

10 March 2022

Our ref: BDS:HRPL

***Confidential***

The Honourable Leanne Linard MP  
Minister for Children and Youth Justice and Minister for Multicultural Affairs  
Locked Bag 3405  
BRISBANE QLD 4001

By email: [REDACTED]

Cc: Dr Meegan Crawford  
Chief Practitioner  
Department of Children, Youth Justice and Multicultural Affairs

Dear Minister

**Cancellation of family contact arrangements**

We write in reference to the Chief Practitioner's COVID-19 Update of 4 January 2022 and to express our considerable concern over the Department's decision to impose a blanket cancellation of all Queensland face-to-face family contact arrangements.

We appreciate that the increase in Queensland's COVID-19 cases represents a genuine health concern to the Department, and the families and children involved in the child protection system. Nevertheless, we were concerned to learn that the Department's decision to replace face-to-face arrangements with phone or online options was made on an indeterminate basis, subject to weekly reviews, regardless of the status and progress of a particular matter. Due to the significant impact of this decision, our member practitioners have raised concerns that this was done without any prior consultation.

We note that the Chief Practitioner's COVID-19 Update did not provide any guarantee that face-to-face arrangements would be replaced with phone or online options. Our members report that in some instances phone or online options were not provided in place of face-to-face contact arrangements. Given the importance of maintaining on-going contact with family members, our members were concerned that no assurance was provided in the Chief Practitioner's COVID-19 Update that phone or online options would be guaranteed.

Similarly, our members note that people in the child protection system were not offered additional contact via phone or online by staff, as indicated in the Chief Practitioner's COVID-19 Update.

## Cancellation of face-to-face family contact arrangements

Our members are of the view that the Department's decision to cancel face-to-face contact arrangements, which was justified on the basis that it was a short-term sacrifice, was inconsistent with the Department's paramount duty under the *Child Protection Act 1999* to consider the safety, wellbeing and best interests of the child.

Further, the Department's decisions have implications for provisions within the *Human Rights Act 2019*, namely, the rights of the families and children involved in the child protection system, including their right to equality before the law, protection of families and children and cultural rights – including the specific cultural rights of Aboriginal and Torres Strait Islander Peoples. There is no indication provided in the Chief Practitioner's COVID-19 Update on how these human rights were considered, as required by section 58 of the *Human Rights Act 2019*.

In this regard, we note the Department did not provide guidance on how these temporary arrangements would be considered in the context of short-term orders and implications for obligations under the *Human Rights Act 2019*.

In our view, due to the significant impact this decision has had on families, there should have been urgent consultation with key stakeholders and further guidance provided in the Chief Practitioner's COVID-19.

We note that similar decisions have not been made by other jurisdictions or the Family Court of Australia, now the Federal Circuit and Family Court of Australia. Indeed, our members report that contact continued during previous lockdowns where a Childrens Court order was issued.

We note the Department has now reinstated face-to-face family contact arrangements. In the future, QLS would welcome early consultation by the Department before a decision is made. This will provide QLS and the profession with an opportunity to prepare for any queries they might receive regarding the Department's decision to alter or restrict family contact arrangements.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on (07) 3842 5930.

Yours faithfully



Kara Thomson  
President