

ABN: 80 232 074 742

**PRESIDENT**

Kylie Hillard  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**PRESIDENT ELECT**

Helen Atkinson  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**SECRETARY**

Catherine Thorburn  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**TREASURER**

Christine Madden  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**IMMEDIATE PAST****PRESIDENT**

Norah Blunden  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

**PROGRAMME  
CONVENOR/ UN LIAISON**

May Lamont  
C/- 2012/12 Edward St  
Brisbane  
Queensland  
Australia 4000

Email:

[sibrisbane@siswp.org](mailto:sibrisbane@siswp.org)

Research Director  
Health, Communities, Disability Services, and Domestic Violence  
Prevention Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Email: [hcdfsdfvpc@parliament.qld.gov.au](mailto:hcdfsdfvpc@parliament.qld.gov.au)

Dear Colleague

**Submission on Child Protection  
Reform Amendment Bill 2017**

Background

1. On 9 August 2017, the Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence, the Hon SM Fentiman MP, introduced the Child Protection Reform Amendment Bill 2017 (the Bill) in the Queensland Parliament.
2. Soroptimist International works to ensure that the voices of women and girls around the world are included in international decision-making and the policy setting, as well as within Australia. Soroptimist International is active in all of the major United Nation centres around the world maintaining a network of permanent representatives. The organisation holds a General Consultative Status with the United Nations Economic and Social Council and maintains official relations with several agencies and technical bodies.
3. As an organisation, Soroptimist International promotes the improvement of the lives of women and girls with consistent human rights and empowerment and enabling opportunities.
4. The Brisbane Club of Soroptimist International is providing this submission as an advocacy body for women and their children.
5. Soroptimist International Brisbane is an international organization committed to a world where women and girls achieve their individual and collective potential and have an equal voice in creating strong communities. We are an organization of professional women with an interest in children and families and some of our members have expertise and experience in the child

protection area.

### **Recommendations**

6. We support the Bill as it achieves a reasonable balance between the rights of all children and the community expectations relating to the state care and protection of children and the role of government in child safety oversight.
7. We consider that the proposed amendments offer increased support for foster and kinship carer families and support parents with increased family support service information sharing capacity.
8. While we support the Bill we consider there are some things that would strengthen the Bill if they were adopted. We deal with this in two parts:
  - 8.1. Support of the Bill - comments; and
  - 8.2. Suggested matters to strengthen the Bill.

### **Support of the Bill - comments**

9. *Section 5A, 5B* - The expansion of the principles of the *Child Protection Act 1999* in the Bill to provide that the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount is highly recommended and supported by us.
10. *Clause 27* - The introduction of the concept of 'permanency' by defining it to include the experience of the child of having ongoing relationships, stable living arrangements and legal arrangements that provides a sense of permanence and long-term stability is a positive step. The inclusion of a permanency goal for each child from the time a case plan is developed is strongly supported.
11. Further, the inclusion of this in the Bill is consistent with children's developmental needs under the attachment theory of Maslow. Maslow's Hierarchy of Needs Pyramid identifies 'Belongingness' as one of the four needs that becomes predominant when unmet 'Physiological needs, the lowest level of the hierarchy, include necessities such as air, food and water. During emergencies, safety needs such as health and security rise to the forefront. Once these two levels are met, belongingness needs such as obtaining love and intimate relationships or close friendships, become important.'<sup>1</sup>
12. *Clause 24* - *Section 75* of the Act does not define the nature of after-care support or specify the age up to which a person can access support or specify the age up to which a person can access support. The introduction of a requirement for transition planning to commence

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<sup>1</sup> <https://www.learning-theories.com/maslows-hierarchy-of-needs.html>

when a young person in out-of-home care turns 15 years of age and for a transition to independence plan to be included in the child's case plan at the next scheduled review is very strongly supported, and a positive step.

