

CHILDREN IN CARE — CLAIMS

147. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the answer to my question without notice on 18 May 2017 regarding the Department for Child Protection and Family Support policy, practice and procedure for the handling of potential claims for children in care.

- (1) Will the Minister for Child Protection table the documents that detail the department's policy, practice and/or procedure that mandate that matters be referred to the department's general law unit?
- (2) If yes to (1), when?
- (3) If no to (1), why not?
- (4) Will the minister table the documents that detail the department's separate police, practice and/or procedure that mandate when matters are referred to an independent lawyer?
- (5) If yes to (4), when?
- (6) If no to (4), why not?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) Yes.
- (2) I table chapters 3.3 and 3.4 of the department's casework practice manual.
- (3) Not applicable.
- (4) Yes. I table a copy of the High Court decision of *Bennett v Minister of Community Welfare* in 1992, which establishes the common law duty to children in care to take reasonable steps to avoid suffering loss and damage in consequence of a legal right. Children are referred for independent legal advice in circumstances in which there is a conflict or potential conflict with the department.
- (5)–(6) Not applicable.

[See paper 266.]