



## Director of Child Protection Litigation Practice Note

### Guidance on section 113 of the *Child Protection Act 1999*

1. This Practice Note provides guidance to Director of Child Protection Litigation (DCPL) Lawyers on section 113 of the *Child Protection Act 1999* (the CP Act) – ‘Court may allow non-parties to take part in proceedings’.

#### Summary

2. Section 113 of the CP Act provides the court with the power to allow a person who is not a party to a child protection proceeding to take part in the proceeding by doing all or some of the things that a party is or may be allowed to do.
3. In considering and applying section 113, an inclusive approach to participation should be taken, giving the provision an expansive and not restrictive interpretation, based on all the circumstances of the case. It is a flexible provision capable of ‘bespoke’ application according to all the facts and circumstances of each case and is intended to enable rather than frustrate participation.
4. When determining an application under section 113(2), the court must under section 113(3), consider the extent to which the person may be able to inform the court about a matter relevant to the proceeding, and the person’s relationship with the child.
5. This Practice Note outlines what DCPL Lawyers should consider when responding to an application under section 113 by a person to take part in a proceeding.

#### Introduction

6. A *party* to a proceeding on an application for a child protection order for a child means the child, the applicant or a respondent to the application,<sup>1</sup> with the child’s parents being the respondents to the application.<sup>2</sup>
7. Section 113 of the CP Act,<sup>3</sup> as set out below, provides that a person who is not a party to a proceeding may be allowed to take part in a proceeding by doing all or some of the things a party is or may be allowed to do.

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<sup>1</sup> Section 3 Definitions (Schedule 3 Dictionary) of the CP Act.

<sup>2</sup> Section 57 of the CP Act.

<sup>3</sup> Section 113 of the CP Act is positioned within the ‘right of appearance and representation at hearing’ division of the ‘procedural provisions’ part of Chapter 3 Court proceedings.



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### 113 Court may allow non-parties to take part in proceedings

- (1) This section applies in relation to a proceeding on an application for an order for a child.
- (2) On application by a person who is not a party, the court may, by order, allow the person to take part in the proceeding by doing all or some of the things that a party is or may be allowed to do.
- (3) Before deciding the application, the court must—
  - (a) give the other parties a reasonable opportunity to make submissions about the person's participation; and
  - (b) consider—
    - (i) the extent to which the person may be able to inform the court about a matter relevant to the proceeding; and
    - (ii) the person's relationship with the child.
- (4) An order allowing the person to take part in the proceeding—
  - (a) must state—
    - (i) how the person may take part; and
    - (ii) whether the participation is allowed until the proceeding ends or only for a stated part of the proceeding; and
  - (b) may be subject to conditions; and
  - (c) may require the person to do a thing that a party is or may be required to do; and
  - (d) may provide that a stated provision of this Act, or all provisions, apply in relation to the person as if the person were a party.
- (5) This Act applies in relation to the person, as if the person were a party, to the extent provided in the order.
- (6) The person may be represented by a lawyer for the purpose of taking part in the proceeding.

### Legislative history to section 113

8. Although the right to be present and take part in a child protection proceeding in the Childrens Court is strictly regulated by statute,<sup>4</sup> there has been longstanding recognition that participation by non-parties in child protection proceedings, such as by members of the child's family, should be permitted in appropriate circumstances.
9. The Explanatory Notes of the Child Protection Bill 1998 included the following in reference to clause 110 (which subsequently became s 113):

<sup>4</sup> See section 20 of the *Childrens Court Act 1992*.



