



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **CHILD PROTECTION AND OTHER ACTS AMENDMENT BILL**

**Mrs STUCKEY** (Currumbin—LNP) (7.44 pm): I rise to contribute to the debate on the Child Protection and Other Acts Amendment Bill, which was introduced to the House on 10 June by the Minister for Child Safety and Minister for Sport, the honourable member for Mansfield. This bill purports to enhance the administration of Queensland's Child Protection Act 1999, in order to respond more effectively to the individual needs of children at risk and in care, and to supply the legislative foundation for the Helping Out Families initiative. The stated aim of this bill is to enhance the capacity of non-government services to intervene in early intervention strategies by making amendments to statutory services—child abuse investigation and response, and out-of-home care—and non-statutory secondary services—intervention with families with identified problems to prevent child abuse and neglect. Therefore, the amendments contained within this legislation will result in some changes to both statutory and non-statutory secondary services.

The bill also amends the Commission for Children and Young People and Child Guardian Act 2000 in relation to blue cards. The bill makes amendments to a number of other acts: the Disability Services Act 2006, the Family Services Act 1987, the Public Service Act 2008 and consequential amendments to the Juvenile Justice and Other Acts Amendment Act 2009. According to the explanatory notes, proposed changes to the Child Protection Act 1999 will implement the Helping Out Families initiative, improve the operation of court orders, provide a new temporary custody order, recognise the role of suitable person long-term guardians, and extend and clarify the definition of harm. As honourable members have heard from the shadow minister, the honourable member for Bundaberg, the LNP does not support this bill

The Minister for Child Safety has proclaimed that since 2004 his government has doubled the workforce and tripled the budget. He seems proud of the fact that his government, the Beattie government, neglected children under its care so disgracefully that it took a CMC inquiry to shame them into action. He wants a pat on the back for finally doing what governments are supposed to—that is, invest in child protection and support families. Despite three reviews of the Child Protection Act under three ministers in the six years since the 2004 CMC Butler inquiry, *Protecting children: An inquiry into abuse of children in foster care*, I am sorry to say this legislation is the first real attempt to make any significant changes to the act.

On 14 May 2008, the then minister, Margaret Keech, released a policy paper highlighting a series of proposed amendments to the Child Protection Act 1999. At that time she stated the amendments would 'improve services, reduce red tape and boost protection for Queensland children'. Members should note the order of the above amendments: improving services and reducing red tape are ahead of boosting children's protection. It seems that this is the approach adopted by the Labor government in its policy to address child protection. It puts the process first and the children and their families a poor second or third, as is the case here. As honourable members have heard from the shadow minister, in May PeakCare contributed to the 2008 policy paper, which was the same month that the minister launched it, and made this opening statement—

Overall, PeakCare contends that this policy paper intends to give more power to the Department of Child Safety without the benefit of any increased external scrutiny on its activities or services offered to children and their families in Queensland.

PeakCare continues—

The paramount intention of this policy document appears to be an attempt to make life easier for departmental staff and subject their actions to even more restrictive scrutiny. This appears to be an abuse of power which has not been tolerated in other jurisdictions and should not be tolerated here.

So be the comments from PeakCare, a very respected organisation. I note the phrase 'best interest of the child', which was described by some professionals as being used narrowly in a bureaucratic sense and used extensively to push the government's One Chance at Childhood and adoption agendas. This has been replaced. This new legislation includes a 'framework of principles to improve decision making to promote children's safety, wellbeing and best interests'. All too frequently in recent years the phrase 'best interest of the child' was tossed about nonchalantly and activated by a bureaucratic decision made by well-intended but inexperienced departmental workers. I am not convinced, and neither are my LNP colleagues, that this latest change in language will in fact advance an at-risk child's situation.

The minister says that this bill will enable the government's tertiary child protection system to work hand in hand with the non-government sector in order to better support families before they require statutory intervention. This is another admission of this government's failing, and not before time. There is much work to be done here as, for way too long, the NGOs and their calls for early intervention programs and support services have gone unanswered. The department of child safety was viewed by many as an investigative bureau, a conveyor belt that processed children suspected of being abused or neglected, ignoring the importance of involving their families wherever possible. Their highly researched recommendations were mostly disregarded and even howled down by members opposite in previous speeches.

In his second reading speech, the minister listed the key bodies that were consulted in the drafting of this bill. There were a number of these and they include PeakCare Queensland, Foster Care Queensland, CREATE Foundation, QCOSS and the Queensland Aboriginal and Islander Health Council. I wonder how many of the recommendations made by these key organisations were adopted by the government in these proposed amendments. Perhaps the minister would enlighten the House in his reply.

