, all were undertaken as brief reviews, as in each matter, there was no probable link between the DCPL's decision making or the practice of the ODCPL and the death and serious physical injuries sustained by the children.

On review of the nine reviews completed by the DCPL in 2023-24, all nine evidenced that in respect of the matters, there had been good collaboration between Child Safety and the ODCPL. Further, all reviews showed that DCPL Lawyers had undertaken a timely initial review of the referred *matters*, consistent with the statistics presented within the performance part of this report, including asking for further evidence or information in 88.9% of the reviews (DCPL sought further evidence or information in respect of eight of the nine reviews) and providing prompt feedback on the draft initial affidavits.

In terms of the DCPL's decision-making on the referred *matters*, in all reviews, the DCPL decided to apply for child protection orders consistent with Child Safety's assessment.

Financial summary

The DCPL is not a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*.

Funding for the ODCPL is appropriated from the Queensland Government as part of the appropriation for DJAG, with the Director-General of the Department being the

accountable officer pursuant to the *Financial Accountability Act*. Comprehensive financial details relating to the operations of the Department are reported in the annual report for DJAG.

A summary of the revenue and expenditure for the ODCPL for the financial year 2023-24 is contained in the table below.

Table 140 – DCPL’s financial summary	
\$'000	
Revenue	
Appropriation	14,629
User Charges and Fees	-
Other Revenue	1
Total Revenue	14,630
Expenditure	
Employee Expenses	12,686
Supplies and Services	1,928
Depreciation and amortisation	16
Other Expenses	-
Total Expenses	14,630
Net Surplus (Deficit)	-

Overseas Travel Expenditure

Graham Murray, Assistant Director of Child Protection Litigation, travelled to Wellington, New Zealand to participate in Australia and

New Zealand's School of Government (ANZSOG) face-to-face study as a scholarship recipient.

Consultancies

The ODCPL did not engage any consultants during the year.

Queensland Language Services Policy

The ODCPL did not engage any interpreters during the year.

Glossary

Acronyms

- ATSILS Aboriginal and Torres Strait Islander Legal Service
- Child Safety Department of Child Safety, Seniors and Disability Services
- Code of Conduct Code of conduct for the Queensland Public Service
- Commission of Inquiry Queensland Child Protection Commission of Inquiry in 2013
- Court Childrens Court of Queensland
- CP Act *Child Protection Act 1999*
- CPD Continuing Professional Development
- DCPL Director of Child Protection Litigation
- DCPL Act *Director of Child Protection Litigation Act 2016*
- DCSYW Department of Child Safety, Youth and Women
- DJAG Department of Justice and Attorney-General
- FGM Family Group Meeting
- Form A Referral of Child Protection Matter Summary Form
- FTE Full Time Equivalent
- HR Act *Human Rights Act 2019*
- IPA Child Safety Intervention with parental agreement
- LAQ Legal Aid Queensland
- *Matter* *Child protection matter*
- OCFOS Office of the Child and Family Official Solicitor
- ODCPL Office of the Director of Child Protection Litigation
- OPG Office of the Public Guardian
- *Proceeding* *Child protection proceeding*
- QATSICPP Queensland Aboriginal and Torres Strait Islander Child Protection Peak
- QCAT Queensland Civil and Administrative Tribunal
- QFCC Queensland Family and Child Commission
- QLS Queensland Law Society
- Rules *Childrens Court Rules 2016*
- TAO Temporary Assessment Order
- TCO Temporary Custody Order

Terms

- assessment order – includes temporary assessment orders and court assessment orders
- *child* – any individual under 18 years – see section 8 of the CP Act
- *child in need of protection* – see section 10 of the CP Act
- *child protection application* – see rule 4 (Schedule 1 Dictionary) of the Rules
- *child protection matter* – see section 15(1) of the DCPL Act
- *child protection proceedings* – means a *proceeding* under the CP Act for the making, extension, amendment or revocation of a child protection order – see section 3 (Schedule 1 Dictionary) of the DCPL Act
- emergency order – includes temporary assessment orders, court assessment orders and temporary custody orders
- *harm* - has the meaning given to it in section 9 of the CP Act
- *suitable person* - has the meaning given to it in Schedule 3 of the CP Act

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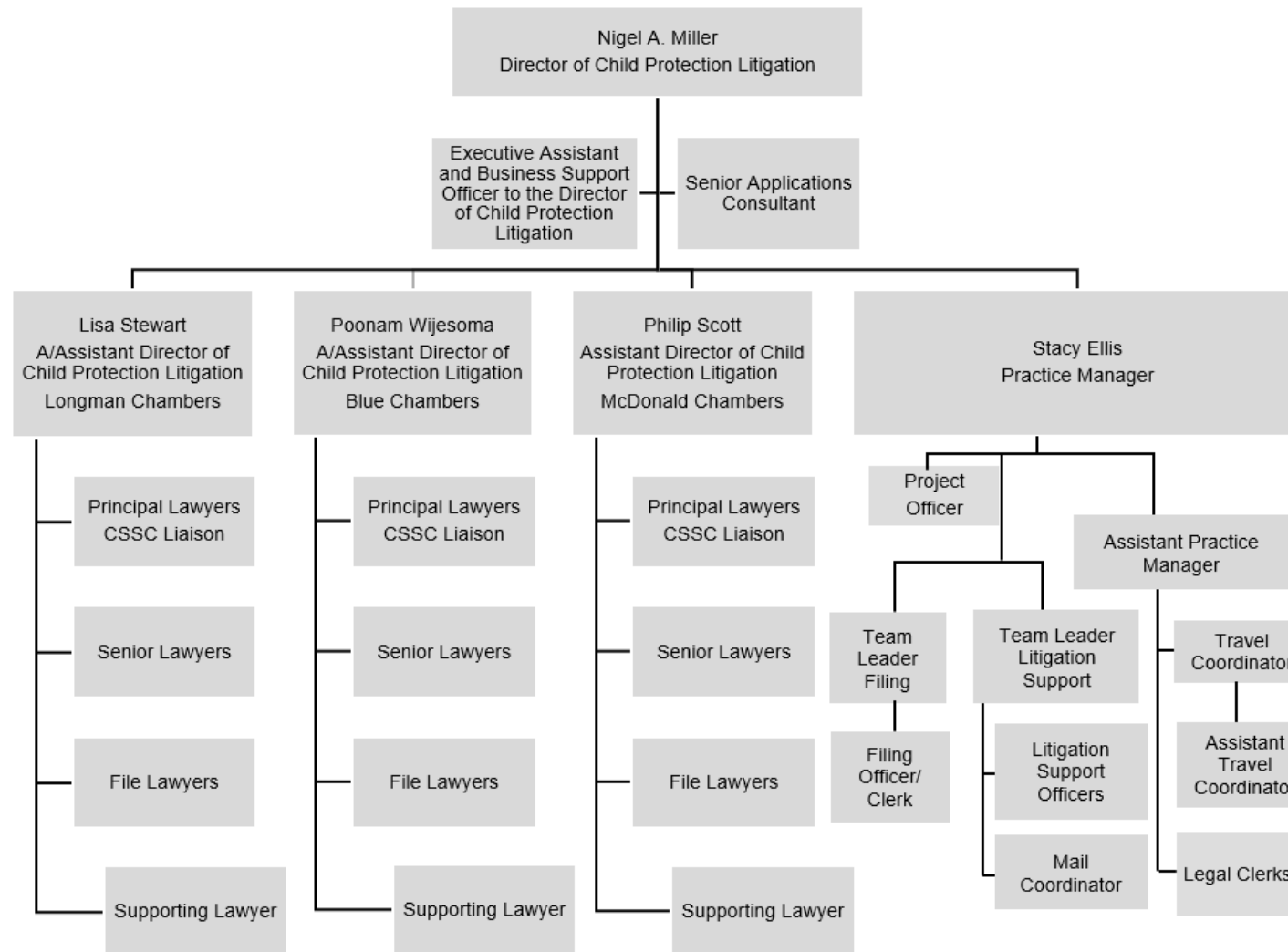
Director of Child Protection Litigation

www.dcpl.qld.gov.au

Appendices

Appendix 1 - Organisational Chart

Office of the Director of Child Protection Litigation (ODCPL) Organisational Chart as at 30 June 2024



ODCPL's Executive Management Team (EMT)

The EMT sets strategic and operational priorities and initiatives in respect of service delivery and stakeholder engagement, and oversees ODCPL's people, learning and development, policies, procedures, and business processes.

Assistant Directors of Child Protection Litigation are responsible for the day-to-day management of each Chamber group and hold delegations to refer matters back to Child Safety, withdraw applications and commence appeals. Upon receipt of a referred matter, an Assistant Director undertakes an initial screening and allocates it to an Applicant Lawyer.

Applicant Lawyers

A Principal Lawyer is the single point of contact for Child Safety Service Centre (CSSC) Managers, Senior Practitioners and Senior Team Leaders to discuss systemic issues and local practices.

On allocation of a matter, the Applicant Lawyer reviews the brief of evidence and in consultation with OCFOS and Child Safety, make the decision to apply for a child protection order, including type and duration of order.

The Applicant Lawyer drafts the child protection application and settles the initial affidavit. In consultation with the allocated Senior Team Leader, where necessary, the Applicant Lawyer will then appear in Court at contested or complex mentions, undertake the Court Ordered Conference in complex applications and appear at complex interim hearings and final hearings.

File Lawyers

A File Lawyer is aligned to a CSSC and manages child protection proceedings before the Court from first mention until an application is finalised. The File Lawyer appears on call-overs, liaises with Senior Team Leaders to ensure updates are provided and may appear at interim hearings and at Court Ordered Conference.

Litigation Support Officers, Legal Clerks and Supporting Lawyers

Supporting Lawyers, Legal Clerks and Litigation Support Officers assist in ensuring administrative and quasi-legal tasks are undertaken. Supporting Lawyers may appear on simple matters at busy call overs to support File Lawyers.

Appendix 2 - 2023-24 CPD Sessions ODCPL staff attended

NO.	DATE	TITLE	PRESENTER/S
1	23/08/2023	Connect Managers - leading through change	Trevor Rogers – DJAG ConnectManagers Webinar
2	01/09/2023	Who's who in the child protection system	LAQ
3	05/09/2023	Annual Leneen Forde Public Address - Findings of the Australia Child Maltreatment Study	Child Protection Practitioners Association of Queensland Limited (CPPAQ)
4	07/09/2023	Unmind APAC Presents: R U OK? 2023 We're in it together: Supportive cultures change lives".	Unmind Team
5	08/09/2023	Child Protection: The Best Interests of the Child	LAQ
6	12/09/2023	LAQ's child protection services overview	Tameka Melville and Rachel Wilson— Child Protection Team, LAQ
7	20/10/2023	Protecting Children Across State Borders: the work of Interstate Liaison	Rachel Smith, Senior Team Leader and Antonia Yiakoupis, Senior Team Leader, Court Services, Child Safety
8	23/11/2023	Separate representative training	Various presenters, LAQ
9	24/11/2023	Separate representative training	Various presenters, LAQ
10	01/12/2023	Inflicted Injury and Child Protection <i>Proceedings</i>	Dr Catherine Skellern, Forensic Paediatrician, Qld Children's Hospital and Graham Murray, ODCPL
11	25/01/2024	Wellbeing at Work Webinar Series Session 1 - Psychological Hazards and Wellbeing Science at Work	Langley Group
12	2/02/2024	Cultural Awareness Training	Avelina Tarrago, Crown Law
11	8/02/2024	Sexual harassment training by the QHRC	QHRC
12	15/02/2024	Pivoting to the Perpetrator,	David Mandel, Safe & Together Institute - Quick Take Series
13	15/02/2024	Using the Safe & Together Model to support the rights of the child in domestic violence cases	David Mandel, Safe & Together Institute - Quick Take Series
14	15/02/2024	Making the right call: DV Screening for Child Welfare	David Mandel, Safe & Together Institute - Quick Take Series
15	21/02/2024	Cultural Awareness Training 'Building on the Strengths of our Stories'	Qld Department of Resources
16	22/02/2024	Cultural Awareness Training 'Building on the Strengths of our Stories'	Qld Department of Resources
17	22/02/2024	Wellbeing at Work Webinar Series Session 2 - Wellbeing Measurement Helps Prevent Burnout	Langley Group
18	23/02/2024	Impaired Capacity and the UCPR	John Tate, Georgina Morgan and Simon Richards
19	28/02/2024	File Lawyer Training	Poonam Wijesoma and Jack McCaul, ODCPL

20	29/02/2024	Aboriginal and Torres Island self-determination in child protection	Muriel Bamblett and Candice Butler, Child Family Community Australia
21	1/03/2024	File Lawyer Training	Poonam Wijesoma, Alina Aitken and Jack McCaul, ODCPL
22	1/03/2024	Recent Developments in the Conduct of Criminal and Civil Proceedings	Bar Association of Queensland - 2024 Annual Conference
23	1/03/2024	Keynote Address - Believe Your Eyes: The Trial of the Murder of George Floyd	Bar Association of Queensland - 2024 Annual Conference
24	1/03/2024	Address from the Legal Services Commissioner	Bar Association of Queensland - 2024 Annual Conference
25	1/03/2024	Everything Everywhere All At Once: Recent Developments in Intellectual Property and Commercial Law	Bar Association of Queensland - 2024 Annual Conference
26	1/03/2024	Unrepresented Litigants (Vexatious Litigants)	Bar Association of Queensland - 2024 Annual Conference
27	2/03/2024	DNA Session	Bar Association of Queensland - 2024 Annual Conference
28	2/03/2024	Sexual Harassment: Why Are We Still Talking About This?	Bar Association of Queensland - 2024 Annual Conference
29	2/03/2024	Reflections, Perspectives and Mirages: What Does the Court Really See?	Bar Association of Queensland - 2024 Annual Conference
30	2/03/2024	Insights into Robodebt: The Ethics of "Unfinalised" Advice	Bar Association of Queensland - 2024 Annual Conference
31	2/03/2024	Ethics Session	Bar Association of Queensland - 2024 Annual Conference
32	6/03/2024	Child Protection Conferencing Unit (CPCU) information for DCPL lawyers	Gabrielle Kuhnert, Manager, CPCU, Dispute Resolution Branch, DJAG
33	8/03/2024	How to recognise complex trauma in infants and children and promote wellbeing	Trina Hinkley, Ali Knight, Kathryn Lenton, Chris Dolman - Emerging Minds
34	8/03/2024	Supporting Children and young people bereaved by domestic homicide	Australian Government – Australian Institute of Family studies
35	12/03/2024	Preventing emotional abuse of children: The role of parenting support	Australian Government – Australian Institute of Family studies
36	13/03/2024	Supporting Children with Complex Trauma	CPPAQ
37	15/03/2024	Appeals against decisions on child protection applications	Nigel Miller, DCPL, ODCPL
38	19/03/2024	Increasing Accountability for Perpetrators as Parents	Jackie Wruck, Safe & Together Institute, Quick Take Series
39	25/03/2024	Safe Care and Connection	OCFOS, Child Safety
40	25/03/2024	Ethics	Nigel Miller, DCPL, ODCPL
41	28/03/2024	Court Services, QCAT and Interstate Liaison Officer session – Protecting children across state borders	Helen Tooth, Manager, and Rachel Smith, Senior Team Leader, Court Services, Child Safety

42	28/03/2024	Neuroplasticity and Implications for Mental Health	Hanne Paust, Psychologist
43	28/03/2024	Five Tips for Happy Lawyering	Clarissa Rayward, Happy Lawyer Happy Life
44	29/03/2024	Coercive Control: The Impacts on Children	Dr Torna Pitman, Engender Equality
45	31/03/2024	Understanding and responding to coercive control	Community Legal Centres Qld
46	31/03/2024	What is 'good domestic violence lawyering'?	Community Legal Centres Qld
47	12/04/2024	Information Session with CFDM - For DCPL about Family Group Meetings	Nicole Pratt, Principal Team Leader (Collaborative Family Decision Making) FGM Convenor Team Child Safety
48	23/04/2024	Developing a Strategic Mindset	Edwin Trevor-Roberts, PhD, DJAG ConnectManagers webinar
49	23/04/2024	Preventing and responding to workplace sexual harassment	Tony Hung, Katrina Gates and Natalie Mullins, DJAG ConnectManagers webinar
50	23/04/2024	DJAG Leading Through Change: The SCARF Model	Craig Camamile
51	23/04/2024	Delegation Skills for Managers	Katrina Gates, DJAG ConnectManagers webinar
52	23/04/2024	Quality Decision Making	Cheryl Adams,
53	24/04/2024	Psychological Safety Webinar	Garrick Chatterjee, ConnectManagers webinar
54	24/04/2024	Who are you excluding_ Common accessibility mistakes you may be making	Katrina Gates, Anushka Fowler and Brooke Summerville, DJAG ConnectManagers webinar
55	26/04/2024	Getting along How to work with anyone – Parts 1 & 2	Katrina Gates and Anushka Fowler, ConnectManagers webinar
56	26/04/2024	Productivity – Set your meetings up for success with meeting leadership	Katrina Gates and Brooke Summerville, DJAG ConnectManagers webinar

Appendix 3 - Child Safety's Service Centres in each region

Brisbane and Moreton Bay region

- Alderley Child Safety Service Centre
- Caboolture Child Safety Service Centre
- Cannon Hill Child Safety Service Centre
- Chermside Child Safety Service Centre
- Forest Lake Child Safety Service Centre
- Inala Child Safety Service Centre
- Morayfield Child Safety Service Cent
- Mount Gravatt Child Safety Service Centre
- Redcliffe Child Safety Service Centre, and
- Strathpine Child Safety Service Centre.

Sunshine Coast and Central Queensland region

- Bundaberg Child Safety Service Centre
- Caloundra Child Safety Service Centre
- Emerald Child Safety Service Centre
- Fitzroy Child Safety Service Centre
- Fraser Coast Child Safety Service Centre
- Gladstone Child Safety Service Centre
- Gympie Child Safety Service Centre
- Maroochydore Child Safety Service Centre, and
- Mount Archer Child Safety Service Centre.

North Queensland

- Bowen Child Safety Service Centre (Hub)
- Mackay Child Safety Service Centre
- Mount Isa-Gulf Child Safety Service Centre
- Townsville Investigation and Assessment Child Safety Service Centre
- Townsville North and Hinchinbrook Child Safety Service Centre
- Townsville South and Burdekin Child Safety Service Centre, and
- Townsville West and Charters Towers Child Safety Service Centre.

Far North Queensland region

- Atherton Child Safety Service Centre
- Cairns Child Safety Service Centre
- Cape York North and Torres Strait Islands Child Safety Service Centre
- Cooktown Child Safety Service Centre (Hub)
- Edmonton Child Safety Service Centre
- Far North Queensland Investigation and Assessment Child Safety Service Centre
- Innisfail Child Safety Service Centre
- North Cairns and Lower Cape Child Safety Service Centre
- Thursday Island Child Safety Service Centre (Hub), and
- Weipa Child Safety Service Centre (Hub).

South East region

- Bayside Child Safety Service Centre
- Beaudesert Child Safety Service Centre
- Beenleigh Child Safety Service Centre
- Browns Plains Child Safety Service Centre
- Gold Coast Assessment and In Home Service
- Labrador Child Safety Service Centre
- Logan Central Child Safety Service Centre
- Loganlea Child Safety Service Centre, and
- Mermaid Beach Child Safety Service Centre.

South West region

- Charleville Child Safety Service Centre (Hub)
- Ipswich Intake and Assessment Service Centre
- Ipswich North Child Safety Service Centre
- Ipswich South Child Safety Service Centre
- Roma Child Safety Service Centre
- South Burnett Child Safety Service Centre
- Southern Downs Child and Family Centre
- Springfield Child Safety Service Centre
- Toowoomba North Child Safety Service Centre
- Toowoomba South Child Safety Service Centre, and
- Western Downs Intake and Assessment (WDIA) Child Safety Service Centre.

Appendix 4 - Compliance Checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	<ul style="list-style-type: none"> A letter of compliance from the accountable officer or statutory body to the relevant Minister/s 	ARRs – section 7	Page 3
Accessibility	<ul style="list-style-type: none"> Table of contents Glossary 	ARRs – section 9.1	Page 4 Page 155
	<ul style="list-style-type: none"> Public availability 	ARRs – section 9.2	Page 2
	<ul style="list-style-type: none"> Interpreter service statement 	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	Page 2
	<ul style="list-style-type: none"> Copyright notice 	<i>Copyright Act 1968</i> ARRs – section 9.4	Page 2
	<ul style="list-style-type: none"> Information Licensing 	<i>QGEA – Information Licensing</i> ARRs – section 9.5	Page 2
General information	<ul style="list-style-type: none"> Introductory Information 	ARRs – section 10	Page 9
Non-financial performance	<ul style="list-style-type: none"> Government's objectives for the community and whole-of-government plans/specific initiatives 	ARRs – section 11.1	Page 7
	<ul style="list-style-type: none"> Agency objectives and performance indicators 	ARRs – section 11.2	Page 33
	<ul style="list-style-type: none"> Agency service areas and service standards 	ARRs – section 11.3	Page 19
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 12.1	Page 154
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	Page 157
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	Page 27
	<ul style="list-style-type: none"> Government bodies (statutory bodies and other entities) 	ARRs – section 13.3	N/A
	<ul style="list-style-type: none"> Public Sector Ethics 	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	Page 21
	<ul style="list-style-type: none"> Human Rights 	<i>Human Rights Act 2019</i> ARRs – section 13.5	Page 21
	<ul style="list-style-type: none"> Queensland public service values 	ARRs – section 13.6	Page 21
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 14.1	Page 22
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 14.2	N/A
	<ul style="list-style-type: none"> Internal audit 	ARRs – section 14.3	N/A
	<ul style="list-style-type: none"> External scrutiny 	ARRs – section 14.4	N/A
	<ul style="list-style-type: none"> Information systems and recordkeeping 	ARRs – section 14.5	Page 22
	<ul style="list-style-type: none"> Information Security attestation 	ARRs – section 14.6	Page 22
	<ul style="list-style-type: none"> Strategic workforce planning and performance 	ARRs – section 15.1	Page 23

Summary of requirement		Basis for requirement	Annual report reference
Governance – human resources	<ul style="list-style-type: none"> • Early retirement, redundancy and retrenchment 	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	Page 26
Open Data	<ul style="list-style-type: none"> • Statement advising publication of information 	ARRs – section 16	N/A
	<ul style="list-style-type: none"> • Consultancies 	ARRs – section 31.1	Page 154
	<ul style="list-style-type: none"> • Overseas travel 	ARRs – section 31.2	Page 154
	<ul style="list-style-type: none"> • Queensland Language Services Policy 	ARRs – section 31.3	N/A
Financial statements	<ul style="list-style-type: none"> • Certification of financial statements 	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	N/A
	<ul style="list-style-type: none"> • Independent Auditor's Report 	FAA – section 62 FPMS – section 46 ARRs – section 17.2	N/A

FAA *Financial Accountability Act 2009*

FPMS *Financial and Performance Management Standard 2019*

ARRs *Annual report requirements for Queensland Government agencies*

Appendix 5 - DCPL's Guidelines issued as at 1 July 2019

Director of Child Protection Litigation

Director's Guidelines
Current as at 1 July 2019



Office of the Director of Child Protection Litigation

Director's Guidelines – current as at 29 October 2018 – to replace previous Guidelines

Issued by the Director of Child Protection Litigation under section 39 of the *Director of Child Protection Litigation Act 2016*.

These Guidelines are issued to:

- all staff of the Office of the Director of Child Protection Litigation (ODCPL);
- the chief executive of the Department of Child Safety, Youth and Women (Child Safety) and all staff working in the following areas undertaking work relevant to the functions of the Director of Child Protection Litigation (DCPL):
 - the Office of the Child and Family Official Solicitor (OCFOS);
 - Child Safety Service Centres; and
 - Child Safety's Legal Services;
- lawyers engaged by the DCPL to carry out the Director's functions under the *Director of Child Protection Litigation Act 2016*.

These Guidelines are not issued as mandatory directions. The purpose of the Guidelines is to promote best practice for the collaboration between the DCPL and Child Safety to achieve fair, timely and consistent outcomes for the protection of children in respect of matters including:

- referrals of *child protection matters* to the DCPL by Child Safety, including the form and content of a brief of evidence;
- procedures for dealing with *child protection matters*, including factors the DCPL must have regard to in deciding whether to apply for child protection orders;
- principles and procedures for the conduct of child protection proceedings, including procedures about the roles of the DCPL and Child Safety during the proceedings; and
- procedures about how Child Safety may seek an internal review of a decision of the DCPL for which written reasons are required to be given.

Where terms used in the Guidelines are defined in legislation such as *child in need of protection* that definition is adopted and the term is italicised. The relevant legislative reference is included in the definitions section at the end of the Guidelines (Appendix 1).

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Chapter 1 - Introduction

Part 1 Role of the Director of Child Protection Litigation

1. The Director of Child Protection Litigation (DCPL) is established by the *Director of Child Protection Litigation Act 2016* (the Act). The DCPL is an independent statutory officer located within the justice portfolio representing the State. The main functions of the DCPL are to:
 - a. prepare and apply for child protection orders (including applications to extend, vary or revoke child protection orders) and conduct child protection proceedings in the Childrens Court of Queensland;
 - b. prepare and apply for transfers of child protection orders or proceedings between Queensland and other participating States; and
 - c. prepare, institute and conduct appeals against decisions of the Childrens Court of Queensland on applications for child protection orders, and decisions to transfer a child protection order or child protection proceeding to a participating State.

2. The DCPL also has the following functions on request:
 - a. to provide legal advice to Child Safety in relation to the functions of Child Safety under the *Adoption Act 2009* and the *Child Protection Act 1999* (CP Act) and other matters relating to the safety, wellbeing or protection of a child;
 - b. to represent the State in legal proceedings under the *Adoption Act 2009* and the *Child Protection Act 1999*; and
 - c. to provide advice to the State about a matter to which that Convention of the Civil Aspects of International Child Abduction applications under the *Family Law Act 1975* (Cwlth), section 111B, and to represent the State in proceedings relating to the matter.

Part 2 Role of the Office of the Child and Family Official Solicitor

3. The Office of the Child and Family Official Solicitor (OCFOS) is a legal unit within Child Safety and is the principal point of contact for the DCPL. Key responsibilities of OCFOS include:
 - a. providing legal services and advice to Child Safety Service Centres (CSSC) about Child Safety's statutory functions relating to the protection of children;
 - b. applying for temporary assessment orders, court assessment orders and temporary custody orders (emergency orders);
 - c. working with CSSCs to prepare briefs of evidence for *child protection matters* that are being referred to the DCPL;
 - d. working in partnership with the DCPL to prepare matters for filing in the Childrens Court and providing ongoing consultation in the review and management of those matters; and
 - e. liaising with CSSCs and the DCPL as necessary to progress *child protection matters* in a timely manner consistent with the safety, wellbeing and best interests of the child, through childhood and for the rest of the child's life.

Part 3 Principles of the Director of Child Protection Litigation Act 2016

4. The principles for administering the Act are contained in sections 5 and 6. A decision by the DCPL to apply for a child protection order or to refer a matter back to Child Safety may have profound implications for a child and their family. The principles apply to all actions taken and decisions made by the DCPL in the exercise of its statutory functions.

Part 4 Model litigant principles

5. As well as applying the principles of the Act, the DCPL, as a representative of the State, has a duty to exercise its statutory functions in accordance with model litigant principles.
6. Model litigant principles reflect the court's and the community's expectation that the State will conduct litigation in a way that is firm and fair. Model litigant principles state that fairness will be achieved when litigation is conducted promptly, efficiently, consistently and proportionately and in a manner that does not take advantage of another party's limited financial or other means. The model litigant principles are published on the Department of Justice and Attorney General's website and are available here: www.justice.qld.gov.au/justice-services/legal-services-coordination-unit/legal-service-directions-and-guidelines/model-litigant-principles
7. Child protection proceedings are unique and should not be conducted in a manner that is overly adversarial. Similarly, court outcomes should not be thought of in terms of 'winning' or 'losing' the case. Instead, the DCPL's overarching obligation is to assist the court to make a fully informed decision in accordance with the provisions of the CP Act and the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life.
8. Whilst not an exhaustive list, in complying with its obligation to act as a model litigant the DCPL should:
 - a. ensure applications give fair and proper notice of the DCPL's case to parents, children (where appropriate) and other participants in proceedings;
 - b. ensure sufficient, relevant and appropriate evidence is filed in support of applications, including evidence that does not support the applications;
 - c. ensure all relevant information is disclosed to other parties;
 - d. progress application as quickly as possible avoiding any unnecessary delay;
 - e. explore opportunities for early resolution of applications;
 - f. conduct child protection proceedings in a way that assists the court to make a fully informed decision about the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life;
 - g. conduct child protection proceedings in a way that is fair to other parties paying particular care not to take advantage of parties who are unrepresented; and
 - h. institute appeals that are consistent with the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life, and have a reasonable prospect of success.
9. Child Safety should assist the DCPL to comply with its model litigant obligations by:
 - a. providing the DCPL with all relevant information commencing with the referral of a *child protection matter* until the matter is finalised either by the Childrens Court of Queensland or by a referral back to Child Safety;
 - b. preparing affidavits that are balanced and fair including information that does not support the application, as well as information that supports the application;
 - c. taking reasonable steps to obtain further evidence or information requested by the DCPL;
 - d. ensuring the DCPL has up to date information about the child prior to court events; and
 - e. ensuring an officer with relevant case knowledge and authority attends all court events or is otherwise available by telephone.

