

Child protection

Conversation starter: Janet Wight (YAC)

Recommendation **13.11** of the Queensland Child Protection Commission of Inquiry's final report (June 2013) recommends that:

the State Government review the priority funding it provides to Legal Aid Queensland with a view to ensuring that increased funding is applied for the representation of vulnerable children, parents and other parties in child protection court and tribunal proceedings.

According to Legal Aid's 2010-11 Annual Report, independent children's lawyers were appointed in 881 cases that year. In 2009-10, LAQ approved 1714 applications for representation in child protection proceedings. Legal Aid's 2008-09 Annual Report states:

During the year, we received 2235 applications for legal aid in child protection matters compared with 2194 the previous year. Grants were approved in 2074 cases compared with 2006 cases the previous year. This included 605 grants of aid for separate representatives — who represent children's best interests in child protection proceedings — compared with 556 in 2007-08.

The table below (from the Carmody report) shows the number of Childrens Court lodgements, showing that grants of aid account for, at best, half of child protection matters:

Table 12: Childrens Court lodgements, backlogs and finalisations under the *Child Protection Act 1999*, Queensland, 2005-06 to 2011-12

| Year | Lodgements | Age of pending matters (months) as at 30 June | | | | Finalisations | Orders appointing separate representatives for children |
|---------|------------|---|--------------|---------|---------------|---------------|---|
| | | 6 or less | Over 6 to 12 | Over 12 | Total pending | | |
| 2005-06 | 3,587 | 483 | 106 | 28 | 617 | 3,545 | 247 |
| 2006-07 | 3,405 | 471 | 101 | 28 | 600 | 3,417 | 366 |
| 2007-08 | 3,888 | 672 | 150 | 44 | 866 | 3,627 | 935 |
| 2008-09 | 4,075 | 580 | 171 | 46 | 797 | 4,156 | 1,042 |
| 2009-10 | 3,532 | 456 | 155 | 51 | 662 | 3,669 | 815 |
| 2010-11 | 3,959 | 581 | 177 | 37 | 795 | 3,826 | 727 |
| 2011-12 | 3,776 | 680 | 248 | 111 | 1,039 | 3,549 | 885 |

Meanwhile, CLCs provide relatively few legal services in child protection matters:

| | Information | Advice | Casework |
|-----------------------|-------------|------------|------------|
| South West Bris | 195 | 239 | 23 |
| YAC | 4 | 16 | 33 |
| Caxton Legal Centre | 46 | 34 | 2 |
| Cairns CLC | 19 | 12 | 3 |
| ATSIWLS NQ | 11 | 43 | 5 |
| Mackay CLC | 7 | 8 | 2 |
| QPILCH | 0 | 0 | 13 |
| QAI | 7 | 7 | 6 |
| Caxton Legal Centre | 46 | 34 | 2 |
| Women's Legal Service | 2 | 93 | 4 |
| Gold Coast | 8 | 31 | 0 |
| Taylor St | 4 | 14 | 1 |
| TASC | 8 | 37 | 14 |
| Townsville | 43 | 5 | 2 |
| Moreton Bay | 0 | 11 | 0 |
| NQ WLS | 16 | 75 | 0 |
| Suncoast | 23 | 12 | 0 |
| Logan Legal | 17 | 0 | 0 |
| Logan Youth | 0 | 0 | 0 |
| Goondiwindi | 1 | 1 | 0 |
| All Queensland | 794 | 765 | 141 |

Aboriginal and Torres Strait Islander families are massively overrepresented in child protection system, and it is also unclear how many of CLCs' services are delivered to children, and how many to parents. South West Brisbane CLC has a strong focus in child protection, producing kits and delivering training to assist workers, kinship carers and parents in child protection. One of their solicitors specialises in child protection law, working 2-3 days per week on this issue, including providing a duty lawyer service every Thursday at Beenleigh Magistrate's Court since the end of 2009. YAC's work focusses on providing assistance to young people, either as the subject of an application, or vulnerable young parents, including through casework and community education.