

20 June 2018

Our ref: ChLC-BDS

Ms Zoe Cochrane and Ms Sakitha Bandaranaike
Strategic Policy and Legal Services
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001

By email: [REDACTED]

Dear Ms Cochrane and Ms Bandaranaike

Childrens Court Expert Assistance Pilot

Thank you for meeting with our Legal Policy Manager, Ms Binny De Saram, on 5 June 2018 to discuss the Childrens Court Expert Assistance Pilot and for the briefing provided at the Court Case Management Committee meeting on 11 June 2018. The Queensland Law Society (QLS) appreciates being consulted on the proposed pilot.

This response has been compiled with the assistance of the QLS Children's Law Committee, whose members have substantial expertise in this area. The Queensland Law Society is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. The QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

The Society is very supportive of the pilot and considers that the implementation of this recommendation of the Child Protection Commission of Inquiry. As discussed at the Court Case Management Committee meeting, the Society is supportive of the monitoring of remaining pilot funds to ensure that they are utilised. If the pilot is successful and the uptake and awareness of section 107 orders is enhanced, the Society is hopeful that the pilot will obtain long term funding - pending the results of the pilot evaluation.

We understand that the Expert Assistance Pilot is targeted at complex child protection matters where the court considered that highly specific or specialist expert advice is required. In our view, the success of the pilot will depend on the determination of what is considered a "complex" matter.

The Society agrees with the multi-disciplinary model that is proposed and the flexibility to allow a range of experts to provide written reports. The Society is concerned whether the term "expert" limits the range to those people with formal qualifications. In our view, this might be problematic and might make it more difficult to obtain advice in relation to cultural issues. We are also concerned about the ability of the expert to provide a written report in a form acceptable by the court and suggest that the ability to provide oral evidence should be

Childrens Court Expert Assistance Pilot

considered. Therefore, we consider that the term "expert" should include individuals who are considered experts in the community.

In relation to payment of the experts fees, we note that expert witness fees must be paid outside the fees set aside for Legal Aid Queensland grants of aid.

As discussed, we would be grateful for the provision of education and guidance material so that we might educate our legal practitioner members.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy Manager, Ms Binny De Saram on [REDACTED] or [REDACTED]

Yours faithfully

[REDACTED]

Ken Taylor
President