Part 5 Collaboration between the DCPL and Child Safety

10. The DCPL and Child Safety can promote good outcomes for children by working together collaboratively. Strong collaboration between the DCPL and Child Safety is fundamental to the exercise of the DCPL's statutory functions in a way that promotes the safety, wellbeing and best interests of children, both through childhood and for the rest of the child's life.²¹
11. A strong and effective partnership between the DCPL and Child Safety is promoted by a mutual understanding and respect for each other's role in protecting Queensland's children who have been harmed or are at risk of being harmed from abuse and neglect. Child Safety has expertise and powers for the investigation and assessment of reported child abuse and neglect and statutory responsibility for providing and coordinating support services for the protection of children. The DCPL has expertise in preparing and applying for child protection orders, and conducting child protection proceedings. There is a clear separation between the Child Safety's investigation, assessment and casework responsibilities, and the DCPL's litigation responsibilities. Both agencies have a critical role to play in protecting and promoting the safety, wellbeing and best interests of children in Queensland.
12. In addition to the importance of collaboration between the DCPL and Child Safety generally, the relationship between the DCPL and OCFOS is particularly important. OCFOS has expertise in the assessment of the sufficiency of evidence to support an application for a child protection order and in the preparation of the brief of evidence accompanying a referral to the DCPL. The DCPL should work in partnership with OCFOS to finalise court material in preparation for filing in court and in the ongoing review and conduct of proceedings.
13. Strong collaboration between the DCPL and Child Safety will also be facilitated by the free flow of relevant information between both agencies so that decision making is underpinned by a comprehensive understanding of all of the circumstances of the case.

Part 6 Timeliness

14. The DCPL and Child Safety should work together in a manner that is quick and efficient. Timeliness and avoiding unnecessary delay in decision making and the progress of child protection proceedings promotes the safety, wellbeing and best interests of children who are referred to the DCPL.

Chapter 2 – Referring a *child protection matter* to the DCPL

Part 1 Terminology

15. In this Chapter references to an application for a child protection order should be taken as also referring to an application to extend a child protection order and, where applicable, to an application to vary or revoke a child protection order. Chapter 8 of these Guidelines provides further guidance about an application to vary or revoke a child protection order.

²¹ This is reflected in the general principles of the Act at section 6(1)(a).

Part 2 Who can refer a child protection matter?

16. Only Child Safety, through OCFOS, or as otherwise directed by the Official Solicitor of OCFOS, can refer a *child protection matter* to the DCPL. If an agency or a person other than Child Safety attempts to refer a *child protection matter* to the DCPL, they should be advised to contact Child Safety who is responsible for conducting investigations and assessments, and providing and coordinating support services to children and families where a child is assessed to be a *child in need of protection*.

Part 3 When Child Safety must refer a child protection matter

17. Child Safety must refer a *child protection matter* to the DCPL when satisfied:
- a. a child is a *child in need of protection*; and
 - b. a child protection order is appropriate and desirable for the child's protection; or
 - c. for a child that is subject to a child protection order (other than an interim order under section 67 of the CP Act)—that the order is no longer appropriate and desirable for the child's protection, or
 - d. for a child that is subject to a permanent care order—that the child's permanent guardian is not complying with their obligations under the order in a significant way and that the order is no longer appropriate and desirable for promoting the child's safety, wellbeing and best interests.²²

Part 4 How a child protection matter can be referred

18. The preferred way for OCFOS to refer a *child protection matter* to the DCPL is electronically.
19. Where the referral cannot be made electronically for any reason, a referred *child protection matter* can be hand delivered, faxed or posted to the DCPL.

Part 5 Telling the child's family about the referral

20. Where Child Safety refer a *child protection matter* to the DCPL, they should tell the child's parents about the referral, explain why they have made the referral and what this means. Child Safety should also tell the child about the referral where Child Safety consider that is appropriate having regard to the child's age or ability to understand.

Part 6 Acknowledgment of receipt

21. The DCPL will provide a written acknowledgement of receipt of every referral, irrespective of how it was received. The written acknowledgement of receipt should be provided electronically within 24 hours of receiving the referral. If Child Safety do not receive this, they should contact the DCPL to confirm the referral has been received.

Part 7 A Referral of Child Protection Matter Summary

22. When Child Safety refer a *child protection matter* to the DCPL, a completed 'Form A – Referral of Child Protection Matter/s Summary Form' should clearly and succinctly address the matters set out in section 16(1)(a), (b) or (c) of the Act as appropriate stating the material facts underpinning the assessment and that are evidenced in the supporting documents. The

²² Section 15 of the Act.

'Form A – Referral of Child Protection Matter Summary Form' should not re-produce passages contained in draft supporting affidavits, but may refer to relevant paragraphs of the supporting affidavits or to other relevant documents provided with the referral. Where the child is subject to an emergency order or a child protection order, a copy of the sealed order should be attached to the 'Form A – Referral of Child Protection Matter Summary Form'.

23. The 'Form A – Referral of Child Protection Matter/s Summary Form' should also:
- a. provide contact details for the relevant OCFOS and CSSC staff including afterhours contact details;
 - b. state whether Child Safety has applied for an emergency order for the child and the outcome of the application, including:
 - i. the type of emergency order;
 - ii. the date the emergency order ends; and
 - iii. if an emergency order was not made—what were the reasons;
 - c. state whether there is an existing child protection order for the child;
 - d. list all previous child protection orders that have been made for the child;
 - e. state whether there is a care agreement for the child;
 - ea. state whether there is no emergency order, existing order or care agreement for the child;
 - f. state whether there are other related proceedings²³ or orders, such as:
 - i. a proceeding in which a court is exercising jurisdiction conferred on the court under the *Family Law Act 1975* (Cwlth) for the child, or a family law order for the child;²⁴
 - ii. a proceeding under the *Domestic and Family Violence Protection Act 2012* if each party to the proceeding would be a party to any child protection proceeding, or a domestic violence order already in force if each party to the proceeding would be a party to any child protection proceeding;²⁵ and
 - iii. a proceeding before the Queensland Civil and Administrative Tribunal (QCAT) for an application for a review of a reviewable decision under the CP Act, including the decision that is the subject of the review application, and or any QCAT decision on an application for a review of a reviewable decision;²⁶
 - iv. related criminal law proceedings;²⁷
 - g. list any interim child protection order or orders under section 67 of the CP Act that Child Safety has assessed are necessary for the child's protection pending determination of any application made to court. The 'Form A – Referral of Child Protection Matter/s Summary Form' should state the key reasons why the interim order is necessary and

²³ Rule 70 of the *Childrens Court Rules 2016* (the Rules).

²⁴ Section 52(b) of the CP Act.

²⁵ Section 43 of the *Domestic and Family Violence Protection Act 2012*.

²⁶ Section 247 and Schedule 2 of the CP Act.

²⁷ Section 103 of the CP Act.

the draft supporting affidavits should contain sufficient evidence to support the making of an interim child protection order or orders.

24. A 'Form A – Referral of Child Protection Matter/s Summary Form' is attached to these Guidelines.

Part 8 Brief of evidence

25. When Child Safety refers a *child protection matter* to the DCPL, the referral should also include a brief of evidence that includes:
- a. the reasons why the child is a *child in need of protection*; and
 - b. the reasons why a child protection order is appropriate and desirable for the child's protection; and
 - c. the type and length of child protection order or orders Child Safety considers appropriate and desirable for the child's protection; or
 - d. for a child subject to a child protection order (other than an interim order under section 67 of the CP Act)—the reasons why the order is no longer appropriate and desirable for the child's protection, or
 - e. for a child subject to a permanent care order—the reasons why the child's permanent guardian is not complying with their obligations under the order in a significant way and why the order is no longer appropriate and desirable for promoting the child's safety, wellbeing and best interests.²⁸
- 25A. For a brief of evidence as outlined in guideline 25(a) to (c) in respect an assessment that a child protection order (other than an interim order under section 67 of the CP Act) in force should be extended, varied, or revoked and another order made in its place, where this would result in the child being in continuous care under a custody or short-term guardianship order for more than 2 years, the reasons should include how this is in the best interests of the child, and how reunification of the child to their family is reasonably achievable during the longer period of time.
26. Child Safety's brief of evidence should also provide:
- a. draft affidavits with attached exhibits evidencing the matters set out in section 16(1)(a), (b) or (c) of the Act as appropriate;
 - b. any other supporting documents that are available to Child Safety; and
 - c. all other documents relevant to the referral that are available to Child Safety at the time of the referral.
27. Affidavits are a critical component of the referral to the DCPL. Further guidance about preparing draft affidavits, including originating affidavits, is set out in Chapter 5 of these Guidelines.

Part 9 Confidential and sensitive information

28. When Child Safety refers a *child protection matter* to the DCPL that involves sensitive information that should not be disclosed to a parent, Child Safety is to make this clear on the 'Form A – Referral of Child Protection Matter/s Summary Form'. This includes circumstances where:

²⁸ Section 16(1)(a), (b) and (c) of the Act.

- a. Child Safety has made an administrative decision to withhold details of a carer's address from a parent; and
 - b. a parent's address is not known to the other parent and disclosure of the parent's address may endanger the parent's physical or psychological health.
29. Confidential information should be redacted from documents provided to the DCPL by Child Safety that are intended to be filed in a proceeding, such as exhibits to draft affidavits. This includes notifier details, carer's addresses (where Child Safety has made a decision to withhold this information) and third party details or information that could reasonably lead to the identification of these things.

Part 10 Referrals for a child subject to a child protection order

30. Where Child Safety decide to refer a child to the DCPL that is subject to a final child protection order, the referral should be made as soon as practicable and where possible not less than 20 business days before the child protection order ends.

Part 11 Referrals for a child subject to an emergency order

31. Where Child Safety decide to refer a child to the DCPL that is subject to an emergency order the referral should be made as soon as practicable and where possible no later than 24 hours prior to the emergency order ending.
32. If the brief of evidence is not complete by 24 hours before the order ends, the referral should still be made to the DCPL and the brief provided in its current form. The 24 hour period prior to the order ending allows the DCPL time to consider the referral, prepare the application and settle any affidavits. The DCPL and Child Safety also need time to liaise about the need for an extension of an emergency order to be sought by Child Safety. During this 24 hour period Child Safety can continue with the preparation of documents with further information being provided to the DCPL as it becomes available.
33. Where the emergency order is longer, for example a 28 day court assessment order, Child Safety should take reasonable steps to make the referral to the DCPL earlier than 24 hours before the order ends.
34. The DCPL and Child Safety should liaise closely to determine whether an extension of a temporary assessment order (not being followed by a court assessment order) or a temporary custody order should be sought by Child Safety so that the DCPL will be able to decide the most appropriate action to meet the child's ongoing protection and care needs and start taking that action. Where the DCPL has advised that the DCPL intends to apply for a child protection order and further time is needed, Child Safety should seek an extension from the court.²⁹
35. Reasons why a temporary custody order or an extension may be necessary include:
- a. so Child Safety can provide further information requested by the DCPL;
 - b. to finalise the application for a child protection order;
 - c. to finalise, compile and swear or affirm the supporting affidavit; or

²⁹ In granting an extension of a temporary assessment order or a temporary custody order, as well as being satisfied the DCPL intends to apply for a child protection order, under section 34(2) and 51AH(2) of the CP Act, the court needs to be satisfied the original grounds for making the order still exist.

- d. to obtain a further affidavit.
36. If the extension is not granted by the court, the DCPL should proceed to deal with the *child protection matter* before the emergency order ends.
37. Child Safety should ensure that relevant staff are available for urgent consultation when a child subject to an emergency order is referred to the DCPL.
38. The DCPL and Child Safety should work together in a way that ensures that a child subject to an emergency order has their ongoing protection and care needs meet.
39. A *child protection matter* referred to the DCPL that concerns a child that is subject to an emergency order must be dealt with by the DCPL deciding to either make an application for a child protection order, or refer the matter back to Child Safety before the emergency order ends.
40. The DCPL and Child Safety should liaise closely to ensure that any consultation takes place prior to the emergency order ending, and with sufficient time for the DCPL to deal with the *child protection matter*.
41. Close collaboration is particularly important for temporary assessment orders (that are not followed by a court assessment order) and temporary custody orders, both of which last for three business days with the possibility of extension for one business day. These orders may be extended for one business day only if the court is satisfied the DCPL has received a referred *child protection matter* and intends to apply for a child protection order.³⁰ It is, therefore, important that Child Safety refers the *child protection matter* to the DCPL at the earliest possible opportunity.

Part 12 Referrals for a child subject to a care agreement

- 41A. Where Child Safety decide to refer a child to the DCPL that is subject to a care agreement, the *child protection matter* should be referred as soon as practicable to provide the DCPL with sufficient time to have any application filed and mentioned in court prior to the agreement ending. This timetabling will depend on the court location that any application may be filed.
- 41B. The DCPL and Child Safety should work together in a way that ensures that a child subject to an agreement has their ongoing protection and care needs met, which may include Child Safety making an application for a temporary custody order.

Part 13 Referrals for a child subject to no order or care agreement

- 41C. Where Child Safety decide to refer a child to the DCPL that is subject to no order or care agreement, the *child protection matter* should be referred as soon as practicable with Child Safety providing the DPCL with a specific date by when any application the DCPL makes should be filed and mentioned in court. This timetabling will depend on the court location that any application may be filed.

³⁰ Sections 34 and 51AH of the CP Act.

- 41D. The DCPL and Child Safety should work together in a way that ensures that the child has their ongoing protection and care needs met, which may include Child Safety making an application for a temporary custody order.

Chapter 3 –Dealing with a *child protection matter*

Part 1 Initial review following referral of a child protection matter

42. The DCPL should conduct an initial review of the referral and supporting material as soon as practicable after receipt (unless the child is subject to an emergency order, which is dealt with in Chapter 2, Part 11 above). The DCPL's paramount consideration when conducting the review is the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life.
43. The purpose of the initial review is to:
- a. assess the referral and the sufficiency of evidence to support the type of child protection order Child Safety considers appropriate and desirable for the child's protection;
 - b. identify whether further information or evidence is required under section 17(2) of the Act prior to making a decision; and
 - c. identify whether consultation between the DCPL and Child Safety prior to the DCPL making a decision is necessary.
44. Where the DCPL agrees with the type of order Child Safety considers appropriate and desirable for the child's protection and do not intend to request further evidence or information prior to making a decision, the DCPL should proceed to deal with the referred *child protection matter*.
45. Where the DCPL identifies an issue about the sufficiency of evidence to support the type of order Child Safety considers appropriate and desirable for the child's protection or any other matter, the DCPL should contact Child Safety to initiate consultation.

Part 2 Consultation with Child Safety

46. The DCPL should consult with Child Safety as necessary to clarify any issues arising from the DCPL's initial review of the *child protection matter* before reaching a final decision about how to deal with the matter. Consultation should occur in a timely manner.
47. The DCPL must consult with Child Safety about relevant matters, including perceived gaps or weaknesses in the evidence, before deciding to:
- a. apply for a child protection order of a different type, or an order that is otherwise different from, the order Child Safety considers appropriate and desirable for the child's protection. This includes applying for a child protection order of a different duration to that which Child Safety considers appropriate and desirable for the child's protection; or
 - b. refer the *child protection matter* back to Child Safety.³¹

³¹ Section 18(1) of the Act.

48. If after consultation, Child Safety change the type of child protection order and/or duration of child protection order considered appropriate and desirable for the child's protection, Child Safety should provide written confirmation of this to the DCPL.

Part 3 Requests for further evidence or information to assist in decision making

49. The DCPL can request further evidence or information from Child Safety before making a decision about a referral.³² For example, information about the impact of a parent's drug use on their capacity to meet the protection and care needs of the child.
50. Requests for further evidence or information prior to the DCPL making a decision should be made following the initial review of the referral or as soon as possible after that to ensure there is sufficient time for the request to be considered and actioned by Child Safety.
51. When the DCPL seek further evidence or information from Child Safety about a *child protection matter* before making a decision, the *child protection matter* should not be taken to have been referred back to Child Safety. A *child protection matter* is only referred back to Child Safety when the DCPL makes a final decision to refer the *child protection matter* back to Child Safety under section 17(1) of the Act instead of filing an application for a child protection order.
52. Section 23(2) of the Act requires Child Safety to take reasonable steps to provide the information requested by the DCPL. This applies to information requested under sections 17(2) and 23(1) of the Act. Child Safety should also take reasonable steps to provide further information requested by the DCPL as soon as possible.

Part 4 Making a decision about a child protection matter

53. The DCPL can deal with a *child protection matter* by:
- a. applying for a child protection order; or
 - b. referring the matter back to Child Safety.³³
54. Once a matter has been referred to the DCPL, Child Safety cannot withdraw the referral. The referral can only be dealt with by the DCPL.
55. If a child's circumstances change after a matter has been referred, and Child Safety is satisfied the child is no longer a *child in need of protection* and/or a child protection order is

³² Sections 17(2) and 23(1) of the Act.

³³ Section 17(1) of the Act.

no longer appropriate and desirable, this information should be provided to the DCPL and this will be taken into account by the DCPL when making a decision about the matter.

Part 5 Factors the DCPL should have regard to

56. In deciding how to deal with a referred *child protection matter*, the DCPL should have regard to all of the information provided by Child Safety in the brief of evidence.
57. The DCPL should apply for a child protection order if the DCPL is satisfied there is sufficient, relevant and appropriate evidence to establish on a prima facie basis that:
- a. the child is a *child in need of protection*; and
 - b. a child protection order is appropriate and desirable for the child's protection.
58. The safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life, must be the DCPL's paramount consideration in deciding how to deal with a *child protection matter*. Other factors the DCPL should have regard to include:
- a. the sufficiency of evidence to establish that the child:
 - i. has suffered significant *harm*, is suffering significant *harm*, or is at unacceptable risk of suffering significant *harm*; and
 - ii. does not have a parent able and willing to protect the child from *harm*;
 - b. the child's views and wishes;
 - c. whether the child's protection and care needs could be met by an order on less intrusive terms than the order Child Safety considers appropriate and desirable for the child's protection. Relevant factors may include:
 - i. cultural considerations about how the proposed order may impact on the child's identity and future links to their family and community;
 - ii. the nature and impact of any support previously provided to the child and the child's parents by Child Safety or other agencies;
 - iii. progress made by the parents toward building their capacity to meet the child's protection and care needs;
 - iv. information available about a member of the child's family or community who may be a suitable person to be granted custody or guardianship of the child, and Child Safety's assessment about the suitability of that person including consultation with the person;
 - d. whether there is a case plan for the child that is appropriate for meeting the child's assessed protection and care needs;
 - e. the principles contained in sections 5B to 5E of the CP Act to the extent they are relevant, including the principles contained in section 5BA for achieving relational, physical and legal permanency for a child.
- 58A. If the child has been in the continuous care of the chief executive under a custody or guardianship order for approaching 2 years or more at the time of referral, the DCPL must not apply for a further short-term custodial or guardianship order unless satisfied this is in the best interests of the child and that reunification of the child to their family is reasonably achievable during the period of the further order.³⁴
59. The DCPL should also identify and consider what other evidence or information not included in the brief of evidence may be available to support an application for a child protection order,

³⁴ Section 62(5)(a) and (b) of the CP Act.

and proceed with the application immediately with the further supporting evidence to be filed at a later time. This will be particularly relevant where the child is subject to an emergency order at the time of the referral of the *child protection matter* to the DCPL and a decision must be made urgently. For example, when the concerns relate to physical injuries to a child there may be detailed medical evidence that has not been obtained at the time the *child protection matter* is referred to the DCPL. This medical evidence may be necessary to support an allegation that the child has suffered physical *harm*, or to explain the likely cause of the injury. However, the DCPL should consider whether it is appropriate to apply for a child protection order, relying on preliminary medical information obtained by Child Safety from a doctor or the police, on the basis that when a detailed medical report has been prepared it will be obtained and filed in support of the application.

Part 6 Aboriginal children and Torres Strait Islander children

60. The additional principles in section 5C of the CP Act apply to all decision making by the DCPL for Aboriginal children or Torres Strait Islander children. These principles recognise that Aboriginal and Torres Strait Islander children have a right to be brought up within their own family and community, and Aboriginal and Torres Strait Islander children and families have the best knowledge about the strengths and needs that exist in their families and communities. This underscores the importance of protecting and promoting an Aboriginal child or Torres Strait Islander child's connection to their family, culture and community. The section 5C principles state:
- a. Aboriginal and Torres Strait Islander people have the right to self-determination;
 - b. the long-term effect of a decision on the child's identity and connection with the child's family and community must be taken into account; and
 - c. the following child placement principles apply in relation to Aboriginal or Torres Strait Islander children:
 - i. the **prevention principle** – that a child has the right to be brought up within the child's own family and community;
 - ii. the **partnership principle** – that Aboriginal or Torres Strait Islander persons have the right to participate in significant decisions under this Act about Aboriginal or Torres Strait Islander children;
 - iii. the **placement principle** – that, if a child is to be placed in care, the child has a right to be placed with a member of the child's family group;
 - iv. the **participation principle** – that a child and the child's parents and family members have a right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child; and
 - v. the **connection principle** – that a child has a right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language, particularly when the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.
61. When the DCPL is making a significant decision about an Aboriginal child or Torres Strait Islander child, the DCPL must have regard to the child placement principles and in consultation with the child and the child's family, arrange for an independent entity (independent person) for the child to facilitate the participation of the child and the child's family in the decision making process. However, the DCPL is not required to consult with and arrange for an independent person where the DCPL is satisfied:
- a. Child Safety has already complied with this requirement to arrange for an independent person for the child in relation to the significant decision, or
 - b. there is the following exceptional circumstances:

- i. it is not practicable because an independent person is not available or urgent action is required to protect the child, or
 - ii. it is likely to have a significant adverse effect on the safety or psychological or emotional wellbeing of the child or any other person, or
 - iii. is otherwise not in the child's best interests, or
 - c. the child or the child's family does not consent to the ongoing involvement in the decision-making process of an independent person for the child.³⁵

62. Child Safety should include information in the brief of evidence provided with the referred *child protection matter* to assist the DCPL to have regard to the child placement principles and to be satisfied that Child Safety has in consultation with the child and the child's family, arranged for an independent person for the child to facilitate the participation of the child and the child's family. If the DCPL require further information about the child's Aboriginal tradition or Island custom, the DCPL may request this from Child Safety and may also ask Child Safety to consult further with the child and the child's family on a specified matter. Where an independent person has been arranged for the child and the child's family, the independent person should facilitate this further consultation between Child Safety and the family. For example, the DCPL may consider that additional information about the child's connection to their family, culture, traditions, language and community is required.

63. Where Child Safety has been unable to arrange for an independent person because it has not been practicable as an independent person is not available or urgent action is required to protect the child, Child Safety should advise the DCPL. In these circumstances, Child Safety or the DCPL should in consultation with the child and the child's family, arrange for an independent person as soon as practicable after the referral of the *child protection matter* has been made to facilitate the participation of the child and the child's family in the decision-making process.³⁶ If the DCPL undertakes this consultation with the family facilitated by their independent person in the absence of Child Safety, DCPL should provide Child Safety with a summary of what was discussed during the consultation.

64. If the DCPL propose to make a decision on a referred *child protection matter* that is different from the type of child protection order Child Safety considers appropriate and desirable for the child's protection, including referring the matter back to Child Safety, where time permits, there should be further consultation between Child Safety and the family, facilitated by the family's independent person about the decision the DCPL proposes to make. Child Safety should provide the DCPL with the outcome of the consultation for consideration by the DCPL in decision making about the referred *child protection matter*.

65. When the Childrens Court exercises a power under the CP Act in relation to an Aboriginal or Torres Strait Islander child, section 6AB provides that the court must have regard to:
 - a. Aboriginal tradition and Island custom relating to the child; and
 - b. the child placement principles in relation to the child.To inform itself, the court may have regard to the views of an independent person for the child, the child, or a member of the child's family.

66. An independent person, or the child, or a member of the child's family can provide their views about Aboriginal tradition and Island custom to the court orally or in writing.³⁷

³⁵ Section 6AA of the CP Act.

³⁶ Section 6(3) of the CP Act.

³⁷ Rule 49A(2) of the Rules.

Part 7 Referring a matter back

67. When the DCPL refers a *child protection matter* back to Child Safety, the DCPL's involvement is at an end. The DCPL cannot give directions to Child Safety about how to deal with the child's case when referring a *child protection matter* back to Child Safety.
68. When referring a *child protection matter* back to Child Safety, the DCPL should provide written feedback to Child Safety about the reasons why the DCPL decided not to apply for a child protection order, including any issues with the sufficiency, relevance and appropriateness of evidence and how this may be addressed. In circumstances where Child Safety do not agree that the matter should be referred back, this information should be included in the written reasons provided to Child Safety under section 18 of the Act (see Chapter 3, Part 10 of the Guidelines). Where Child Safety agree that the matter should be referred back, the DCPL should include this information in the decision notification referred to in guideline 75. Child Safety may request that the DCPL conduct an internal review of the decision to refer a matter back using Form I – Child Safety Internal Review Request Form attached to these Guidelines.
69. A *child protection matter* that is referred back to Child Safety, can be referred by Child Safety to the DCPL again at any time if:
- a. further information is obtained by Child Safety that is material to determining whether the child is a *child in need of protection* and/or whether a child protection order is appropriate and desirable for the child's protection; or
 - b. for a child that is subject to a child protection order (other than an interim order under section 67 of the CP Act)—further information is obtained by Child Safety that is material to determining whether the order is no longer appropriate and desirable for the child's protection; or
 - c. there is a material change in the child's circumstances; or
 - d. other relevant information or circumstances indicate the DCPL should consider the matter again.

Part 8 Notification of decision

70. When the DCPL makes a decision about a *child protection matter*, prompt written notice of the decision should be provided electronically to Child Safety as soon as practicable, and at the latest by the next business day. If the DCPL has been required to consult with Child Safety about applying for a child protection order of a different type, or an order that is otherwise different from the order Child Safety considered appropriate and desirable, or referring the matter back, Child Safety should provide written confirmation to the DCPL of whether the decision has been with the agreement of Child Safety.

Part 9 Telling the child's family about the DCPL's decision

71. Child Safety should tell the child's parents about the DCPL's decision and explain what the decision means. Child Safety should also tell the child about the DCPL's decision where Child Safety consider that is appropriate having regard to the child's age or ability to understand.
72. Where the DCPL's decision relates to an Aboriginal child or Torres Strait Islander child, Child Safety should advise the child's parents and the child if appropriate having regard to the

child's age or ability to understand of the DCPL's decision, in a way that allows their full participation, and in a place that is appropriate to Aboriginal tradition or Island custom.

Part 10 Written reasons for decision

73. In addition to notifying Child Safety about the outcome of a referral, under section 18(2) of the Act, the DCPL must also provide written reasons to Child Safety when the DCPL decide without the agreement of Child Safety to:
- a. apply for a child protection order of a different type, or that is otherwise different, from the order that Child Safety considered appropriate and desirable for the child's protection; or
 - b. refer a matter back to Child Safety.
74. For example, written reasons are required if without Child Safety's agreement the:
- a. DCPL decide not to apply for a child protection order and refer the matter back to Child Safety;
 - b. DCPL decide to apply for a child protection order granting long-term guardianship of the child to the chief executive, but Child Safety considered that an application for a short-term guardianship order was appropriate and desirable; or
 - c. DCPL decide to apply for a child protection order of the same type but for a different duration to what Child Safety considered appropriate and desirable.
75. The DCPL lawyer that made the decision must complete the 'Form C – Director's Written Reasons for Decision Form' attached to these Guidelines, which should include in clear and unambiguous language the reasons why and the evidence relied upon by the DCPL when deciding to:
- a. apply for a child protection order of a different type, or that is otherwise different, to that considered appropriate and desirable by Child Safety; or
 - b. refer the *child protection matter* back to Child Safety.
76. The DCPL is to provide the 'Form C – Director's Written Reasons for Decision Form' to Child Safety within five business days of the date of decision unless the decision relates to a child that is subject to:
- a. a child protection order (other than an interim order under section 67 of the CP Act) that is ending within one week of the date of decision; or
 - b. an emergency order.
77. Where the child is subject to a final child protection order that is ending within 10 business days of the date of decision, or an emergency order, the written reasons must be provided at the same time as the notification of the decision.
78. If after consultation Child Safety agree with the DCPL's decision about the *child protection matter*, written reasons are not required. If there is no agreement to the DCPL applying for a child protection order of a different type, or an order that is otherwise different from the order Child Safety considered appropriate and desirable, Child Safety may request that the DCPL conduct an internal review of the decision to refer a matter back using Form I – Child Safety Internal Review Request Form' attached to these Guidelines.

Chapter 4 – Ongoing collaboration following a decision to apply for a child protection order

Part 1 Preparing the case for filing

79. Where the DCPL decide to apply for a child protection order, the DCPL and Child Safety should work together closely and efficiently to ensure the application and supporting affidavit are finalised and filed as quickly as possible, prior to the expiry of any current order for the child.
80. In particular, the DCPL and Child Safety should liaise closely to progress the following tasks:
- a. any requests for further information, including requests for further affidavits, under section 23(1) of the Act;
 - b. the settling of an affidavit in support by the DCPL;
 - c. any consultation necessary to progress the case;
 - d. swearing or affirming an affidavit in support; and
 - e. providing a copy of the sworn or affirmed affidavit to the DCPL electronically.
81. Affidavits prepared by Child Safety should comply with Part 8, Division 2 of the *Childrens Court Rules 2016* (the Rules). In particular
- a. all pages of the affidavit, including exhibits, should be paginated;
 - b. as far as practicable, where there is more than one documentary exhibit, the exhibits should:
 - i. be bound in one or more paginated books;
 - ii. have a certificate in the approved form on or attached to the front of the book; and
 - iii. have an index to the book immediately after the certificate.
82. Child Safety should ensure that a copy of sworn or affirmed affidavits are provided to the DCPL electronically as soon as practicable, so as to provide sufficient time for filing in court prior to the expiry of any current emergency or final child protection order. Child Safety should keep the original on file and if required, provide it to the DCPL to provide it to the court, unless there is an agreement between the DCPL and Child Safety at a particular location.

Part 2 Requests for further information

83. After receipt of a referred *child protection matter*, the DCPL can request Child Safety provide further information from any time until the application for a child protection order has been decided or otherwise determined by the court.³⁸ This includes requests for further affidavits after an application has been filed in preparation for a court event, including a final hearing. It also includes information that may not be in Child Safety's possession at the time of the request. Section 23(2) of the Act requires Child Safety to take reasonable steps to provide the information requested by the DCPL. Child Safety should also take reasonable steps to provide further information requested by the DCPL as quickly as possible.

Part 3 Requests for independent expert assessments

84. When the DCPL decide that an independent expert assessment is necessary to support an application for a child protection order, they should notify Child Safety promptly.

³⁸ Section 23(1) of the Act.

85. Section 23(2) of the Act requires Child Safety to provide information to the DCPL, including an independent expert assessment, where it is reasonable to expect Child Safety to take that step in all of the circumstances of the case.
86. Where Child Safety agree the independent expert assessment is necessary, Child Safety and the DCPL should work together to identify the expert and develop the terms of reference, although Child Safety are ultimately responsible for deciding the content of the terms of reference.
87. Where Child Safety do not agree that an independent expert assessment (or other information requested by the DCPL) is necessary, there should be consultation between DCPL and Child Safety to explore whether there may be other ways to obtain relevant information, such as through a request by Child Safety under section 159N of the CP Act or by way of subpoena.
88. If after consultation Child Safety decide not to engage an independent expert assessment or provide the information requested, this may have implications for the DCPL's assessment of the sufficiency of evidence to support an application for a child protection order.
89. To avoid any doubt, where an independent expert assessment of a person is requested and organised by Child Safety, but the assessment cannot be completed because the person does not consent to participate, Child Safety will have taken reasonable steps to provide the information requested by the DCPL. This assumes the person has refused consent after being fully informed about the nature and purpose of the assessment in a way that is appropriate to support their informed consent.

Chapter 5 – Affidavit evidence

Part 1 Affidavits generally

90. Affidavits should be prepared in a manner that is balanced and fair. As well as including evidence that supports the application, affidavits should also include evidence that does not support the application. It should be apparent that this positive or contrary information has been taken into account in the assessment of the child.
91. Affidavits should contain only relevant information and should be well-structured. They should not be repetitive, and should not contain legal argument.
92. As far as possible, affidavits should not contain hearsay evidence. If an affidavit is to contain a statement based on information and belief, it must include the sources of the information and the grounds for the belief.

Part 2 Originating affidavits

93. The originating affidavit should:
 - a. include sufficient evidence to establish that the child is a *child in need of protection*. For example, in risk of *harm* cases there should be sufficient evidence to establish each concern giving rise to an unacceptable risk of significant *harm* to a child. Where it is alleged that a parent's drug use is causing an unacceptable risk of harm to a child, the affidavit should contain sufficient evidence to prove that allegation to the requisite

- standard (the balance of probabilities). Evidence may include results of drug screen testing, criminal histories, information from police such as police occurrence summaries, observations of Child Safety staff or of other agencies, information from health care providers or drug treatment services or statements made by the parent;
- b. include sufficient evidence to establish that there is no parent able and willing to protect the child from *harm*. This includes evidence of how the concerns impact on the parent's ability to meet the child's protection and care needs. There should be an assessment in respect of each parent, or where the identity or whereabouts of a parent is not known, the affidavit should evidence the reasonable steps taken by Child Safety to ascertain the identity and whereabouts of a parent; and
 - c. focus on current concerns. Evidence of a previous or resolved child protection concern should only be included if it is relevant to the current assessment in some way. The affidavit should make it clear that the concern is resolved, or there is no evidence that the concern is current, however, the relevance must be explained.
94. The originating affidavit should also contain information including but not limited to:
- a. the needs of the child and how these are being met;
 - b. the views and wishes of the child, and how they have been taken into account in the circumstances and having regard to the child's age or ability to understand;
 - c. the nature and impact of any support previously provided to the child and the child's parents by Child Safety or other agencies where relevant;
 - d. the parents' compliance with case plan actions and progress made including attendance at contact visits where relevant;
 - e. the living and contact arrangements for the child, including contact with siblings and extended family, and how they meet the child's needs (this is an express requirement for long-term guardianship or a permanent care order for the child under section 59(1)(b)(iii) of the CP Act);
 - f. why the order sought is necessary, including an assessment of why the child's care and protection could not be achieved by less intrusive means;
 - g. for a long-term guardianship order in favour of the chief executive, why guardianship could not properly be granted to another suitable person under a long-term guardianship or a permanent care for the child in preference to the chief executive; and
 - h. for an Aboriginal child or Torres Strait Islander child, information about:
 - i. the consideration of Aboriginal and Torres Strait Islander people's right to self-determination and the long-term effect of an assessment on the child's identity and that their connection with their family and community has been taken into account;
 - ii. how the assessment upholds the child placement principles,
 - iii. how any decision to apply for a permanent care order has been made if appropriate in consultation with the child, and
 - iv. Child Safety's engagement and consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child in relation to making significant decisions for the child.

Part 3 Complying with rule 13

- 94A Rule 13 reflects the general principle that the DCPL should consider whether there is sufficient, relevant and appropriate evidence available to decide whether to make an application for a child protection order, which is linked to one of the policy objectives of establishing the DCPL, to ensure that child protection applications filed in court are supported by good quality evidence, promoting efficiency and evidence-based decision making.

- 94B Rule 13(2) provides a prescriptive list of the types of documents (see Guideline 95) that the DCPL must consider filing as an exhibit to an affidavit in a proceeding, which is then limited under rule 13(3), to only the documents in the possession or control of Child Safety that are also relevant to the proceeding.
95. If the documents listed in rule 13(2) of the Rules are in the possession of Child Safety and are relevant to the referral, these documents should be exhibited to a draft affidavit accompanying the referral. The documents required by rule 13 are:
- a. the assessment of the alleged *harm*, or alleged risk of *harm*, to the child carried out by Child Safety that formed the basis of the referral of the *child protection matter* to the DCPL, including the outcome of that assessment;
 - b. the most recent strengths and needs assessment for the child and the child's parents;
 - c. documents relating to the most recently completed family group meeting for the child including a case plan if a plan was developed at the meeting;
 - d. previous applications or orders made for the child under the CP Act, including temporary assessment orders or court assessment orders;
 - e. referrals to an external agency that provides support to the child or a member of the child's family, such as Queensland Health or a domestic and family violence service;
 - f. any independent assessment or report about the child or the child's parent, such as a psychological or psychiatric assessment or a social assessment report;
 - g. the child's birth certificate;
 - h. any child protection history report of a person relevant to the proceeding; and
 - i. any criminal history, domestic violence history or traffic history of a person relevant to the proceeding.
96. If it is not practicable for Child Safety to provide a draft affidavit exhibiting the documents listed in rule 13 with the referral, this must be provided to the DCPL as soon as practicable afterward, as unless otherwise provided for, they must be filed within 10 business days after the first appearance for an application. In addition, the 'Form A – Referral of Child Protection Matter/s Summary Form' should include a brief explanation for this and indicate when the draft affidavit is likely to be provided to the DCPL. This information will be used to determine whether an extension of time must be sought from the court and the length of time required.

Part 4 Affidavits prepared after the application is filed

97. Affidavits prepared after the application is filed have the principal purpose of updating the court about matters relevant to the application. Unless otherwise agreed, all affidavits, including updating and hearing affidavits should be reviewed and settled by the DCPL before being sworn or affirmed. These affidavits should not exhibit documents that have been exhibited to earlier affidavits filed in the proceeding. These should be comprised of direct rather than hearsay evidence wherever possible. If an affidavit is to contain a statement based on information and belief, it must include the sources of the information and the grounds for the belief. Where the DCPL request Child Safety prepare a further affidavit ahead of a court event, in the absence of a filing direction, unless otherwise agreed, a draft affidavit should be provided to the DCPL 7 business days before the court event. This will allow the DCPL 2 business days to settle the affidavit, then Child Safety 2 business days to finalise and return it to DCPL for filing, and then service of the affidavit no later than three business days before the court event to which the affidavit relates.

- 97A. In circumstances where the court is hearing 2 or more applications for orders together³⁹ and a subject child dies during the proceedings, Child Safety are to prepare a separate affidavit evidencing the death. This will enable the DCPL to seek permission to withdraw the application in a way that is considerate and compassionate.⁴⁰

Part 5 Preparing and exhibiting a child protection history report

98. A child protection history report can provide important information to the court in a case where a child or the child's parent is previously known to Child Safety (or to a child protection agency in another State). It is understood that Child Safety assessments will consider all of the child's circumstances, including things that happened in the past where relevant.
99. However, a child protection history report that is to be filed in support of an application should be prepared with care. The essence of the task is to balance the requirement to properly inform the court of the broader context in which the current application should be decided; against the requirement to present relevant and, reliable evidence to the court, and to be fair to other parties.
100. A decision about what information to include should be made on a case by case basis. It is not as simple as including substantiated concerns and leaving out unsubstantiated concerns. Unsubstantiated concerns may be relevant in a particular case. For example, where:
- a. the concern was not substantiated at the time of the original investigation and assessment, however, the information is relevant to the current assessment because the concern is the same; and
 - b. there was a positive assessment of a parent's willingness and ability to protect the child (particularly if the concern is of a similar nature to the current concerns).
101. Child Safety should exercise caution when including information where no steps were taken to investigate the veracity or reliability of the information.
102. If, in preparing a child protection history report, information is not included, for reasons including those set out above, the child protection history report should make this clear, for example, by being titled 'relevant child protection history report'.

Part 6 Information received under Chapter 5A - Part 4 Information Sharing - of the CP Act

103. Where written information received by Child Safety under sections 159MB, 159MC, 159ME or 159N of the CP Act has been taken into account in the assessment, or is relevant to the referral to the DCPL, that document should be attached to a Child Safety affidavit as an exhibit in preference to describing the contents of the document in the affidavit. Consent of the entity or service provider to use the document in court proceedings should be obtained and information relating to how it was sought or obtained should be set out in the affidavit. If consent is not obtained, the information may still be attached to a Child Safety affidavit, because a child's safety wellbeing and best interests are paramount, and the child's protection and care needs take precedence over the protection of an individual's privacy.
104. Where information is received by Child Safety orally under sections 159MB, 159MC, 159ME or 159N of the CP Act, Child Safety should ask the entity or service provider to provide the

³⁹ Section 115 of the CP Act.

⁴⁰ Section 57A of the CP Act.

information in writing and seek their consent to use the document for the purposes of court proceedings. Where this is not practicable or where the entity or service provider is unwilling to provide the information in writing, or to consent to the use of their written information, Child Safety should make a case note of the conversation and attach the case note as an exhibit to the affidavit. After the application has been filed, the DCPL can consider issuing a subpoena to the entity or service provider for the production of documents relevant to the proceeding.

Part 7 Section 105(1) of the CP Act - rule against hearsay

105. Pursuant to section 105(1) of the CP Act, the Childrens Court is not bound by the rules of evidence, but may inform itself in any way it thinks appropriate. This does not mean that the rules of evidence do not apply. The Childrens Court must conduct proceedings in a manner that ensures all parties are afforded procedural fairness. The rules of evidence should, therefore, be adhered to wherever possible, including the rule against hearsay.
106. This means that, wherever possible, evidence should be tendered by the person with direct knowledge of the matter. For example, evidence about the child's contact with a parent should be provided by the person who supervised the contact, such as the child safety support officer providing an affidavit exhibiting their case note of the contact. This is preferable to the information being provided in a hearsay form in the allocated child safety officer's affidavit prepared from Child Safety case notes. If a standalone affidavit is unable to be obtained, a report, letter or case note prepared by the person with direct knowledge of the matter should be exhibited to a Child Safety affidavit. Only in circumstances when an affidavit, report, letter or case note cannot be obtained should the hearsay evidence of the person be included in the affidavit of a Child Safety officer. Where there is a relevant contemporaneous case note, for example of a telephone conversation between a child safety officer and a doctor, it should be attached as an exhibit to the affidavit.
107. Sometimes a person with direct knowledge of the matter may be reluctant to provide an affidavit because they have a relationship with the child or the child's parent, which they do not want to compromise, such as a family support worker.
108. Where the relationship may be damaged if the person provides evidence to the court, the DCPL and Child Safety should consider whether the evidence is necessary, even if it is relevant. If, for example, the case is strong without this evidence, the DCPL may decide not to seek the affidavit or not to seek the affidavit until later in the proceedings when it becomes clear it is necessary. In deciding how to deal with this type of information, the DCPL and Child Safety should have regard to the relationship between the child or parent and the person and, as much as possible, proceed in a way that preserves that relationship.
109. Where the DCPL decide the evidence of a person working with or who has a therapeutic relationship with the child or the child's parent is necessary, Child Safety should ensure the person understands why they are being asked to provide an affidavit so they can make an informed decision about whether to provide an affidavit. It may assist to explain to a person who has reservations about providing an affidavit that:
 - a. their evidence is relevant and necessary for the court to make a fully informed decision in the best interests of the child; and
 - b. they are being asked to detail relevant factual matters, or opinions where appropriate, for the court's consideration. They are not being asked to take a position against a

parent. Their observations or opinions that do not support the application are as relevant as ones that do.

110. The preference for direct evidence does not apply to the evidence of children. There are statutory provisions that provide when a child may give evidence in a child protection proceeding. Only subject children aged 12 years and over can give evidence or be cross-examined; and that this can only happen with the leave of the court, if the child is represented by a lawyer, and if the child agrees.⁴¹ Also, a person can only ask a child, other than a child who is a respondent, to swear or affirm an affidavit with the leave of the court.⁴² It follows that it will almost always be preferable for the DCPL to provide a child's evidence to the court in a hearsay form in the affidavit of a Child Safety officer or other appropriate witness.
111. Care should be taken when including things children say about their parents in the 'child's wishes and views' section of an affidavit. The child's relationship with their parents will continue after the litigation has ended, and, as much as possible, should not be adversely affected by the litigation process. Relevant paragraphs should be drafted with care with a view to balancing the requirement to ensure this information is before the court with the importance of preserving enduring family relationships for the child. Often this will come down to not 'what' is said but 'how' it is said.
112. To avoid any doubt, evidence of the child's wishes and views is different from evidence of things the child said that comprise part of the evidence of *harm* or unacceptable risk of *harm*. For example, the child's views about where they are staying or their contact with their parents can be distinguished from disclosures the child has made about *harm* caused to them by a parent. Although this evidence of *harm* will normally be provided in a hearsay form, it is clearly relevant and necessary evidence for the court.

Chapter 6 - The court process

Part 1 Court case management framework

113. The court case management framework is comprised of three parts:
 - a. The Rules;
 - b. The Bench Book; and
 - c. Practice Directions made by the Chief Magistrate.
114. Part 7 of the Rules is dedicated to court case management. It provides a framework for how the court must manage a proceeding to ensure the proceeding is resolved in accordance with the objects of the Rules.
115. The overarching objective of the court case management framework is to promote the fair and expeditious resolution of child protection proceedings and to reduce unnecessary delay.
116. The specific aims of the court case management framework are to ensure:
 - a. parties to child protection proceedings understand their rights, responsibilities and the court process
 - b. there are more consistent and transparent court processes;
 - c. the court focuses on the best interests of the child; and

⁴¹ Section 112 of the CP Act.

⁴² Rule 81 of the Rules.

- d. the court actively manages proceedings with assistance from parties.
117. The DCPL and Child Safety should work in partnership to promote the aims of the court case management framework. For example, the DCPL and Child Safety should work together to:
- a. comply with timeframes fixed by the court for the completion of steps in a proceeding; and
 - b. assist the child, if they are participating in the proceeding, and the child's parents to understand their rights, responsibilities and the court process, particularly where they are unrepresented.

Part 2 Filing documents in court

118. The DCPL is responsible for filing all of the applicant's material in court, including the application and supporting affidavits (originating documents). A document must be received by the relevant court registry by 4:30pm on a day the registry is open for business for the document to be taken to be filed in the registry that day.⁴³ Child Safety should ensure that electronic copies of executed affidavits are provided to the DCPL as soon as practicable having regard to filing deadlines.
119. After originating documents are received back from the registry, the DCPL should provide Child Safety with a copy of the sealed:
- a. application; and
 - b. front sheet of the affidavit showing the court's seal and the filing date.
120. These documents should be provided to Child Safety electronically. As the proceeding progresses, the DCPL should also provide Child Safety with a copy of any other filed document electronically as soon as practicable after sealed copies are received from the registry.
121. Where documents are filed electronically, Child Safety will be responsible for making copies of the sealed documents for service on the respondents. Where the DCPL file documents by delivering them to the registry personally or by post, and the registry issues sealed copies, these will be provided to Child Safety for service on the respondents.

Part 3 Service of documents filed by the DCPL

Division 1 Service of documents generally

122. Generally, Child Safety will serve originating documents and other documents filed by the DCPL on the parties to a proceeding, however, other arrangements can be decided on a case by case basis. The exception to this is subpoenas to produce a document or thing, which will be served on the subpoena recipient by the DCPL.
123. Child Safety, wherever practicable, should personally serve a copy of the application on the child's parents.⁴⁴ Personal service, particularly of originating material, is important because of the intrusive nature of the order sought, the likely vulnerability of the child's parents, and the fact they are often not represented by a lawyer at that stage of the proceeding. Child

⁴³ Rule 17 of the Rules.

⁴⁴ Section 56 of the CP Act.

Safety should also tell the child about the application in a manner and to the extent that is appropriate having regard to the child's age and ability to understand.⁴⁵

124. Although the child is a party to the proceeding, the Rules provide that, subject to the Act, they may only be served with documents filed in the proceedings if:
 - a. they are participating in the proceeding; or
 - b. the court has ordered it.⁴⁶

125. A person who personally serves a document on the child's parents should:
 - a. explain what the documents are and what the proceedings are about;
 - b. tell the child's parents when the first/next court date is;
 - c. encourage the child's parents to obtain legal advice and give them information about how to contact their local Legal Aid Queensland office or other local community legal service, or if the parent is Aboriginal or a Torres Strait Islander, assisting them to seek assistance from the Aboriginal and Torres Strait Islander Legal Service (ATSILS);
 - d. tell the child's parents they may bring a support person to court, although whether the person is allowed to be present in the court is at the discretion of the court; and
 - e. tell the child's parents they can ask the court for permission to attend a court event by telephone or audio visual link if, for example, it will be difficult for them to attend in person. Child Safety should also provide the parents with information about how they can make the request where the parents indicate they may make a request.⁴⁷

126. Where Child Safety staff are serving documents filed by the DCPL, they should complete service of the documents as soon as practicable, and no later than three business days before the court event to which the documents relate.⁴⁸ If Child Safety are unable to comply with this timescale, they should advise the DCPL. If a party is represented by a lawyer in the proceeding, the DCPL will serve their lawyer, this includes separate representatives.

127. After Child Safety staff have effected service of documents filed by the DCPL, the Child Safety staff member who served the documents should provide an affidavit of service. The affidavit should be executed as quickly as possible after service has been effected, and be provided to the DCPL electronically with the original to follow by post or hand delivery.

Division 2 Service on guardians and the public guardian

128. Where the DCPL is required to serve a document on a person in a proceeding, and the DCPL know the person has a guardian, the document must be served on the guardian.⁴⁹ To assist the DCPL to comply with this obligation, Child Safety should advise the DCPL that a parent has a guardian when this is known to them. Where Child Safety reasonably believe a parent has impaired capacity but they are unsure whether the parent has a guardian, they should take steps to ascertain whether the parent has a guardian, for example, by contacting the QCAT registry to find out if QCAT has appointed a guardian for the parent.

⁴⁵ Sections 56 and 195 of the CP Act.

⁴⁶ Rule 25(2) of the Rules.

⁴⁷ Rule 48 of the Rules.

⁴⁸ Rule 26(2) of the Rules.

⁴⁹ Rule 33 of the Rules.

129. If the DCPL reasonably believe a parent has impaired capacity but they are unsure whether the parent has a guardian, they should take steps to ascertain whether the parent has a guardian by seeking information from Child Safety or making enquiries themselves.
130. Where the public guardian has given written notice of an intention to appear in a child protection proceeding under section 108B(2) of the CP Act, they should be treated as a party, which includes serving them with copies of all documents filed by the DCPL in the proceedings.⁵⁰

Part 4 Duty of disclosure

Division 1 Duty of Disclosure

131. The DCPL has a duty to make full and early disclosure to the parties of all documents in the possession or control of the DCPL that are relevant to a child protection proceeding. This includes applications to make, vary, extend and revoke a child protection order. It also includes applications where the DCPL is a respondent, such as an application to revoke a child protection order made by a parent.⁵¹ The DCPL should be proactive and forthcoming in discharging its duty of disclosure, which continues until the proceeding is decided.⁵² However, the DCPL may refuse to disclose a relevant document in certain circumstances. This is discussed in part 4, division 6 below.
132. The duty of disclosure is intended to ensure the DCPL conducts proceedings on behalf of the State fairly and transparently, in a manner that does not disadvantage other parties, particularly in circumstances where they are not represented by a lawyer. Disclosure also ensures parties to a proceeding are equipped with relevant information so they can respond to the DCPL's case effectively.
133. In practice, the DCPL's duty of disclosure is a shared responsibility between the DCPL and Child Safety. Child Safety has a duty to disclose to the DCPL all information that is relevant to a proceeding that is in Child Safety's possession or control. This is also an ongoing duty that continues until the proceeding is finally decided or otherwise ends.⁵³ The DCPL and Child Safety should work together in a timely way to ensure the duty is complied with and that any directions of the court about disclosure can be fulfilled.
134. This means that all relevant documents that come into the possession or control of Child Safety after the DCPL has provided initial disclosure, should be provided to the DCPL for the purposes of disclosure. This is important to ensure the DCPL complies with its duty of disclosure and the model litigant principles generally. Further, the DCPL cannot tender a Child Safety document in a proceeding that has not been disclosed without the leave of the court.⁵⁴

⁵⁰ Rule 39 of the Rules.

⁵¹ Section 189C(1) and the definition of *child protection order* in Schedule 3 of the CP Act.

⁵² Section 189C of the CP Act.

⁵³ Section 24 of the Act.

⁵⁴ Section 189D of the CP Act.

Division 2 Duty to disclose relevant documents in DCPL's possession or control

135. 'Relevance' combined with 'possession or control' set the parameters of the DCPL's overarching duty of disclosure. Every document in Child Safety's possession or control about a child will not necessarily be relevant to a proceeding. To be relevant, the document must be relevant to the matters in issue in the proceeding. A document will be relevant if it tends to prove or disprove an allegation in issue. This includes a document that is likely to be relevant to a party's response to the applicant's case.
136. If a document is not relevant to an allegation in issue, it does not have to be disclosed. When documents contain information that is both relevant and not relevant to a proceeding, the whole document should be disclosed.
137. Possession or control refers to documents that are physically held by the DCPL and Child Safety, and documents that either agency is able to exercise power or command over such as emails, electronic documents and other documents that lack a physical form. It does not include documents that Child Safety has a power to obtain, such as information that can be requested under section 159N of the CP Act. A document in Child Safety's possession or control is deemed to be in the possession or control of the DCPL.⁵⁵

Division 3 Disclosure Form

138. Under rule 52 of the Rules, the DCPL must file and serve the 'Form D – Disclosure Form' attached to these Guidelines on each party to a child protection proceeding. The DCPL may file and serve a 'Form D – Disclosure Form' at any time on its own initiative or as directed by the court. Subject to a direction of the court to the contrary, the DCPL must file and serve the Disclosure Form on the parties within 20 days of the first mention date for the proceeding.⁵⁶ As set out in Guideline 127 above, Child Safety will generally undertake service of the Disclosure Form on the parties, however, other arrangements may be agreed on a case by case basis.
139. The 'Form D – Disclosure Form' includes two lists of documents. The first list is found in Box A, and is comprised of the types of documents that are normally held by Child Safety. The second list is found in Box B, and is a list of specific documents that the DCPL has identified are relevant and should be disclosed. The second list may include a document that:
- a. does not fall within the types of documents contained in the first list; or
 - b. falls within the types of documents contained in the first list, however, because of its particular relevance, the DCPL decide to list it as a specific document that can be requested.
140. If the 'Form D – Disclosure Form' does not list any documents in Box B, Box B should be deleted.
141. To assist the DCPL to comply with the requirement to file the 'Form D – Disclosure Form' within 20 days of the first mention, Child Safety should provide electronically all relevant documents at the time of the referral and then continue to provide all relevant documents on an ongoing basis, such as:

⁵⁵ Section 189C(7) of the CP Act.

⁵⁶ Rule 52 of the Rules.

- a. the documents that Child Safety consider should be exhibited in compliance with Rule 13 ;
 - b. other relevant documents in their possession or control that could be disclosed. Child Safety's approach to determining relevance should be inclusive. This means that if Child Safety staff are unsure whether a document is relevant they should provide it to the DCPL;
 - c. correspondence and emails;
 - d. relevant documents that Child Safety assess the DCPL should refuse to disclose under section 191(2) of the CP Act. Child Safety should provide documents that contain confidential information that require redaction before being disclosed. This includes notifier details, carer's addresses (where Child Safety has made a decision to withhold this information) and third party details or information that could reasonably lead to the identification of these things; and
 - e. advise the DCPL of any document Child Safety assess should be listed as a specific document on the 'Form D – Disclosure Form', because it falls outside the types of documents in the first list or because of the document's particular relevance.
142. Child Safety should provide written confirmation to the DCPL as soon as practicable after the above tasks have been completed. If the DCPL believe there may be other relevant documents that have not been provided, the DCPL should consult with OCFOS about this.
143. If the 'Form D – Disclosure Form' lists any documents in Box B, the DCPL should provide OCFOS with a copy of the draft Disclosure Form before it is filed, so OCFOS can provide any feedback to the DCPL before it is filed and served.
144. Where a party is unrepresented, the 'Form D - Disclosure Form' should be served on them personally wherever practicable. This is so the disclosure process, including how they can make a request for disclosure, can be explained. In addition, the party should be shown the information section at the end of the Disclosure Form, and be encouraged to obtain independent legal advice. Child Safety will normally serve the Disclosure Form on unrepresented parties. The DCPL may, however, attend to service of the Disclosure Form where this can be done at a court event.
145. Where a respondent's address is not known to the other respondent/s, it must be redacted from the copy of the 'Form D – Disclosure Form' served on the other respondent/s.
146. A copy of the 'Form E – Request for Disclosure Form' attached to these Guidelines, should be provided with the Disclosure Form when it is served on a party to the proceeding.
147. The filing and service of the 'Form D – Disclosure Form' in a proceeding is unlikely to be sufficient to discharge the DCPL's duty of disclosure. The proactive and ongoing nature of the DCPL's duty of disclosure under the Act is reflected in the Rules, which say that the DCPL may disclose a document at any time.⁵⁷ The DCPL does not have to wait for the return of the 'Form E – Request for Disclosure Form' before providing disclosure, particularly in a case where there is not a large number of relevant disclosable documents. In these cases the DCPL may provide early disclosure by giving a copy of the relevant disclosable documents to the parties at the earliest opportunity.

⁵⁷ Rule 55(1) of the Rules.

Division 4 Requests for disclosure

148. Requests for disclosure of a document or documents by a party should be in writing and may be made using the 'Form E – Request for Disclosure Form'. The request should include an adequate description of the document sought.⁵⁸
149. Where an unrepresented party does not return the 'Form E – Request for Disclosure Form' or otherwise make a written request for disclosure, the DCPL and Child Safety should work together to ensure this is followed up with the party in a timely way. This may involve Child Safety contacting the party to ensure they understand they may request the DCPL disclose a particular Child Safety document/s that are relevant to the proceeding. Where a party needs assistance to understand the type of documents that are referred to in the first list on the Disclosure Form, they should be given this assistance.
150. The DCPL may also contact a party by telephone and/or in writing to them to make sure they understand the disclosure process, and what they may request the DCPL disclose using the 'Form E – Request for Disclosure Form'. In complying with its disclosure obligation, the DCPL should take reasonable steps to ensure a party has the benefit of disclosure of relevant Child Safety documents in the proceeding. Service of the Disclosure Form, particularly on unrepresented parties, on its own, will not normally be enough to satisfy the duty.
151. Where a party is represented, the DCPL should follow-up the return of the 'Form E – Request for Disclosure Form' with their lawyer.

Division 5 Providing disclosure

152. The DCPL should be forthcoming in providing disclosure under the CP Act. This may involve proactively disclosing relevant documents in a proceeding at an early stage prior to the return of the 'Form E - Request for Disclosure Form'. In other cases, this may involve providing disclosure following receipt of the Request for Disclosure Form. Complying with the duty of disclosure will require strong collaboration and partnership working between the DCPL and Child Safety. In particular, the DCPL should consult with Child Safety about the documents that have been provided and about whether there are other relevant documents in Child Safety's possession or control that have not yet been provided. Where particular documents or classes of documents are requested by a party, Child Safety should ensure that all requested documents are provided to the DCPL as soon as reasonably practicable. This will assist the DCPL to respond to the request as soon as reasonably practicable as required under the Rules.⁵⁹
153. Responsibility for redaction of confidential information from Child Safety documents and records that are being provided in compliance with the DCPL's duty of disclosure, should be shared equally between the DCPL and Child Safety. This includes redaction of notifier details, carer's addresses (where Child Safety has made a decision to withhold this information) and third party details or information that could reasonably lead to the identification of these things. Where the DCPL undertakes the redaction of confidential information from documents that are otherwise disclosable, DCPL may request Child Safety

⁵⁸ Rule 53(1) and (2) of the Rules.

