

To whom it may concern

We are delighted to have the opportunity to provide our feedback on suggestions for further possible changes to strengthen and modernise Queensland's child protection legislative framework and strongly support many of the proposed legislative changes.

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of young people. Established in 1961, our mission is to enable young people, especially those who are marginalised and without voice, to improve their quality of life. To this end, **yourtown** provides a range of face-face and virtual services to children, young people and families seeking support. These services include Kids Helpline, social enterprises, employment and educational programs, accommodation responses to young parents to develop their parenting and child protection skills, and women and children seeking refuge from family violence, young parent programs and Parentline.

We support the introduction of a preamble (IA) and, in addition to it recognising international laws about human rights and community values, it could reflect relevant national and other state laws so that legislation is, where possible and appropriate, aligned to make Queensland's legislative context clear to all stakeholders.

We strongly welcome the move to broaden the purpose of the Child Protection Act 1999 (IB). Whilst the government clearly has a key role in protecting children, its function is broader and does and should include promoting the ongoing health and wellbeing of children and young people, supporting families to care for and protect their children and developing policies and services based on the needs of children and young people. In addition, the government should consider including a clause that explicitly states that government and the child protection system should do no further harm to the children and young people they support, including harm caused directly from its structures, processes and decisions affecting their care, education, peer relationships, health and wellbeing.

We await to see more detail on the proposed introduction of specific matters in determining what is in a child's best interests (IC). Any effort to support decision-making processes concerning a child's best interests are welcome. However, every individual's circumstance differs and we would not want to see a one-size-fits all approach to determining a child or young person's best interests and a list of matters may invite such an approach. Given the current review of the Family Law Court system, we urge the Queensland government to work with the Family Law Courts to develop a national approach to determining a child's best interests. Doing so would help minimise confusion around interpretation of priorities and optimise consistent undertaking of a best practice approach by those who interpret and enforce the law.

We strongly endorse efforts to ensure that all children and young people, including those experiencing disadvantage, are aware of their rights and how to exercise them (IC). Indeed, this is an important aspect of the Act, which could be included in IB as an intended purpose of the Act given that empowering children and young people in this way would help to keep them safe and well. To this end, the government should develop and distribute age and/or developmentally

appropriate information to ensure children and young people are aware of their rights and understand how to use them in conjunction with legislative changes. We would support embedding a rights focus throughout the legislation and believe that this would help better interpret the law for children, young people and families as well as those working in the legal arena and in community support services.

We are supportive of all moves to support children and young people to be able to express their views in decision-making processes as set out in 2A, 2B and 2C of the Discussion Paper. Despite the existing general principles of the Act that are intended to support the input of children and young people, we know that too frequently decisions are made about them without appropriately consulting them or considering their views when they are sought, and too frequently they are not informed about the processes and reasons for decisions. It seems that as children need an adult or a legal representative to assist them in participating in decisions that affect them, that too often their parents or their lawyers, legal officers, child protection staff or the system more generally uses this as a reason not to seek their opinions or to fully involve them in the process.

Indeed, many of the children and young people who contact Kids Helpline in relation to child protection issues and family law processes tell us how disempowered, helpless, hopeless and scared they feel about not being able to influence decisions that determine their futures and where and with whom they live. As a result, many suffer from high levels of anxiety and poor mental health, self-harm and experience suicidal ideation, and many of those who live in care 'self-place' meaning they continually run away from their current care situation. This is why we are embedding youth participation in our organisation and working with our clients to ensure both our services and services within the wider system reflect their needs, experiences and preferences.

We therefore would like to see greater participation of children and young people and the necessary support mechanisms to enable and facilitate this in legislation. In addition to appropriate resourcing to enable effective implementation, there are a number of provisions in other states (Western Australia and New South Wales) and in the Family Law Court system that the Queensland child protection system could adopt. We would urge the government to ensure that this legislation aims to support children's and young people's participation in decision-making, regardless of how big or small the decision, and whatever area of their life it concerns.

We are greatly encouraged by the Queensland's Government's continued efforts to strengthen the rights, agency and independence of children and young people who have contact with the child protection system and look forward to seeing new legislation be well resourced and promoted. Please do not hesitate to contact me if you require any further information relating to these issues.

Yours sincerely,

Tracy Adams
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