Again, in August 2008 PeakCare Queensland provided feedback on the discussion draft. They said—and I believe the shadow minister may have already quoted this—

It is not 'in the best interests' of children to enter the Child Protection system at all and note that the best interests of the child framework neglects to highlight the need for preventative services, diversionary services and family and community support services which ultimately do provide for the best interests of a child.

They continue—

It is the view of our membership that whilst families may bear the primary responsibility for the upbringing, protection and development of their children, they cannot do so in isolation, without the support of the larger community.

As honourable members have heard from the shadow minister, the honourable member for Bundaberg, it is way more likely that this legislation has been introduced by the government in an attempt to conceal its dismal failings in the area of child safety. Unsurprisingly, it falls short of expectations and does not wholly embrace the principles and philosophies recommended by experienced professionals in this specialised industry. The shadow minister has indicated that he will be moving several amendments that will provide a series of checks and balances to matters brought before the court regarding temporary custody orders and to ensure that transition from care plans are prepared for all children who are exiting care.

I would like to mention the Helping Out Families initiative enshrined within this legislation that is targeted primarily at the nought to four year age group. Whilst this is genuinely welcomed—and I repeat that for the minister: it is genuinely welcomed—as an early intervention protection strategy and one that the LNP has been pushing towards for a number of years, the model before us falls well short when one considers the scale of need in our communities. The overall amount of money being allocated to deliver this program is minuscule in comparison to the money spent on tertiary services. Child and family support services represent only about 10 per cent of the budget—\$55 million has been allocated over four years to pilot this new early intervention and prevention initiative in Logan, on the Gold Coast and in Beenleigh-Eagleby.

Queensland is facing a record number of children in care, increasing from 4,950 in 2004 to 7,942 in 2010. Reducing the number of children in care through early intervention and education has been a key policy direction of the LNP and certainly was during my time as shadow minister. Undeniably there is more reporting of suspected and real child abuse, but it is this government's failed policies and attitude that have stymied the reduction of child abuse in our society. The government's mantra of 'child safety is everyone's business', stated twice in the minister's second reading speech, is somehow not cutting through. I do not doubt for a moment that every member in this House abhors child abuse and finds it repugnant in the extreme. I also concur that honourable members would agree that governments have an obligation to protect our most vulnerable—our young.

A study by the Australian Childhood Foundation published in April 2006 titled *Out of sight—out of mind* found that of the respondents to their survey a percentage viewed child abuse as less concerning

than the cost of petrol and problems with public transport and roads. Alarming, 31 per cent said they would not believe children's stories of being abused and 16 per cent did not know whether sex between a 14-year-old and an adult constituted sexual abuse. Attitudes like these must change if we are to make a long-lasting dent in these shocking figures of abuse.

Child abuse creates enormous personal and physical cost upon those affected, but it also places a huge financial cost on governments as they have to pay for the negative outcomes, as mentioned by the shadow minister, of mental illness, drug and alcohol abuse, depression, medical problems and in some cases criminality. The child protection partnership report confirms a strong link between youth offending and child abuse, with a startling 65 per cent of child offenders in the youth justice system known to Child Safety Services. What further proof do we need?

A 2009 report *Mothers and the child protection system* was conducted by H Douglas, T Walsh and K Blore and made possible by a grant from the University of Queensland. In their conclusion the authors stated the need for child safety workers to work collaboratively with parents and children, adding that there needs to be much more asking than telling. Amongst the 15 recommendations, which were focused on improving education and communication between immediate stakeholders, recommendation No. 9 was about defining the concept of 'neglect' more definitely in legislation and procedures. 'Neglect', the report said, should be clearly distinguished from situations where parents are struggling financially and/or are homeless but are otherwise able to care for the child.

The authors reported a disconnect between some services that support mothers and child protection workers. In their executive summary they say—

Children should and must be protected. However it must be acknowledged that removals of children may no longer be perceived to be necessary if families are appropriately resourced and their issues properly understood. Child protection workers and parents' advocates both have a crucial role in displacing the mistrust and uncertainty preventing more collaborative and open practices, otherwise it is the child's interests that ultimately suffer.

What has been so wrong about the Labor government's method of achieving its goal of 'child safety is everyone's business' was the omission of parents and families in the equation. Parts of this new legislation are a step in the right direction, such as the Helping Out Families initiative, but others are frightening to say the least. Correspondence I received from the Department of Communities in July stated the Helping Out Families initiative of \$55 million spread over four years will provide support services to vulnerable families who have been referred to Child Safety Services but do not require ongoing tertiary intervention.

