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The Research Director
Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000

RE: Child Protection Bills

The Australian Christian Lobby (ACL) welcomes this opportunity to comment on the child protection bills before the Queensland Parliament. This submission will make some general introductory remarks and then address three bills: the *Child Protection Reform Amendment Bill 2014*, the *Family and Child Commission Bill 2014*, and the *Public Guardian Bill 2014*.

Introduction

“There can be no keener revelation of a society’s soul than the way in which it treats its children.”

- Nelson Mandela

ACL commends the Queensland Government for taking action to address the crisis of child welfare in the state. Research has found an alarming increase in the last 15 years of children being reported as being victims of, or at risk of, child abuse or neglect, substantiated abuse or neglect cases, and children in state care.¹ In Queensland, the rate of children in out-of-home care, for example, has more than doubled in the last ten years to 6.8 per 1000 children. Only New South Wales, Tasmania, and the Northern Territory have higher rates.

ACL made a submission to the Queensland Child Protection Commission of Inquiry in 2012. The resulting Carmody Report and the Queensland Government’s response is an important step forwards in this country’s protection of children. ACL commends the government’s willingness to act upon the recommendations of the Carmody Report, starting with these three bills.

Keeping Families Together

The Carmody Report identifies the great value of keeping family units together wherever possible.

¹ See e.g. Professor Patrick Parkinson (July 2011), *For Kids’ Sake: Repairing the Social Environment for Australian Children and Young People*, The University of Sydney, p 6.

Article 7 of the *Convention on the Rights of the Child*, to which Australia is a party, states that children “shall have... as far as possible, the right to know and be cared for by his or her parents”.

The belief of the Department of Communities, Child Safety and Disability Services is that the best place for a child is with their family, with Commissioner Tracy Davis affirming the aims of the Carmody Report that “families... get the support they need so that wherever possible, so children can remain at home.”²

ACL supports the Department’s move to make positive changes towards effective intervention with families that will eliminate the need to remove children. This is nearly always in the best interests of children and of the whole community.

This attitude is also emphasised by the Carmody Report, which states:

*Given that the state cannot be a good parent for each child, it makes more sense that it spend its resources on building the skills and confidence of parents to take up their responsibilities as parents.*³

Later the Report states:

Essentially, the Commission is convinced by the argument (backed up by evidence) that wherever possible it is better for the child to stay at home – better for the child, better for the family and better for society as a whole.

ACL supports this conclusion of the Report.

Community Support for Child Protection

While the protection of children is a primary responsibility of government, it is desirable that communities actively work to prevent the need for government intervention. NGOs, churches, and other family organisations should be encouraged and facilitated to play an even greater role in child protection and healthy family relationships.

One example of a community programme is COACH Community Mentoring. This programme supports families going through difficult situations such as isolation, parenting difficulties, financial hardships and unemployment, and so on. Nearly 50 churches are involved in offering the programme, with nearly 300 Coach Mentors actively engaged. The Programme is endorsed by World Vision CEO Tim Costello.⁴

Greater facilitation with these kinds of community programmes would be a primary example of how the Queensland Government can engage in preventative measures, strengthening families and relationships before there is a need for state intervention.

When it’s not possible for children to remain with their families

² Act for Kids, ‘Qld Government’s response to Carmody recommendations’, <https://www.actforkids.com.au/news/qld-governments-response-to-carmody-recommendations.html>.

³ Queensland Child Protection Commission of Inquiry (June 2013), ‘Taking Responsibility: A Roadmap for Queensland Child Protection’, p 10, http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0017/202625/QCPCI-FINAL-REPORT-web-version.pdf.

⁴ See “The COACH Story” promotional video, <http://vimeo.com/53058999>.

The poor outcomes of foster care are now well recognised worldwide. If a child enters foster care and it is identified that their home is not safe to return to, they may well benefit from adoption. In this case, it is of the utmost importance that the child does not remain in out-of-home care longer than absolutely necessary. Jeremy Sammut describes the compounding of trauma on children who face abuse or neglect, are removed from their parents, and continually bounced around in foster care to finally end in residential care before becoming homeless as adults.⁵

Open Adoption

ACL supports the Carmody Report recommendations to move to open adoption for children on the foster system who cannot be reunited with their family. Whilst this has been recommended for very young children as a priority, we would urge the government not to overlook those children who have been in the system for a long time.

Sammut says that anti-adoption attitudes are to blame for the lack of adoptions in previous years and that as a result of these attitudes within the Department many children remain in care for long periods before being placed in residential homes.⁶

Research from the Pyjama Foundation shows that foster children have poor expected outcomes, with 35 per cent entering the juvenile justice system at some point. Expedited adoption is one way to provide a healing environment for these children.

Currently in NSW and the ACT, Barnardos has programmes such as “Adoption From Care” programmes⁷ and Find-a-Family Centres⁸ which focus on early open adoptions from long-term care to waiting parents. Barnardos claims a 90 per cent success rate of long-term care placements due to their “careful matching of individual children with a particular carer”.

