The Court Ordered Child Protection Conference - An innovative model for the 21st century

Mrs Janet Barnes1, Ms Gabriele Kuhnert2
1Dispute Resolution Branch, Queensland Department of Justice and Attorney General, Brisbane, Australia

As a result of a report commissioned by The Chief Magistrate in 2012, the Dispute Resolution Branch (DRB) was contracted to remodel the court ordered conference. Since the 1st July 2013 the DRB has been responsible for providing the court ordered conference service pursuant to the Child Protection Act 1999 (the Act) in Queensland.

Court-ordered Conferences are held after an application for a child protection order has been filed in the court and the application is opposed. The parties to the application who attend the conference are the Department of Child Safety (usually the applicant), the parents (usually the respondents), a separate representative for the children and if required, the Public Guardian (for capacity issues), Recognised Entity (for indigenous families) and legal representatives.

Although the conference is held during a court process, the model used is facilitative within the definition of the National Mediator Accreditation Standards.1 Parties in the conference focus on what is in the best interests of the children. A collaborative style is used and all parties are given the opportunity to have a say. If parties cannot reach an agreement at the court ordered conference they must attend a court hearing where all issues are heard and a decision is made by a third party, the magistrate.

In this presentation we will examine how the current conference model has been developed in response to the Chief Magistrate’s report and how the model meets the Carmody Report recommendations.2

1 National Mediator Accreditation Standard 2.1 A mediation process is a process in which the participants, with the support of a mediator, identify issues, develop options, consider alternatives and make decisions about future actions and outcomes. The mediator acts as a third party to assist the participants to reach their decision.

www.msb.org.au – Practice Standards