The key elements of the initiative are the South-East Regional Intake Service, which commenced on 2 August. It is expected to streamline and simplify the process of reporting concerns to the Department of Communities and to improve the consistency and quality of child protection intake making decisions. Trial sites are to be funded for three Family Support Alliance services. Services in the Beenleigh, Eagleby, Nerang and Logan areas start as of October this year and on the Gold Coast in early 2011. These will be networks of local services to support children, young people and their families. I note these sites are to be trialled. I would ask the minister to outline the criteria for these trials—for example, will services be continued for the four-year period?

Services to support at-risk families will supposedly include intensive family support, home visiting for new mothers, domestic and family violence, mental health, drug and alcohol, disability and homelessness services. An absence of detailed information leaves people wondering exactly how this will be achieved. It is such a critical part of the whole exercise in reducing the incidence of child abuse that the government must get it right. It cannot afford to fail.

The minister said in a media release on 2 July that this project would fund practical in-home support, such as assistance with parenting, home management, budgeting and meal preparation as well as visits from health workers. Mothers and their newborn babies will receive up to six visits from nurses from the centre. This all sounds very promising, but what framework is being set up to ensure maximum benefits reach the greatest number of families in need?

The Queensland Council of Social Service, QCOSS, has welcomed the expenditure but has criticised the government for falling well short of the funding and for the lack of detail included in the budget. QCOSS believes that a community based approach to early intervention and protection that involves consultation with non-government service providers is essential to best reach the people who need them. According to QCOSS, the government has failed to provide detail in the budget of if or when such consultation will occur. Again I ask: where is the detail? How many visits will be made to new mums and so on?

Amendments to the Commission for Children and Young People and Child Guardian Act 2000 relate to blue cards and yellow cards. What reasonable argument can this government offer as to why there is still no willingness to place a photo ID on these cards? A person cannot even hire a video without photo ID yet they can be entrusted to care for our precious children without it. We heard tonight from the shadow minister that revenue of some \$6 million will be forthcoming from the blue card system.

The former police minister, who I note is in the House tonight, gave a very weak excuse that the cost to do this was prohibitive. Let us see exactly what it would cost. Technology today allows for the printing of student photo ID cards at a cost of well under a dollar. Is this too much to pay to increase kids' protection? Are they not worth that much? Will the minister tell us just how much placing a photo on an ID card would cost?

This bill addresses the recognition of the importance of long-term guardians. The minister says that long-term guardians are often related family members, but in truth often they are not. Taking into account this government's poor track record, I have grave concerns that children in foster care will be unfairly targeted for long-term guardianship and adoption when some could be reunited with family if there was more political will to do so through genuine attempts to support at-risk families.

I do recognise the importance of stability for children when it comes to arrangements. There is no question that this is critical, particularly in reducing the effects of cumulative harm. But most kids still average around four placements during an individual period of care. This legislation would see children in long-term care having their case plans reviewed at 12-month intervals instead of six. Is this because of staffing limitations or because it is best for the child? Or is there such a backlog that this is Labor's way of reducing the waiting list? What specific steps are being taken to find out whether children are aware that these plans exist? Considering the rapid development needs of young children, 12 months is a very long period between opportunities to actively participate in decisions that affect their future and wellbeing.

The three business days temporary custody order exhibits a 'remove child first, ask questions later' policy which is very worrying. I recall a disturbing incident a couple of years ago where a child was flown to the other side of Australia with dad who had served time in prison for armed assault. Unbeknown to the Indigenous mother, the father was contacted by child safety staff, flew from Western Australia and collected the child without the consent of the mother. Is it acceptable to breach guidelines? Was this a really good outcome?

What effect has there been as a result of the Premier collapsing the department of child safety into one big portfolio of Communities? With the superdepartment, the Department of Communities, absorbing into one entity Child Safety, Housing, Women and, importantly, the Child Guardian, some NGOs have commented that we have lost the independent umpire. Has the Bligh government downgraded the importance of this entity? The LNP finds it unacceptable that the Minister for Child Safety, who is also the Minister for Sport, is amending legislation that deals with the Commission for Children and Young People and Child Guardian Act.

And what of the health passports? It is deplorable that almost half of the children under the care of this department have not seen a health professional for a baseline assessment. Labor can come up with as many cute and catchy phrases as it likes, but it cannot escape its failure to curb child abuse. I am pleased to see that the shadow minister is presently conducting his own review of child protection practices on behalf of the LNP.

In summary, this legislation to reform the processes of the department of child safety is far too little too late. This legislation does finally acknowledge that the government needs to work hand in hand with non-government service providers. This is a positive step in the right direction. However, as I have stated, the LNP does have considerable concerns, as do key NGOs and professionals, that some of the amendments contained within this bill have the potential to create less transparency and accountability, which is why we cannot support it. I have asked a number of questions in my speech. I hope the minister will address them to the best of his ability in his reply.