



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair

Mr MC Berkman MP

Ms CL Lui MP

Mr TL Mander MP

Mr RCJ Skelton MP

Staff present:

Ms L Pretty—Acting Committee Secretary

Ms C Furlong—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE CHILD PROTECTION REFORM AND OTHER LEGISLATION AMENDMENT BILL 2021

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 20 OCTOBER 2021

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The committee met at 9.04 am.

CHAIR: Good morning. I declare open this public hearing for the Community Support and Services Committee inquiry into the Child Protection Reform and Other Legislation Amendment Bill 2021. I would like to respectfully acknowledge the Gimuy Wallubara and the Yidinji people who are the traditional custodians of the land on which we meet today. I pay our respects to elders past, present and the wonderful young leaders in this community. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we are lucky to all share. I acknowledge my dear colleague, Cynthia Lui MP, the member for Cook, who is a First Nations woman. The committee is very fortunate to have Cynthia as a member of this committee. I am now going to turn to Major Ben to open with a prayer.

Major Ben Johnson then prayed.

CHAIR: Amen. Thank you, Ben, sincerely, for your blessing and for your support today. On 15 September 2021 the Child Protection Reform and Other Legislation Amendment Bill 2021 was referred to this committee for examination with a reporting date of 12 November 2021. My name is Corrine McMillan, the member for Mansfield, and I am chair of the committee. Mr Stephen Bennett, the member for Burnett, is the deputy chair. The other committee members with me today are: Mr Michael Berkman, member for Maiwar; Ms Cynthia Lui, member for Cook; and Mr Robert Skelton, member for Nicklin. Mr Tim Mander, member for Everton, is here today substituting for Mr John Krause MP, member for Scenic Rim, who cannot be with us.

The purpose of today's hearing is to assist the committee with its inquiry into the Child Protection Reform and Other Legislation Amendment Bill 2021. The committee is a committee of the Queensland parliament and its hearings are subject to the rules of the parliament. We are in Cairns today because the committee dearly wants to hear the views of your community. Please take this opportunity to share with us your thoughts and your experiences. They will be much valued by our committee and certainly by the government. I ask that everyone respect the rights of others to hold and express their particular view. When speaking please take care not to refer to ongoing court matters or naming of children.

The hearing is being recorded and transcribed by Hansard and speakers should be aware that the transcript of this hearing will be published on our webpage in the coming days. For any media present, I ask that you adhere to my directions as chair at all times. The media rules endorsed by the committee are available from committee staff if required. Please also note that you may be filmed or photographed and images may also appear on the parliament's website or social media pages. By all means, please advise us if this is an issue for you. I ask everyone present to turn mobile phones off or to silent mode.

JACOBITZ, Ms Carly, Director, Life Without Barriers (via videoconference)

CHAIR: I now welcome from Life Without Barriers, Carly Jacobitz, Director. Good morning, Carly. Thank you so much for giving up your valuable time to be with us this morning. The committee certainly appreciates your expertise and your advice. We will have some questions for you, I am sure, but I will now ask you to make a brief opening statement.

Ms Jacobitz: Thank you very much and thank you for the opportunity to come today. Life Without Barriers is a charitable organisation supporting approximately 23,000 people in over 400 communities across Australia. We offer services to people with disability, children, young people and families, people with mental health needs, refugees and people seeking asylum and people who are homeless. Life Without Barriers directly supports around 5,000 children and young people across our services and have close to 3,000 foster and kinship carers as a part of our community. We operate under the following vision statement: we are dedicated to providing children, young people and families with the right services at the right time to prevent, intervene early and break the cycle of disadvantage so that we can change their life trajectories and support them to thrive.