13. The increase of support to age 25 years would bring Queensland in line with New South Wales, South Australia, Western Australia and the Northern Territory. 'A relatively small investment now will save a huge social and economic cost in the future.'<sup>2</sup>
14. *Clause 36* - Currently under *Section 59* of the Act in order to transfer long-term guardianship of a child to apply to vary or revoke long-term guardianship orders from the chief executive to a long-term order that grants guardianship to another suitable person, the litigation director or the child must apply for the order to be revoked. *Clause 36* of the Bill proposes amending this section to enable the litigation director or a child to apply to vary or revoke an order without required matters about which finding have already been made, to be reconsidered. This amendment is considered by our members to be a timely and cost effective recommendation. Our members support the inclusion of an 'exceptional circumstance order,' as it should lead to an increase in the effectiveness and efficiency of the court system.
15. *Clause 41* - clarifying that the Chief Executive is to ensure as far as practicable, that help is available to assist a young person to transition from care to independence from the time they turn 15 years up to the age of 25 years is also strongly supported.
16. Under the National Framework for Protecting Australia's Children 2009 – 2020<sup>3</sup> Commonwealth, State and Territory Governments have committed to improve support for young people leaving care as a priority, in recognition of the financial and social cost of poor outcomes.
17. *Clause 47* – Amending section 97 of the Act clarifies and permits that medical treatment includes vaccinations which results in a medical practitioner being permitted to vaccinate a child who is in the custody of the chief executive where parental consent cannot be obtained and is supported by Soroptimist Inc. Brisbane – it is practical and sensible.
18. Similarly, we support the legislative amendment to *Chapter 5* of the Act relating to the information sharing provisions to reflect the role played by specialist child and family support services, including legislated safeguards to prevent the inappropriate sharing of personal information. This inclusion should lead to increased efficiency and effectiveness of the support offered to Queensland families in need of intensive family support.

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<sup>2</sup> <https://create.org.au/.Create-Report-Card-March-2008>: Transitioning from Care by J. McDowall 2008

<sup>3</sup> <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

### **Suggested matters to strengthen the Bill**

19. *Clause 31* The inclusion in the Bill of a new permanent care order without permanently severing a child's legal relationship with their birth family is considered by our members to be important and is supported.
20. We recommend the inclusion in this section of a mechanism for both birth parents and foster parents to work with government to achieve the best outcomes for the child.
21. However, we believe the Bill would be strengthened if there was consideration in the Bill of a requirement for specific details included in case plans. For example, consideration as to how this is to be achieved could include the number of visits and frequency of visits, take into consideration distance and responsibility for cost of the meetings, suitable arrangements for individual circumstances such as the location of care and the location of the birth family are some distance apart must be agreed.
22. It could also be a requirement that these arrangements are included and agreed to when a case plan is being drawn up with a mechanism for review on a specific period e.g. every 3 months that could also be included.
23. *Clause 34* proposes amendments to forbid the making of consecutive short-term orders that together extend beyond two years, unless it is in the best interests of the child to make the orders. We recommend more weight be given to the inclusion in this section of an obligation on the birth parents, outside the court system, to demonstrate their commitment to the best interests of their child, for example by completing a recommended parenting course, or drug rehabilitation program, be included.
24. We otherwise recommend and support the Bill as it would improve the efficiency and effectiveness of the child protection system and clarify, strengthen and promote the safe care and connection of Aboriginal and Torres Strait Islander children and families and facilitate the meaningful participation of the child and the child's family in making a significant decision.

### **Conclusion**

25. Soroptimists International Brisbane strongly supports the objectives of the Bill to:
  - 25.1. Promote positive long-term outcomes for children in the child protection system through timely decision making and decisive action towards either reunification with family or alternative long-term care;
  - 25.2. Promote the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures;
  - 25.3. Provide a contemporary information sharing regime for the child protection and family support system, which is focused on children's safety and wellbeing; and

- 25.4. Support the implementation of other key reforms under the Supporting Families Changing Futures program (the reform program) and address identified legislative issues.
26. We commend the Bill and a funding injection to boost front-line child safety jobs and support the amendments outlined in the Bill to make significant improvements in response to the needs of children and young people and family support services. We are happy to be involved in any additional consultation that may take place on this submission and the Bill.

Sincerely,

*By email*

Helen Atkinson  
Spokesperson and Vice-President  
Soroptimist International Brisbane Club

Enquiries to: