



HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE

Members present:

Ms L Linard MP (Chair)
Mr MF McArdle MP (Deputy Chair)
Mr SE Cramp MP
Mr AD Harper MP
Dr MA Robinson MP

Staff present:

Mr K Holden (Committee Secretary)

PUBLIC FORUM—EXAMINATION OF THE CHILD PROTECTION REFORM AMENDMENT BILL 2017

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 19 SEPTEMBER 2017

Palm Island

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Committee met at 11.14 am

CHAIR: I now declare open this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee of the Queensland parliament. I would like to start by acknowledging the traditional owners of the land on which we meet, the Manbarra and Bwgcomlan people, and I pay my respects to elders past, present and emerging.

My name is Leeane Linard and I am the chair of the committee. My fellow colleagues here are Mr Mark McArdle, who is the deputy chair of the committee and the member for Caloundra; Mr Sid Cramp, the member for Gaven; Dr Mark Robinson, the member for Cleveland; and, of course, your neighbour here, Mr Aaron Harper, the member for Thuringowa, who was just here recently. Today's hearing is part of the committee's examination of the Child Protection Reform Amendment Bill, which was introduced by the Minister for Communities, Women and Youth and Minister for Child Safety Shannon Fentiman recently—on 9 August. Our committee is required to report on that bill by 28 September 2017.

There are a few procedural matters that I have to mention before we start. This committee is a statutory committee of the Queensland parliament and as such represents the parliament. Hansard is here. Mandy will record the proceedings and you will be provided with a copy of the transcript. Given the sensitive issues in relation to child safety, which may be raised during the hearing today, I remind members and witnesses that comments should not identify a child subject to the Child Protection Act, or the Youth Justice Act. As I am sure you will appreciate, we want to protect the privacy of those children. Comments should also not refer to any matters before the courts.

Before I welcome formally Natalie and Rachel, the committee is very happy to be here. It is really lovely for us to come to see, firstly, your beautiful island. Even in the rain, it is absolutely stunning. It is a pleasure for us and a real honour to be able to have the opportunity to hear from the community directly. That is of what is of most value to us—to hear about whether the bill is a good thing, whether it can be better—so that we can take that back to Brisbane in our comments and report on that in the parliament. We appreciate your expertise. That is what we are here to learn from. I want to acknowledge that we have Councillor Roy Prior in the room. Thanks for coming today.

ATKINSON, Ms Rachel, Palm Island Community Company

LEWIS, Ms Natalie, Chief Executive Officer, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

CHAIR: I welcome our first witnesses. Thank you both very much for coming and for allowing us to ask questions. Can I offer you both the opportunity to make some comments for the benefit of the committee and then we can ask some questions.

Ms Lewis: Thank you for hearing from us this morning. As a Gamilaraay, I am a guest on this country. I acknowledge the traditional custodians and the contemporary keepers of this place. I particularly acknowledge the elders not only here today in the room but all of those who have struggled and pioneered in the interests of our children and families on Palm Island and across this nation.

I am the chief executive for QATSICPP. We are a very small peak body. We have seven employees. Our primary role is to provide advocacy and advice around matters that impact upon Aboriginal and Torres Strait Islander children and families and, most notably, those who interface with the child protection system. The secondary function of our organisation is to work with our member organisations, which are 26 community controlled organisations across the state, to build capacity and work around a quality agenda in the delivery and design of services that are intended to benefit our children and families.

We have been fairly actively engaged in the development of the bill. We provided submissions in response to both the first and second options paper. As part of the consultation process for the second options paper, we did extensive consultation and submitted a separate report to the Palm Island

government, which detailed the key themes and feedback that was provided about eight discrete communities across the state. We have provided a copy of the Palm Island summary for your benefit this morning.

CHAIR: Before you move on, would you like to table that so that we can make it a formal document? Is leave granted?

Mr McARDLE: Yes.

Ms Lewis: I also want to be really clear that those consultations and our ongoing engagement with our member organisations formed the basis of the submission that we provided to the committee in response to the bill. Although I appreciate that there may be specific questions that are asked of QATSICPP in terms of our submission or our organisation's position with regard to the bill, I also want to be clear that it is not our role to speak for this community. I am very conscious of not monopolising that time and space, because there are people participating in this hearing who are best placed to speak about the true impacts of potential legislative reform on children and families in this community. I want to be really clear and respectful with regard to not taking up too much time. It is more our role to create space for those people who are most interested in the outcomes to have a voice here.

CHAIR: Thank you very much, Natalie. That has been really important to us, too, which is why we have that luncheon dedicated session. Rachel, would you like to make some opening comments and then we can ask some questions?

Ms Atkinson: Yes. Just to give you a brief background of the Palm Island Community Company, it has been operating for nearly 10 years. I have been working in this company for nearly 10 years. It was an initiative that came from the state government at the time in terms of building capacity for the people of Palm Island. I think that we have far exceeded the expectation of what the Queensland government wanted from us.

First of all, I want to acknowledge that we have some elders here. Iris White is the chair of our elders advisory group. Luella is also a member of our elders advisory group and there are other people who are part of the Palm Island Community Company.

CHAIR: Thank you, welcome. Thank you for coming.

Ms Atkinson: In my role, I also sit on the national peak body of Aboriginal and Torres Strait Islanders—SNAICC—as a director. The Palm Island Community Company is a member of QATSICPP. We very much have a strong presence in the work that is coming from QATSICPP and we feed into that.

In regard to this article that has been tabled, the *Palm Island*, the people who sat around the table are some of those people who are sitting here today and some other members of this community, the yarning circle. There were women there who really spoke from the heart and that is the catcher of some of the comments they made.

As Natalie talked about, I have had many, many years—I will not say how many decades—in lobbying for self-determination and the rights of our communities across this nation. It is a good time that we are having this conversation about self-determination and returning the decision-making to the communities. Our system has failed us. As we all know, we have the whole history of the stolen generation. As Aboriginal people, that hurt our community right across the nation. I think the workable solution is that we need to take ownership and responsibility and be given the authority to start looking after our children.

The other key point that I will talk about is where our grandparents sit in on this and the role they have taken. The impact on our elders and our community grandparents is probably one of the key elements that needs to be incorporated, or spoken about.

CHAIR: Rachel, can I just ask for clarification? Would you mind giving us an idea of the important work that the company does and what it delivers?

Ms Atkinson: At the moment, the Palm Island Community Company has a \$9 million budget. Under the Palm Island Community Company, we have a skill based board. Sorry, I have to acknowledge that Luella is one of our directors on the board. We have a traditional owner. I think that you might have met Allan Palm Island this morning. It is a skill based board. The majority are local Aboriginal Palm Islanders who sit on that board.

Just to talk quickly about what the Palm Island Community Company provides, we have a safe house here. Children who are removed are placed in the safe house. That is at the discretion of the government. It is not our judgement. We cannot decide who goes there. I have to say that it is a pleasing result that we have not had to have children placed there for a number of years, but we have

children come through for reunification. We also have the women's shelter. Attached to the women's shelter we have four units for women and children who are escaping domestic violence. We also run a women's yarnning circle and a women's group in that area.

We have this place where we are sitting today. On that side of the building we have a fully qualified accredited primary health service. We access all the provisions under Closing the Gap, which is a first in the history of Palm Island. Outside of Joyce Palmer, we have a medical service. This is a state government funded facility. It is an early childhood, maternal, family wellbeing service.

We are also funded for the family wellbeing service. Previously, we used to have the family hub. It is now the wellbeing service. It works with children who are at risk and families who are at risk of children coming into care. We focus a fair bit on that with our program. We are also rolling out the NDIS with adults and children. That is a challenge and another story with the NDIS. We all know those stories.

We do a night café and a night patrol, protecting and keeping the kids off the street. The night cafe is run here. To increase school attendance, we provide a breakfast program as well as the school tuckshop. We have branched out in social enterprise. We are keeping local employment happening in the community through our social enterprises as well as our social services. Just to get a perspective, about 93 per cent of our employees are Aboriginal and the majority here are on Palm Island.

CHAIR: You have a few things going.

Ms Atkinson: Just a few. Basically, we say that there is no wrong door and if anybody cannot come through our door, our commitment is to ensure that there is someone out there who can service whatever is happening. Some of these people who have presented today are Palm Island employees.

CHAIR: Thank you very much. Thank you for running through those services and thank you both for your opening comments. Natalie, can I second what you said earlier. We are really looking forward to hearing from the elders on the island and the people who are living here. It is really valuable for us to hear their views around recognised entities and to hear about all the services that you are providing here. We will open it up to the different members to ask you some questions. We might start with Aaron, who is the local, the member for Thuringowa, and then move down the line.

Mr HARPER: I welcome your input into the bill that is before us as a committee. It is often said that George Street writes the bills, but we need to go to the communities and hear from locals about how it works from the ground up. This is an excellent opportunity to be here on Palm Island to hear from everybody here today. Some of the aspects of the bill talk about self-determination and also permanency of care. We heard diverse views in Mount Isa yesterday, particularly around permanency of care. I would really welcome your comments, both Rachel and Natalie, around those particular aspects of the bill and what that might mean to your organisation in terms of what you do here on Palm.

Ms Lewis: Let us start with permanency. We make it clear in our submission that we are supportive of the definition of permanency in recognising the relational, physical and legal aspects of permanency. We are also supportive of the introduction of permanency goals being required with regard to planning for children in out-of-home care. Our support stopped short of the permanent care order itself in that we feel that, with the other amendments that are in place and with the existing provisions that pertain to, for example, a long-term guardianship order, permanency and stability of children can actually be achieved through those mechanisms.

With regard to a permanent care order, even though there has been a lot of discussion about the threshold and that it is unlikely to be the go-to option for all children—that there is a process and the threshold would actually be quite significant—our concern really comes from a lack of confidence in terms of the administration of the act through the child protection system and practice as it exists at the moment. We are concerned that without significant triggers in place to revisit options around reunification and without compelling the comprehensive mapping of kin to identify placements where a child is not needing to be removed outside of their kinship structure, with those things not in play, the concern is that children will be expedited to permanent care orders and somehow a child's right to cultural continuity will be, as it is now, a secondary consideration. We do not believe there is significant enough emphasis given in the making of that order to understand the lifelong enduring impacts for a child of disconnection from their culture. Without the strengthening of those provisions and without a positive obligation being put on the department in terms of the demonstration of their adherence to the child placement principle—all five elements—then we are concerned that those orders will be made in isolation of that decision about the impact on a child and on their community and family when a child is permanently removed from their care.

One of the other concerns in our interpretation of the proposed amendments and the introduction of the permanent care order is that on the other side of that order all of the rights are vested with a carer. It seems that there is not sufficient emphasis around the rights of a child and the opportunity for a child to have a voice. That is not even a consideration when we are looking at children who developmentally are not at an age where they can speak for themselves. In the making of a permanent care order, for example, of a child who is three or four years old and not able to articulate obviously the long-term interests, we are concerned that the only opportunity to revoke that order is on the initiation of the carer. With the department stepping back and having a less hands-on, oversight role of the order and the impact on the child, I think that is a particular concern. Even in the explanatory notes, there is discussion about being able to limit or alleviate the trauma or challenges for a child when their parents are continually appealing. For me, the fact that a family has not given up and that they want to continue to exercise their rights to have their child returned safely to their care but on the other side of that order their voice is removed from that proceeding based on convenience of having to go back to court again I think is very concerning.

Mr HARPER: Thank you very much, Natalie. I think you articulated that point well. We heard yesterday at Mount Isa about the need to simplify the language around that broad heading of 'permanency of care'. Do you think we should be putting some other framework around that particular use of language so it does not have that kind of impact on families? Yes, you are right—as we have discussed, people do change and want their children back. I will move to you in a second, Rachel, for your commentary on the same question that I just asked.

Objective No. 2 is very clear within the bill. It is to 'promote the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures'. I was really interested in looking at your notes that there has been no consultation with the community on Palm before they take a child, albeit it has been some years. It was a departmental decision. I think the intent of the bill is to connect with communities first—that is why we are here. I welcome your comments, Natalie. Rachel, would you like to add to that?

Ms Atkinson: I concur with what Natalie has just spoken about. The language itself, to me, just brings back the old thinking of the stolen generation—that it was in the best interests of the child. Let me tell you that it was not. We are still trying to sort out the traumas that have happened. When it comes to permanency and any children being placed in foster care—I do not know the strongest words I can say. It has to be a last resort and evidenced by the department that at every step of the way community, family, our peak bodies, our authority within our communities, particularly here on Palm, have been consulted. There are organisations that are set up—our justice group, our Elders Advisory Group. There are some very strong voices. The concept of permanency should never come into the language. It should be, 'What do we do here to prevent that?'

I want to emphasise that I have witnessed in all my practice some very powerless families sitting there not having a clue what decisions are being made about their families and nodding their heads. That practice has to stop. That is a cheap, quick shot for government, for the department, to move on to another case. I have sat in these forums where families have nodded their head and agreed not really knowing what they have agreed on. We all look to do things in the best interests of the child, but permanency should not be in our language unless it is fully comprehended, the child placement principles are evidenced by the department—they have done that in practice—and the authority groups in the communities have been consulted.

Mr HARPER: Thank you very much, Rachel. I appreciate it.

CHAIR: I acknowledge Mayor Lacey, who has just walked into the room. Thank you for joining us and thank you for our meeting this morning. I invite the member for Cleveland to ask questions.

Dr ROBINSON: First of all, it is a real pleasure to be here and I acknowledge the traditional owners and elders past, present and future. I have lived in Townsville for some block of time in my life and have had some involvement in Aboriginal and Torres Strait Islander education. That helped me in my younger years to appreciate some of the differences between different cultures in Australia and also some of the strengths that different cultures bring. I also have recent experience in parliament of being the member for Cleveland, where I am informally the representative of the Quandamooka people in the parliament. I take on that role myself in a sense. There are all the proper bodies and structures through which communications and programs are delivered, but in terms of my own interest I do all that I can to represent the Quandamooka people and their needs. I see some parallels and some differences as I am learning more about Palm Island, so I come with that interest.

I am interested to hear from Natalie, Rachel, the mayor, councillors and any community members feedback along the lines of self-determination and local decision-making and inputs into decisions about individual children and how do we do that better. This touches on the bill to some Palm Island

degree, but it is a broader question. How do we do that better to involve local people in the decisions that are impacting on children? I would be interested, in a general sense, of how you do that. What is your practice now and where do we need to go?

Ms Lewis: The proposed amendments with regard to the establishment of an independent Aboriginal and Torres Strait Islander entity and the broadening of what constitutes an entity are certainly a step in the right direction. In our consultations there was some commentary from members of the community that were really, to me, quite compelling. They were simple solutions. It was simply that, if the department is concerned about the safety or wellbeing of any child on Palm, just ask us first. That is exactly what they thought was required. That is what is enabled through the legislation. It is about then allowing community to activate their own agency and to utilise their own networks to act on their obligation to ensure the safety and wellbeing of their own children and to come up with a way to ensure that that child can be safe and can be well and can thrive without the need for statutory involvement.

At the moment, in terms of the recognised entity, I think that is quite narrow. One of the problems with the recognised entity is that it vests authority in an entity that may have no connection or no involvement and no authority for a particular community. What it does essentially is that in many situations it displaces the rights of families to participate in the decisions that are made about their children. If the family do not feel safe and do not want to engage in a process, the department's only requirement is to engage the recognised entity. As long as the RE is sitting at the table when that decision is made then there is no requirement for them to seek the authority or the involvement of the people who are most profoundly impacted by decisions about that child. I think that is one of the really significant shifts in the legislation—transitioning what is currently a resource for the department to meet their statutory obligations to a resource for communities to have a voice in the futures of their kids. That to me is the essential difference. Participation is the most significant mechanism for self-determination.

MORTON, Ms Elsa, Coordinator, Palm Island Community Company

Ms Morton: My name is Elsa and I am from the PICC safe house. I am the coordinator of the safe house. I agree with what Natalie is saying. I also think that the department of child safety should have cultural awareness of children if they are going to have REs go out and decide about that family. That is my view.

BLIGH, Ms Luella, Member, Elders Advisory Group

Ms Bligh: My name is Luella Bligh. I work for Child Safety. Since I have been there, which is going on five years, we have not removed any children from this island. In fact, we are on the verge of reunification of two more families. But there is something that upsets a lot of our carers in this community, and that is Torres Strait Islander REs telling Aboriginal carers how to raise their kids or, like you said, making decisions on their behalf. That would be unheard of in the Torres Strait if an Aboriginal went up there and told them what to do.

I know for a fact that TAIHS has three or four Aboriginal women in their recognised entity. In fact, they have all got ties to Palm Island but they are never used in that capacity. It upsets a lot of our older people to see Torres Strait Islanders coming in and telling us what to do. We are two different cultures. Ours is the only continuous surviving culture—60,000 years compared to 15,000 years. But still enough that is the trouble with governments: they lump us together and they should not do that. We would like to see Aboriginal REs advising on Aboriginal families.

CHAIR: Before we move on, I seek leave of the committee to table a report that the mayor has provided, titled *Palm Island, improving livability, growing the economy, protecting heritage*. Can we seek leave to table that? Leave is granted. Thank you. We will table that document so we can read about the island.

Ms Atkinson: Do you want to ask that question again, because I will move on to what Luella spoke about. Currently, there is what we call the recognised entity. There are some flaws in that in terms of the workers are not part of this community. They come in and make judgements. One of the reports that we just tabled that came from the elders talked about how we, as Aboriginal people, could be the voice of our families who live in this community and right across the nation. Someone gave a simple response when they talked about the two different cultures. One said, 'We're not the same, even if we have to tick the same box on a government form,' which in most cases is, 'Are you Indigenous?' We do not like that word. We are either Aboriginal or Torres Strait Islander, or not. Kin is the same blood, skin and country. We are totally different from Torres Strait Islanders.

My point is that the REs are funded entities that have key indicators of what they have to do. They are cultural advisers to the government. They go out and knock on people's doors. They are not influential in terms of making decisions about what should happen with families. We are asking that 'entity' becomes a broader term. In this community we have the justice group, which is another organisation under the auspice of the Palm Island Community Company. We have the elders advisory group. First and foremost, families are the entity. If an individual cannot make a decision, they know who to bring in to guide and help them in terms of what should be the best outcome for the child. In terms of self-determination, the RE in its current form is not the way for our future. Our future is self-determination by making this community, and right across Queensland, key stakeholders in making decisions as to what should happen to their children and not lump the two cultures together. We are different. The lady who made the comment earlier about this document and who said, 'Come and talk to us about our children' is a local Palm Island social worker. She is so strong in her words when she referred to, 'Come and talk to us. We know what is best for our families.'

CHAIR: Thank you, Rachel.

Mr CRAMP: With regard to the recognised entities, it is very interesting that you say that that term, to some degree, flies in the face of self-determination. Would it assist if more recognised entities came from local communities? It sounds like you have some recognised groups here.

Ms Atkinson: I was saying that we need to take out 'recognised' and not have one entity. We could have two lots of entities.

Mr CRAMP: Absolutely.

Ms Atkinson: The recognised entity in its current form, no. We should look at developing better, smarter ways of having entities right across the state. Here on Palm Island, we have groups who could be. First and foremost is the family. From there it could be a team. That team could be made up of elders, families, or a support person. That is my vision of an entity—not a structured RE who is going to come to make decisions about this particular family in this community, or on Mornington Island, or anything, because they are not from there. They have to come from this community.

Mr CRAMP: A recognised entity does not have to be an individual, though. It can be a group such as your elders group.

Ms Atkinson: That is what I am saying.

Mr CRAMP: Even under the legislation more thought needs to be put into it and, from the sounds of it, a lot more consultation needs to be had with local communities prior to recognising an entity. There are two groups who you have just named, being the elders and the justice group, who can form your RE for this area. As you said quite rightly, you could extrapolate that across the state. Although the communities are different, I am sure they would have the same form of elder and leadership groups. I am happy for any more input into that.

Ms Lewis: If I could add that the other significant thing is that it is independent. To me, in the way I interpret that, it is independent of the department. It is not there to serve a purpose, or a function, or to prop up the cultural capability of the department; it is to ensure that families are able to exercise their rights to participate in decisions about their children. The independence is absolutely important.

How an entity is constituted will look different and should look different across the state. I think that the definition as it appears in the bill is sufficient to allow that flexibility. There is absolutely a requirement for the department to build their cultural capability to perform its functions, but that is not in competition, or it should not be viewed as a strategy that then enables self-determination of a community to be undermined. Do you know what I mean?

Mr CRAMP: Yes.

Ms Lewis: We have heard some of the things like, 'Yes, it's great. We've increased the number of Aboriginal and Torres Strait Islander people employed by the department,' but if that is used as a proxy to absolve the department from seeking the input of local people and families, that is not effective and that is not self-determination. I think we need to be really cautious. There are two distinct strategies. Even if the department had 50 per cent Aboriginal and Torres Strait Islander people working within a system, it is a system that is not congruent with Aboriginal and Torres Strait Islander culture. It is not something that can be used in lieu of allowing people to participate in decisions about their kids.

Mr CRAMP: Effectively, REs could assist with self-determination, but they really have to be born from the community?

Ms Lewis: Yes, and they need to be independent and clearly not there to perform functions that are legislated for the department.

Ms Atkinson: For that to work, currently at the moment, the Queensland government funds the REs. The very same department that is funding them is supporting and advising them on culture.

Mr CRAMP: There is a potential conflict of interest there.

Ms Atkinson: Absolutely. We are saying that we could set up these entities and resource them, but they are independent of the government.

Mr CRAMP: Absolutely.

CHAIR: Before you ask the next question, I want to acknowledge Councillor Geia, who has just come into the room. There are also a number of additional community members. Welcome.

LACEY, Councillor Alfred, Mayor, Palm Island Aboriginal Shire Council

Mayor Lacey: Can I say something?

Mr CRAMP: Absolutely. Certainly, Mr Mayor. May I encourage everybody who has something to say in answer to any of the questions, please do so. We are only too happy to move the microphones towards you.

Mayor Lacey: In terms of listening and setting the terms of the recognised entity, if we take a snapshot of the history of child protection, particularly the relevant SNAICC and the role that the IACCA played in terms of that community control model—the new language is recognised entity—in the early days it was the AICCAs, the Aboriginal and Islander Child Care Agency, that played that role. A community model is really important. At the moment, we are being governed by Townsville. Townsville is the recognised entity for the shire.

Ms Bligh: Yes, they are a section of TAIHS.

Mayor Lacey: If the bill allows more flexibility, then it should be up to the community to inform the minister in that the blanket approach is not working and that we need an individual approach—exactly what the council said this morning in terms of how we engage the community more and get more involved, particularly when it comes to child placement and getting families being the decision-maker.

The thing I would hate to see—and no doubt other community members would hate to see—is that we are building another bureaucracy for the sake of it. We are telling the government to go this side and then we want to develop another bureaucracy and be mired in red tape when the front and centre of it should be the care of our children, which is paramount.

How that rolls out, certainly, I think it gives you as a parliamentary committee the opportunity to reflect that one size does not fit all. I think that we have to move away from that one size fits all. What works in another community does not necessarily work here. It is giving the community an opportunity and empowering the community to be the decision-makers around implementing a new child protection system, or advisory system in terms of when kids come into care.

Mr CRAMP: Some strong references regarding permanent care orders have been made both in this meeting and yesterday at Mount Isa. I have heard from submitters—and it makes sense—that they want to see the permanency of care for children, especially in local communities, and that the less we move them around the better. However, there have been lots of references—and I say this with utmost caution and respect—to the stolen generation. We certainly do not want to go anywhere near any such thing. The communities want permanency for the care of the children. Currently, we have long-term guardianship orders. The permanent care orders would be another level on top of that. However, from the sound of it, we need to put more thought into how that operates. Natalie brought up the fact that, once that is done, if the child does not have Gillick competency, or is not deemed competent to make their own decisions, there needs to be further avenues for input into that child's care, perhaps again from recognised entities, or community leaders themselves. Does the community and organisations like yours have any thoughts on permanent care orders? Are they a possibility, but we need to look at how they are operated?

Ms Lewis: Again, part of it is a language thing. We hear 'permanent care' and we automatically think of the legal option. If you have not seen it already, a position paper was released by SNAICC and QATSICPP, which is about achieving safety and stability for Aboriginal and Torres Strait Islander children. It actually talks about exactly the same goals and intent without using the language of permanency, because that is confronting and conflicting and actually stops exploration of the options we can use to achieve stability for children.

One of the things that I would like to raise around the permanent care orders is that not nearly as much scrutiny is placed on the making of the order as there seems to be on revoking the order. We cannot use the creation of a new order type offence, a new name, that appeases parts of the community as a bandaid for poor practice. If Aboriginal and Torres Strait Islander communities are empowered to lead and be actively engaged in the decision-making process, you would not have issues like inadequate mapping of kin, you would not have races to placement with a non-Indigenous carer because that is what we can expedite quickly and that is what is available to us as that is who is on our books. If we actually had Aboriginal and Torres Strait Islander people connected culturally in a significant way to that particular child, I would suggest that you would very rarely if ever find a situation that if you have properly mapped kin you could not come up with an option where that child could stay safe and connected. That is a practice issue.

When we are talking about the cultural capability or competency of the department, sometimes that best demonstration of cultural competency is when you know you are not best placed to do something. If the department does not know that child or their family or their community, then they are not the people who should be making decisions about where that child is placed. If they are able to consult with Aboriginal and Torres Strait Islander people from that community and with cultural authority within that community, I do not think you would ever come up with a situation where you could not find some way of securing the safety and care of that child to make the first placement the right placement.

NORMAN, Ms Rosina, Elder, Member, Palm Island Community Justice Group

Ms Norman: We are forgetting that it is the blue card that holds us back. We cannot get our children if only one of us in our household has a blue card. We cannot get that child of ours back, because of that blue card. When is that going to be lifted or looked at? We have a Safety House here. That should be used. There should be at full potential. Did we get it to be a white elephant?

Mr CRAMP: Rosina, the blue card is an issue that has come up several times. We have heard various things about it. I am happy to let this discussion go where it may. Would anyone like to tell us what they see as some of the barriers with it? I am mindful of not going too far away from the bill, but I would like to hear feedback about that issue.

CHAIR: We have questions too and then maybe we can open up at the end. We want to hear everyone's views. I am mindful we have specific questions that we need answers to and then we can throw it open.

Mr CRAMP: We may come back to the blue card and get your input in regard to that; would that be okay?

Ms Norman: Yes.

Mr CRAMP: My last question is around evidence. I refer to page 12 of your submission, Natalie. For the benefit of the room, this is about how, to ensure proper adherence to the five Ps when making sure that children are placed properly, there needs to be evidence. I asked Candice about this yesterday and I want to clarify it with you, Natalie, and I am happy to take further input. You would like a minor amendment to section 59 of the act to ensure that there is evidence of action in the proper placement of children. On the top of page 13, your submission refers to 'a sworn statement of adherence to and demonstration of application'. My first question is this: is a sworn statement enough? If groups such as yours or the community were not satisfied, should there be room in the bill to ensure that there is a right of appeal if a sworn statement is not believed? I could write a sworn statement and I could lie on that sworn statement. Therefore, should there be room to ensure that, if the recognised entity or peak group or the community are not satisfied with that sworn statement, further evidence is brought forth via request or whatever means? Is that where you are going with that or is a sworn statement sufficient?

Ms Lewis: Since we have written this, we have been spent some time with a lady by the name of Dr Sarah Kastelic, who is the chief executive of the Native Indian Child Welfare Association, NICWA, in the US. One of the things that they have introduced, because they struggled with an issue very similar to one that we had, is that they had provisions such as our child placement principle reflected in this one-dimensional way, being a placement hierarchy. There was also a requirement in the act as it stands at the moment to consult for the purposes of cultural advice, which are fairly passive things. One of the things that we would see with the RE was that the onus on the department was just to attempt to seek that advice. Even if the RE did not pick up the phone or know the family or the community, that was sufficient and they had met their obligations. They have made an attempt to get that advice. Whether that advice had anything to do with the safety and wellbeing of that child does not matter. We were suggesting that that threshold needed to be increased; that the obligation on the department to give effect to those five principles is something that will drive positive change and also reform practice in terms of the department by lifting the bar.

One of the things that they have done through NICWA is the introduction of active effort regulations. That was a set of federal regulations that applied to the administration of the Indian Child Welfare Act in the US. They developed that for the very same reason, because of this passive notion of cultural advice. The way that that was operating in the US was very similar to how we see the experience of the recognised entity in Queensland. Active effort regulations, as they appear in the US context, actually talk about a positive obligation. Whoever is seeking the application for an order must demonstrate that they have adhered to these things. It is very similar in the way that we have tried to construct it in our submission.

The difference is that the regulations provide clear examples of what would constitute satisfaction of the prevention element. In a statement they might need to articulate the efforts they have made to support families to access the services that they need to keep their children safe; do those services exist; are they of quality; are they culturally appropriate? They would actually need to demonstrate those things in seeking an application for an order. Whether it is around a sworn statement or whether it is about providing examples of what constitutes adherence, I think we need to raise the bar. At the moment, just being required to ask an RE is absolutely unsatisfactory.

Mr CRAMP: That explains the demonstration of application, which was going to be my next question. I was going to ask you to unpack that a little and you have just pulled it apart.

Ms Atkinson: On what Natalie talked about, our submission would be that, as part of the child placement principles, there are five key elements and any departmental officer who is going to make a decision to remove a child must go through their process. Added to that, we would ask that they show that they have made every effort to not get to that point. They must show what they have done. That means it is not a departmental officer and the courts and everybody else sitting there and agreeing with everything that comes out of the court. I think the more evidence the Child Safety department has to show, you will see there will be a decrease, because they will have to now demonstrate, we would hope, that they have met all obligations in terms of not getting to the point of going to court.

Under those child placement principles that they are going to have to demonstrate, there is going to be a decrease in our kids coming into care. Palm Island has demonstrated that. If you look at those five placement principles, we are doing them; they are part of our work. For these ladies and some gentlemen who are sitting here today, their everyday work is looking at the big outcome which is the reduction of Aboriginal kids coming into care from this community. The evidence is there. We are doing it.

Ms Lewis: That may be strengthened even further: if an entity is engaged, they provide a response to that. They actually could provide a similar statement in terms of the efforts in terms of prevention, around participation of families in decision-making, around consideration of kinship placements as a first priority for placement. The court could have a more balanced view of the application of those five elements, if the active efforts from the department were written in the submission. Similarly, if the independent entity were able to speak to adherence, that would provide a more balanced understanding of whether or not they are being complied with.

Mr CRAMP: You have also demonstrated that your peak body groups have experience, knowledge and expertise in child placement. We really have a reference group already that can decide whether that is—

Ms Atkinson: We have the justice group and the community elders.

Mr CRAMP: Absolutely.

Mr McARDLE: I acknowledge both the councillors and the mayor and, of course, the elders and all those from the community of Palm Island here with us. Natalie, this document contains quotes and straight words. The quotes we can take as being made by the elders in the community and all who reside on Palm Island.

Ms Atkinson: Yes.

Mr McARDLE: I want to go to the issue of self-determination. I understand what the wording means, but I am trying to understand what your community means by 'self-determination'. There are quotes I can go back to such as 'return the decision making back to the community'. I think that was your comment, Rachel or Natalie. Another is 'we need to take ownership and responsibility'. In our meeting with the mayor and the councillors today, it was proposed to us that the decision should rest with an elder group as to whether a child stays on the island or leaves the island. That is self-determination. I want to go one step further. Whilst I understand that, what role does government have in that process, because self-determination can mean many things? Does it mean total independence or does it mean to a point at which a body outside the island community steps in? This is for my clarification. Rachel, perhaps one of the elders can explain what you mean by 'self-determination' beyond the child staying or leaving here?

Ms Atkinson: I want to re-emphasise that the document that you have with the quotes came from the elders group of this community, as well as some of our elders who participate in our yarning circle. That is the quotes. A quote that I read out before was from a Palm Island lady who is a qualified social worker. Her simple solution is that this is our future. When we talk about Palm and what needs to happen, the elders in their own right or a keen group of people in this community in their own right should be able to make that judgement call as to whether or not that child should be taken off the island or what should happen to that child. That will mean that the government has to shift their power. When you look at the history of child protection, they have not got it right. We still have an overrepresentation of Aboriginal children in care. The government needs to say, 'We've not done it right and we need to shift our thinking and our power structure and hand some of that'—what you just spoke about—to entities within this community'. It could be right across the state. Shift that power and I think you will be surprised, because not one of us sitting here today would ever want to make a Palm Island

decision where our child or a sibling group would be harmed or hurt. They are going to make the call in the best interests of that child. I think the wealth of organisations and community members and elders and individual family groups here can make that judgement. How do we shift that power for that to happen? The government has to let go of some of that; that is my view.

Mr McARDLE: Would any of the elders like to make a comment about that?

Ms Norman: I agree with it. We need full control to stay here on the island. I would like to see control stay here. We have our safe house. We need the elders and their justice group involved. I agree with Rachel.

FRIDAY, Mr Robert, Member, Palm Island Community Justice Group

Mr Friday: What we are talking about here is child protection. The children need protection. You cannot take them. They are the property of the mother and father. It is family business. The government cannot take them. What happened in the past has been dealt with. We dealt with it about three or four years ago with Sorry Day. Prime Minister Kevin Rudd came here and said sorry. We already accept that. We must forget about the past. We must move on from the stolen generation. What the community is doing now in child safety is good. They are helping the parents.

I know the kids are undisciplined. I see them every day stoning the police station, running away from the police. It happens every day. They are very disobedient and the parents are not doing anything about it. We have reports coming into the community justice group that children are getting hurt. The only way you can bring this all back is to stop alcohol from coming on to the island. We are trying to stop all of that. We put them in jail for DVO. We have done all of that and they are back again. They are doing the same thing over and over. I am sitting there in the courthouse. I got a few of them out of the courthouse. I dealt with all of those cases. I deal with children today in the courthouse—all sorts of problems. Something has to be done about child protection today.