Life Without Barriers employs over 12,000 staff and is responsible for annual funding of over \$700 million. As an organisation whose legacy began on forging services for people where they simply did not exist previously, we are deeply committed to ensuring the safety and wellbeing of all Manunda

children and young people. Life Without Barriers strongly supports the bill's intention to reinforce children's rights in the legislative framework, strengthen children's voices in decisions that affect them and streamline, clarify and improve the regulation of care. Life Without Barriers has long supported the United Nations Convention on the Rights of the Child since it came into force in 1990 and has continually advocated for the rights of the child to be included during the development and amendment of all state, territory and federal government legislation. Life Without Barriers is encouraged by the bill's focus on ensuring that the Aboriginal and Torres Strait Islander child placement principles are further embedded into this legislation by the Indigenous section 5C(2). It is anticipated that the inclusion of the prevention, partnership, placement, participation and connection principles will further support the reduction of the high number of Aboriginal and Torres Strait Islander children in out-of-home care.

Life Without Barriers continuously observes the distressing rate of Aboriginal children entering care and has recently announced a new partnership with SNAICC, the national non-government peak body for Aboriginal and Torres Strait Islander children, that will support an historic commitment from Life Without Barriers to transfer our out-of-home care services for Aboriginal and Torres Strait Islander children to Aboriginal and Torres Strait Islander community controlled organisations within 10 years. We believe that culturally appropriate services, designed, led and delivered by community controlled organisations, will result in more positive outcomes for Aboriginal and Torres Strait Islander children and young people.

Life Without Barriers is also pleased to see the bill's focus on strengthening children's voices and streamlining, clarifying and improving the regulation of care. Life Without Barriers is supportive of the creation of the Queensland carers register, similar to the one established in New South Wales as recommended by the royal commission. Life Without Barriers is supportive of improving information sharing and, in line with the royal commission's recommendation, supports the establishment of the Working with Children Check national reference system and the Queensland government participating in the nationwide initiative. Life Without Barriers relies on foster and kinship carers to provide family-like care arrangements for children who are unable to live with their parents. It is disappointing that visitors to carer households will be required to have a blue card prior to visiting and staying. This will disproportionately impact Aboriginal and Torres Strait Islander households. We would recommend that visitors should be allowed to stay following a suitability assessment by the department and contingent on a current application for a blue card. Thank you.

CHAIR: Thank you, Carly. You certainly raise some great points there. Thank you, on behalf of the committee, for all that Life Without Barriers do. It was really great to hear some of those great initiatives that you have in place. I am going to turn to our deputy chair who will have a question, I am sure.

Mr BENNETT: Good morning, Carly. I am looking at your policy statement and the proposals in the bill and how they align with your policy framework. Would you care to talk about some commonalities that we are seeing in the proposed bill?

Ms Jacobitz: Absolutely. Life Without Barriers has a strong policy framework, particularly when it comes to the recommendations that came out of the Royal Commission into Institutional Responses to Child Sexual Abuse. We have created a nationwide policy called We Put Children First which essentially embeds the recommendations and the child safe organisations principles into our organisation. I think that the national policy position for Life Without Barriers is very consistent with this bill and the strengthening of existing legislation particularly as it relates to the rights of children and young people.

Ms LUI: Thank you for your contribution this morning. In your submission you mention information sharing and better communication between services. Could you expand a little bit on that and talk about some of the benefits associated with that?

Ms Jacobitz: Information-sharing provisions under the current legislation can be effective but they can also be quite time-consuming. When you are looking at information sharing in relation to information for potential carers or information in relation to household members, if we can have a strengthened information-sharing provision that facilitates faster decision-making and faster sharing of information I think that would be effective and would enable us, alongside the department, to make quicker decisions in relation to children and young people. Sometimes the delays can leave us risk managing situations that are not ideal so that information sharing could allow for faster, more effective decision-making.

Mr BERKMAN: Thanks for joining us, Carly. We have heard from a number of submitters that there is broad support for the amendments in the bill but one observation that was made by a few folks is that the subsequent implementation policy is going to be really important, especially as it

relates to the active efforts requirement and the participation principles. Do you have any views that you can share with the committee on the shape of the implementation process and what that should look like?

Ms Jacobitz: It is a good question, it is a good comment and I think that it is one that the sector generally is having a lot of conversations about at the moment. Life Without Barriers has made some strong commitments in this area. I think articulating an effective pathway forward is the next step. Certainly in conversations that I have been having, there is a sense in the sector that we would like to step into it all together and move forward. Particularly from a participation and a connection perspective, getting everybody on the same page to move forward together is ideal.

Life Without Barriers, obviously, has made our commitment over the next decade to transition some of our Aboriginal and Torres Strait Islander services and we will take active steps to do that. However, if we can do that alongside other service providers that would absolutely be the preference. I think it is more effective for the sector as a whole to step into this together. There are challenges with that and how we do that. I think what is essential in that part is how we engage with Aboriginal and Torres Strait Islander community controlled organisations as to what those conversations look like and how we can over time transition services together. It is a long-term initiative but one that we are committed to achieving.

Mr SKELTON: Carly, thank you for joining us today and for your submission. Do you hold any concerns about whether children will make the right decision for themselves? Obviously we want to empower them. Do you hold any concerns about that?

Ms Jacobitz: Good question. Children and young people, in my experience, if given the right environment will always tell you what they want and will always tell what their views and wishes are. I think one of the things that is incumbent on us as a sector is to make sure they have every opportunity to understand the environment around them. Children and young people should be given the opportunity to have all of the information that is relevant to their world be that education, be that culture, be that family connection. Then it is incumbent on us to facilitate those views and wishes in the safest way possible.

It may mean that their views and wishes, once implemented, might look a little different, but I think it is absolutely critical that children and young people feel heard. Even if we are unable to deliver exactly what it is that they are asking for, it is important that they understand why that is and that they are able to participate in that decision. Children and young people, particularly those who have transitioned from care and give feedback to us, will say that they just want to be heard: 'Do you understand what I am saying and do you understand what I want?' It is then our obligation to do that safely and, if we cannot, to very clearly explain why we cannot and what the alternatives are.

Mr MANDER: Carly, in your introduction you mentioned that you are a supporter of most of the reforms and changes that have been proposed. Are there any obvious omissions or things that you think have been missed that you wish had been included with regards to the proposals?

Ms Jacobitz: No, not at this stage. I think these amendments do pick up on some of the key recommendations out of the royal commission that have not yet been actioned. I think that is a good thing. I think we are picking up on some of the things legislatively that we can do to strengthen legislation. I do not think there are any key initiatives that we think have not been included at this stage.

CHAIR: Carly, in your opening statement you spoke about the disproportionate negative consequences for First Nations families, particularly those who are living in care and the requirement that visitors to the house have a blue card. I was really interested to hear that. You propose that some sort of screening process happens by the department and then you suggested it be as long as a blue card application was in submission. Can you talk the committee through your thinking around that proposal? What are the risks and the benefits associated with that, and particularly the cultural context for our First Nations peoples?

Ms Jacobitz: Blue card applications and holding a blue card require a number of checks, as you are aware. In order to do that before someone visits a home, there is certainly a time factor that is usually not able to be met. We are suggesting that if you wait for a blue card to be submitted and for an application to be returned, in some instances you will lose the entire time that that family and that household may have to spend together. When we look at Aboriginal and Torres Strait Islander families and communities, that idea and concept of having family gatherings and family groups is really well known and understood. We think requiring every single visitor into that home to have a blue card would be quite prohibitive. Often that time frame is not available and that lead-in time is not available to enable those kinds of gatherings to happen.

We find it hugely beneficial for our children who are placed in care to be able to go and spend time with their family. In a lot of instances, they meet family that they have not met before. With this requirement for a blue card to be held we think we would lose the effectiveness of that. Again, just because of that kin concept and the way that those family group meetings and occasions occur, there is an impact then on Aboriginal and Torres Strait Islander people that there would not be on some other communities.

In terms of a suitability assessment, there is certainly time, capacity and space for either Life Without Barriers or Life Without Barriers alongside the department to have a conversation with that household, with that carer entity, in the first instance and say, 'What is happening? Who is coming? What is going to go on? Who is going to be here?' Those are conversations that we regularly have now anyway. Within the context of that conversation we can do a risk assessment around what the safety needs and requirements, if there are any, might be for children and young people and then make a decision on that basis. That decision-making can be done much faster than waiting for the return of a blue card check.

CHAIR: Thinking through the practicalities of that, could you talk us through the steps that might happen and some of the accountabilities that would be in place around that process?

Ms Jacobitz: In the first instance it would need to be decision-making that was joint between any service provider and the department. That would then be about a visit to the carer and a conversation with the carer that was documented about what the occasion was, who would be in the household, and agreement and arrangement around, if additional people come, how is that noted, what do we know about that, how do we know who is having contact with children and young people in the home and also just really having the conversation with the carer around safety expectations for children and young people. If the decision-making can be made with the service provider and the department but acknowledging that the carer in that instance and the family in that instance really are the experts in their household and the experts in their community, we can pull all of that information together and then I think we can make faster decisions in the best interests of children and young people.

Mr BENNETT: Referring to this legislative reform about giving children more voice in decisions that affect them, which overwhelmingly is being applauded, I note that Life Without Barriers also has a process about communicating with children. I am referring to the SAFE book series. How can we make sure that the children we are working with can understand these reforms, which are very important to them? How will we disseminate these important reforms? Is there another book in the series?

Ms Jacobitz: That is a really good point. Having ongoing conversations with children and young people about their rights is critical and making that age appropriate at every single age and stage of development is really important. There may well be another book. I think it is very much beholden on practitioners to be able to explain this in a way that children understand that at all ages.

Older children and adolescents start to have an understanding of the charter of rights and what these changes would mean to them. You can engage in really meaningful conversations with them and they understand what you are talking about. With primary schoolchildren and smaller children, you are talking to them about using language that is more understandable to them in terms of family and friends, aunts and uncles, people who care about them and their teacher, and explaining our role in keeping them safe but also making sure that they are seeing and spending time with all of the people they want to see and spend time with. I think it is about explaining these changes in a way that is age appropriate. That is where you work with your workforce and your staff and your practitioners who see these children on a very regular basis. At Life Without Barriers we are seeing our children and young people at least once or twice a month and making sure that we can explain to them these changes.

Ms LUI: Carly, in your submission you say Life Without Barriers believes culturally appropriate services designed, led and delivered by community controlled organisations will result in more positive outcomes for Aboriginal and Torres Strait Islander children and young people. Could you speak a bit more about the type of outcomes that you see will happen because of this?

Ms Jacobitz: Sure. One of the things that we have consistently observed at Life Without Barriers is that, where we can and do engage Aboriginal and Torres Strait Islander young people with their community, with their elders and with their family, certainly in my experience you notice there is a recognition from children and young people when conversations are had and decisions are made from within those communities that obviously have a stronger effect on those children and young people than when decisions are made outside of it. That has been observed across our organisation.

While we say that we will transition all of our services over the next 10 years, we really want to look to those communities and those organisations about the best way to do that. Our experience is that children and young people respond to it and respond to decision-making being made by their community much better than they do if the decisions are made either by others in the sector or potentially by the department.

CHAIR: Carly, sadly our time together has come to an end. The committee thanks you for all that you do. We know that our department could not do the work that they do without the support of Life Without Barriers. On behalf of the committee, I thank Life Without Barriers for their great leadership and their great teamwork in protect our young people. Carly, thanks for your time this morning. We look forward to staying in touch throughout the inquiry.

Ms Jacobitz: Thank you very much.

The committee adjourned at 9.30 am.