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Clause 110 enables the court to take submissions from persons who are not parties to the proceedings, if court considers the person has useful information to provide. (However, this does not imply that any person who is not a party can be present in court without leave of the court).<sup>5</sup>

10. Initially, as outlined within the explanatory notes, the provision simply provided that the court could hear submissions from a member of the child's family or anyone else the court considered was able to inform it on any matter relevant to the proceeding. Further, it provided that submissions could be made by a person's lawyer.
11. The provision was then subsequently amended by the *Child Protection and Other Acts Amendment Act 2010*, which clarified that the persons the court could hear submissions from under this provision were non-parties and provided the court with a discretion to grant the non-party access to a document or other information before the court if relevant to a submission the non-party was to make. The explanatory notes for the amendment included:

Section 113 provides that in an application for an order for a child, the Childrens Court may hear submissions from individuals who are not parties to the application. For example, the Court may hear submissions from a member of the child's extended family or another person the Court considers is able to inform it on any matter relevant to the proceeding. Clause 55 amends section 113(1) and (2) to clarify that persons from whom the court may hear submissions under this section are non-parties.

Clause 55 also inserts a new subsection (3) to give the Court discretion, when it decides to hear a submission from a non-party, to grant the non-party access to a document or other information before the court on the application being heard. As the material may contain sensitive information about children and their families, safeguards are included to protect the child's best interests and the privacy of any individual to whom the information on the court file relates. The Court must be satisfied that the document or information is relevant to a submission the non-party may make, and the non-party needs to view the document or information in order to make the submission, and it is in the child's best interests for the non-party to view the document or information, and that the person to whom the document or information relates has been informed that it may be viewed by the non-party and the person has been given a reasonable opportunity to make submissions to the Court about the non-party being allowed to view the document or information.<sup>6</sup>

12. The provision then received focus from the Queensland Child Protection Commission of Inquiry (the Inquiry), where it heard evidence about the inadequacy of the ability to participate afforded by section 113.

<sup>5</sup> Page 39 of the *Child Protection Bill 1998* Explanatory Notes

<sup>6</sup> Pages 46 & 47 of the *Child Protection and Other Acts Amendment Bill 2010* Explanatory Notes



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13. A key concern of the Inquiry in respect to the provision was that it centred on the differing definitions of *parent* in the CP Act. In particular, a person, such as a grandparent, may be a *parent* under the broad definition of *parent* as outlined in section 11 of the CP Act, which is considered for the purposes of determining whether a child is a *child in need of protection* and in 'relation to a range of voluntary arrangements such as intervention with parental agreements, assessment care agreements and child protection care agreements'.<sup>7</sup> However, such people did not meet the narrower definition of *parent* in the CP Act that applies to court proceedings.<sup>8</sup> A person other than a child's mother or father, will only be a *parent* for the purposes of court proceedings under the CP Act if they are:
- a. a person in whose favour a parent order operates (an order mentioned in the *Family Law Act 1975 (Cth)*, section 64B(1) that deals with a matter mentioned in section 64B(2)(a) or (b) of the Act – a person or persons with whom a child is to live, or a person a child is to spend time with; or
  - b. a person having custody or guardianship of a child under another Act or law of another State, or
  - c. a long-term guardian of the child, or
  - d. a permanent guardian of the child.
14. The need to consider the broader definition of parent in terms of the operation of section 113, which is inclusive of parents under Aboriginal tradition and Torres Strait Islander custom, is especially critical where there continues to be further increases in the disproportionate representation of Aboriginal and Torres Strait Islander children the subject of child protection order applications.
15. Key stakeholders, including the Queensland Law Society (QLS) and Legal Aid Queensland, recommended that the court be given the power to join people as parties in appropriate cases, such as people who meet the broader definition of parent in section 11 of the CP Act, with the QLS submitting:
- ...the court should be given the flexibility...to determine that an individual meets the broader definition of parent, or is otherwise such a significant person in the child's life, [and] should be joined...as a party in the best interests of the child...in appropriate circumstances, individuals joined as parties can be subject to the directions of the court, attend court ordered conferences, list matters for hearing, and cross-examine witnesses.<sup>9</sup>

<sup>7</sup> Page 484 of the Inquiry's Taking Responsibility: A Roadmap for Queensland Child Protection Report June 2013.

<sup>8</sup> Section 3 Definitions (Schedule 3 Dictionary) of the CP Act.

<sup>9</sup> Page 485 of the Inquiry's Taking Responsibility: A Roadmap for Queensland Child Protection Report June 2013.





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16. The Inquiry concluded that the narrow definition of *parent*, taken together with the limited scope of section 113, meant that:

...important family members and individuals in the child's life are often excluded from, or marginalised in, child protection processes. This situation fails to recognise the fact that a large number of grandparents and other family members have often played a major role in the children's lives up to the point of intervention... Further it is hard to imagine that excluding the child's carers from decision-making will lead to decisions in the child's best interests.<sup>10</sup>

17. The Inquiry therefore, recommended that section 113 be amended so that a significant person in the child's life could be joined as a party to the proceedings:

The Minister for Communities, Child Safety and Disability Services propose amendments to the CP Act to permit the Childrens Court discretion to allow members of the child's family or another significant person in the child's life to be joined as a party to the proceedings where the Court agrees the person has a sufficient interest in the outcome of the proceedings. These parties should also have the right to be legally represented.<sup>11</sup>

18. The amended section 113 came into effect on 1 July 2016 and, rather than the 'all or nothing' approach proposed by the Inquiry, the amended provision is flexible, creating a sliding scale of participation that starts with making a written submission without access to any material at one end to taking part in a proceeding with 'all the rights and duties of a party' at the other. The language of the new provision stops short of making the person a 'party' to the proceedings—to reflect its flexible operation and to retain the distinction between parties and section 113 participants (even if this is only a technical distinction in circumstances where the court allows a person to participate and do all the things a party may do).

19. The Explanatory Notes in respect of the 2016 amendment of section 113 provide:

*Participation of significant parties in proceedings – recommendation 13.19*

The Commission of Inquiry recommended amendments to the CPA to give the Childrens Court discretion to allow members of the child's family or another significant person in the child's life to be joined as a party to the proceedings where the court agrees the person has sufficient interest in the outcome of the proceedings. The Commission also recommended that these parties should have the right to be legally represented.

Section 113 of the CPA currently allows the Childrens Court to hear submissions from a non-party to a child protection proceeding, including a member of the child's family or anyone else the court considers is able to inform it on any matter relevant to the proceeding.

<sup>10</sup> Page 484 of the Inquiry's Report.

<sup>11</sup> Page 486 of the Inquiry's Report, Recommendation 13.19.

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The amendments in the Bill expand the extent to which the court may allow an individual to take part in proceedings under section 113. The amendments clarify that upon application by the person, the court has discretion to allow the person to do all or some of the things a party to proceedings can do. The extent of the person's participation in proceedings will be determined by the court on a case-by-case basis. The court will be required to make orders about the way and extent to which the individual can take part in proceedings, for example, whether the participation is only for part of the proceedings or for the entire proceedings. The person will be able to be represented by a lawyer.

In deciding whether a non-party may participate, and also determining the extent to which they may participate, the court must consider the extent to which the person may be able to inform the court about a matter relevant to the proceedings and the person's relationship with the child. So the court can properly determine whether and how a person can participate in proceedings, the amendments provide for other parties to be given a reasonable opportunity to make submissions about the person's participation.

Currently, on adjournment of proceedings under section 66, the Court is able to give directions to parties to proceedings about things to be done during the adjournment. The amendments to section 66 in the Bill will also allow the court to give directions to a person the court has allowed to participate in proceedings as a non-party under section 113.<sup>12</sup>

20. When reviewing the genesis of the amended section 113, it is clear that the provision was expanded to provide participation to people with a close connection to a child who do not fit within the narrow definition of a parent. This amendment recognises the importance of an inclusive approach to participation and should be given an expansive and not restrictive interpretation, based on all the circumstances of the case, which it is noted sits within the broader context of the CP Act that has the purposes of providing for the protection of children; and promoting the safety of children; and to the extent that it is appropriate, supporting families caring for children.<sup>13</sup> Section 113 is a flexible provision capable of 'bespoke' application according to all the facts and circumstances of each case, and where the child protection application concerns an Aboriginal or Torres Strait Islander child, must be inclusive of people considered a parent of the child under Aboriginal tradition and Torres Strait Islander custom under section 11 of the CP Act.
21. DCPL lawyers should keep in mind that section 113 is intended to enable rather than frustrate a non-party to take part in a proceeding.

<sup>12</sup> Pages 6 & 7 of the *Child Protection Reform Amendment Bill 2016* Explanatory Notes.

<sup>13</sup> Section 4 of the CP Act.



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## Applying section 113

### Key elements of the section

22. The provision allows for a person who is not a party to a proceeding, to make an application in the proceeding under section 113(2) for an order, that will allow them to take part in the proceeding by doing all or some of the things that a party is or may be allowed to do.
23. When determining an application under section 113(2), the court must under section 113(3), consider the extent to which the person may be able to inform the court about a matter relevant to the proceeding, and the person's relationship with the child.<sup>14</sup>
24. To support the court's consideration as to whether and how a person may participate in a proceeding, the court must give the other parties a reasonable opportunity to make submissions about the person's participation.
25. The ordinary meaning of the provision requires the court to consider whether the matter or matters raised by the person in their application in the proceeding under section 113(2), are relevant to the assessment of the facts in issue, as defined by the DCPL's child protection application or as a result of a response to the application, or other procedural matters for the proceeding e.g. family contact.
26. These applications need to be determined by the court on a case-by-case basis, with the closer the person's connection to and relationship with the child, the stronger their case for being allowed to take part in the proceeding.
27. An ability 'to inform the court about a relevant matter' should not be interpreted narrowly, such as, by reference to how much a person knows about the 'child protection concerns' or to fill an 'evidentiary gap'. This should be given an interpretation having regard to all of the facts and circumstances that the court must consider in determining an application for a child protection order. That is, it is an enabling provision.
28. In making an order to allow a person to participate in a proceeding, under section 113(4), the court has a wide discretion on a case-by-case basis about the way and extent to which the person may take part in the proceedings, for example, whether the participation is only for part of the proceedings or for the entire proceedings. The order must state how the person may take part and whether their participation is allowed until the proceeding ends or only for a stated part of the proceeding. Further the order may:
  - a. provide that the person's participation is subject to conditions; and

<sup>14</sup> *Director of Child Protection Litigation v EM* [2021] QChC 47 at [25].



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- b. require the person to do a thing that a party is or may be required to do (duties).
29. The effect of the order under section 113(5) is that the CP Act applies to the person, as if the person were a party, to the extent provided in the order, and the person under section 113(6) may be represented by a lawyer for the purposes of taking part in the proceeding.
30. In applying this provision, DCPL lawyers should consider the following:
- a. applications under section 113 should, subject to any oral application permitted by the court under rule 74 of the *Childrens Court Rules 2016* (the Rules), be made under rule 73 as an application in a proceeding in the approved form, supported by an affidavit addressing the statutory criteria;
  - b. DCPL lawyers should consult with the chief executive before reaching a position about the application;
  - c. recognising that section 113 is an enabling provision, DCPL lawyers should apply it carefully having regard to all the circumstances of the individual case;
  - d. parties, including the DCPL, have a right to reasonable notice of the application in the proceeding and to be heard on it before the court determines the application.<sup>15</sup> In circumstances where there has been inadequate notice of the application, the DCPL lawyer appearing should consider seeking an adjournment so a response can be properly considered, which should include consultation with the chief executive in line with the above point; and
  - e. as the DCPL represents the State in the substantive proceedings, and as officers of the court, DCPL lawyers need to assist the court in the application of the provision, ensuring that the court:
    - i. understands the implications of the order that is being sought, such as allowing a person to do 'all the things that a party is or may be allowed to do'; and
    - ii. clearly states the extent of the non-party's participation, both in terms of what can be done and how long it can be done for in the order.

<sup>15</sup> Note that under rule 73(2) of the CC Rules, where an application in a child protection proceeding is made by a person who is not a party, the DCPL is responsible for serving the application on the other parties. Then under Guideline 303 of the Director's Guidelines, 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.





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### What can a party do?

31. In considering the DCPL's position in response to an application under section 113, it is important to be mindful that parties have extensive rights and duties under the CP Act. As well as being able to do obvious things, such as be represented by a lawyer, be served with filed material, file evidence, cross-examine witnesses and attend a court ordered conference, parties also have various other rights including the right to:
- a. request disclosure of relevant documents;
  - b. seek that proceedings be joined or transferred;
  - c. contest an application requiring the matter to proceed to hearing; and
  - d. appeal a decision.
32. For a full list of all of the rights and duties of a party under the CP Act, please refer to Appendix A. Please note that, in addition to these, additional rights and duties are conferred on parties under the Rules.

### Additional relevant considerations

33. In addition to the criteria set out in section 113(3), DCPL lawyers should also have regard to the following factors in determining how to respond to an application under section 113:
- a. the views of the child or children subject to the proceeding;
  - b. the views of the parents;
  - c. relevant information provided by the chief executive, including whether domestic and family violence is an issue in respect of the person seeking to participate in the proceeding and a person relevant to the proceeding;
  - d. cultural considerations, including the Aboriginal and Torres Strait Islander child placement principle in relation to Aboriginal or Torres Strait Islander children;
  - e. the nature of the material filed in the proceedings, including any particular sensitivities about sharing some of the information with a person participating under an order made under section 113;
  - f. any implications in respect of the principle that a delay in making a decision in relation to a child should be avoided, unless appropriate for the child;

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- g. concern about delay must not form the sole basis of opposing an application, particularly where the person seeking to participate is a 'section 11 parent'. Any potential delay needs to be considered carefully on a case-by-case basis. Where delay is a concern, rather than opposing any application, it may be appropriate to restrict participation to submissions only, for example, where the parents are not opposed to the order/s sought; and
  - h. the relevant principles of the CP Act, including the paramount principle.
34. An example order providing for a person to have restricted participation in a proceeding and another example order providing for a person to participate within in a proceeding as if all provisions of the CP Act apply to them as if they were a party are Appendix B to this note.

Date effective	Application	Approved by
13/3/2024	All employees of the Office of Director of Child Protection Litigation	Nigel A. Miller

Version	Notes	Author	Date of change
1.0	Initial version	Nigel A. Miller	
2.0	Reissued to incorporate minor updates and updated corporate identity.	Nigel A. Miller	13/03/2025

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## Appendix A

### Table of references to 'party' in the CP Act

Section	Scope
Section 59(c) – Making of child protection order	<ul style="list-style-type: none"> <li>If the making of a child protection order has been contested, the court must be satisfied that a conference between the parties has been held or reasonable attempts to hold a conference have been made, or because of exceptional circumstances, it would be inappropriate to require the parties to hold a conference</li> </ul>
Section 63 – Chief executive's obligations after making of child protection order	<ul style="list-style-type: none"> <li>As soon as practicable after a child protection order for a child is made, the chief executive must give to the parties the application for the order, a copy of the order and a written notice explaining the terms and effect of the order, and stating that they may appeal against the decision to make the order within 28 days, and how to appeal.</li> </ul>
Section 65A(3) – Transition orders	<ul style="list-style-type: none"> <li>only a party to a proceeding can apply for a transition order</li> </ul>
Section 66 – Court may adjourn proceedings	<ul style="list-style-type: none"> <li>on adjournment of proceedings, the court may give directions to the parties to the proceeding, including a person the court has allowed to participate under s113 about the things to be done by them during the adjournment</li> </ul>
Section 68 – Court's other powers on adjournment of proceedings	<ul style="list-style-type: none"> <li>on adjournment of proceedings, the court may make an order that a conference between the parties be held before the proceeding continues to decide the matter in dispute or to try and resolve the matters</li> </ul>
Section 70 – Attendance of parties at COC	<ul style="list-style-type: none"> <li>parties have a right and an obligation to attend the COC</li> </ul>
Section 71 – Communications inadmissible in evidence without consent	<ul style="list-style-type: none"> <li>Anything said as a conference is inadmissible in a proceeding before any court other than with consent of all the parties.</li> </ul>
Section 99MA(1)(d), (3)(c) & (9) – Suspension of review proceeding if court may deal with contact matter	<ul style="list-style-type: none"> <li>only review applications made by parties to a child protection proceeding can be referred to the Childrens Court, with the chief executive needing to notify the parties to the child protection proceeding of the suspension in QCAT</li> </ul>
Section 103(1)(c) – Court's jurisdiction unaffected by pending criminal proceeding	<ul style="list-style-type: none"> <li>the court's jurisdiction is not affected merely because a criminal proceeding is pending against a party to the proceeding in the court</li> </ul>



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Section	Scope
Section 106 – Court to ensure parties understand proceeding	<ul style="list-style-type: none"> <li>• court has an obligation to ensure as far as practicable that parties understand the nature, purpose and legal implications of the proceeding and of any order or ruling made by the court</li> <li>• if a party to a proceeding has a difficulty communicating in English or a disability that prevents him or her from understanding or taking part in the proceeding, the court must not hear the proceeding without an interpreter to translate things said in the proceeding or a person to facilitate his or her taking part in the proceeding</li> </ul>
Section 107 – Expert help	<ul style="list-style-type: none"> <li>• a party can apply for order that person with special knowledge or skill be appointed to help the court</li> </ul>
Section 114 – Transfer of proceedings	<ul style="list-style-type: none"> <li>• a party can apply for order transferring the proceedings</li> </ul>
Section 115 – Hearing applications together	<ul style="list-style-type: none"> <li>• a party can apply for an order that 2 or more applications be heard together</li> </ul>
Section 116 – Costs	<ul style="list-style-type: none"> <li>• Parties to a proceeding for an order must pay their own costs of the proceeding</li> </ul>
Section 117(2) – Appeal rights	<ul style="list-style-type: none"> <li>• a party to a proceeding for a child protection order for a child may appeal to the appellate court against a decision on the application</li> </ul>
Section 182 – Evidentiary provisions	<ul style="list-style-type: none"> <li>• a party can require by reasonable notice, proof of the appointment of an authorised officer under the CP Act or the authority of an authorised officer to do an act under the CP Act</li> </ul>
Section 186C(1)(b) – Disclosure in proceeding	<ul style="list-style-type: none"> <li>• unless leave of the court is granted, a party in a proceeding must not be asked, and if asked, cannot be required to answer any question that cannot be answered without disclosing the identity of, or leading to the identification of the notifier</li> </ul>
Section 189C – DCPL's duty of disclosure	<ul style="list-style-type: none"> <li>• the DCPL has a duty to disclose, to each party, all documents in the DCPL's possession or control that are relevant to the proceeding</li> <li>• if the DCPL does not disclose a document to a party on a ground mentioned in section 191(2), the DCPL must give the party a written notice stating the ground for non-disclosure and how the party may apply to the court under section 191 that it be disclosed</li> </ul>
Section 189E – Disclosure or use of documents or information disclosed in a proceeding	<ul style="list-style-type: none"> <li>• where a document is disclosed to a party - a person must not directly or indirectly, disclose or make use of the document or information other than for a purpose connected with the proceeding</li> </ul>
Section 190 – Production of Child Safety records	<ul style="list-style-type: none"> <li>• if a party has required production of Child Safety documents, they must not disclose or use document other than in proceeding</li> </ul>





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Section	Scope
	<ul style="list-style-type: none"> <li>despite any Act to the contrary, the court may only allow parties and their lawyers to inspect documents produced in the proceeding</li> </ul>
Section 191 – Refusal of disclosure	<ul style="list-style-type: none"> <li>the DCPL or Child Safety may refuse to disclose information to a party under section 189C</li> <li>a party can apply to court for order requiring disclosure where disclosure refused</li> </ul>
Section 192 – Prohibition of publication of certain information or proceedings	<ul style="list-style-type: none"> <li>prohibition of publication of identity of participants in proceedings applies to the identity of a party</li> </ul>
Section 214(d) – Court may transfer order	<ul style="list-style-type: none"> <li>if the application is contested, a conference between the parties has been held or reasonable attempts to hold a conference have been made</li> </ul>
Section 216 – Notice of decision	<ul style="list-style-type: none"> <li>if the court decides on an application to transfer a child protection order to a participating State, as soon as practicable, the chief executive must give each party to the proceeding (which could include a person participating under section 113) a copy of the order and written notice explaining the terms and effect of the order, and stating that they may appeal against the decision to make the order within 10 business days, and how to appeal</li> </ul>
Section 231 – Notice of transfer decision	<ul style="list-style-type: none"> <li>parties to the application to transfer proceeding are entitled to a copy of the order and written notice explaining the terms and effect of the order, and stating that they may appeal against the decision to make the order within 10 business days, and how to appeal</li> </ul>
Section 239 – Appeal against decision of Childrens Court	<ul style="list-style-type: none"> <li>a party to the application to transfer a child protection order or a child protection proceeding are entitled appeal the decision</li> </ul>
Section 3 (Schedule 3 – dictionary)	<ul style="list-style-type: none"> <li><i>party</i> to a proceeding means the child, the applicant or a respondent to an application</li> </ul>



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## Appendix B

### Example order – restricted participation

**Form 16**  
*Childrens Court Act 1992*  
*Child Protection Act 1999*  
Sections 63, 64, 65, 66, 67, 68, 69

### ADJOURNMENT OF PROCEEDINGS FOR A CHILD PROTECTION ORDER

**CHILD:** Jack Brown  
Date of Birth: 31 March 2004  
Sex: Male  
Indigenous ID: Neither Aboriginal nor Torres Strait Islander

Upon application for a Child Protection Order, made by the Director of Child Protection Litigation, in the Childrens Court at Brisbane on 20 October 2024 for the above-named child.

I adjourn the proceeding to **11 March 2025 at 9:00am** for further mention of the application.

I order that Mrs Carer be allowed to take part in the proceedings under section 113 of the *Child Protection Act 1999*, until conclusion of the proceedings, or further order of the court, whichever occurs first, in relation to the following matters:

1. Determining whether Mrs Carer is a suitable person under regulation 18 of the *Child Protection Regulations 2023* to have custody or guardianship of the child;
2. Mrs Carer is able to file material in these proceedings to the extent that it is relevant to whether she is a suitable person as per order 1, and is permitted to be present in court during mentions and may give evidence and cross examine and make submissions to the court in respect of any issues as per order 1;
3. Mrs Carer is to be served with any material filed by the applicant with respect to order 1. Such material is to be redacted to remove any references to the respondents' personal details, but must include any material facts relevant to the issue in respect to order 1 above; and

The order granting custody of the child Jack to the chief executive (child safety) continues under section 99 of the *Child Protection Act 1999*, until further determined.

**Magistrate**  
**Place and date**



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### Example order – full participation

**Form 16**  
*Childrens Court Act 1992*  
*Child Protection Act 1999*  
Sections 63, 64, 65, 66, 67, 68, 69

## ADJOURNMENT OF PROCEEDINGS FOR A CHILD PROTECTION ORDER

**CHILD:** **Jessica Smith**  
Date of Birth: 31 March 2014  
Sex: Female  
Indigenous ID: Aboriginal

Upon application for a Child Protection Order, made by the Director of Child Protection Litigation, in the Childrens Court at Brisbane on 20 October 2023 in relation to the above-named child.

I adjourn the proceeding to **11 March 2024 at 9:00am** for further mention of the application.

I order that until conclusion of the proceedings, or further order of the court, whichever occurs first. That Jane Smith, Jessica's maternal aunt:

1. be allowed to take part in the proceedings under section 113 of the *Child Protection Act 1999* until the application is determined on a final basis;
2. is able to do all the things a party may do;
3. may be required to do any of the things that a party may be required to do; and
4. must be served with all documents filed in the proceeding unless otherwise ordered by the court.

The order granting custody of the child Jessica to the chief executive (child safety) continues under section 99 of the *Child Protection Act 1999*, until further determined.

**Magistrate**  
**Place & Date**