⁵⁹ Rule 52(3) of the Rules.

to review particular redacted documents and provide the DCPL with written confirmation that all confidential information has been redacted.

154. The DCPL is responsible for deciding what documents are being disclosed and what documents are not being disclosed, because they are not relevant or because they fall within a ground for non-disclosure under section 191(2) of the CP Act.
155. Disclosure can be provided either by inspection or service. Inspection may be useful particularly in matters with a large volume of disclosure documents. The DCPL and OCFOS should consult about how disclosure will be provided in each case.
156. Where disclosure is being provided by inspection, this will take place at a location mutually agreed between the DCPL and OCFOS. The DCPL is responsible for providing written notice to the parties of the place and time the documents can be inspected. Where disclosure by inspection occurs at a CSSC, Child Safety should make copies of the documents requested by the inspecting party. The copies should then be provided electronically entitled 'bundle of disclosure documents requested by [name of party] on [date]'. The DCPL is responsible for providing the requested documents to the inspecting party.⁶⁰
157. Where disclosure is being provided by service, the DCPL should provide a bundle of disclosure documents to the party either in hard copy form or electronic form depending on the party's circumstances, including whether they are represented by a lawyer. The DCPL should also provide a copy the bundle of disclosure documents electronically to Child Safety entitled 'bundle of disclosure documents provided to [name of party] on [date]'.
158. Before disclosure is provided, the DCPL must tell parties who inspect and/or receive copies of documents under the disclosure provisions of the CP Act, that it is an offence to, directly or indirectly, disclose or make use of the documents other than for a purpose connected to the proceeding.⁶¹
159. When the DCPL provides disclosure of documents to a party, the DCPL must be satisfied that the document should not be refused under the non-disclosure grounds under section 191(2) of the CP Act to all parties, as the party may make the document available to any other party to the proceeding. Further, where a party requests disclosure of a document or documents provided to another party, the DCPL must provide immediate disclosure of the document or documents to the other party, subject to the non-disclosure grounds under section 191(2) of the CP Act.⁶² If a particular ground for non-disclosure applies to one party but not another party in the proceeding, the DCPL should as per Guidelines 162 and 163 refuse to disclose, and then seek to manage the disclosure through the court on conditions the court considers appropriate. For example, disclosure of document (or part of a document) to one party may be likely to endanger the safety or psychological health of a person, however, disclosure of that information to another party may not give rise to these risks. In this instance, the disclosure should occur by court order with appropriate conditions to manage this risk.
160. The DCPL should be diligent in ensuring that disclosure is up to date by the court ordered conference. If this is not practicable, the DCPL should bring this to the court's attention so the conference can be rescheduled. Disclosure also needs to be up to date before a hearing

⁶⁰ Rule 56(2) of the Rules.

⁶¹ Section 189E of the CP Act.

⁶² Rule 57 of the Rules.

of an application. The DCPL should seek directions from the court to ensure disclosure is completed before a court ordered conference or a hearing of the application as appropriate.⁶³

161. The DCPL does not have to file a document it discloses to a party to the proceeding, unless the Rules require the document to be filed or the court directs that the document be filed.⁶⁴ Where the DCPL intends to rely on the document, it should comprise part of the evidence filed by the DCPL in support of the application.

Division 6 Non-disclosure under section 191 of the CP Act

162. When the DCPL is disclosing documents to a party, the DCPL must notify the party of any document the DCPL is refusing to disclose under section 191(2) of the CP Act.
163. Where the DCPL refuses to disclose a relevant document on a ground set out in section 191(2) of the CP Act, the DCPL must give the party written notice of the non-disclosure decision stating:
- a. the ground for non-disclosure;
 - b. the DCPL is not required to disclose the document, unless the court orders disclosure, and disclosure will then be on the terms ordered by the court; and
 - c. they can apply to court for an order requiring the DCPL to disclose the document under section 191 of the CP Act.⁶⁵
164. The DCPL should refuse to disclose a relevant document or part of a relevant document that falls within one of the grounds for non-disclosure mentioned in section 191(2) of the CP Act. The DCPL should consult with Child Safety about decisions to refuse disclosure of a relevant document as required.

Division 7 Disclosure compliance notice

165. The DCPL must provide written notice to the court that the duty of disclosure has been complied with ('Form F - Disclosure Compliance Notice Form' is attached to these Guidelines).⁶⁶ The DCPL should file and serve the notice on the parties prior to seeking a final determination of an application.⁶⁷ Until a 'Form F - Disclosure Compliance Notice Form' has been filed, the court cannot decide the proceeding.⁶⁸
166. Examples of when the DCPL may seek to file a 'Form F - Disclosure Compliance Notice Form' include:
- a. before the hearing of the proceeding; and
 - b. prior to asking the court to make a child protection order in accordance with a resolution reached at a court ordered conference.
167. The DCPL may file more than one 'Form F - Disclosure Compliance Notice Form' before a proceeding is finally decided.

⁶³ Rules 52(4), 55 and 58(2) of the Rules.

⁶⁴ Rule 59 of the Rules.

⁶⁵ Section 191(4) and (5) of the CP Act.

⁶⁶ Rule 61 of the Rules.

⁶⁷ Rule 26 of the Rules.

⁶⁸ Rule 61 of the Rules.

Part 5 Subpoenas for production of documents or things

Division 1 Requesting subpoenas to produce

168. A subpoena to produce a document or thing (subpoena to produce) can be requested by a party to the proceeding. A 'subpoena to produce' may also be issued by the court on its own initiative.⁶⁹
169. The DCPL should consult with Child Safety in deciding whether it is necessary to request one or more subpoenas to produce in a particular matter. Child Safety may request the DCPL consider issuing a subpoena to produce a document or thing if it is relevant to Child Safety's assessment. However, the DCPL may refuse to issue the subpoena. The DCPL is responsible for requesting subpoenas to produce in child protection proceedings. This includes drafting the request and filing the request in court. The request must be in the approved form and comply with the Rules.⁷⁰
170. Subpoenas to produce should not be issued as a matter of course in every case. Instead, they should be requested when necessary, and their scope should be appropriately targeted when a particular document or class of documents is sought.

Division 2 Service of subpoenas to produce

171. The DCPL is responsible for service of subpoenas to produce on the subpoena recipient and the parties.

Division 3 Conduct money

172. Conduct money is a sum of money paid to a subpoena recipient to meet their reasonable expenses of complying with the subpoena, including accessing and copying information. Conduct money is not payable to subpoena recipients who are employees or agencies of the State where they are not a party to or a participant in the proceeding.⁷¹ This means that conduct money will not be payable to a department that is responsible for public health, education, housing services or the police.
173. Where conduct money is payable, the DCPL is responsible for payment. Although the DCPL is generally responsible for service of subpoenas to produce, where Child Safety agree to effect service, the DCPL will provide conduct money, in the form of a cheque, at the same time as the 'subpoena to produce' is provided to Child Safety for service. In these circumstances, Child Safety should ensure that, as well as serving the 'subpoena to produce' on the subpoena recipient, they also provide the cheque in payment of conduct money to the subpoena recipient.

⁶⁹ Rule 94(1)(b) of the Rules.

⁷⁰ Rule 93 of the Rules.

⁷¹ Rule 100(2) of the Rules.

174. Where Child Safety effect service of a 'subpoena to produce', the Child Safety staff member who served the subpoena should provide an affidavit of service. The affidavit should be executed as quickly as possible after service has been effected and be provided to the DCPL electronically, with the original to follow by post or hand delivery.

Division 4 Inspection and copying of material returned under subpoena

175. The DCPL should consult with Child Safety before making an application to inspect and copy material returned under a 'subpoena to produce'. The purpose of the consultation is to discuss whether there are any conditions the DCPL should request the court to impose in granting parties access to the material returned under the 'subpoena to produce'. For example, if the subpoena addresses a personal medical history of one of the parents, where the parties are legally represented, the DCPL may ask that only legal representatives be allowed to inspect and copy material returned under a 'subpoena to produce'.
176. The DCPL is responsible for inspecting material returned under a 'subpoena to produce', and if the court has given permission to copy the documents, for identifying and copying relevant documents. The DCPL should provide Child Safety with a copy of all documents copied.
177. The DCPL is responsible for compiling the bundle of subpoenaed material on which the DCPL intends to rely at a hearing, and for the indexing and paginating the bundle. Where a bundle of subpoenaed material is prepared by the DCPL, the DCPL will provide a copy of the bundle to Child Safety.

Part 6 Witnesses

Division 1 Coordination of witnesses

178. The DCPL and OCFOS should work together to identify witnesses who will give evidence at a hearing. The DCPL with the assistance of OCFOS will liaise with Child Safety witnesses in the lead up to the hearing about availability and other practical matters relating to giving evidence.
179. The DCPL is responsible for coordination of witnesses during a hearing, although the DCPL may be assisted by an OCFOS officer where they are in attendance at the hearing.

Division 2 Giving evidence in person or by audio visual link or audio link

180. Witnesses giving evidence as part of the DCPL's case should attend court in person, particularly Child Safety staff.
181. The DCPL may request permission from the court for a witness, particularly an expert witness, to give evidence by audio visual link or audio link.⁷² In exceptional circumstances, the DCPL may request permission from the court for a Child Safety witness to give evidence remotely. For example, when the witness is unable to attend court due to illness or is no longer working for Child Safety, and lives a long distance from the court. Requests can be

⁷² Rule 48 of the Rules.

made in writing prior to the court event or orally at a preceding court event. The court can also make a direction allowing a witness to give evidence remotely at a future court event on its own initiative.

182. The decision about whether to request permission for a witness to give evidence remotely rests with the DCPL. In deciding whether to make a request, the DCPL may consult with Child Safety to discuss the request and to obtain further information relevant to the request, such as the location of the witness and, in the case of an expert witness, the impact of appearing in person on their work commitments. Child Safety may approach the DCPL when they believe a request should be made for permission for a particular witness to give evidence by audio visual link or audio link. Child Safety should make contact with the DCPL about this as soon as possible, and before the review mention is held in the lead up to the hearing.
183. Where the DCPL make a written request for permission for a witness to give evidence by audio visual link or audio link, the request should comply with rule 48(2) of the Rules. In particular, rule 48(2) requires the person making the request to inform the court about:
 - a. how and when notice of the request was given to the other participants to the proceeding;
 - b. whether any of the other participants object to the request; and
 - c. whether they are aware of any issues in the proceeding that are likely to be contested during the appearance.
184. When requested by the DCPL, Child Safety should assist the DCPL by obtaining the information required by rule 48(2) from parties and participants in the proceeding. The DCPL should request Child Safety's assistance to obtain this information as soon as practicable prior to the appearance. Child Safety should take reasonable steps to obtain this information and provide it to the DCPL with sufficient time for the DCPL to make the request prior to the court appearance.

Division 3 Subpoenas to attend to give evidence

185. A subpoena for a person to attend court to give evidence (subpoena to attend), can be requested by a party to the proceeding or can be issued by the court on its own initiative.⁷³
186. The DCPL should consult with Child Safety as necessary in deciding whether to request one or more subpoenas to attend to give evidence in a particular matter. The DCPL is then responsible for requesting 'subpoenas to attend'. This includes drafting the request and filing the request in court. The request must be in the approved form and comply with the Rules.⁷⁴

Division 4 Service of subpoenas to attend to give evidence

187. The DCPL and Child Safety should work together to ensure that 'subpoenas to attend' are served on a witness with as much notice as possible of the date the witness is required to attend court. Unless agreed, after the 'subpoena to attend' has been issued by the court and returned to the DCPL, the DCPL should, as soon as practicable, provide a copy of the 'subpoena to attend' to Child Safety for service.

⁷³ Rule 94(1)(b) of the Rules.

⁷⁴ Rule 93 of the Rules.

Division 5 Notice to Child Safety witnesses

188. The DCPL should provide written notice to Child Safety stating which Child Safety staff are required, including when and where the staff are required to give evidence in a proceeding. The DCPL should give Child Safety as much notice as possible of the date a Child Safety staff member is required to attend court to give evidence.

Division 6 Expert witnesses

189. Where the DCPL calls an expert witness to give evidence in a proceeding, such as a psychiatrist or psychologist, the DCPL should take all reasonable steps to minimise the disruption and inconvenience to the witness. In particular, where the witness is giving evidence in person, the DCPL should ensure the witness is present at court no longer than necessary to give the required evidence. The DCPL should also, in appropriate cases, request permission from the court for the witness to give evidence by audio visual link or audio link.
190. The court can make directions about how expert evidence is to be taken in a child protection proceeding.⁷⁵ Directions can be made by the court about various matters including the type and number of experts that will give evidence. Where the DCPL intends to ask the court to make directions under this provision, it should consult with Child Safety about the directions the DCPL intends to seek.

Division 7 Conduct money, witness allowances and witness losses and expenses

191. Conduct money is payable to a witness who is subpoenaed to give evidence to meet their reasonable expenses of travel to and from court.⁷⁶ Conduct money is not payable to subpoena recipients who are employees or agencies of the State where they are not a party to or a participant in the proceeding.⁷⁷ This means that conduct money will not be payable to employees of government departments or agencies who attend court to give evidence such as employees of a department that is responsible for public health, education, housing services or the police.
192. Where conduct money is payable, for example, when the subpoena recipient is a general practitioner, the DCPL is responsible for payment. The DCPL will provide conduct money, in the form of a cheque, at the same time as the 'subpoena to attend' is provided to Child Safety for service. In these circumstances, Child Safety should ensure that, as well as serving the 'subpoena to attend' on the subpoena recipient, that they also provide the cheque in payment of conduct money to the subpoena recipient.
193. In addition to the payment of conduct money to a non-State witness who is not a participant in the proceeding, the court can order the party who subpoenaed the witness to pay a travel and accommodation allowance, and losses and expenses, including legal costs, incurred by the witness incurred in complying with the subpoena.⁷⁸ However, the court can only make

⁷⁵ Rule 66(2) of the Rules.

⁷⁶ Rule 100(3) of the Rules.

⁷⁷ Rule 100(2) of the Rules.

⁷⁸ Rule 100(3) of the Rules.

such an order if the subpoena recipient gives notice to the party who issued the subpoena that substantial losses and expenses will be incurred in complying with the subpoena, and gives an estimate of those losses or expenses.⁷⁹ Where a subpoena recipient contacts Child Safety and raises a concern about the cost of complying with a 'subpoena to attend', Child Safety should:

- a. draw the subpoena recipient's attention to the notice on the subpoena advising them of their right to seek an order from the court for additional allowances and for substantial losses and expenses incurred in complying with the subpoena under rule 100(3) of the Rules;
- b. ask the subpoena recipient to provide written notice itemising the estimated losses and expenses they anticipate will be incurred in complying with the subpoena; and
- c. provide this information to the DCPL, together with a copy of any written communication from the subpoena recipient. This is so the DCPL can consider whether to take action to reduce the anticipated losses and expenses of the witness by, for example, seeking permission from the court for the witness to give evidence remotely.

194. The DCPL is responsible for payment of allowances, or losses and expenses ordered by the court to a witness where the 'subpoena to attend' was issued by the DCPL.

Division 8 Child witnesses

195. Subject children, or other children, rarely give evidence in child protection proceedings. This is because it is usually not necessary, and not in a child's best interests for them to give evidence. For these reasons, the CP Act and the Rules place restrictions around when a child can give evidence and be cross-examined in child protection proceedings.

196. Only subject children aged 12 years and over can give evidence or be cross-examined, and this can only happen:

- a. with the leave of the court;
- b. if the child is represented by a lawyer; and
- c. if the child agrees.⁸⁰

197. Further, a person can only ask a child, other than a child who is a respondent, to swear or affirm an affidavit with the leave of the court.⁸¹

198. Despite the tight statutory controls about a child giving evidence in a proceeding, occasionally, a child may give evidence in a case. For example, an older child who is participating in a proceeding, and who has a direct representative, may decide they want to provide an affidavit in response to the application.

199. In the unlikely circumstances that a subject child files an affidavit in response to an application but is unrepresented, the DCPL should be proactive in ensuring the child has a lawyer appointed to represent them in the proceeding.

⁷⁹ Rule 100(3) and 100(4) of the Rules.

⁸⁰ Section 112 of the CP Act.

⁸¹ Rule 81 of the Rules.

200. Legal Aid Queensland provides advice and representation services to children in child protection proceedings. The DCPL can help a child to obtain legal representation through Legal Aid Queensland by:
- a. asking Child Safety to assist the child to apply to Legal Aid Queensland for the appointment of a direct representative; and/or
 - b. requesting the court to appoint a separate representative to represent the child in the proceeding.
201. The DCPL may also pursue the appointment of an advocate from the Office of Public Guardian to support the child in the proceeding.
202. The DCPL should consider carefully whether it is necessary to cross-examine a child who has filed an affidavit in response to an application when a matter is proceeding to a contested hearing. The child should only be cross-examined if it is necessary. The DCPL should consult with Child Safety before reaching a decision about whether to seek the court's leave to cross-examine a child under section 112(3) of the CP Act. If the court's leave is granted, the DCPL must provide written notice to the child's legal representative that the child is required for cross-examination as soon as possible prior to the hearing.⁸²
203. Where a child has filed an affidavit in response to an application made by the DCPL, the DCPL should ensure that a party or participant seeking to cross-examine the child has obtained the requisite leave of the court under section 112(3) of the CP Act for that cross-examination. The DCPL should consult with Child Safety prior to making submissions to the court about whether leave for cross-examination of a child by another party or participant should be granted.
204. Where the court grants leave for cross-examination of the child, the DCPL should ensure the court makes directions about how the child will be cross-examined under rule 102 of the Rules. The DCPL should consult with Child Safety about what directions would be appropriate having regard to all of the circumstances of the case. The DCPL should assist the court to make directions that assist the child to give their best evidence, and to minimise any distress to the child. This could include those things specified by rule 102(2) of the Rules, namely:
- a. excluding a person or persons from the court while the child gives evidence;
 - b. allowing the child to have a support person nearby throughout their evidence; and
 - c. having the child give their evidence by audio visual link or audio link.
205. Where the child's parent is also a child and has filed an affidavit in the proceeding, the DCPL should consider, in consultation with Child Safety, whether to ask the court to make directions under rule 102(2) about how the child's parent will give evidence.

Part 7 Section 106 of the CP Act

206. The court has a duty under section 106 of the CP Act to, as far as practicable, ensure the parties to the proceeding, including the child (if they are participating) and the child's parents, and other parties understand the nature, purpose and legal implications of the proceeding and any order or ruling made by the court. This includes not hearing a proceeding unless a person who requires help to understand or take part in the proceeding, has the help they need to understand or take part.

⁸² Rule 91(3) of the Rules.

207. The DCPL, as a model litigant, has a responsibility to be proactive in considering whether a party or participant is likely to require help to understand or take part in the proceeding, and take appropriate steps.
208. Child Safety should assist the DCPL to comply with its model litigant obligations by advising the DCPL if a party or a person participating in the proceeding requires help to understand or take part. This includes circumstances where a parent or participant:
- a. has difficulty communicating in English; or
 - b. has, or may have, a disability including an intellectual or cognitive impairment.
209. Where a party or a participant in a proceeding has a disability that prevents them from understanding the proceeding, the DCPL should assist the court to comply with its obligations under section 106 of the CP Act. The steps the DCPL should take will depend on the particular case, but may include:
- a. asking Child Safety to assist the person to apply to Legal Aid Queensland or a Legal Aid preferred service provider for assistance, or a local community legal centre, or if the person is Aboriginal or a Torres Strait Islander, assisting them to seek assistance from ATSILS;
 - b. asking the court to issue a direction under rule 68(3) of the Rules directing the registry to send to Legal Aid Queensland the magistrate's written request that Legal Aid Queensland consider giving the person legal assistance for the proceeding; and
 - c. asking the court to make a direction under rule 67(2)(c)(ii) of the Rules, to ensure the person understands and can participate in the proceeding.

Part 8 Interpreters

210. Where a witness appearing as part of the DCPL's case needs an interpreter, the DCPL is responsible for arranging this. The DCPL should ensure that every witness called by the DCPL who needs an interpreter has one. Where Child Safety is aware that a witness may need an interpreter they should advise the DCPL. The DCPL is responsible and for payment of any applicable fees.
211. Where a party or a participant in a proceeding requires an interpreter to understand the proceeding and they are unrepresented, the DCPL should ask the court to appoint an interpreter to attend all court events to facilitate their taking part. This includes:
- a. the child, where they are participating;
 - b. the child's parents; and
 - c. a person participating under section 113 of the CP Act with all of the rights and duties of a party.
212. Where the court orders the appointment of an interpreter, the costs of the interpreter should be met by the court.

Part 9 Preparation for hearing

213. The DCPL should act with diligence to ensure in a matter where the parties cannot reach an agreement to be considered by the court, that it progresses to a hearing as quickly as possible. Where a matter is set down for a hearing, the DCPL should ensure the DCPL is ready to proceed on the allocated hearing date.

214. The DCPL and Child Safety should work together in the lead up to a hearing to ensure that procedural directions of the court are complied with, and that the DCPL is ready to proceed. In particular, ongoing consultation and collaboration can assist to:
- a. ensure the DCPL is kept updated about Child Safety's casework with the child and family as required;
 - b. ensure there is ongoing assessment of the evidence in a matter and how that aligns with the application before the court;
 - c. provide an update about Child Safety's consultation and engagement with the child and the child's family and compliance with the requirement to arrange for an independent person for the child in relation to making significant decisions where the application is for an Aboriginal child or Torres Strait Islander child;
 - d. provide ongoing disclosure of relevant documents to other parties;
 - e. obtain further information or evidence required for the hearing;
 - f. settle draft affidavits;
 - g. serve filed material on the child's parents and other parties;
 - h. serve subpoenas to produce and subpoenas to attend to give evidence on subpoena recipients;
 - i. share and discuss material returned under subpoena;
 - j. discuss material filed by other parties;
 - k. notify Child Safety about when Child Safety staff will be required to attend court to give evidence; and
 - l. serve notice on a party that a person who made an affidavit that they filed in court is required to attend the hearing.
215. Responsibility for preparing a matter for hearing lies with the DCPL, including preparation of:
- a. a list of filed material to be relied on at the hearing;
 - b. a witness list;
 - c. all witnesses for hearing including Child Safety witnesses;
 - d. the bundle of subpoenaed material to be relied on at the hearing including indexing and paginating;
 - e. a chronology;
 - f. an outline of argument; and
 - g. draft orders of the court.
216. Where a respondent parent is in custody, the DCPL is responsible for liaising with the court to ensure that timely notice of the hearing is provided to the correctional centre so the parent is brought to court for the hearing.
217. Child Safety should assist the DCPL to prepare for the hearing by:
- a. preparing affidavits and other required material in a timely manner;
 - b. serving documents on the child's parents and other parties, and providing affidavits of service;
 - c. providing the DCPL with current telephone contacts for all witnesses, including Child Safety witnesses; and
 - d. advising which Child Safety staff will be attending with authority to provide the Child Safety position about any issues that arise at court.
218. The DCPL may indicate that a Child Safety witness can be on 'standby' on the day they are due to give evidence. In these circumstances, the Child Safety witness should ensure they

remain within or near the relevant CSSC, and are available on the telephone number provided at all times.

Part 10 Appearances by the DCPL

Division 1 Appearing in person

219. The DCPL's preferred mode of appearing in court is in person. In deciding whether to appear at a court event in person, the DCPL should consider:
- a. the nature of the court event;
 - b. the complexity and sensitivity of the case;
 - c. whether there are any issues that are likely to be contested at the court event;
 - d. whether the other parties, or their lawyers where they are represented, object to the DCPL appearing remotely;
 - e. whether there are particular characteristics of the proceeding, or a party to the proceeding that would make a remote appearance problematic; and
 - f. the distance the DCPL would have to travel to attend the court event.
220. Where an appearance in person is not practicable, the DCPL may seek the court's permission to appear by audio visual link or audio link. For example, where an appearance in person would require a DCPL lawyer to travel a long distance for a single court event. This is consistent with model litigant principles, which require the State to take appropriate steps to manage litigation efficiently. The DCPL may also seek to appear remotely in other circumstances, such as where the legal representative for another party intends to seek an adjournment for the purposes of providing legal advice, and the DCPL does not intend to oppose the adjournment.

Division 2 Appearing by audio visual link or audio link

221. A participant in a child protection proceeding, including the DCPL, can request the court's permission to appear at a future court event by audio visual link or audio link. The request can be made in writing prior to the court event or orally at a preceding court event. The court can also make a direction allowing a participant to appear remotely at a future court event on its own initiative.⁸³
222. Where the DCPL decides to make a written request to appear by audio visual link or audio link, the DCPL may ask OCFOS to assist by obtaining information required by the Rules, such as whether the parents object to the request.⁸⁴ The DCPL should request Child Safety's assistance as soon as practicable prior to the appearance. Child Safety should take reasonable steps to obtain this information and provide this information to the DCPL with sufficient time for the DCPL to make the request prior to the court appearance.
223. Where permission is granted and the DCPL intend to appear at a court event by audio visual link or audio link, they should advise OCFOS.

⁸³ Rule 48(1) of the Rules.

⁸⁴ Rule 48(2) of the Rules.

Division 3 Engaging lawyers to appear on behalf of the DCPL

224. Section 11 of the Act provides that the DCPL may engage appropriately qualified lawyers to assist the DCPL to carry out its statutory functions (section 11 lawyer). The principal purpose of this section is to give the DCPL the power to engage a local solicitor or Counsel to appear on behalf of the DCPL at a court event. A section 11 lawyer will act as an agent for the DCPL appearing on the DCPL's instructions.
225. The DCPL should advise Child Safety that they have engaged a section 11 lawyer in the proceeding, and provide Child Safety with the name and contact details for the section 11 lawyer.

Part 11 Mentions

Division 1 Roles of the DCPL and Child Safety

226. As the applicant, the DCPL will attend all mentions of an application. The role of the DCPL at a mention is to lead submissions about the progress of the case and about any issues arising at the mention. The DCPL should consult with Child Safety and other stakeholders as required, particularly if there are resource or casework implications for Child Safety. However, the DCPL is responsible for all decision making about an application at a mention.
227. Child Safety have an important role to play at mentions as the DCPL's briefing partner. There are two aspects to this role—
- a. to ensure the DCPL, and ultimately the court, have up to date information about the child and family's circumstances, which are dynamic and can change rapidly; and
 - b. to participate in consultation with the DCPL and discussion with other parties and participants about issues arising at court, particularly where they relate to Child Safety's casework responsibilities for the child and family.

Division 2 Written updates and consultation with Child Safety before a mention

228. Child Safety, no later than 2 business days prior to each mention of an application, should provide electronically to the DCPL a written update in relation to the matter, and then within 24 hours before the mention, the DCPL and Child Safety should consult about the application and the child and family's current circumstances as required. Child Safety should ensure the DCPL is fully informed about any new developments in terms of case management or other relevant matters. If the DCPL has requested Child Safety prepare an affidavit ahead of a mention, as per Guideline 97, a draft affidavit should be provided to the DCPL 7 business days before the mention. This will allow the DCPL time to settle and arrange for the affidavit to be filed, then served as soon as practicable, and no later than three business days before the mention.
229. In preparation for a mention, the DCPL and Child Safety should discuss relevant topics, which might include, but are not limited to:
- a. where the child is subject to one or more interim orders under section 67 of the CP Act, whether there is any change in the Child Safety assessment about the appropriateness of those orders for meeting the child's care and protection needs;

- b. whether the DCPL should ask the court to make one or more of the orders listed in section 68 of the CP Act, such as ordering that the child be separately represented in the proceeding;
 - c. orders that are likely to have resource or financial implications for Child Safety, such as an order that increases the child's contact with their family or that stipulates that contact occur on a weekend;
 - d. timescales for holding a family group meeting to develop a case plan and file the case plan in court;
 - e. whether the court should make a protection order or vary a domestic violence order under the DFVP Act under rule 70 of the Rules; and
 - f. whether the court should make an order under section 114 of the CP Act transferring a proceeding to another court, or an order under section 115 of the CP Act to hear 2 or more applications together.
230. Because of the inherently unpredictable nature of child protection proceedings, particularly where parents are unrepresented, there will be times where issues arise at a mention that were not anticipated. Child Safety should ensure an officer with authority to provide Child Safety's assessment about matters arising at court attends all court events, including each mention of the application, or is otherwise available by telephone.
231. Where an issue arises at court that the DCPL and Child Safety have not previously consulted about, the DCPL and Child Safety should consult as necessary at court. This may require the DCPL to request that the court stand the matter down for consultation between the DCPL and Child Safety on a relevant issue, which should include where required, consultation about Child Safety's capacity in respect of any resource implications, including financial in respect of the issue. Where the issue relates to a case work matter, such as the child's contact with their family, the DCPL must consult with Child Safety prior to providing a position to the court. The DCPL should adopt Child Safety's assessment about a casework issue unless the evidence does not support the assessment. Where the DCPL takes a position that conflicts with that of Child Safety's assessment, the DCPL should ensure the court is aware of Child Safety's assessment so it can consider this in reaching a decision.

Division 3 Discussions with other parties or participants

232. As the applicant, the DCPL will lead any discussions or negotiations with other parties, participants or their legal representatives at court. Where the DCPL engages in case discussions and a Child Safety staff member is not present, the DCPL should convey the content of the discussions to Child Safety.

Division 4 Appearances by parents who are in custody

233. Where a respondent parent is in custody, the DCPL is responsible for liaising with the court to ensure that timely notice of the mention is provided to the correctional centre so arrangements are made for the parent to appear remotely.