Sammut notes that the Child Services Department is already overburdened with the workload it currently carries. ACL urges the Queensland Government to outsource case management and facilitation of adoptions to NGOs.

Management of long-term foster children and guardianship cases, already overseen by NGOs, is very similar to the adoption process. The use of NGOs to facilitate adoptions might also avoid the problem of anti-adoption sentiment in the Department identified by Sammut.⁹

⁵ Jeremy Sammut (2011), ‘Do Not Damage and Disturb: On Child Protection Failures and the Pressure on Out of Home Care in Australia’, *Centre for Independent Studies*, <http://www.cis.org.au/images/stories/policy-monographs/pm-122.pdf>.

⁶ Sammut (2011), ‘Do Not Damage and Disturb’, pp 15-18.

⁷ Barnardos Australia, <http://www.barnardos.org.au/what-we-do/foster-kin-care-adoption/>. Accessed April 14, 2014.

⁸ Barnardos Australia, <http://www.barnardos.org.au/what-we-do/foster-kin-care-adoption/long-term-foster-care/find-a-family-centres/>. Accessed April 14, 2014.

⁹ Sammut (2011), ‘Do Not Damage and Disturb’, p 16.

Child Protection Reform Amendment Bill 2014

This bill has the vital goal of reducing the unsustainable demands on the current child protection system. This was a major theme in the Carmody Report¹⁰ and has been remarked upon elsewhere. For example, UQ Law Professor Heather Douglas has called the system an “absolutely unsustainable model”.¹¹

Any successful system of statutory child protection will acknowledge that prevention is the best cure and will focus on strengthening vulnerable families and sections of the community. The bill aims to emphasise the importance of parental responsibility for the care of their children and their protection from harm. Intervention is rightly regarded as a last resort.

To this end, ACL again stresses the importance of healthy family relationships, especially between parents. Professor Patrick Parkinson, in his 2011 report *For Kids’ Sake*, notes that:

*If there is one major demographic change in western societies that can be linked to a large range of adverse consequences for many children and young people, it is the **growth in the numbers of children who experience life in family other than living with their two biological parents, at some point before the age of 16.***¹²

He cites the “overwhelming evidence” that children do best in “two-parent married families”.¹³

He also emphasises the significance of parental conflict in negative outcomes for children.¹⁴

As mentioned in the introduction, government engagement with community programmes such as COACH is an important method of prevention that will go some way to reducing unsustainable demand on the state child protection system. It should be considered as an important part of first step measures to address the unsustainable levels of demand on the child protection system.

Family and Child Commission Bill 2014

ACL supports the establishment of the Family and Child Commission and the appointment of commissioners to bring Queensland into line with most of the rest of the country.

The commissioners will, hopefully, strengthen the child protection system, make it more effective, and improve dedicated support for families and the prevention of harm to children. The role must not, however, usurp the role of parents, particularly in the realm of appropriate discipline and boundaries in the home. Furthermore, the role must not conflict with parents’ rights to educate their children as they regard best accords with their own beliefs and values, a right guaranteed by Article 18 of the *International Covenant on Civil and Political Rights*. On the contrary, part of the commissioners’ role would be to ensure these rights.

¹⁰ Chapter 4: Diverting families from the statutory system.

¹¹ Rosanne Barrett (August 18, 2012), ‘Increasing numbers of children are staying in care for longer’, *The Australian*, <http://www.theaustralian.com.au/news/nation/increasing-numbers-of-children-are-staying-in-care-for-longer/story-e6frg6nf-1226452912499>.

¹² Professor Patrick Parkinson (2011), *For Kids’ Sake: Repairing the Social Environment for Australian Children and Young People*, University of Sydney, p 47, <http://www.acl.org.au/wp-content/uploads/2011/09/FKS-ResearchReport11.pdf>.

¹³ Parkinson (2011), *For Kids’ Sake*, p 48.

¹⁴ Parkinson (2011), *For Kids’ Sake*, pp 50-51.

Nevertheless, the role is an acknowledgement that parents can fail to exercise their responsibilities to care for their children and that state intervention will sometimes be necessary as a last resort.

Public Guardian Bill 2014

ACL is supportive of a Public Guardian fulfilling the role of an advocate on behalf of children, subject to the caveat above, that the rights of parents to educate and raise their children in accordance with their own beliefs and values.

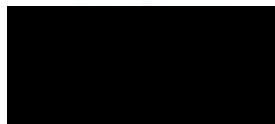
Conclusion

ACL commends the Queensland Government for taking steps to strengthen the child protection system in Queensland. These three bills are an important first step in the process. ACL supports the bills.

Yours sincerely

Wendy Francis
Queensland Director
Australian Christian Lobby

Yours sincerely,



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