Part 12 Interim orders and other orders on adjournment

Division 1 Section 99 of the CP Act

234. The CP Act provides that the court may adjourn a proceeding for a child protection order for a period decided by the court.⁸⁵ In deciding the period of adjournment, the court must take into account the principle that it is in the child's best interests for the application for the order to be decided as soon as possible, and that delay in making a decision for a child should be avoided.⁸⁶ On an adjournment, the court pursuant to section 67 of the CP Act, can make an interim order granting temporary custody of the child to Child Safety⁸⁷ or a suitable person who is a member of the child's family.⁸⁸
235. On an adjournment of a proceeding, the other relevant provision is s99 of the CP Act, which provides if:
- a. a child is in Child Safety's custody or guardianship, or the custody of a family member under an order; and
 - b. before the order ends, an application is made for the extension of the order or for another order;
 - c. the order granting custody or guardianship continues while there is a pending decision before the court on the new application, unless the court orders an earlier end to the custody or guardianship.
236. The DCPL in consultation with OCFOS, should actively consider if and when an application should be made requesting the court order an end to the continuation of an earlier order under section 99, and seeking an interim order under s67 of the Act, the factors may include:
- a. whether the child is in the custody of Child Safety pursuant to a temporary assessment order, court assessment order or temporary custody order;
 - b. whether the child is in Child Safety's custody or the custody of a member of the child's family pursuant to a child protection order;
 - c. whether the child is in Child Safety's guardianship pursuant to a child protection order;
 - d. that where a child is in the custody or guardianship of Child Safety under a child protection order, which includes an interim order pursuant to section 67 CP Act, the child and their parents acquire a right of review with respect to placement⁸⁹, save in situations where Child Safety reasonably suspects compliance would constitute a risk to the safety of the child or anyone with whom the child was living⁹⁰. In such situations, there is an obligation on Child Safety to provide information to the child and their parents as to this right of review⁹¹. Where a temporary assessment order, court assessment order or a temporary custody order continues by virtue of section 99 of the CP Act and no interim child protection order is made pursuant to s67 of the CP Act, then there is no right of review, by a child or parent, in respect of placement⁹² and the requirement of Child Safety is simply to notify the parents as the child's placement⁹³;

⁸⁵ Section 66(1) of the CP Act

⁸⁶ Section 66(3) of the CP Act

⁸⁷ Section 67(1)(a)(i) & (ii) of the CP Act

⁸⁸ Section 67(1)(a)(ii) of the CP Act

⁸⁹ Section 247 and schedule 3 of the CP Act

⁹⁰ Section 86(3) & (4) of the CP Act

⁹¹ Section 86(2) of the CP Act

⁹² Section 86(1) of the CP Act

⁹³ Section 85 of the CP Act

- e. the effect of the court ordering an earlier end to custody or guardianship under s99 of the CP Act, may change the applicable test in respect of interim custody, from a consideration of the court being satisfied:
 - i. that it is necessary to provide interim protection for the child while the investigation is carried out⁹⁴; and
 - ii. to there being an unacceptable risk to the child in the adjourned period without the making of the interim order.

Division 2 Interim orders under section 67 of the CP Act

237. When the court adjourns a proceeding, it can make any one or more of a number of interim orders under section 67 of the CP Act.
238. Although section 67(5) of the CP Act provides that an interim order only lasts for the period of the adjournment, an interim order made at the first mention of an application may be continued until the application is finalised, which can be a period of many months. It is critical the DCPL gives careful consideration to an application for an interim order. In particular, the DCPL should:
- a. apply the principles of the Act in decision making about whether to apply for an interim order, including the paramount principle and the principles that emphasise that State intervention in the lives of children and families should be the minimum necessary to meet the child's protection and care needs;
 - b. consider carefully the sufficiency of evidence to support an application for an interim order; and
 - c. wherever necessary, consult closely with Child Safety about any proposed interim order, and any issues arising in respect of the interim order such as the sufficiency of evidence to support the court making the order.
239. Child Safety should ensure the DCPL is aware of any circumstances where the making of an emergency order was contested or appealed by the child's parents.

Division 3 Other orders under section 68 of the CP Act

240. Under section 68 of the CP Act, the court can also make any one or more of a range of other orders on adjournment, including an order:
- a. requiring a social assessment report to be prepared and filed;
 - b. authorising a medical examination or treatment of the child and a report about the examination or treatment to be filed;
 - c. regulating the child's contact with their family during the adjournment;
 - d. requiring Child Safety to convene a family group meeting to develop or revise a case plan for the child, or for another stated purpose relating to the child's wellbeing and protection and care needs;
 - e. that a court ordered conference be held between the parties; and
 - f. that the child be separately legally represented in the proceeding.

⁹⁴ For example section (45(1)(c)(i) of the CP Act

241. The court is required to consider making each of the above orders when it adjourns a proceeding.⁹⁵ The DCPL should consult with Child Safety as appropriate in respect of the above orders prior to a mention.
242. Where the court is contemplating ordering the preparation of a written social assessment report about the child and the child's family under section 68(1)(a) of the CP Act on the adjournment of a proceeding, the DCPL should consult with Child Safety about this.⁹⁶ As far as possible, the DCPL should seek Child Safety's view about whether the report is necessary, and about the particular issues the report should address before indicating a position to the court. The DCPL should provide Child Safety's views about the proposed report to the court. The DCPL should not ask the court to order the preparation of a social assessment report without first consulting with Child Safety about the necessity of the proposed report, and about Child Safety's capacity to pay the costs of preparing the report.
243. Where the court orders the preparation of a written social assessment report under section 68(1)(a) of the CP Act, the DCPL should liaise with OCFOS to progress its preparation. Child Safety is responsible for payment of the costs of preparing the report. The DCPL should also, as far as possible, ensure the court clearly prescribes the particular issues the report should address.⁹⁷
244. Where the court proposes to make an order under section 68(1)(c) of the CP Act requiring Child Safety to supervise family contact with the child, the DCPL should consult with Child Safety to ascertain whether Child Safety agrees to supervise the contact. Where Child Safety does not agree to supervise family contact, Child Safety should provide reasons why not. The DCPL will then be able to provide this information to the court and other parties. Where Child Safety refuses to supervise the family contact, the DCPL should ensure the court is aware of this and the restriction on the court making an order requiring Child Safety to supervise family contact without the agreement of Child Safety under section 68(5) of the CP Act.
245. A further area of consultation between the DCPL and Child Safety is about other orders the court can make under section 68 of the CP Act about the appointment of a separate representative for the child. As indicated above, the Rules require the court to consider the appointment of a separate representative in every case.⁹⁸ The DCPL and Child Safety should consult about this before the first mention of every application and at subsequent mentions as appropriate.

Part 13 Orders under the Domestic and Family Violence Protection Act 2012

246. The court must consider whether to make a protection order or vary a domestic violence order under the *Domestic and Family Violence Protection Act 2012* (DFVP Act) in every case.⁹⁹ The court can also make a direction about a proceeding under the DFVP Act, such as directing the registrar to request that information from that proceeding be provided to the Childrens Court.¹⁰⁰ The DCPL and Child Safety should consult about this prior to each court event for every case where domestic and family violence is an issue. In particular, the DCPL

⁹⁵ Rules 68, 69 and 71 of the Rules.

⁹⁶ Rule 66(1) of the Rules.

⁹⁷ Section 66(2) of the CP Act.

⁹⁸ Rule 68(1)(b) of the Rules.

⁹⁹ Rule 70 of the Rules.

¹⁰⁰ Rule 70 of the Rules.

should seek Child Safety's view about whether the court should make a protection order or vary a domestic violence order and the reasons for that view.

Part 14 Court ordered conferences

Division 1 Holding a court ordered conference

247. Where an application for a child protection order is contested, there must be a conference between the parties or reasonable attempts to hold a conference must have been made.¹⁰¹ The overarching purpose of a conference is to explore the possibility of the parties reaching an agreement about how the application should be resolved. A conference can also narrow the legal issues that are in dispute between the parties for determination at a hearing. The court may direct parties to try to decide or resolve a particular matter in dispute at a conference. In these circumstances, the court must issue a direction stating the particular matter the parties must try to decide or resolve at the conference.¹⁰²
248. In reaching an agreement to resolve the application at a conference, the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life, will be the DCPL's paramount consideration. The DCPL will also consider whether there is sufficient evidence to support the agreement reached by the parties.
249. The court is responsible for notifying parties and participants of the conference (except the child, unless they have filed a notice of address for service).¹⁰³ In cases where it may not be immediately clear that a participant should be notified of the conference, such as a person taking part in the proceeding under section 113 of the CP Act, the DCPL should pass this information on to the court.
- 249A. Requests by the DCPL for information from Child Safety, to inform the court of the contact details of all participants entitled to attend the conference, should be made in a timely manner, and where possible ahead of the mention at which it is envisaged a conference will be ordered. Child Safety must provide the relevant contact information requested to the DCPL as soon as reasonably practicable and in any event, within two business days of receiving the request.
- 249B. Child Safety must work collaboratively with the DCPL to ensure the DCPL is able to provide all information relevant to the court ordered conference to the Child Protection Conferencing Unit in a timely manner, and, at least three weeks prior to the conference, unless the court has ordered a conference occur in a reduced timeframe. In particular, Child Safety must provide the DCPL with information and details of any matters which may assist the convenor in mediating the matters in dispute which are not evidenced in any affidavit material filed with the court. Further, Child Safety must provide details, if applicable, of any recent developments that may be relevant to the conference. Child Safety shall provide the information requested as soon as practicable, or within a timeframe as agreed with the DCPL, and at least three weeks' prior to the scheduled conference, unless the court has ordered a conference be held within a reduced timeframe. Where the court has ordered a conference occur within three weeks from the mention, Child Safety must work collaboratively with the DCPL to ensure the DCPL is able to provide all relevant information to the Child Protection Conferencing Unit as soon as reasonably practicable following the mention at which the court ordered the conference to be held.

¹⁰¹ Section 59(1)(c) of the CP Act.

¹⁰² Rule 106 of the Rules.

¹⁰³ Rule 108 of the Rules.

250. Although the child is a party to the application, they are not required to attend the conference. However, where appropriate, having regard to the child's age and ability to understand the matter, the child must be told about the conference and be given an opportunity to participate.
251. Child Safety are required to tell the child about the conference where appropriate as soon as practicable after receiving notice of a conference from the court.¹⁰⁴ Child Safety should tell the child the date, time and location of the conference, as well as who will be attending and the purpose of the conference. Child Safety should also tell the child they can attend the conference if they want to, but they do not have to. Child Safety should also discuss with the child that, subject to the discretion of the convenor, there is flexibility about how they participate in a conference, for example, they can:
- a. bring a support person;
 - b. attend part, but not all, of the conference;
 - c. talk to the convenor without other participants being present; and or
 - d. provide their views about the application, or a matter relevant to the application, in writing.
252. Where the child indicates an intention to attend the conference, Child Safety should tell the DCPL and pass on any views expressed by the child about how they would like to participate in the conference. In appropriate cases, the DCPL should communicate this information to the convenor for the conference to assist them in their planning and preparation. For example, the child may want to attend the conference, but may not want to speak to the convenor when a particular person is in the room.
253. Where the child attends the conference and they are being given an opportunity to express their views, as far as possible, the DCPL should ensure this is done in accordance with the requirements of section 5E of the CP Act.
254. As a conference is a court event, Child Safety, no later than 2 business days prior to the conference, should provide electronically to the DCPL a written update in relation to the matter, and then within 24 hours before the conference, the DCPL and Child Safety should consult prior to the conference. The purpose of the consultation is for Child Safety to ensure the DCPL is fully informed about any new developments in terms of case management or other relevant matters about the child's case, and to exchange views about the application and any issues in dispute.
255. Issues to do with the application and about the evidence filed in support of the application discussed at the conference are the responsibility of the DCPL. Issues to do with case management, such as contact and placement, are the responsibility of Child Safety. The relevant agency will normally lead discussion about these matters as they arise at a conference.
256. The DCPL and Child Safety should consult about their respective positions about these matters and discuss what may be negotiable prior to the conference. Where the DCPL is considering a resolution of the application on different terms than those proposed in the application, it should consult with Child Safety about this. The DCPL cannot reach an agreement to resolve an application that includes case management actions that will be carried out by Child Safety, without the agreement of Child Safety. For example, where a parent proposes a resolution to an application that includes the parent having additional

¹⁰⁴ Rule 44 of the Rules.

contact with the child, the DCPL cannot agree a settlement on these terms unless Child Safety agree to facilitate the additional contact between the child and the parent.

257. If the conference is for an Aboriginal child or Torres Strait Islander child, DCPL and Child Safety should consult ahead of the conference and ensure that in consultation with the child and the child's family, any required arrangements for an independent person for the child to facilitate the participation of the child and the child's family in the conference have been undertaken. An independent person may attend the conference to facilitate the family's participation in the conference.
258. Occasionally, there may be a benefit in holding a further conference in a proceeding. For example, where significant information is received that is relevant to the application after the earlier conference was held. Where the DCPL believes a further conference may be of benefit, it should consult with Child Safety before asking the court to order that a further conference is held.

Division 2 Dispensing with the requirement to hold a conference in a contested matter

259. In exceptional circumstances, for example, where there is a risk to the safety of a party, section 59(1)(c)(ii) of the CP Act provides that the court can make a child protection order in a contested matter even though a conference has not been held. Before the DCPL submits to the court that it would be inappropriate to hold a conference, the DCPL should consult with Child Safety. If the application to dispense with the requirement for a conference is made by another party or by the court of its own motion, where practicable, the DCPL should consult with Child Safety before making submissions to the court about whether a conference should be held.

Part 15 Family group meetings held whilst the application is before the court

260. The function of the family group meeting is to deal with matters relating to a child's protection and care needs or wellbeing.¹⁰⁵ Where the purpose of the meeting is case planning, this includes considering the child's protection and care needs and agreeing on a plan to meet those needs and promote the child's wellbeing.
261. The DCPL will not ordinarily attend a family group meeting held whilst an application is before the court. However, depending on the circumstances of a particular case, the DCPL may attend a family group meeting on the request of Child Safety.¹⁰⁶
262. Generally, the purpose of the DCPL attending the family group meeting, will be to provide information about evidentiary matters that relate to the child's protection and care needs, or about matters to do with the application before the court. Circumstances when the DCPL may attend include:
- a. for complex matters; or
 - b. for the provision of legal advice in case planning for a matter that relates to the child's protection and care needs. For example, in a case where the *harm* to the child was caused by alleged physical abuse of the child by a parent that is the subject of separate criminal proceedings.

¹⁰⁵ Section 51J(1) of the CP Act.

¹⁰⁶ Section 51(L)(1)(j) of the CP Act.

263. Following a case planning family group meeting, Child Safety should provide a copy of the documents prepared as part of the case planning process to the DCPL, namely the:
- a. most recent strengths and needs assessment for the child and the child's parents;
 - b. case plan; and
 - c. review report (if it is a revised case plan).
264. Prior to a case plan being endorsed by Child Safety, the DCPL may be asked to provide advice about whether the case plan:
- a. is appropriate for the child's assessed protection and care needs; and
 - b. in the case of a long-term guardianship order, includes satisfactory living and contact arrangements for the child.¹⁰⁷

Part 16 Interim and final hearings

265. The DCPL is responsible for running all aspects of the DCPL's case at interim and final hearings. The DCPL should, however, continue to work in partnership with Child Safety in carry out this responsibility.
266. Child Safety staff have three roles at interim and final hearings:
- a. to attend court as a witness to give evidence;
 - b. to support Child Safety staff who are giving evidence (this applies to OCFOS officers); and
 - c. to attend court as the DCPL's briefing partner.

Division 1 Child Safety staff as witnesses

267. Child Safety staff, in particular child safety officers, are key witnesses at interim hearings (where oral evidence is taken) and at final hearings. The Child Safety assessment for a child is at the centre of the DCPL's decision making and should be at the centre of the court's decision making on an application. A number of child safety officers may give evidence at a hearing including:
- a. the child safety officer that completed the initial investigation and assessment for a child and family that led to the referral of the *child protection matter* to the DCPL;
 - b. the child safety officer that is currently allocated to the child's case; and or
 - c. child safety officers that have previously been allocated to the child's case during a period of time relevant to the application before the court.
268. A child safety officer who is scheduled to give evidence at a hearing, should not be present in court during the hearing until after their evidence is completed. For this reason, the DCPL may decide to call the allocated child safety officer as their first witness so they can be present in court for the remainder of the hearing.

¹⁰⁷ Section 59(1)(b) of the CP Act.

Division 2 Child Safety staff attending court

269. Child Safety staff have an important role to play at interim and final hearings. There are two aspects to this role—
- a. to ensure the DCPL, and ultimately the court, have up to date information about the child and family's circumstances, which are dynamic and can change rapidly; and
 - b. to consult with the DCPL and participate in discussion with other parties about Child Safety's casework responsibilities for the child and family.
270. Child Safety should ensure that an officer with authority to provide the Child Safety assessment about matters arising at court attends all interim and final hearings, or is otherwise available by telephone (also see Guideline 230).
271. Where an OCFOS officer attends an interim hearing (where oral evidence is taken) or a final hearing, they may assist the DCPL with the coordination of witnesses during the hearing.

Division 3 Applications for adjournment of a hearing

272. The DCPL's overarching responsibility as a model litigant conducting court proceedings on behalf of the State, is to ensure that each application is ready to proceed on the allocated hearing date. Requests for an adjournment of a hearing by the DCPL should be rare, and wherever possible, should not be made on the day of the hearing.
273. Where an application for an adjournment of the hearing is made by another party or participant in a proceeding, the DCPL should consult with Child Safety in formulating a position about whether to oppose the adjournment. Consultation with Child Safety allows Child Safety to raise relevant issues including the impact of an adjournment on the child. The DCPL should consider carefully what position to take in response to an application for an adjournment of a hearing, balancing competing factors including:
- a. the requirement to resolve child protection proceedings as quickly and efficiently as possible;¹⁰⁸
 - b. the requirement to provide procedural fairness to a party to the proceeding; and
 - c. whether a previous adjournment or adjournments have been granted by the court.

Part 17 Transition orders

274. When the court is deciding an application for a child protection order for a child that is already in the custody or guardianship of the chief executive, or a *suitable person* under a final child protection order, in certain circumstances, the court can make a transition order. A transition order can last for up to 28 days and is made so the child can be gradually transitioned into the care of the parents.¹⁰⁹ Where the possibility of the court making a transition order arises either prior to or at a court event, the DCPL and Child Safety should consult about the proposed order. The DCPL should ensure the court is aware of Child Safety's assessment about the transition order.

¹⁰⁸ Section 5B(n) of the CP Act.

¹⁰⁹ Sections 65A and 65B of the CP Act.

Part 18 Court outcome communications

275. Following every court event, including a court ordered conference, the DCPL must provide Child Safety with written notice of the court outcome electronically, using the DCPL court outcome notification form. Along with the court outcome notification form, the DCPL should also provide Child Safety with a copy of any sealed orders or directions made by the court if they have not received them directly from the court. Separate to Child Safety's obligation under section 63 of the CP Act, the DCPL will provide the parties with a copy of any sealed order or directions made by the court.
276. Where possible, the court outcome notification should be provided electronically on the same day as the court event. If this is not possible, it should be provided by 5:00pm on the next business day. Where the court outcome notification cannot be provided during business hours on the same day as the court event, the DCPL must telephone Child Safety and advise them of the court outcome. Before 5:00pm the telephone call should be made to the relevant OCFOS officer. If the relevant OCFOS officer is not available, the DCPL should contact the PO5 OCFOS Legal Officer for the cluster. If it is after 5:00pm, the telephone call should be made to the Child Safety After Hours Service Centre on 1800 177 135 or 3235 9999.

Part 19 Amendment of application to seek a different order after filing

277. Ongoing review of an application and the evidence filed in support, may result in the DCPL deciding that a different child protection order to that sought in the application is considered appropriate and desirable for the child's protection. The safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life, must be the DCPL's paramount consideration in decision making about the amendment of the application. The DCPL should also have regard to the sufficiency of evidence to support the order.
278. The Child Safety assessment is also subject to ongoing review. Where Child Safety assess that a different child protection order to that sought in the application is considered appropriate and desirable for the child's protection, they should notify the DCPL. If the different order that is assessed would result in the child being in continuous care under a custody or short-term guardianship order for more than 2 years, the assessment will need to include how this is in the best interests of the child, and how reunification of the child to their family is reasonably achievable during the longer period of time.
279. The DCPL may decide to amend an application in a number of circumstances, including:
- a. following consideration of new information provided by Child Safety or evidence filed by the separate representative or another party; and
 - b. as a result of negotiations at a court ordered conference or other court event.
280. Where the DCPL decide that a different child protection order is appropriate and desirable for the child's protection, the DCPL should amend the filed application to reflect the change of position. The amendment may seek to change aspects of the original application including:
- a. the type or duration of child protection order sought;
 - b. adding a further child protection order to the application; and or
 - c. who custody or guardianship of the child is granted to.
281. Before reaching a decision to amend an application, the DCPL should consult with Child Safety. Where the application is for an Aboriginal child or Torres Strait Islander child, DCPL

and Child Safety should ensure engagement and consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child in relation to making significant decisions for the child.

282. Where Child Safety are not in agreement with the amendment and further time is necessary for consultation or further assessment, the DCPL should consider whether the application should be adjourned, rather than amended and decided, contrary to Child Safety's assessment. Where the DCPL decide to amend the application without the agreement of Child Safety, the DCPL should advise the court of Child Safety's assessment.

Part 20 Withdrawal of child protection order application

Division 1 written applications for withdrawal

283. Ongoing review of a matter may result in the DCPL deciding that a child protection order is no longer necessary for the child's protection. Where the DCPL is so satisfied, the DCPL should apply to withdraw the application.
284. The Child Safety assessment is also subject to ongoing review whilst they are working with a child and their family. Where Child Safety assess that a child protection order is no longer appropriate and desirable for the child's protection, they should notify the DCPL.
285. An application for a child protection order may only be withdrawn by the DCPL with the leave of the court.¹¹⁰ The DCPL must consult with Child Safety before deciding to apply for the court's leave to withdraw an application for a child protection order. The DCPL may request further information from Child Safety under section 23(1) of the Act relevant to the decision to withdraw an application.
286. When the DCPL decide to withdraw an application for a child protection order, written notice of the decision should be provided electronically to Child Safety.
287. Where the DCPL decide to withdraw an application without the agreement of Child Safety, the DCPL must also provide Child Safety with written reasons for the decision and Child Safety may request an internal review of the decision using 'Form I – Child Safety Internal Review Request Form'. If Child Safety request an internal review of the decision, the DCPL should delay filing the withdrawal application until after the internal review is completed. The DCPL and Child Safety need to act quickly in requesting and completing any review, so that the process is completed prior to the next court event wherever possible.
288. If the DCPL decide, following consultation with Child Safety, that the application should be withdrawn, they should prepare a written application in a proceeding in the approved form.¹¹¹
289. The application should state the reasons why a child protection order is no longer necessary for the child. There should be sufficient evidence to support the application and to allow the court to be satisfied a child protection order is no longer necessary for the child. This will usually require an affidavit to be filed in support of the application evidencing the reasons why the child protection order is no longer necessary. Where the DCPL decide to withdraw

¹¹⁰ Section 57A of the CP Act.

¹¹¹ Rule 73 of the Rules.

the application without the agreement of Child Safety, the DCPL should advise the court of Child Safety's assessment.

Division 2 Oral applications for withdrawal

290. An application for leave to withdraw an application can be made orally as well as in writing.¹¹² Although the preference is for the application to be made in writing, there may be circumstances when it is appropriate to make the application orally. For example, where all parties are in agreement, and it is in the best interests of the child to resolve the proceedings without delay.
291. The DCPL should consult with Child Safety before making an oral application for leave to withdraw an application. Where Child Safety do not agree with the withdrawal, the DCPL should adjourn the application for further discussion with Child Safety.

Chapter 7 - Children and other parties and participants

Part 1 Participants in a child protection proceeding

292. As well as the parties to the proceeding, the following are participants in a child protection proceeding:
- a. the separate representative for the child;
 - b. a person who is not a party to the proceeding, but who the court allows to take part under section 113 of the CP Act;
 - c. where a guardian for a party has filed a notice of address for service, the guardian;¹¹³ and
 - d. if the public guardian has given written notice of an intention to appear in the proceeding under section 108B(2) of the CP act, the public guardian.

Part 2 Participation of children in proceedings

293. The subject child is a party to a child protection proceeding. Although the child is not required to participate in the proceeding, the child has a right to attend and participate in the hearing, and to be represented by a direct representative and/or a separate representative under section 108 of the CP Act. In addition to or instead of being represented by a lawyer, the child may be supported by an advocate from the Office of Public Guardian.
294. Whether a child participates in a proceeding, and how the child participates will depend on the circumstances of each case. In particular, it will depend on the child's age and ability to understand the matter, and the child's views about taking part in the proceeding. The child's participation may be limited to the court receiving the child's views in writing, or it may extend to the child being represented by a direct representative and participating in the proceeding as a party.
295. In cases where the child's age and ability to understand mean they are likely to be able to participate in a proceeding (whether to a limited extent or otherwise), the DCPL, as a model

¹¹² Rule 74 of the Rules.

¹¹³ In these circumstances, under rule 33, documents that are required to be served on the party must be served on the guardian.

litigant, has an obligation to ensure the child, at an early stage, is given information about participating in the proceeding.

296. Child Safety have an important role to play in assisting the DCPL to comply with this obligation by:
- a. telling the child about the proceeding and what it is about, in a manner appropriate to the child's age and ability to understand;¹¹⁴
 - b. making sure the child is aware they do not have to participate in the proceeding, but they can if they want to;
 - c. making sure the child understands there is flexibility about the way they can participate in the proceeding;
 - d. explaining to the child they are entitled to have help to participate in the proceeding, which could include being represented by a lawyer, having an advocate appointed to support them or bringing a support person of their choice to court;
 - e. assisting the child to access help for the proceeding by, for example:
 - i. helping them to make an application for legal aid;
 - ii. making a referral to the Office of the Public Guardian; or
 - iii. helping the child to identify and make contact with a support person of their choice.
297. Child Safety should ensure the DCPL is fully informed about the child's views about participating in the proceeding, and about any steps Child Safety has taken to assist the child to obtain representation or support.
298. The DCPL should assist the court to manage the child's participation in the proceeding in a manner that gives paramount consideration to the safety, wellbeing and best interests of the child. The ways in which the DCPL can assist the court include:
- a. ensuring the court has relevant information;
 - b. asking the court to make a direction under rule 42(1) about how the child will participate when appropriate, for example, a direction allowing the child to have a support person nearby during the proceeding. When the child is an Aboriginal child or Torres Strait Islander child, support may be provided to the child by an independent person or another appropriate person in accordance with Aboriginal tradition or Island custom; and
 - c. making submissions to the court about the way the court should hear from the child, which may include the examples provided in rule 43(2) of the Rules.

Part 3 Section 113 participants

299. Under section 113 of the CP Act, the court can allow a person who is not a party to the proceeding to take part, such as a member of the child's family or the child's carer. The extent and duration of the person's participation is determined by the court and can include doing some or all of the things a party can do.
300. The DCPL and Child Safety should consider whether there is a person with a relationship with the child who may wish to participate in the proceeding as a non-party. Where a person who may wish to participate is identified, the DCPL and Child Safety should discuss this.
301. Where the DCPL or Child Safety have contact with a person who may want to participate in a proceeding, such as a member of the child's family or the child's carer, they should tell the person that they can make an application to the court for an order allowing them to take part.

¹¹⁴ As required under sections 56(1)(b) and 195 of the CP Act.

302. The DCPL and Child Safety should also:
- a. encourage the person to seek legal advice about making an application to take part in the proceeding; and
 - b. tell the person about rules 73 and 74 of the Rules, which deal with making an application in a proceeding.
303. Child Safety is responsible for serving the application on the parties. However, if a party is represented by a lawyer in the proceeding, the DCPL will serve their lawyer, this includes separate representatives.¹¹⁵
304. Before making a submission to the court about an application under section 113, the DCPL should consult with Child Safety about the:
- a. person's relationship with the child;
 - b. extent to which the person is able to inform the court about a relevant matter;
 - c. extent to which the person should be allowed to participate; and
 - d. parent's, and, where appropriate, the child's views about the person's participation.
305. Section 113 provides broad flexibility for the court to decide how a non-party will take part in the proceeding. In formulating a position about a non-party's participation in the hearing, the DCPL should consider the person's participation carefully, having regard to all the circumstances of the case. The DCPL's paramount consideration must be the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life. The DCPL should also have regard to the extent the person can assist the court in its consideration of the application.
306. Where appropriate, the DCPL should ask the court to expressly prescribe the scope of the person's participation under section 113, which may include prescribing certain things in the order. For example, where the child has expressed concern about the person receiving particular information in the filed material, the DCPL may submit that that information is redacted from the material provided to the person.

Part 4 Unrepresented parents and section 113 participants

307. Where a parent, or a person who has been allowed to take part in the proceedings under section 113 of the CP Act, is unrepresented, there is an enhanced duty of fairness on the DCPL. The DCPL should take particular care to apply model litigant principles by taking actions including:
- a. encouraging the parent or section 113 participant to seek legal advice including accessing the duty lawyer service where available, and by providing them with information about how they can apply for legal aid;
 - b. explaining the nature of the application and providing information about the court process;
 - c. providing the parent or section 113 participant with a further copy of material previously served on them, where they attend a court event without a relevant document and this is impairing their ability to participate effectively;
 - d. drawing the court's attention to:
 - i. section 106 of the CP Act where relevant, for example, where a parent has a disability, and assisting the court to comply with its obligations under section 106;

¹¹⁵ Rule 73 of the Rules.

- ii. section 109 of the CP Act and the requirement for the court to be satisfied the parent has had a reasonable opportunity to obtain legal representation before proceeding to hear an application; and
 - iii. rule 80(3) of the Rules that prohibits the court from drawing any inference from a failure by a parent (or other respondent) to file an affidavit in response the application.
308. The DCPL can assist unrepresented parents and section 113 participants in the ways set out above, but DCPL lawyers should not advise on legal issues, evidence or the conduct of their case.
309. Child Safety should also assist unrepresented parents and section 113 participants by:
- a. explaining the content of documents served on them;
 - b. ensuring they are aware of the next court date;
 - c. encouraging them to obtain legal advice and representation, and giving them information about how to access Legal Aid Queensland or a local community legal centre, or if they are Aboriginal or a Torres Strait Islander, assisting them to seek assistance from the Aboriginal and Torres Strait Islander Legal Service (ATSILS);
 - d. telling them they may bring a support person to court (although whether the person is allowed to be present in the court is at the discretion of the court); and
 - e. telling them they can ask the court for permission to attend a court event by telephone (or by audio visual link), and giving them information about how they can make the request.

Part 5 Aboriginal children and Torres Strait Islander children

310. Before exercising a power under the Act for an Aboriginal child or Torres Strait Islander child and in deciding whether to make a permanent care order, the court must consider:
- a. the child's Aboriginal tradition or Island custom; and
 - b. the child placement principles in relation to the child.¹¹⁶
311. The court must also consider how it is to be informed about these matters, and matters relevant to the additional provisions for placing Aboriginal children and Torres Strait Islander children in care mentioned in section 83 of the CP Act, and whether to issue directions to ensure it is appropriately informed.¹¹⁷
- 311A. When the DCPL file a child protection application for an Aboriginal or Torres Strait Islander child, the DCPL must under rule 14(2) of the Rules, file as soon as practicable after filing the application, a 'Form G – Name and Contact Details of Independent Aboriginal or Torres Strait Islander Entities' Form attached to these Guidelines, that includes the details of any arranged independent person for the child, if any, to the extent the information is known to the DCPL when the Form is filed.
312. The DCPL should assist the court by making submissions where appropriate about any directions the court should make to ensure it is informed about the matters, this will include the DCPL seeking a direction when required that an independent person or a member of the child's family be given a copy of a document filed in the proceeding.¹¹⁸

¹¹⁶ Section 6AB and 59A of the CP Act.

¹¹⁷ Rules 49A and 72 of the Rules.

¹¹⁸ Rule 72(4) of the Rules

313. If the court seeks the views of an independent person for the child, or a member of the child's family on Aboriginal tradition or Torres Strait Islander custom relating to the child, they can be provided either in writing or orally.¹¹⁹
314. Before a court event, DPCL and Child Safety should ensure engagement and consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child to facilitate the participation of the child and the child's family in the decision-making process. Child Safety should as part of their written update to the DCPL under Guideline 228, provide the DCPL with any changes in respect of an independent person arranged for the child, if any. This should include providing any relevant names and contact details of any arranged independent person.
315. When an application is amended or withdrawn, the DCPL and/or Child Safety should ensure engagement and consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child to facilitate the participation of the child and the child's family in the decision-making process.

Part 6 Communications with legal representatives

316. Communications with legal representatives for parties or participants about an application will normally be between the DCPL and the legal representative. The exception to this is where the communication is about a matter that falls exclusively within Child Safety's casework responsibilities. For example, where a legal representative wants to discuss arrangements for a family group meeting or the child's contact with a parent, the communication should be between the legal representative and the CSSC directly. The point of contact in CSSCs for legal representatives who want to discuss casework matters is the relevant OCFOS officer. Where a legal representative contacts the DCPL to discuss a casework matter, the DCPL lawyer should refer the legal representative to the relevant OCFOS officer. OCFOS officers should inform the DCPL about matters discussed with legal representatives when they are material to the application. For example, where Child Safety make changes to the child's contact arrangements with a parent following discussion with a legal representative, they should advise the DCPL.
317. Where a legal representative contacts Child Safety about a matter that relates to an application and is not exclusively about casework, Child Safety should ask the legal representative to contact the DCPL and provide contact details for the relevant DCPL lawyer. Similarly, where Child Safety receive written communication from a legal representative that relates to the application, Child Safety should forward the communication to the DCPL who will respond. Where the DCPL receive written communication about an application from a legal representative, the DCPL should consult with Child Safety before responding if the communication touches on any casework matters, and provide a copy of the communication electronically.
318. The DCPL should keep Child Safety regularly updated about communications with legal representatives for parties or participants, and should consult with Child Safety when appropriate, for example, if an offer to settle the application is made.

¹¹⁹ Rule 49A(2) of the Rules.

Chapter 8 – Applications to vary or revoke a child protection order

Part 1 Referrals by Child Safety

319. Child Safety must refer a *child protection matter* to the DCPL when satisfied:
- a. a child is in need of protection and a child protection order (other than an interim order under section 67 of the CP Act)¹²⁰ in force should be extended, varied, or revoked and another order made in its place, or
 - b. that a child protection order (other than an interim order under section 67 of the CP Act) in force for a child is no longer appropriate and desirable for the child's protection and should be revoked, or
 - c. a child's permanent guardian under a permanent care order is not complying in a significant way with the permanent guardian's obligations under the CP Act and the order should be varied or revoked.¹²¹
320. As well as stating the reasons why the child protection order is no longer appropriate and desirable for the child's protection, or why a child's permanent guardian under a permanent care order is not complying in a significant way with the permanent guardian's obligations under the CP Act, the referral to the DCPL should state:
- a. where the Child Safety assessment is that the child protection order be extended or varied:
 - i. the reasons why the child continues to be a *child in need of protection*,¹²²
 - ii. the type and duration of child protection order that is appropriate and desirable for the child's protection; and
 - iii. the reasons why the recommended child protection order is appropriate and desirable for the child's protection;
 - b. where the Child Safety assessment is that the child protection order be revoked and another child protection order be made in its place:
 - i. the reasons why the child continues to be a *child in need of protection*;
 - ii. the type and duration of child protection order that should be made in place of the current order; and
 - iii. the reasons why the recommended replacement child protection order is appropriate and desirable for the child's protection;
 - c. where the Child Safety assessment is that the child protection order be revoked:
 - i. the reasons why the child is no longer a *child in need of protection*;
 - ii. the reasons why the child protection order is no longer appropriate and desirable for the child's protection; and
 - iii. where the current order is either a permanent care order or a long term guardianship order in favour of a member of the child's family or other *suitable person*, the reasons why the revocation of the order is consistent with the child's need for emotional security and stability.

¹²⁰ Section 65(8) of the CP Act.

¹²¹ Section 15(1)(a), (b) and (c) of the Act.

¹²² It is noted that where Child Safety assess that a child protection order granting long-term guardianship of a child to the chief executive should be varied to a suitable person mentioned in s61(f)(i) or (ii), or that a long-term guardianship order should be revoked and a permanent care order made in its place, section 15(1)(a)(i) of the DCPL Act requires that Child Safety must still be satisfied the child is a *child in need of protection* and provide reasons to the DCPL as to why the child continues to be a *child in need of protection*.

321. The DCPL must provide written reasons to Child Safety about decisions relating to applications to vary or revoke a child protection order without the agreement of Child Safety, and the decisions are subject to internal review (see Chapter 11 of these Guidelines).

Part 2 Applications to vary or revoke a child protection order by a parent or child

322. As well as the DCPL, the child or the child's parent can apply to:
- a. vary a child protection order, other than a permanent care order;
 - b. revoke a child protection order other than a permanent care order, and make another child protection order in its place; or
 - c. revoke a child protection order other than a permanent care order.¹²³
323. Where such an application is made, the court is required to provide notice of the application to the DCPL and Child Safety.¹²⁴ Child Safety is responsible for personally serving the application on respondents other than the DCPL, and for telling the child about the application.¹²⁵
324. If it appears the applicant is not represented by a lawyer, Child Safety should provide the applicant with information about how they can apply for legal representation. If the applicant is a child, as well as providing information about applying for legal representation, Child Safety may also assist the child to obtain the support of an advocate from the Office of the Public Guardian.
325. After the DCPL receive notice of the application, the DCPL should consult with Child Safety to:
- a. discuss Child Safety's current assessment about whether the child is a *child in need of protection* and whether the current child protection order is appropriate and desirable for the child's protection;
 - b. obtain Child Safety's feedback about the application and any affidavits filed in support; and
 - c. discuss the preparation of draft affidavits in reply, including agreeing a timetable for providing draft affidavits to the DCPL.
326. As well as providing draft affidavits in reply to the DCPL, Child Safety should also provide a statement:
- a. Setting out Child Safety's assessment and the position the DCPL should take in response to the application; and
 - b. summarising the reasons for that assessment.
327. Where the DCPL do not agree with the Child Safety assessment, there should be further consultation. Ultimately, the DCPL is responsible for determining how the DCPL will respond to the application.
328. The DCPL and Child Safety should work collaboratively to finalise any affidavits in reply. The DCPL may request further evidence or information from Child Safety in response to an application, and Child Safety should take reasonable steps to provide the information.

¹²³ Sections 65(1) and 65AA of the CP Act.

¹²⁴ Section 65(5)(b) of the CP Act.

¹²⁵ Section 65(5)(c) and sections 56 and 195 of the CP Act.

329. There should be ongoing consultation between the DCPL and Child Safety until the application is finalised. Child Safety should keep the DCPL updated about any relevant changes in the child's or the parent's circumstances. Child Safety should ensure an officer with relevant case knowledge and authority attends all court events or is otherwise available by telephone.
330. The DCPL does not have to provide written reasons to Child Safety about decisions the DCPL makes as a respondent to an application Child Safety does not agree with, and decisions are not subject to internal review.

Chapter 9 – Interstate transfers of child protection orders and proceedings

Part 1 Introduction

331. There are five types of interstate transfers of child protection orders and proceedings. They are:
- a. administrative transfer of a child protection order from Queensland to another State;
 - b. judicial transfer of a child protection order from Queensland to another State;
 - c. transfer of a child protection order from another State to Queensland;
 - d. transfer of a child protection proceeding from Queensland to another State; and
 - e. transfer of a child protection proceeding from another State to Queensland.
332. A table showing the responsibilities of the DCPL and Child Safety for each of these transfers is provided at Appendix 2 to these Guidelines.
333. The DCPL is involved in three types of transfers: judicial transfer of a child protection order to another State; the transfer of a child protection proceeding from Queensland to another State; and the transfer of a child protection proceeding from another State to Queensland.
334. Child Safety and its interstate counterparts are signatories to the Interstate Child Protection Protocol (Protocol). The Protocol and supporting operating guidelines contain agreed principles, procedures and timeframes for the conduct of interstate transfers and requests for assistance. The interstate liaison officers in Child Safety are the Child Safety contact for interstate officers. Interstate liaison officers also advise Child Safety staff about issues relevant to the interstate transfer of child protection orders and proceedings. Where information about the requirements of the Protocol and Child Safety's liaison with interstate officers is relevant to the DCPL's functions in this area, Child Safety should provide this information to the DCPL.

Part 2 Applications for judicial transfer of an order to another State

335. Child protection orders (other than an interim order under section 67 or an order granting long-term guardianship of a child to a person other than the chief executive) may be transferred to another State administratively or by the Childrens Court of Queensland.¹²⁶ The DCPL is responsible for making applications for judicial transfer of a child protection order.

¹²⁶ Sections 206 and 212 of the CP Act.

336. Where Child Safety determine that an application should be made for judicial transfer of a child protection order to another State, they should make a referral to the DCPL.
337. The referral should state:
- a. the reasons why Child Safety are satisfied the order should be transferred;
 - b. the proposed interstate order including any relevant provisions of the proposed order;
 - c. how the proposed interstate order equates to the Queensland child protection order;
 - d. the reasons why the protection sought to be achieved by the proposed interstate order could not be achieved by an order on less intrusive terms; and
 - e. why it is in the child's best interests that the order be transferred.
338. The referral should be accompanied by a draft affidavit evidencing the matters mentioned above. The draft affidavit should also:
- a. address whether a family group meeting has been held or reasonable attempts have been made to hold a family group meeting;
 - b. exhibit the child's current case plan and review report;
 - c. include the child's views and wishes about the proposed transfer;
 - d. state where the child, the child's parents and other persons significant to the child are living;
 - e. where the child is Aboriginal or a Torres Strait Islander, detail the consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child to facilitate the participation of the child and the child's family in the decision-making process, and also consideration that Aboriginal and Torres Strait Islander people have the right to self-determination, the long-term effect of the proposed transfer on the child's identity and connection with the child's family and community, and the child placement principles; and
 - f. exhibit the written consent of the interstate officer to the transfer.
339. The DCPL should not make an application for the transfer of an order to another State unless an interstate officer has provided their written consent for the transfer. In deciding whether to bring the transfer application, the DCPL's paramount consideration is the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life.
340. The DCPL should consult with Child Safety in deciding whether to make the transfer application. If the DCPL propose not to make the transfer application, they must consult with Child Safety before reaching this decision. Where the DCPL decide not to make the application without the agreement of Child Safety, written reasons are required and the decision is subject to internal review using 'Form I – Child Safety Internal Review Request Form'.

Part 3 Applications for transfer of a proceeding to another State

341. The DCPL may apply to transfer a current child protection proceeding to another State.
342. Where Child Safety determine that a current proceeding should be transferred to another State, they should notify the DCPL in writing. The written notice should state:
- a. the reasons why Child Safety are satisfied the proceeding should be transferred;
 - b. the reasons why it is in the child's best interests that the proceedings be transferred; and

- c. whether Child Safety assess that the court should make an interim order granting custody of the child or responsibility for supervision of the child to an interstate officer or another person if a transfer order is made.¹²⁷
343. The written notice should be accompanied by a draft affidavit evidencing the matters mentioned above. The draft affidavit should exhibit the written consent of the interstate officer to the transfer and should also include information about:
- a. whether there are any child protection orders in force for the child in the other State;
 - b. whether there are any current, or have previously been any, child protection proceedings for the child in the other State;
 - c. where the child, the child's parents and other persons significant to the child are living;
 - d. include the child's views and wishes about the proposed transfer; and
 - e. where the child is Aboriginal or a Torres Strait Islander, should detail the consultation with the child and the child's family and compliance with the requirement to arrange for an independent person for the child to facilitate the participation of the child and the child's family in the decision-making process, and also consideration that Aboriginal and Torres Strait Islander people have the right to self-determination, the long-term effect of the proposed transfer on the child's identity and connection with the child's family and community, and the child placement principles.
344. Where the DCPL determine that it may be in the child's best interests for a current child protection proceeding to be transferred to another State, they should consult with Child Safety about this. In particular, Child Safety liaise with the relevant interstate office about the proposed transfer, and should report back to the DCPL about this. The DCPL should not make an application for the transfer of a proceeding to another State unless an interstate officer has provided their written consent for the transfer.
345. The DCPL should consult with Child Safety in deciding whether to make the transfer application. If the DCPL propose not to make the transfer application, they must consult with Child Safety before reaching this decision. Where the DCPL decide not to make the application without the agreement of Child Safety, written reasons are required and the decision is subject to internal review by Child Safety using 'Form I – Child Safety Internal Review Request Form'.

Part 4 Applications for transfer of a proceeding to Queensland

346. Where another State seeks to transfer a child protection proceeding to Queensland under a law of that State, they must first obtain the consent for the transfer from Child Safety. Child Safety must consent to the transfer, unless satisfied it is not in the child's best interests for the proceedings to be transferred.¹²⁸ Child Safety should consult with the DCPL before consenting to the transfer.
347. When Child Safety consents to a transfer of a proceeding to Queensland, Child Safety should provide the DCPL with a copy of:
- a. the written consent to the transfer;
 - b. the decision from the interstate court to transfer the proceeding;
 - c. any interim order issued by the interstate court; and

¹²⁷ Section 230 of the CP Act.

¹²⁸ Section 234 of the CP Act.

- d. Child Safety's written notice filed in the court stating that the DCPL is a party to the proceeding in place of the interstate officer.
348. Upon registration of the interstate transfer decision in the court, the DCPL becomes a party to the proceeding in place of the interstate officer.
349. The DCPL and Child Safety (along with other parties including the child and the child's parents) may apply to the court to revoke the registration of the interstate transfer decision. The DCPL and Child Safety should not take this step without first consulting with each other.

Chapter 10 – Appeals

Part 1 Responsibility for appeals

350. The DCPL is responsible for bringing and responding to appeals against the following decisions of the court:
- a. determining an application for a child protection order;
 - b. on an application for a child protection order, including interim orders made on the adjournment of a proceeding; and
 - c. on an application to transfer a child protection order or child protection proceeding from Queensland to another State.
351. Child Safety is responsible for bringing and responding to appeals against a decision of the court on an application for an emergency order. Child Safety may instruct the DCPL to appear on its behalf in these appeals. Further guidance about the DCPL appearing on the instructions of Child Safety in appeals against emergency orders, and other child-related matters is contained in Chapter 12 of these Guidelines.
352. An appeal can be commenced by the DCPL in response to a request from Child Safety or on the DCPL's own initiative. Where Child Safety request that the DCPL bring an appeal, the DCPL will make an independent decision about whether to commence proceedings. Child Safety cannot direct the DCPL to bring an appeal, however, the DCPL should have regard to the reasons why Child Safety say the appeal should be brought.

Part 2 Timeliness

353. Timely decision making about whether to bring an appeal is critical. Both the DCPL and Child Safety should act quickly. Consultation between the DCPL and Child Safety about whether to bring a DCPL appeal should occur in a timely way.

Part 3 Urgent and non-urgent appeals

354. Urgent action in appeal decision making is particularly important for appeals against interim and final decisions on a child protection order application that are determined to place the child at immediate and unacceptable risk of suffering significant *harm* (urgent appeals). Urgent appeals should be brought with utmost speed (ideally on the day of the decision or the next business day) and should normally be accompanied by an application to stay the operation of the decision.
355. Examples of an urgent appeal include appeals against a decision:

- a. not to make an interim order granting temporary custody of a child to Child Safety in circumstances where the child has been in the temporary custody of Child Safety and this is determined to be necessary in order to meet the protection and care needs of the child; and
 - b. to make a protective supervision order for a child who is in the custody of Child Safety at the time of the decision, which is assessed to place the child at unacceptable risk of suffering significant *harm*.
356. Non-urgent appeals relate to decisions of the court that do not give rise to an immediate and unacceptable risk of significant *harm* to the child (non-urgent appeals). For example:
- a. a decision to make an order granting custody of the child to Child Safety on an application for a long-term guardianship order in favour of the chief executive;
 - b. a decision to make an order granting custody of the child to Child Safety for one year on an application for a two year custodial order in favour of Child Safety; and
 - c. a decision involving an erroneous statement or application of the law that does not result in an outcome that places the child at immediate and unacceptable risk of significant *harm*.

Part 4 Child Safety requests the DCPL bring an appeal

357. Where Child Safety assess that an appeal should be brought, Child Safety should make a written appeal request using 'Form H – Child Safety Appeal Request Form' sent electronically (unless the request relates to an urgent appeal, which can be requested by telephone). If the appeal request cannot be made electronically, it can be hand delivered, faxed or posted to the DCPL. The DCPL should provide a written acknowledgement of receipt of the appeal request electronically within 24 hours of receiving the request.
358. The appeal request should state the reasons why Child Safety believe an appeal should be brought including:
- a. the impact of the court's decision on the safety, wellbeing and best interests of the child; and
 - b. the proposed grounds of appeal including a statement of how the court erred.
359. This information should be set out in summary form in the 'Form H – Child Safety Appeal Request Form' attached to these Guidelines.
360. Written requests for appeals other than urgent DCPL appeals, should be made as soon as practicable and within five working days of the date of the court's decision. This is to allow time for an internal review of the DCPL's decision before the appeal period ends, if the DCPL decide not to bring an appeal without the agreement of Child Safety.

Part 5 Consultation and collaboration with Child Safety

361. The DCPL should consult with Child Safety in deciding whether to commence an appeal. In particular, the DCPL must consult with Child Safety before deciding not to bring an appeal requested by Child Safety. The DCPL should also consult with Child Safety before deciding to commence an appeal on the DCPL's own initiative.
362. There should be ongoing consultation between the DCPL and Child Safety until the appeal is resolved. The DCPL and Child Safety should consult prior to appeal court events to ensure

the DCPL has up to date information about the child's circumstances and to discuss relevant casework matters. Child Safety should ensure an officer with relevant case knowledge and authority attends all appeal court events or is otherwise available by telephone.

363. The DCPL and Child Safety should also work together on the preparation of any further evidence to be filed in the appeal. Where an appeal is accompanied by an application for a stay of the operation of a decision, the DCPL may file a further affidavit evidencing the steps Child Safety has taken to mitigate the risk of *harm* to the child arising from the decision appealed against, such as safety planning, home visits and police welfare checks. The DCPL and Child Safety should work together quickly and efficiently to ensure further evidence is filed in a timely way.

Part 6 Deciding whether to bring an appeal

364. In deciding whether to bring an appeal, the DCPL's paramount consideration must be the safety, wellbeing and best interests of the child, both through childhood and for the rest of the child's life.
365. The DCPL should also consider whether:
- a. there are grounds for the appeal and a reasonable prospect of success; and
 - b. the appeal raises issues of general importance to the application of the Act, the CP Act or other relevant legislation.
366. Decisions about whether to bring an urgent appeal, whether on request by Child Safety or on the DCPL's own initiative, should be made urgently and by the end of the next business day following the court's decision.

Part 7 Notification of decision

367. If the decision relates to an urgent appeal, immediate notification of the DCPL's decision about whether to bring an appeal, should be provided to Child Safety by telephone and followed up with written notification of the decision.
368. Decisions about whether to bring a non-urgent appeal, should be made as soon as practicable. Where Child Safety makes a non-urgent appeal request, it should be decided and written notification of the decision provided within five business days of receipt of the appeal request.

Part 8 Written reasons for decision and internal review

369. Where the DCPL decide not to commence an appeal requested by Child Safety, the DCPL must provide written reasons for the decision (unless Child Safety, following consultation, agree that an appeal should not be brought).
370. The written reasons must be prepared by the DCPL lawyer that made the decision. The written reasons should:
- a. be in the 'Form C – Director's Written Reasons for Decision Form' attached to these Guidelines;
 - b. use clear and unambiguous language;
 - c. state the reasons why the DCPL decided not to bring an appeal;

- d. explain the basis for the decision;
- e. be provided to Child Safety:
 - i. for urgent DCPL appeal requests, by the end of the next business day following receipt of the request, and at the same time as notification of the decision is provided; and
 - ii. for non-urgent DCPL appeal requests, within five business days of receipt of the request and at the same time as notification of the decision is provided.

371. Child Safety may request an internal review of a decision not to bring an appeal requested by Child Safety using 'Form I – Child Safety Internal Review Request Form'. Internal reviews should be made and dealt with in accordance with the procedure set out in Chapter 11, Part 4 of these Guidelines.

Part 9 Responding to appeals

372. Where the DCPL is a respondent in an appeal brought by another party, the DCPL should consult with Child Safety in responding to the appeal. In particular, the DCPL should consult with OCFOS in the preparation of the DCPL's outline of argument and any further affidavits to be filed in the appeal. The DCPL should also consult with Child Safety in preparation for appeal court events.

373. The DCPL do not have to provide written reasons to Child Safety about decisions the DCPL makes as a respondent in an appeal that Child Safety does not agree with, and decisions are not subject to internal review.

Chapter 11 – Miscellaneous

Part 1 Ongoing matter review

374. A decision by the DCPL to apply for a child protection order is subject to ongoing review until the application is finalised. This is particularly important because of the dynamic nature of the lives of children and families. Ongoing review will involve regular consultation with Child Safety and ongoing assessment of the evidence about whether:

- a. the child is a *child in need of protection*; and
- b. the order sought is appropriate and desirable; or
- c. where the child is subject to a child protection order, whether revocation of the order is still appropriate and desirable for the child's protection.

375. Ongoing case review may also involve the DCPL requesting further information or evidence from Child Safety under section 23 of the Act to ensure the sufficiency, relevance and appropriateness of the evidence before the court.

376. The Child Safety assessment is also subject to ongoing review whilst they are working with a child and their family. Where Child Safety assess that different intervention to that sought in the application is appropriate and desirable for the child's protection, they should notify the DCPL. For example, whilst an application is before the court, Child Safety may assess that a more or less intrusive order, or that no order should be made for the child. In these circumstances, the DCPL and Child Safety should consult, so the DCPL can decide whether the application before the court should be amended or withdrawn.

377. Child Safety may also assess that, due to a change of circumstances, the interim protective measures in place to protect a child are no longer appropriate to meet the child's protective needs. For example, Child Safety may assess that a child that is the subject of an application for a protective supervision order has suffered *harm* or is at unacceptable risk of suffering *harm* if the child is not taken into custody. In these circumstances, Child Safety and the DCPL should engage in urgent consultation so the DCPL can consider whether there is sufficient evidence to support an application for temporary custody, and can make arrangements to have the application brought on urgently for mention. In some cases it may be necessary for Child Safety to take a child into custody under section 18 of the CP Act. However, generally the DCPL and Child Safety should engage in urgent consultation with a view to ensuring the child's protective needs are met by seeking the appropriate interim orders on adjournment of the application for a child protection order.

Part 2 Transcripts of proceedings

378. The DCPL is responsible for deciding whether to obtain a transcript of proceedings for applications for child protection orders and appeals. Where the DCPL decide to obtain a transcript of proceedings, the DCPL is responsible for payment of any applicable fees.

Part 3 Section 99MA of the CP Act – notification of suspension to the DCPL

379. Section 99MA of the CP Act provides for the mandatory suspension of a QCAT *review proceeding* about a Child Safety contact decision, when the person who commenced the *review proceeding* is also a party to a child protection proceeding before the court. The purpose of the provision is to allow decisions about a child's contact with a parent or family member to be made in one jurisdiction.
380. Where a *review proceeding* is suspended by QCAT, the *tribunal registrar* must notify the parties to the review and court of the suspension. Child Safety is then required to notify the parties to the child protection proceeding of the suspension. Child Safety should provide notice of the suspension to the DCPL and other parties as soon as practicable and prior to the next court event. The notification to the DCPL, along with a copy of the notifications sent by Child Safety to the parties should be provided to the DCPL electronically.

Part 4 Internal review of the DCPL's decision

Division 1 Reviews generally

381. Where the DCPL is required to provide written reasons for a decision to Child Safety under section 18 of the Act, Child Safety may request that the DCPL conduct an internal review of the decision. Written reasons are required when the DCPL:
- a. make a decision on a *child protection matter* that Child Safety disagree with (section 18(1)(a) or (b) of the Act);
 - b. decide to withdraw an application for a child protection order without the agreement of Child Safety (section 18(1)(c) and Chapter 8 of the Guidelines);
 - c. decide not to bring an appeal requested by Child Safety, where Child Safety still want the appeal to be brought following consultation (section 18(1)(c) and Chapter 10 of the Guidelines);

- d. decide not to make an application to transfer a child protection order to another State without the agreement of Child Safety (section 18(1)(c) and Chapter 9 of the Guidelines); and
 - e. decide not to make an application to transfer a child protection proceeding to another State without the agreement of Child Safety (section 18(1)(c) and Chapter 9 of the Guidelines).
382. Internal reviews must be conducted on the same information the DCPL considered in reaching the decision. Where Child Safety have new information and they want the DCPL to reconsider the child's case, Child Safety should make a new referral of a *child protection matter* to the DCPL including the new information.
383. Internal reviews should be dealt with by the DCPL as quickly as possible and prior to the expiry of any current order or appeal period, unless the review request is received after the order or the appeal period has ended.
384. The request should:
- a. be made in writing using 'Form I – Child Safety Internal Review Request Form' attached to these Guidelines and sent electronically;
 - b. be made as soon as practicable and within 5 business days of the date the DCPL notified Child Safety of the decision. If the review relates to a child that is subject to a current order, the request should be made as soon as practicable prior to the expiry of the order. If the review relates to a non-urgent DCPL appeal, the request should be made as soon as practicable and within 5 business days of the date the DCPL notified Child Safety of the decision not to appeal;
 - c. state briefly the reasons why Child Safety disagree with the DCPL's decision and indicate any matters Child Safety want the DCPL to take into account in the review; and
 - d. not include new information.
385. The DCPL should provide a written acknowledgement of receipt of the review request electronically within 24 hours of receiving the request.
386. The review must be conducted by a different decision maker of the same or a higher level to the original decision maker.
387. The review should be completed within 5 business days of receipt of the request or earlier if the order or appeal period ends during this time. The review should either confirm the original decision or make a different decision to the original decision.
388. The decision on the review should:
- a. be recorded in the 'Form J – Director's Review Decision Notification Form' attached to these Guidelines;
 - b. state the reasons for the decision;
 - c. list any actions arising from the decision; and
 - d. be provided to Child Safety as soon as possible and within one business day of the completion of the review.
389. Where the decision on the review is to make a different decision to the original decision, the DCPL should communicate this to Child Safety immediately by telephone with the completed 'Form J – Director's Review Decision Notification Form' to be provided as soon as practicable after that. The DCPL should take any steps required to action the new decision on an urgent

basis. For example, if the original decision was to refer the matter back to Child Safety and, on review, the DCPL decide to apply for a child protection order, the application (and supporting material) should be finalised and filed as a matter of urgency.

Division 2 Reviews where the child is subject to an emergency order

390. Where Child Safety make a review request for a child that is subject to an emergency order, the DCPL and Child Safety should work together efficiently to ensure that, wherever possible, the review can be completed and any resulting action taken before the emergency order ends.
391. In order to achieve this, a review request for a child subject to an emergency order:
- a. should be made urgently following receipt of the written reasons for decision;
 - b. can be made orally by telephoning the DCPL; and
 - c. should be decided urgently and, wherever possible, before the emergency order ends.
392. Similarly, the DCPL should communicate the outcome of a review request to Child Safety immediately by telephone with the completed written internal review outcome to be provided as soon as practicable after that.

Division 3 Reviews of the DCPL decision not to bring an appeal

393. Generally, requests for internal review of a decision not to bring a DCPL appeal requested by Child Safety should be made quickly and as soon as practicable after receipt of the DCPL's written reasons for decision.
394. Where the review relates to an urgent DCPL appeal, it should be dealt with urgently without delay and by the end of the next business day following receipt of the request. Internal reviews relating to non-urgent appeals should be dealt with expeditiously and before the appeal period ends.

Part 5 Information sharing between the DCPL and Child Safety

395. In performing its statutory functions, the DCPL may receive information about a child the subject of an application or their family that is relevant to Child Safety's ongoing intervention with the child. For example, a member of the child's family may provide information to the DCPL at a court event about a parent's drug use that suggests the child may be suffering *harm* or is at risk of suffering significant *harm*. As well as advising the family member to pass this information on to Child Safety directly in light of Child Safety's frontline child protection responsibilities, the DCPL should also provide this information to Child Safety. The information should be provided as soon as practicable after receipt of the information. In the first instance, the DCPL may provide the information orally or in writing electronically. Where the DCPL provide the information orally, this should be followed by subsequent written confirmation of the information provided.
396. Where the information received by the DCPL suggests a child may have been the victim of an offence, or that an offence has occurred that gives rise to a risk of significant *harm* to the child, the DCPL should provide the information to police. The information should be provided

to police in writing as soon as practicable after receipt or on an urgent basis depending on the nature of the information received. Before the DCPL provide information to the police, the DCPL should provide the information to Child Safety and advise Child Safety the information is also being provided to police.

Part 6 Child Protection (International Measures) Act 2003

397. The *Child Protection (International Measures) Act 2003* (Qld) (CP(IM) Act) provides for Queensland's involvement in implementing the child protection aspects of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (Child Protection Convention). The Child Protection Convention is an international agreement about parental responsibility and measures to protect children, which aims to ensure there is international cooperation and jurisdictional clarity for the protection of children across international borders. The child protection aspects of the Child Protection Convention are the responsibility of the States and Territories.
398. The Director-General of Child Safety is designated as the central authority for implementing the child protection aspects of the Child Protection Convention.¹²⁹ Circumstances when Child Safety's obligations under the CP(IM) Act are engaged include where:
- a. urgent protective measures are required for a child who is present in Queensland although habitually resident in a Convention country other than Australia; or
 - b. a Convention Country requests that Queensland seek protective measures for a child whose habitual residence is the requesting Convention Country but the child is present in Queensland for the time being.
399. As the designated central authority for implementing the child protection aspects of the Child Protection Convention, Child Safety is responsible for all communication with Convention Countries about the Child Protection Convention. If an officer from a Convention Country contacts the DCPL about a child, the DCPL should:
- a. explain that the Director-General of Child Safety is designated as the central authority for implementing the child protection aspects of the Child Protection Convention; and
 - b. ask the Convention Country to contact the Legal Services Branch of Child Safety and provide the relevant contact details.
400. Child Safety's obligations under the CP(IM) Act include conducting investigations and assessments of children and families, providing support on a voluntary basis and pursuing compulsory intervention in the court through an application for an emergency order and/or by making a referral to the DCPL recommending that an application for a child protection order be made.
401. When Child Safety assess that a child to whom the CP(IM) Act applies is:
- a. a *child in need of protection*; and
 - b. that a child protection order is appropriate and desirable for the child's protection;
402. Child Safety should refer the child to the DCPL. The referral should comply with Chapter 2 of these Guidelines.

¹²⁹ Section 29(1) of the CP(IM) Act.

403. The DCPL should make a decision about how to deal with the referral in accordance with section 17 of the Act and Chapter 3 of these Guidelines. The DCPL is not obliged to file an application for a child protection order for a child that is referred to it, to which the CP(IM) Act applies. The DCPL should assess the referral including considering the sufficiency of evidence to make an application in the normal way.

Part 7 Media and publications

404. DCPL lawyers are not permitted to make public comment in their professional capacity about any aspect of their work without the permission of the Director. Section 19 of the Act imposes a duty of confidentiality on persons who gain information about a person's affairs through the administration of the Act. This information may only be recorded and disclosed to someone else in accordance with the provisions of section 19(3) of the Act. Sections 187 and 188 of the CP Act also impose a duty of confidentiality on persons who gain information about a person's affairs through the administration of the CP Act. This information may only be used or disclosed in accordance with the provisions of sections 187(4) and (5) and section 188(3) of the CP Act.

Part 8 Alleged Child Safety contravention of the CP Act or an order, or contempt of court

- 404A. If in a proceeding there is an allegation that a Child Safety officer has contravened the CP Act or an order made under the Act, or is charged with contempt of court, the DCPL should apply to adjourn the matter to afford the Child Safety officer with the opportunity to obtain legal advice and if necessary, to allow the attendance of either OCFOS or Child Safety's Court Services Unit, or an independent lawyer.

Part 9 Family Law Proceedings

- 404B. Section 69ZK of the *Family Law Act 1975 (Cwlth)* provides that a court exercising family law jurisdiction must not make an order in relation to a child who is under the care of a person under a child welfare law, unless the order is to come into effect when the child ceases to be under that care, or the order is made with the written consent of Child Safety.
- 404C. Where Child Safety is aware of a current family law proceeding at the time of referring a *child protection matter* to the DCPL, this information must be included within Part 10 of the Form A – Referral of Child Protection Matter/s Summary Form, and a copy of any family law order (including interim orders) for the child should be provided in the brief of evidence. Where a family law proceeding is commenced whilst a child protection proceeding is before the court, Child Safety is required to notify the DCPL as soon as practicable after receiving notice of the family law proceedings.
- 404D. Where Child Safety consents to the family law jurisdiction whilst the child protection proceedings are before the court, Child Safety should ensure the court hearing the family law proceeding is aware of the DCPL's position in the child protection proceeding.

Chapter 12 – Providing advice and representation to Child Safety

405. The Act allows the DCPL to provide legal advice and representation upon request to Child Safety.¹³⁰
406. The DCPL may provide legal advice to Child Safety when requested about:
- the functions of the chief executive of Child Safety under the *Adoptions Act 2009* and the CP Act;
 - other matters relating to the safety wellbeing and best interests of a child; and
 - matters involving the State's obligations under the Convention on the Civil Aspects of International Child Abduction (Hague Child Abduction Convention) as applied under section 111B of the *Family Law Act 1975 (Cwlth)*.
407. The DCPL may also represent the State in legal proceedings when requested:
- under the *Adoptions Act 2009* and the CP Act;
 - relating to the safety wellbeing and best interests of a child; and
 - under the *Family Law (Child Abduction Convention) Regulations 1986* pertaining to the State's obligations under the Hague Child Abduction Convention.
408. In each of these circumstances, the DCPL acts on the instructions of Child Safety and on a fee for service basis. Child Safety should provide formal instructions to the DCPL by hand delivering, posting or faxing a letter of instructions together with any other relevant information to the DCPL.

Director's Guidelines – current as at 29 October 2018



Nigel A. Miller

Director of Child Protection Litigation

¹³⁰ Section 9(2) of the Act.

Appendix 1 - Definitions & Abbreviations

Definitions

- *child protection matter* - has the meaning given to it in Schedule 1 of the Act
- *child in need of protection* - has the meaning given to it in section 10 of the CP Act
- *harm* - has the meaning given to it in section 9 of the CP Act
- emergency order – temporary assessment order, court assessment order and temporary custody order
- final child protection orders – child protection orders specified in section 61 of the CP Act
- *review proceeding* - has the meaning given to it in section 99MA(9) of the CP Act
- *suitable person* - has the meaning given to it in Schedule 3 of the CP Act
- *tribunal registrar* - has the meaning given to it in section 99MA(9) of the CP Act
- chief executive (child safety) – the chief executive of Child Safety

Abbreviations

- Chief executive of the Department of Child Safety, Youth and Women – Child Safety
- *Child Protection Act 1999* – CP Act
- Child Safety Service Centre – CSSC
- Director of Child Protection Litigation – DCPL
- *Director of Child Protection Litigation Act 2016* – the Act
- Office of the Director of Child Protection Litigation – ODCPL
- Office of the Child and Family Official Solicitor – OCFOS

Appendix 2 - Interstate transfers of child protection orders and proceedings

The table shows responsibility for the transfer of orders and proceedings to and from Queensland between the DCPL and Child Safety.

Type of transfer	DCPL responsibility	Child Safety responsibility
Administrative transfer of an order to another State ¹³¹	<ul style="list-style-type: none"> no involvement 	<ul style="list-style-type: none"> Child Safety responsibility
Judicial transfer of an order to another State ¹³²	<ul style="list-style-type: none"> makes the application conducts the application 	<ul style="list-style-type: none"> liaises with interstate officer to obtain consent to transfer and the provisions of proposed interstate order makes referral to the DCPL serves application on parties arranges a family group meeting obtains the child's views and wishes where appropriate notifies parties to application of the court outcome
Transfer of an order to Queensland ¹³³	<ul style="list-style-type: none"> no involvement 	<ul style="list-style-type: none"> Child Safety responsibility
Transfer of proceedings to another State ¹³⁴	<ul style="list-style-type: none"> makes the application conducts the application 	<ul style="list-style-type: none"> liaises with interstate government officer to obtain written consent for the transfer of the proceeding serves application on parties notifies parties to application of the court outcome
Transfer of proceedings to Queensland ¹³⁵	<ul style="list-style-type: none"> following registration of the interstate transfer decision in the Childrens Court the DCPL becomes a party to the proceedings in place of the interstate government officer conducts the application 	<ul style="list-style-type: none"> chief executive decides whether to provide written consent for transfer of the proceedings to Queensland chief executive files copy of the interstate transfer decision and any interim orders of interstate court in the Childrens Court where an interstate government officer is a party to the proceeding, the chief executive files a notice stating that the DCPL is a party to the proceeding in place of the interstate government officer

¹³¹ Sections 206 to 211 of the CP Act.

¹³² Sections 206 and 212 to 219 of the CP Act.

¹³³ Sections 220 to 224 of the CP Act.

¹³⁴ Sections 225 to 232 of the CP Act.

¹³⁵ Sections 233 to 238 of the CP Act.

Appendix 3 – Guidelines Forms

Contents:

- Form A – Referral of Child Protection Matter/s Summary Form
- Form B – Deleted
- Form C – Director's Written Reasons for Decision Form
- Form D – Disclosure Form
- Form E – Request for Disclosure Form
- Form F – Disclosure Compliance Notice Form
- Form G – Name and Contact Details of Independent Aboriginal or Torres Strait Islander Entities Form
- Form H – Child Safety Appeal Request Form
- Form I – Child Safety Internal Review Request Form
- Form J – Director's Review Decision Notification Form

Form A – Referral of Child Protection Matter/s Summary Form

This form is to be completed by an Office of the Child and Family Official Solicitor (OCFOS) officer¹³⁶ or a Child Safety Service Centre Officer when Child Safety is referring a child protection matter to the Director of Child Protection Litigation (DCPL).¹³⁷

If the referred child protection matter involves a child/ren subject to an emergency order/s, the referral should be made as soon as practicable and where possible no later than 24 hours prior to the emergency order ending.¹³⁸

If the referred child protection matter involves a child/ren subject to a child protection order/s in force, the referral should be made as soon as practicable and where possible not less than 20 business days before the child protection order/s ends.¹³⁹

Part 1 Form Completion Information			
Date referral completed:		Officer completing referral:	

Part 2 Proposed Court Location			
Proposed court location:		If proposed court location is not where the child/ren or parents live, provide reasons and include the views of the parents and child/ren if known:	

Part 2A Child Safety Service Centre with ongoing case management responsibility	
If the DCPL applies for a child protection order/s, which Child Safety Service Centre will have ongoing case management responsibility:	

Part 3 Child Safety Information			
OCFOS Officer:		Phone:	
		Email:	
Child Safety Service Centre:		Phone:	
		Email:	
Child Safety Officer:		Email:	
Team Leader:		Email:	
After Hours Contact:		Phone:	
		Email:	

Part 3A Child Safety CourtShare Information			
CourtShare Record ID:		CourtShare Record name:	

Part 4(a) Child's Information <i>(if there is more one child, complete a part per child in order of oldest child to youngest child)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

¹³⁶ Guidelines 16, 22 – 24 of the Director's Guidelines.
¹³⁷ Section of the 15 *Director of Child Protection Litigation Act 2016*.
¹³⁸ Guideline 31 of the Director's Guidelines.
¹³⁹ Guideline 30 of the Director's Guidelines.

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Gender:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Not stated/prefer not to say		
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Name and relationship of person caring for child: ¹⁴⁰			
Address of child:			
Phone:		Email:	
Mother's given name:		Mother's family name:	
Date of birth:		Mother's ICMS number:	
Mother's address:			
Mother's phone:		Email:	
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Legal representative Name and firm:		Email:	
		Phone:	
Postal address:			
Father's given name:		Father's family name:	
Date of birth:		Father's ICMS number:	
Father's address:			
Father's phone:		Email:	
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Legal representative Name and firm:		Email:	
		Phone:	
Postal address:			

Part 4(b) Second Child's Information *(delete this part if there is only one child. Duplicate the part if there is more than two children. If a mother's or father's details are the same as a previous child, record 'Same as [name of child]')*

Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	
Gender:	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Not stated/prefer not to say		
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Name and relationship of person caring for child: ¹⁴¹			
Address of child:			
Phone:		Email:	
Mother's given name:		Mother's family name:	

¹⁴⁰ Complete part 8 if there has been a decision not to tell the child/ren's parent/s in whose care the child/ren are placed and where the child/ren are living

¹⁴¹ Complete part 8 if there has been a decision not to tell the child/ren's parent/s in whose care the child/ren are placed and where the child/ren are living

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Date of birth:		Mother's ICMS number:	
Mother's address:			
Mother's phone:		Email:	
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Legal representative Name and firm:		Email:	
		Phone:	
Postal address:			
Father's given name:		Father's family name:	
Date of birth:		Father's ICMS number:	
Father's address:			
Father's phone:		Email:	
Cultural identity:	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say		
Legal representative Name and firm:		Email:	
		Phone:	
Postal address:			

Part 5 Independent Aboriginal or Torres Strait Islander entity (independent person/s) for the child/ren <i>(complete this part if a child is Aboriginal and/or Torres Strait Islander. Duplicate the part if there is more than one arranged independent person)</i>			
Name of independent person:		Phone:	
		Email:	
Address:			
For which child and or family member/s has the independent person been arranged:			
Date chief executive satisfied independent person is suitable:			
Details of significant decision/s:			

Part 6 Emergency Order Information¹⁴² <i>(complete this part if there is an existing temporary assessment order/s (TAO), court assessment order/s (CAO) or temporary custody order/s (TCO) for the child/ren, or if an emergency order/s was sought and not made, the reasons for it – also attach a copy of the order to the completed Form)</i>			
Is there an existing emergency order for the child/ren:	<input type="checkbox"/> Yes <i>(complete the appropriate order section below)</i> <input type="checkbox"/> No <i>(complete last section of table)</i>		
Which type of order/s:	<input type="checkbox"/> TAO <input type="checkbox"/> CAO <input type="checkbox"/> TCO	Date order/s end/s:	Magistrate location:
Provisions of order/s:	<input type="checkbox"/> Authorised contact with child/ren		
	<input type="checkbox"/> Child/ren in chief executive's custody		

¹⁴² Guideline 23(b) of the Director's Guidelines.

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	<input type="checkbox"/> Medical examination or treatment of child
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child <i>(if selected, provide name of parent/s subject to order):</i>
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child unless a person or a person of stated category is present <i>(if selected, provide name of parent/s subject to order and details):</i>
	<input type="checkbox"/> Enter and search a place to find the child

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Which type of order/s:	<input type="checkbox"/> CAO	Date order/s end/s:		Court location:	
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Provisions of order/s:	<input type="checkbox"/> Authorised contact with child/ren
	<input type="checkbox"/> Medical examination or treatment of child
	<input type="checkbox"/> Child/ren in chief executive's temporary custody
	<input type="checkbox"/> Child/ren's contact with their family during chief executive's custody <i>(if selected, provide details):</i>
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child <i>(if selected, provide name of parent/s subject to order):</i>
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child unless a person or a person of stated category is present <i>(if selected, provide name of parent/s subject to order and details):</i>
	<input type="checkbox"/> Enter and search a place to find the child

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Which type of order/s:	<input type="checkbox"/> TCO	Date order/s end/s:		Magistrate location:	
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Provisions of order/s:	<input type="checkbox"/> Authorised contact with child/ren and take the Child/ren into, or keep in chief executive's custody
	<input type="checkbox"/> Medical examination or treatment of child
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child <i>(if selected, provide details subject to order):</i>
	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child unless a person or a person of stated category is present <i>(if selected, provide name of parent/s subject to order and details):</i>
	<input type="checkbox"/> Enter and search a place to find the child

If an emergency order/s was sought and not made, what were the reasons:	
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Form A – Referral of Child Protection Matter Summary Form

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Part 7 Existing Child Protection Order Information ¹⁴³ (complete this part if there is an existing child protection order/s for the child/ren. If more than one type of order is made for a child, or if 2 or more children are being referred under existing orders, indicate which type of order relates to each child – also attach a copy of the order/s to the completed Form)			
Is there an existing child protection order for the child/ren:		<input type="checkbox"/> Yes <input type="checkbox"/> No	Date order/s end:
Which type of order/s:	<input type="checkbox"/> Directive order – other (if selected, provide name of parent/s subject to order and what directed to do or refrain from doing):		
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren (if selected, provide name of parent/s subject to order):	
	<input type="checkbox"/> directing supervised contact with child/ren (if selected, provide name of parent/s subject to order):		
	<input type="checkbox"/> Supervision order (if selected, provide details of the matters Child Safety is to supervise):		
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) (if selected, name of suitable person):	
	<input type="checkbox"/> to chief executive (STC-CE)		
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE)		
	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) (if selected, name of suitable person):	
<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) (if selected, name of suitable person):			
<input type="checkbox"/> to chief executive (LTG-CE)			
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) (if selected, name of suitable person):			
Has there been previous child protection order/s for the child/ren? ¹⁴⁴ (if yes, please provide a list of all previous child protection orders including date/s made, and provide a copy of any order/s in SharePoint)		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Part 8 Care Agreement Information ¹⁴⁵ (complete this part if there is an existing care agreement for the child/ren – also attach a copy of the agreement to the completed Form)			
Is there a care agreement for the child/ren:		<input type="checkbox"/> Yes <input type="checkbox"/> No	Type of agreement:
			<input type="checkbox"/> Assessment care agreement <input type="checkbox"/> Child protection care agreement
Date agreement commenced:		Date agreement will end:	

¹⁴³ Guideline 23(c) of the Director's Guidelines.
¹⁴⁴ Guideline 23(d) of the Director's Guidelines.
¹⁴⁵ Guideline 23(e) of the Director's Guidelines.

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Has there been previous care agreements, and or has the agreement been extended for the child/ren: <i>(if yes, please provide a list of all previous care agreements, and or extensions of the agreement including date/s agreements entered and ended, and provide a copy of the agreement/s in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Part 8A No Emergency Order, Existing Child Protection Order or Care Agreement¹⁴⁶ <i>(complete this part if there is no emergency order/s, existing child protection order/s or a care agreement/s for the child/ren)</i>
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Is there no emergency order/s, existing child protection order/s or a care agreement for the child/ren:	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If the DCPL applies for a child protection order/s, what date for a first mention before the court has been assessed as being appropriate and desirable for the child/ren's protection:	
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Provide reasons why the specific date has been assessed as being appropriate and desirable for the child/ren's protection:	
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Part 9(a) Details of the referred child protection matter (child/ren in need of protection and a child protection order/s is appropriate and desirable for the child/ren's protection)¹⁴⁷

Is the chief executive satisfied that the child/ren are in need of protection and a child protection order/s are appropriate and desirable for the child/ren's protection – this includes an assessment that an existing child protection order should be extended, varied, or revoked and another order made in its place: <i>(if yes, complete this part. If no, complete part 9(b))</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Has the chief executive substantiated alleged harm and, or alleged risk of harm:	<input type="checkbox"/> Alleged harm <input type="checkbox"/> Alleged risk of harm
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What is the type of alleged abuse and or neglect:	<input type="checkbox"/> Physical abuse <input type="checkbox"/> Psychological abuse <input type="checkbox"/> Emotional abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Sexual abuse or exploitation
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Briefly describe what is the action/s or lack of action/s (behaviours by the parent/carer) that have been assessed to have caused the alleged abuse or neglect or alleged risk of abuse or neglect:	
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What is/would be the harm – the resulting detrimental effect of a significant nature on the child (impact experienced by the child):	<input type="checkbox"/> Physical <input type="checkbox"/> Psychological <input type="checkbox"/> Emotional
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Provide reasons why the child/ren are in need of protection:	
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¹⁴⁶ Guideline 23(ea) of the Director's Guidelines.
¹⁴⁷ Guidelines 17 & 22 of the Director's Guidelines.

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Provide reasons why a child protection order/s is appropriate and desirable for the child/ren's protection						
What type of order/s is considered appropriate and desirable for the child/ren's protection: <i>(If Child Safety considers more than one type of order appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Directive order – contact:</td> <td style="padding: 5px;"><input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i></td> </tr> </table>	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>	
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>				
		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>				
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Custody order</td> <td style="padding: 5px;"><input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i></td> </tr> </table>	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i>	
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>				
		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i>				
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order):</i>					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Long-term guardianship</td> <td style="padding: 5px;"><input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i></td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;"><input type="checkbox"/> to chief executive (LTG-CE)</td> </tr> </table>	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>	
<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>					
	<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>					
	<input type="checkbox"/> to chief executive (LTG-CE)					
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>						
<input type="checkbox"/> Child/ren in temporary custody of the chief executive						
<input type="checkbox"/> Child/ren in temporary custody of suitable person who is member of the child/ren's family <i>(if selected, name of suitable person):</i>						
<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child <i>(if selected, provide name of parent/s subject to proposed order):</i>						

¹⁴⁸ Guideline 23(g) of the Director's Guidelines.

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<p><i>order interim or is appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of interim order relates to each child)</i></p>	<input type="checkbox"/> Parent not to have contact (direct or indirect) with the child unless a person or a person of stated category is present (<i>if selected, provide name of parent/s subject to proposed order and details</i>):
	<input type="checkbox"/> Authorised contact with child/ren
	<input type="checkbox"/> Enter and search a place to find the child
Provide details of why proposed interim orders have been assessed as being appropriate and desirable for the child/ren's protection:	

Part 9(b) Details of the referred child protection matter (child protection order/s in force and is no longer appropriate and desirable for the child/ren's protection)¹⁴⁹	
Is there a child protection order/s, other than an interim order, in force for the child/ren, and the chief executive satisfied that the order/s are no longer appropriate and desirable for the child/ren's protection and should be revoked: (<i>if yes, complete this part and ensure the details of the existing order/s have been entered into Part 7 above</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provide reasons why the existing child protection order/s is no longer appropriate and desirable for the child/ren's protection:	

Part 9(c) Details of the referred child protection matter (permanent care order/s in force and is no longer appropriate and desirable for the child/ren's protection)¹⁵⁰	
Is there a child protection order/s (a permanent care order) in force for the child/ren, and the chief executive satisfied that the permanent guardian under the order is not complying, in a significant way, with the permanent guardian's obligations under the <i>Child Protection Act 1999</i> , and the order is no longer appropriate and desirable for the child/ren's protection: (<i>if yes, complete this part and ensure the details of the existing order/s have been entered into Part 7 above</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provide reasons why the permanent guardian under the order is not complying, in a significant way, with the permanent	

¹⁴⁹ Guidelines 17 & 22 of the Director's Guidelines.
¹⁵⁰ Guidelines 17 & 22 of the Director's Guidelines.

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guardian's obligations, and why order/s is no longer appropriate and desirable for the child/ren's protection:	
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Part 10 Other relevant proceedings and orders¹⁵¹ *(complete this part if there is other relevant proceedings or orders for the child/ren)*

Is there a proceeding in which a court is exercising jurisdiction conferred on the court under the <i>Family Law Act 1975</i> (Cwlth) for the child/ren, or an existing family law order for the child/ren: <i>(if yes, please provide details and include a copy of any order/s in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Details:	
Is there a proceeding in the Magistrates Court under the <i>Domestic and Family Violence Protection Act 2012</i> involving the child/ren's parents: <i>(if yes, please provide details, and include any relevant material in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Details:	
Is there is a domestic violence order already in force involving the child/ren's parents, and if so, is the chief executive of the view that the order should be varied in terms of the date it ends or the terms of the order: <i>(if yes, please provide details for the view, including who is the aggrieved/applicant and who is the respondent, and include a copy of any order/s in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Details:	
Is there a proceeding before the Queensland Civil and Administrative Tribunal (QCAT) for an application for a review of a reviewable decision, or any QCAT decision on an application for a review of a reviewable decision involving the child/ren: <i>(if yes, please provide details, including who is/was the applicant, the decision that is/was the subject of the review application, and include a copy of any related material in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Details:	
Is there a related criminal law proceeding/s in a court involving the child/ren: <i>(if yes, please provide details, and include a copy of any related material in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown

Part 11 Confidential and sensitive information¹⁵² *(complete this part if there is some confidential and sensitive information that should not be disclosed)*

Is there any safety concerns for the child/ren, their parents or any other prospective participants:	<input type="checkbox"/> Yes <input type="checkbox"/> No
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¹⁵¹ Guideline 23(f) of the Director's Guidelines.
¹⁵² Guidelines 28 & 29 of the Director's Guidelines.

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If yes, who of the following do the concerns relate to: <i>(please provide details of the safety concerns and include a copy of any related documents in SharePoint)</i>	<input type="checkbox"/> Child/ren <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Carer <input type="checkbox"/> Child Safety Officer <input type="checkbox"/> Team Leader <input type="checkbox"/> Legal representative <input type="checkbox"/> Other
Details:	
Has there been a decision not to tell the child/ren's parent/s in whose care the child/ren are placed and where the child/ren are living: <i>(if yes, please provide details, and include a copy of any related documents in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Details:	
Is there any other confidential and or sensitive information that has not been or should not be disclosed under section 186 and or section 191 of the <i>Child Protection Act 1999</i> : <i>(if yes, please provide details, including if Child Safety received the information from a prescribed entity or service provider and if they have been consulted about the disclosure of the information, and address the relevant ground/s under ss186 and, or 191 of the Act, and include a copy of any related documents into the withheld folder in SharePoint)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Details:	

Part 11A Additional Issues <i>(complete if there is are additional issues that need to be mentioned)</i>

Part 12 List of attached documents <i>(the types of documents to include are copies of the emergency application, emergency order, adjournment order, previous Child Protection Orders, care agreements, supporting affidavit (including date filed), and attachments would include, criminal histories, child protection history reports, case plan, most recent review report, any expert reports that are relevant. A copy of each document listed should be included in SharePoint)</i>			
No.	Document type (including attachments)	Author	Date of document
1			
2			
3			
4			
5			
6			

Form C – Director's Written Reasons for Decision Form

This form is to be completed by a Director of Child Protection Litigation (DCPL) lawyer¹⁵³ when providing written reasons to Child Safety about how the DCPL has dealt with a referred child protection matter¹⁵⁴ or a request for the DCPL to institute an appeal against a decision on an application/s for a child protection order.

Part 1 Form completion information			
Lawyer completing form:		Date form completed:	
		Date of decision:	

Part 2 Form A – Referral of Child Protection Matter/s Summary Information Form, or Form H – Child Safety Appeal Request Form	
Officer completed referral/request form:	Date referral/request completed:

Part 3 Director of Child Protection Litigation information			
DCPL file lawyer:		Phone:	
		Email:	

Part 4 Child Safety information			
OCFOS Officer:		Phone:	
		Email:	
Child Safety Service Centre:		Phone:	
Child Safety Officer:		Email:	
Team Leader:		Email:	
After Hours Contact: <i>(if required)</i>		Phone:	
		Email:	

Part 5(a) Child's information <i>(if there is more one child, complete a part per child in order of oldest child to youngest child)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 5(b) Child's information <i>(delete this part if there is only one child. Duplicate the part if there are more than two children)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 6 For a referred child protection matter/s¹⁵⁵, type of order/s Child Safety considered appropriate and desirable for the child/ren's protection¹⁵⁶ <i>(if this form relates to a request by Child</i>			
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¹⁵³ Guidelines 75 and 370 of the Director's Guidelines.
¹⁵⁴ Section 17 of the *Director of Child Protection Litigation Act 2016* (DCPL Act).
¹⁵⁵ Section 15(1)(a) and (b) of the DCPL Act.
¹⁵⁶ Sections 16(1)(a)(iii) and 16(1)(b) of the DCPL Act.

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Safety for the DCPL to institute an appeal against a decision on an application/s for a child protection order go to Part 10)

What type of order/s is considered appropriate and desirable for the child/ren's protection: *(if Child Safety considers more than one type of order appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of order relates to each child)*

<input type="checkbox"/> No order ¹⁵⁷	
<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order)</i>	
<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order)</i>
	<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order)</i>
<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order)</i>	
<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order)</i>
	<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order)</i>
<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order)</i>	
<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details)</i>
	<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details)</i>
	<input type="checkbox"/> to chief executive (LTG-CE)
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>	

Part 7 Did the DCPL consult with Child Safety about the referred child protection matter/s¹⁵⁸

Did the DCPL consult with Child Safety:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of consultation:	
Name/s of OCFOs and or Child Safety officers consulted:			

Part 8 How has the DCPL dealt with the referred child protection matter/s

¹⁵⁷ Section 16(1)(b) of the DCPL Act.
¹⁵⁸ Section 18(1) of the DCPL Act.

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Did the DCPL decide to apply for an order/s: ¹⁵⁹		<input type="checkbox"/> Yes <input type="checkbox"/> No
What type of order/s did the DCPL decide to apply for: <i>(if the DCPL considers more than one type of order appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of proposed order relates to each child)</i>	<input type="checkbox"/> No order ¹⁶⁰	
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>	
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>	
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order)</i>
		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i>
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order):</i>	
	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>
	<input type="checkbox"/> to chief executive (LTG-CE)	
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>		
Did the DCPL decide to refer the matter/s back to Child Safety:	<input type="checkbox"/> Yes ¹⁶¹ <input type="checkbox"/> No	
Did the DCPL apply for an order/s of a different type, or order/s that were otherwise different from, the order/s Child Safety considered appropriate and desirable for the child/ren's protection:	<input type="checkbox"/> Yes ¹⁶² <input type="checkbox"/> No	

Part 9 DCPL reasons for decision on the referred child protection matter/s¹⁶³ *(include identification of any deficiencies in evidence if applicable, and give reasons why the matter/s was referred back to*

¹⁵⁹ Section 17(1)(a) of the DCPL Act.

¹⁶⁰ Section 16(1)(b) of the DCPL Act.

¹⁶¹ Written reasons will be provided for the decision within 5 business days, unless child is subject to an order ending within one month of the date of the decision or an emergency order – see section 18(2) of the DCPL Act and Guidelines 75 & 76 of the Director's Guidelines.

¹⁶² Written reasons will be provided for the decision within 5 business days, unless child is subject to an order ending within one month of the date of the decision or an emergency order – see section 18(2) of the DCPL Act and Guidelines 75 & 75 of the Director's Guidelines.

¹⁶³ Section 18(2) of the DCPL Act.

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Child Safety or why the DCPL decided to apply for an order/s of a different type, or order/s that were otherwise different from, the order/s Child Safety considered appropriate and desirable for the child/ren's protection?)

Part 10 The decision that Child Safety has requested the DCPL to institute an appeal against *(complete this part if the decision relates to a request by Child Safety for the DCPL to institute an appeal against a decision on an application/s for a child protection order)*

Date order/s made:		Court location:		Name of magistrate	
If the decision Child Safety has requested the DCPL institute an appeal against a final decision on an application/s for a child protection order, what is the type of order/s the court has made: <i>(if the court has made more than one type of order for a child, or heard 2 or more applications for orders together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> No order				
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>				
	<input type="checkbox"/> Directive order – contact:		<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to order, and duration of order):</i>		
			<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to order, and duration of order):</i>		
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>				
	<input type="checkbox"/> Custody order		<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>		
			<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, duration of order):</i>		
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, duration of order):</i>				
	<input type="checkbox"/> Long-term guardianship		<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person):</i>		
			<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person):</i>		
		<input type="checkbox"/> to chief executive (LTG-CE)			
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>					
If Child Safety has requested the DCPL institute an appeal					

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against an interim decision on an application/s for a child protection order, provide details of the decision:	
Does Child Safety's appeal request relate to all or part of the decision on an application/s for a child protection order:	<input type="checkbox"/> All of the decision <input type="checkbox"/> Part of the decision <i>If part, provide details:</i>

Part 11 For a request for the DCPL to institute an appeal, what has Child Safety assessed to be appropriate and desirable for the protection of the child/ren

What type of final order/s has Child Safety assessed to be appropriate and desirable for the child/ren's protection: <i>(if Child Safety considered more than one type of order appropriate and desirable for a child, or if 2 or more applications for orders were heard together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> No order	
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>	
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>	
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>
		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i>
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order):</i>	
	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>
	<input type="checkbox"/> to chief executive (LTG-CE)	
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>		

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If Child Safety has requested the DCPL institute an appeal against an interim decision on an application/s for a child protection order, provide details of what Child Safety has assessed to be appropriate and desirable for the protection of the child/ren:	
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Part 12 Did the DCPL consult with Child Safety about the appeal request¹⁶⁴			
Did the DCPL consult with Child Safety:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of consultation:	
Name/s of OCFOs and or Child Safety officers consulted:			

Part 13 How has the DCPL dealt with the appeal request					
Did the DCPL decide to institute an appeal: ¹⁶⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>(if yes, complete the below section)</i>				
If the DCPL have decided to institute an appeal, what type of final order/s will the DCPL seek: <i>(if the DCPL considers more than one type of order appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> No order				
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>				
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Directive order – contact:</td> <td style="padding: 5px;"><input type="checkbox"/> directing no contact with child/ren – <i>(if selected, provide name of parent/s subject to the order and duration of order):</i></td> </tr> <tr> <td></td> <td style="padding: 5px;"><input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order and duration of order):</i></td> </tr> </table>	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren – <i>(if selected, provide name of parent/s subject to the order and duration of order):</i>		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order and duration of order):</i>
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren – <i>(if selected, provide name of parent/s subject to the order and duration of order):</i>			
		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order and duration of order):</i>			
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> Custody order</td> <td style="padding: 5px;"><input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person and details, and duration of order):</i></td> </tr> <tr> <td></td> <td style="padding: 5px;"><input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, duration of order):</i></td> </tr> </table>	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person and details, and duration of order):</i>		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, duration of order):</i>	
<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person and details, and duration of order):</i>				
	<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, duration of order):</i>				
<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, duration of order):</i>					

¹⁶⁴ Guideline 361 of the Director's Guidelines.
¹⁶⁵ Section 9(1)(c)(i) of the DCPL Act.

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	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to chief executive (LTG-CE)
	<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>	
If the decision Child Safety has requested the DCPL institute an appeal against, is an interim decision on an application/s for a child protection order, what does the DCPL consider appropriate and desirable for the protection of the child/ren:		

Part 14 DCPL Reasons for decision on appeal request ¹⁶⁶ <i>(include identification of any deficiencies in evidence if applicable, and give reasons why the DCPL decided not to institute an appeal)</i>

¹⁶⁶ Section 18(2) of the DCPL Act.

Registry: [Click here to enter text.](#)
Number: [Click here to enter text.](#)

Form D – Disclosure Form

Note to respondent parents: there is important information about this document in the attached disclosure process information sheet.

Child's details

These are the same details as appear on the application for a child protection order form.

Given name	
Family name	
Date of birth	
Gender	<i>Click on the appropriate box</i> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Not stated/prefer not to say
Cultural identity	<i>Click on the appropriate box</i> <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say

Applicant

The applicant is usually the person applying to the court for the making or extension of a child protection order (normally the Director of Child Protection Litigation). It can also be the person the person applying to the court to vary or revoke a child protection order.

Applicant's name	
Relationship to child	

First respondent

For applications to make or extend a child protection order, respondents usually include anyone who is a 'parent' as defined under section 52 of the Child Protection Act 1999. If a parent makes an application to vary or revoke a child protection order, the Director of Child Protection Litigation is a respondent along with each other parent.

Given name	
Family name	
Relationship to child	

Second respondent (if applicable)

Delete the below box if there is only one respondent. Add additional boxes if there are more than two respondents.

Given name	
Family name	
Relationship to child	

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Form D – Disclosure Form

Additional participants (if applicable)

Sometimes additional people are included in a child protection proceeding as though they are a party (e.g. a separate representative appointed for a child under section 110 of the Child Protection Act 1999). These participants' details should be included here. Add additional boxes if there is more than one additional participant in this proceeding. Delete this box if there are no additional participants in this proceeding.

Given name	
Family name	
Role in proceeding	

Notice to respondents and participants:

Under section 189C of the Child Protection Act 1999, the Director of Child Protection Litigation (the Director) has an ongoing duty to disclose to you all documents in the Director's possession or control that are relevant to the proceeding.

The Director is giving you a list of the types of documents in **Box A** that are ordinarily in the possession or control of Child Safety to help you decide which documents you may want to access. Each of these documents may not be in the possession or control of Child Safety in every case. The Director has also given you a list of additional, specific documents in **Box B** that are in the Director's possession or control that the Director thinks you may want to access. (Delete this sentence if Box B of this template is not completed).

If you request disclosure of a document, the Director must give you access to the document unless the Director is permitted to refuse access under section 191(2) of the Child Protection Act. If you request a document, the Director may refuse to disclose the document to you if the Director is of the view that disclosure should be refused because of section 191(2). The Director must tell you about this refusal and explain the reason why you are being refused access to the document. For more information about what you can do if the Director refuses to give you access to documents, see the attached disclosure process information sheet.

Box A: Types of documents that are normally in the possession or control of Child Safety

- information received by Child Safety where it is suspected a child has been, is being, or is likely to be harmed including:
 - notifications (subject to section 186 *Child Protection Act 1992*); and
 - child concern reports;
- assessments about whether the child is a *child in need of protection* including investigation and assessment outcomes and attached documents;
- records of interview;
- structured decision making assessments including:
 - safety assessments;
 - family risk evaluations and family risk re-evaluations; and
 - reunifications assessments;
- assessments of the child's strengths and needs;
- assessments of a parent's strengths and needs;
- case plans and review reports;
- referrals from Child Safety to another agency;
- information received by Child Safety about the child or their parents from another agency;
- referrals and minutes from Suspected Child Abuse and Neglect Team meetings, Domestic Violence Collaborative Agency Meetings and carer agency meetings;
- about the child prepared by an external reporter or assessor;
- reports about a parent prepared by an external reporter or assessor;
- case notes made by Child Safety, for example, about a child's contact with a parent or a Child Safety visit to a parent;

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Form D – Disclosure Form

- child protection history report(s);
- criminal, domestic violence, or traffic history of any person relevant to the proceeding;
- cultural support plans; and
- correspondence between Child Safety and a parent.

Box B: Specific documents that are in the possession or control of the Director of Child Protection Litigation (delete if not applicable)

- Director of Child Protection Litigation to complete as required.

Addresses for service

This form is to be given to all other parties to the proceeding by the Director of Child Protection Litigation.

First respondent's details

Full name	
Address	
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Second respondent's details (if applicable)

Full name	
Address	
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Director of Child Protection Litigation's address for service

Full name	
Address	
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Director of Child Protection Litigation (authorised officer details)

Signed	
Full name	
Date	

Filed in the *insert court location* registry on *insert date of filing*:

 Registrar
 Signature and seal of registrar

Disclosure process - why have I been given this form?

You have been given this form because section 189C of the Child Protection Act 1999 provides that the Director of Child Protection Litigation (the Director) has an ongoing duty to disclose to each other party all documents in the Director's possession or control that are relevant to the proceeding. This form is how the Director tells you about the documents which it has an obligation to disclose to you.

Although the Director has an obligation to disclose relevant documents to you, you can also ask the Director for any particular relevant documents that you want disclosed to you.

Under rule 52 of the Childrens Court Rules, the Director must file and serve this disclosure form on you within 20 days of filing an application for a child protection order. The Director may also give this form to you again at any other time it thinks it is appropriate to or because the Childrens Court has ordered it to.

How do I access documents?

If you tell the Director you want access to particular documents you should read the following information. There are two lists of documents. The first list (in **Box A**) explains the types of documents the Director normally has access to because they are documents that are normally held by the Department of Child Safety, Youth and Women (Child Safety). This list is to help you decide if there are any particular documents you want to be disclosed. The second list (**Box B**) is a list of additional, specific documents the Director has decided are relevant and you might want to be disclosed to you. (Delete sentence if Box B does not list specific documents.)

If you want to access a particular document you can request it by filling out the **request for disclosure form** which has been given to you with this form. You should try and be **as specific as you can** when describing the documents that you want so that the Director can locate the document for you and organise the best way for you to have access to it. Information that can help the Director locate documents for you include:

- Who the document is about
- What the document is about
- The date of the document or the time period to which the period relates

How will the Director let me access documents?

You can indicate to the Director how you would prefer to access the documents when you fill in the **request for disclosure form**. For example, you may ask that the Director post the documents to you or send them to you by email (if an electronic copy of the document is available).

The Director will consider your request but it is ultimately up to the Director as to how you will be given access to the documents. For example, if you request a large number of documents be sent to you, the Director may ask that you come to an office to inspect the documents instead and take copies of the documents that you need.

Can the Director refuse to give me access to any documents that I ask for?

The Director may refuse to give you access to certain documents or information in the circumstances outlined in section 191(2) of the Child Protection Act. If you ask the Director for access to a document and the Director refuses to give you access to the document, the Director will explain to you why the Director is refusing to give you access.

If the Director tells you that the Director refuses to give you access to a document under section 191(2), the Director is not required to disclose the document unless the Childrens Court orders disclosure. If the Childrens Court orders disclosure, the disclosure is on the terms ordered by the Childrens Court.

What do I do if I don't agree with the Director's refusal to give me access to a document?

If you do not agree with the Director's refusal to give you access to a document you should seek independent legal advice from a lawyer. The lawyer may be able to help explain why you have been refused disclosure of a document.

You may apply to the Childrens Court under s 189(5)(c) to ask the Childrens Court to order the Director to disclose the document to you. A lawyer might be able to help you apply to the Childrens Court to seek an order for the Director to disclose the document to you.

Registry: [Click here to enter text.](#)
 Number: [Click here to enter text.](#)

Form E – Request for Disclosure Form

Child's details

These are the same details as appear on the application for a child protection order form

Given name	
Family name	
Date of birth	
Gender	Click on the appropriate box <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Not stated/prefer not to say
Cultural identity	Click on the appropriate box <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say

Details of party requesting disclosure

Put your details here.

Name of person requesting disclosure	
Relationship to child	
Role in proceeding <i>(delete the one that does not apply to you)</i>	I am the applicant <i>(you will normally be the applicant if you are applying to vary or revoke an existing child protection order)</i> I am the/a respondent <i>(you will normally be the respondent if the Director of Child Protection Litigation has commenced a proceeding for a child protection order and you are responding to their application)</i>

Details of the documents that I would like access to:

*In the **disclosure form** that Director of Child Protection Litigation (the Director) gave you (which is attached to this form), the Director explained that the Director has an obligation to disclose all documents relevant to the proceeding under section 189C of the Child Protection Act 1999. The Director also listed the documents and types of documents that are normally held by the Director and/or Child Safety (Box A). The Director may have also included additional specific documents that the Director thinks you might want to access (which may have been Box B).*

You can request access to any documents in the possession or control of the Director that are relevant to the proceeding.

The Director explained that the Director may refuse to disclose documents to you under section 191(2) of the Child Protection Act 1999. The Director will have given you a list of documents that the Director is refusing to disclose to you because of section 191(2) (which may have been Box B or C). The Director might refuse documents that

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Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form E – Request for Disclosure Form

you have requested because the Director, when reviewing them, has realised that there is a reason to refuse to disclose them to you because of section 191(2). If this happens, the Director will explain to you why the Director has refused to disclose the documents.

*If you would like access to any documents then you should write those documents in the box below. Remember, as per the requirements in section 190 of the *Child Protection Act 1999*), try to give as much information as you can about each document, so that the Director can find it for you and can work out how best to give you access to it, such as*

- who the document is about
- what the document is about
- the date of the document or what period of time the document relates to

I would like access to the following documents:

How would you like to access the documents?

The Director of Child Protection Litigation will try and give you the documents in the way that you specify below. However, sometimes the Director can't give you the documents in the way that you would like. If the Director can't give you the documents in the way that you have requested the Director will explain why.

If you are unhappy with the way that the Director has decided that you should have access to the documents, you should seek advice from a lawyer about what to do.

Please select the boxes

I would like to inspect the documents (only answer question 1)

If you want to receive copies of the documents, do not tick the box below. Go to the box.

I would like to **inspect** the requested documents

Selecting this option means that you are asking the Director to arrange for you to attend at an office to look at the documents you have requested in this form. You can then ask to make copies of the ones that you think that you might need for when you go to court.

I would like to receive copies of the documents

If you want to inspect the documents, do not tick the box below. Go to the box above.

I would like to **receive copies** of the requested documents.

Selecting this option means that you are asking the Director of Child Protection Litigation to send you the documents that you have requested in this form.

I would like to receive copies of the requested documents:

- by post
- by email
- by fax

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Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form E – Request for Disclosure Form

What do I do now?

You have to give this document to the Director. You don't have to give this document to anyone else.

You can give this document to the Director in person (you can do this by giving it to one of the Director's staff, for example, at court). You can also send it to the Director by post, email or fax (just select the one you prefer) using the details below:

- Post: *insert postal address*
- Email: *insert email address*
- Fax: *insert fax no*

Director of Child Protection Litigation (lawyer details)

Full name	
Date	

OFFICE USE ONLY
Received by the Director on:

Registry: [Click here to enter text.](#)
 Number: [Click here to enter text.](#)

Form F – Disclosure Compliance Notice Form

Child's details

Given name	
Family name	
Date of birth	
Gender	Click on the appropriate box <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Not stated
Cultural identity	Click on the appropriate box <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/> Neither Aboriginal nor Torres Strait Islander <input type="checkbox"/> Not stated/prefer not to say

The Director of Child Protection Litigation provides notice under rule 61 of the Childrens Court Rules 2016 that the Director:

- 1) understands the duty of disclosure under section 189C of the *Child Protection Act 1999* and the consequences for failing to disclose a document under section 189D of the *Child Protection Act 1999*;
- 2) has considered the matters mentioned in rule 60 of the Childrens Court Rules 2016; and
- 3) has complied and will continue to comply with the duty of disclosure to the best of the Director's knowledge and ability.

Signed by [print full name]	Signature	Date

Registry: [Click here to enter text.](#)
Number: [Click here to enter text.](#)

Form G – Name and Contact Details of Independent Aboriginal or Torres Strait Islander Entities Form

(this form is only to be completed and filed by the Director of Child Protection Litigation)

Child's details

Add additional boxes if there are more than one child.

Given name	
Family name	
Date of birth	
Gender	<i>Click on the appropriate box</i> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Not stated/prefer not to say
Cultural identity	<i>Click on the appropriate box</i> <input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander

Applicant

Applicant's name	
Relationship to child	

First respondent

Given name	
Family name	
Relationship to child	

Second respondent (if applicable)

Delete the below box if there is only one respondent. Add additional boxes if there are more than two respondents.

Given name	
Family name	
Relationship to child	

Additional participants (if applicable)

Add additional boxes if there is more than one additional participant in this proceeding. Delete this box if there are no additional participants in this proceeding.

Given name	
Family name	
Role in proceeding	(e.g.: separate representative, guardian for Ms Jones.)

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Form G – Name and Contact Details of Independent Aboriginal or Torres Strait Islander Entities Form

Independent Aboriginal or Torres Strait Islander entity's name and contact details

Name of entity	
Contact person (if applicable)	
Address	Address known to the Director
Phone	
Mobile (if applicable)	
Fax (if applicable)	
Email (if applicable)	

Director of Child Protection Litigation (lawyer details)

Signed	
Full name	
Date	

Filed in the *insert court location* registry on *insert date of filing*:

Registrar
Signature and seal of registrar

Form H – Child Safety Appeal Request Form

This form is to be completed by an Office of the Child and Family Official Solicitor (OCFOS) officer or Child Safety Officer when the chief executive (Child Safety) has assessed that a court decision on an application/s for a child protection order is not appropriate and desirable for the protection of the child/ren,¹⁶⁷ and requests the Director of Child Protection Litigation (DCPL) institute an appeal against the decision.¹⁶⁸

If the request is for an urgent appeal to be instituted, the form should be made as soon as practicable and where possible on the day of the decision.¹⁶⁹

Part 1 Form completion information			
Date form completed:		Officer completing request:	

Part 2 Child Safety information			
OCFOS Officer:		Phone:	
		Email:	
Child Safety Service Centre:		Phone:	
Child Safety Officer:		Email:	
Team Leader:		Email:	
After Hours Contact:		Phone:	
		Email:	

Part 3 Details of the decision Child Safety requests an appeal against			
Is Child Safety requesting an urgent appeal against a decision: <i>(an urgent appeal against a decision is when Child Safety assess it places the child(ren) at immediate and unacceptable risk of suffering significant harm)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Date of decision:		Location of Court:	Magistrate

Part 4 Director of Child Protection Litigation information	
DCPL file lawyer:	

Part 5(a) Child's information <i>(if the appeal request related to more one child, complete a part per child in order of oldest child to youngest child)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 5(b) Child's information <i>(delete this part if there is only one child. Duplicate the part if there are more than two children)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

¹⁶⁷ Guideline 359 of the Director's Guidelines.

¹⁶⁸ Section 9(1)(c)(i) of the *Director of Child Protection Litigation Act 2016*.

¹⁶⁹ Guideline 354 of the Director's Guidelines.

Director's Guidelines
 Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form H – Child Safety Appeal Request Form

Part 6 Details of the decision that Child Safety is requesting the DCPL to institute an appeal against and the reasons for an appeal¹⁷⁰

If the decision Child Safety is requesting DCPL institute an appeal against, is a final decision on an application/s for a child protection order, what is the type of order/s the court has made: <i>(if the court has made more than one type of order for a child, or heard 2 or more applications for orders together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> No order	
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>	
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
		<input type="checkbox"/> directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>	
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>
		<input type="checkbox"/> to chief executive (STC-CE) <i>(if selected, provide duration of order):</i>
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order):</i>	
	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>
	<input type="checkbox"/> to chief executive (LTG-CE)	
<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>		

If Child Safety is requesting DCPL institute an appeal against an interim decision on an application/s for a child protection order, provide details of the decision:	
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¹⁷⁰ Guideline 358 of the Director's Guidelines.

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 Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form H – Child Safety Appeal Request Form

Does the appeal request relate to all or part of the decision on an application/s for a child protection order:	<input type="checkbox"/> All of the decision <input type="checkbox"/> Part of the decision <i>If part, provide details:</i>
Outline the impact of the court's decision on the safety, wellbeing and best interests of the child:	
What are the proposed grounds of appeal including a statement of how the court erred:	

Part 7 For a request for the DCPL to institute an appeal, what has Child Safety assessed to be appropriate and desirable for the protection of the child/ren

What type of final order/s has Child Safety considered appropriate and desirable for the child/ren's protection: <i>(if Child Safety considers more than one type of order appropriate and desirable for a child, or if it is proposed that 2 or more applications for orders will be heard together, indicate which type of order relates to each child)</i>	<input type="checkbox"/> No order	
	<input type="checkbox"/> Directive order – other <i>(if selected, provide name of parent/s subject to order and what directed to do or refrain from doing, and duration of order):</i>	
	<input type="checkbox"/> Directive order – contact:	<input type="checkbox"/> Directing no contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
		<input type="checkbox"/> Directing supervised contact with child/ren <i>(if selected, provide name of parent/s subject to the order, and duration of order):</i>
	<input type="checkbox"/> Supervision order <i>(if selected, provide details of the matters Child Safety is to supervise, and duration of order):</i>	
	<input type="checkbox"/> Custody order	<input type="checkbox"/> to suitable person who is member of child's family (STC-SPF) <i>(if selected, name of suitable person, and duration of order):</i>
		<input type="checkbox"/> to chief executive (STC-CE) – <i>if selected, provide duration of order.</i>
	<input type="checkbox"/> Short-term guardianship – to chief executive (STG-CE) <i>(if selected, provide duration of order):</i>	
	<input type="checkbox"/> Long-term guardianship	<input type="checkbox"/> to suitable person who is member of child's family (LTG-SPF) <i>(if selected, name of suitable person and details):</i>
		<input type="checkbox"/> to another suitable person nominated by chief executive (LTG-SPO) <i>(if selected, name of suitable person and details):</i>
	<input type="checkbox"/> to chief executive (LTG-CE)	

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Form H – Child Safety Appeal Request Form

	<input type="checkbox"/> Permanent care order - long-term guardianship to a suitable person nominated by chief executive (LTG-PCO) <i>(if selected, name of suitable person):</i>
If Child Safety is requesting DCPL institute an appeal against an interim decision on an application/s for a child protection order, provide details of what Child Safety has assessed to be appropriate and desirable for the protection of the child/ren:	

Form I – Child Safety Internal Review Request Form

This form is to be completed by an Office of the Child and Family Official Solicitor (OCFOS) officer or Child Safety Officer when the chief executive (Child Safety) requests the Director of Child Protection Litigation (DCPL) conduct an internal review of a decision.¹⁷¹

If the request is for an urgent internal review, the form should be made as soon as practicable after the receipt of the DCPL's written reasons for decision.¹⁷² Otherwise, an internal review request that relates to a decision about an appeal should be made within 5 business days, with other requests to be made within 10 business days, or before the expiry of any current order or appeal period.¹⁷³

Part 1 Form completion information			
Date form completed:		Officer completing request:	

Part 2 Child Safety information			
OCFOS Officer:		Phone:	
		Email:	
Child Safety Service Centre:		Phone:	
Child Safety Officer:		Email:	
Team Leader:		Email:	
After Hours Contact: <i>(if required)</i>		Phone:	
		Email:	

Part 3 Director of Child Protection Litigation information	
DCPL file lawyer:	

Part 4 Is the DCPL decision that Child Safety is requesting be reviewed urgent? <i>(has the decision resulted in an assessment by Child Safety that the child/ren are at immediate and unacceptable risk of suffering significant harm (e.g. child subject to an emergency order that is about to end))</i>			
Is Child Safety requesting an urgent review of a decision?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of decision	

Part 5(a) Child's information <i>(if the request relates to more than one child, complete a part per child in order of oldest child to youngest child)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 5(b) Child's information <i>(delete this part if there is only one child. Duplicate the part if there are more than two children)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

¹⁷¹ Guideline 381 of the Director's Guidelines.

¹⁷² Guideline 388 of the Director's Guidelines.

¹⁷³ Guideline 384 of the Director's Guidelines.

Director's Guidelines
 Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form I – Child Safety Internal Review Request Form

Part 6 Details of the DCPL decision that Child Safety is requesting be reviewed	
Decision referring a <i>child protection matter</i> back to Child Safety ¹⁷⁴	<input type="checkbox"/> Yes <input type="checkbox"/> No
Applying for a child protection order of a different type, or an order that is otherwise different from the order Child Safety considered appropriate and desirable ¹⁷⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision to withdraw an application ¹⁷⁶	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision not to transfer a child protection order to another State ¹⁷⁷	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision not to transfer a child protection proceeding to another State ¹⁷⁸	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision not to bring an appeal ¹⁷⁹	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 7 Child Safety's reasons why the internal review is sought including any matters Child Safety want the DCPL to take into account in the review <i>(if there is new information, the child protection matter should be the subject of a new referral to the DCPL including the new information)</i>

¹⁷⁴ Guidelines 68 & 381 of the Director's Guidelines.

¹⁷⁵ Guidelines 78, 321 & 381 of the Director's Guidelines.

¹⁷⁶ Guidelines 287 & 381 of the Director's Guidelines.

¹⁷⁷ Guidelines 340 & 381 of the Director's Guidelines.

¹⁷⁸ Guidelines 345 & 381 of the Director's Guidelines.

¹⁷⁹ Guidelines 371 & 381 of the Director's Guidelines.

Form J – Director's Review Decision Notification Form

This form is to be completed by a Director of Child Protection Litigation (DCPL) lawyer¹⁸⁰ when providing written notice to Child Safety about the outcome of a requested internal review.

Part 1 Form completion information			
Lawyer completing form:		Date form completed:	
		Date of decision:	

Part 2 Form I – Child Safety Internal Review Request Form	
Officer completed request form:	Date request completed:

Part 3 Director of Child Protection Litigation information			
DCPL file lawyer:		Phone:	
		Email:	

Part 4 Child Safety information			
OCFOS Officer:		Phone:	
		Email:	
Child Safety Service Centre:		Phone:	
		Email:	
Team Leader:		Email:	
After Hours Contact: <i>(if required)</i>		Phone:	
		Email:	

Part 5(a) Child's information <i>(if there is more one child, complete a part per child in order of oldest child to youngest child).</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 5(b) Child's information <i>(delete this part if there is only one child. Duplicate the part if there are more than two children)</i>			
Child's given name/s:		Child's family name:	
Date of birth:		Child's ICMS no:	

Part 6 Details of the DCPL decision that Child Safety requested be reviewed	
Decision referring a <i>child protection matter</i> back to Child Safety ¹⁸¹	<input type="checkbox"/> Yes <input type="checkbox"/> No
Applying for a child protection order of a different type, or an order that is otherwise different from the order Child Safety considered appropriate and desirable ¹⁸²	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No

¹⁸⁰ Guideline 388 of the Director's Guidelines.
¹⁸¹ Guidelines 68 & 381 of the Director's Guidelines.
¹⁸² Guidelines 78, 321 & 381 of the Director's Guidelines.

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 Issued under section 39 of the *Director of Child Protection Litigation Act 2016*
Form J – Director's Review Decision Notification Form

Decision to withdraw an application ¹⁸³	
Decision not to transfer a child protection order to another State ¹⁸⁴	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision not to transfer a child protection proceeding to another State ¹⁸⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No
Decision not to bring an appeal ¹⁸⁶	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 7 How has the DCPL dealt with the internal review request	
Did the DCPL on review make a different decision: ¹⁸⁷	<input type="checkbox"/> Yes <input type="checkbox"/> No – <i>If yes, complete the below section</i>
Provide the reasons for the decision and list any actions arising from the decision: <i>(e.g. filing an application for a child protection order)</i>	

¹⁸³ Guidelines 287 & 381 of the Director's Guidelines.

¹⁸⁴ Guidelines 340 & 381 of the Director's Guidelines.

¹⁸⁵ Guidelines 345 & 381 of the Director's Guidelines.

¹⁸⁶ Guidelines 371 & 381 of the Director's Guidelines.

¹⁸⁷ Guidelines 388 & 389 of the Director's Guidelines.