I cannot accept a blue card because I am an elder. It belongs to the mother and father. I cannot deal with it. The blue card is not my problem. It is the mother and father. If the mother and father cannot deal with their children, their children are going to end up in Cleveland Youth Detention Centre. They are breaking the law here. I know a lot of law breakers here. I do not believe them. I never do believe them. If they cannot look after their children, what are we going to do about it? We have been supporting their family for nothing. They cannot even feed their kids. These little kids are coming up to me asking me for \$5 because their mother and father will not support them and give them something to eat. That happens every day. I love my job in the community justice group. It makes me so angry. I have done domestic violence cases. I have done a lot. I am still in the justice group. What is going on? That is what I would like to know. What is going on in the community?

Ms Atkinson: I think the voice coming out there is that, until we have community empowerment and the responsibility for decision-making is given back to the community, we are going to continually be at that learned helpless stage. The more strength we can give back to the communities the more that will empower us to start making judgement calls. It will take some of that frustration and hurt and suffering away from a lot of our elders. You hear about that learned helplessness. 'What do we do with these young kids? What do we do?' Give the solution and the responsibility back to the communities and it will help heal and start to strengthen the communities. I can hear that frustration coming from uncle there today.

Mr McARDLE: Rachel, would you agree that the term 'self-determination' on Palm Island really comes back to government moving back—

Ms Atkinson: Absolutely.

Mr McARDLE:—and allowing the community to take control of the destiny of their children and grandchildren et cetera?

Ms Atkinson: Yes.

Mr McARDLE: Would that also require the term 'self-determination' as it appears in this bill to be explained in that manner? It does not quite mean that in the act.

Ms Atkinson: My interpretation of self-determination in this context is giving the decision-making back to the communities and ensuring that their voice and what they are saying is respected and accounted for in any decision-making on children who have come to the attention of the department. In terms of self-determination, we need to start strengthening and empowering our communities, particularly these entities. My interpretation of 'entities' is our elders group, our justice group, the council and other key stakeholders in this community. We need to start giving that responsibility back and support that. Do not just walk away and say, 'It is all your responsibility now.' We need to resource and support that and build that capacity up within the community, letting go as you are building that capacity. That is what I call self-determination.

Mr McARDLE: I want to turn to the issue of permanency and the word 'permanent'. The submission by Queensland Aboriginal and Torres Strait Islander Child Protection Peak looked at permanency. They opposed the proposed order as it currently stands and said that permanency 'presents harrowing echoes of the Stolen Generations'. Rachel, you made the comment earlier that the word 'permanent' should never exist.

Ms Atkinson: Yes.

Mr McARDLE: Does that word to you bring back echoes of the stolen generation because of the potential outcome of a child being removed? Is that part of what you see as a potential concern with a permanent care order?

Ms Atkinson: When I think of permanency I instantly get a vision of despair. Permanency is taking away that child and placing them somewhere else never to come back or never be reunited with their community or their family or their culture or where they connect. The concept of permanency in terms of how I see it is going to mean another lost generation here. In our language in my culture as an Aboriginal woman nothing is permanent. At the moment I might have 10 of my grandkids with me. That is not permanent. I am going to work with the family to get those kids back. Permanency in our language should never, ever be entered into any legislation when dealing with Aboriginal children. It does regurgitate and gives me, as I said, that vision of despair. No. We cannot go down that path. I grew up when children were removed and never to come back. That is what my interpretation of permanency is. The assimilation policy—they took children away to assimilate them. They took children from this community, my community, and everywhere to assimilate. That was then the beginning of the attempted annihilation of Aboriginal children.

Mr McARDLE: Natalie, you probably were not as strong. You said that you could envisage something that had reunification as part of the outcome and also triggers as to when a review would take place for that to occur. Am I wrong in my commentary as to what you said?

Ms Lewis: I think that that can be accommodated under the existing long-term guardianship provisions.

Mr McARDLE: Not permanent care orders?

Ms Lewis: No. Permanent care means the child is not going home, not to family, not to community and often not to their culture.

Mr McARDLE: You would certainly endorse Rachel's comments and the elder's comments as well?

Ms Lewis: Absolutely.

Mr McARDLE: The other point that concerns me about permanent care orders is that when you look at the bill only the director of litigation can make an application to vary a permanent care order. For example, if my wife and I separated and our children went to live with their mother, at some point in time before they turned 18 I could make an application to get them back for various reasons. Under a permanent care order I cannot do that.

Ms Lewis: That is right.

Mr McARDLE: There are no rights of the child in that appeal process and there are certainly no rights of the parent—and I mean 'parent' in the wide sense that it is viewed here on Palm Island. That concerns me. If we accept the permanent care order might get through, for the sake of the argument here today, what do you think about those rights being taken away?

Ms Lewis: That is our primary concern with regard to the permanent care order. All of the rights are vested with the carer and there is no obligation that that carer has anything to do with that child—no culture or connection, no requirement that they be a member of their family, no requirement that they be part of their kinship structure. Whenever there is a construct within legislation that limits or silences the voices of children and, given our history, silences the voices, the rights and aspirations of parents and of community, I do not see how that can be in anybody's best interests.

Mr McARDLE: If we argue that the permanent care order existed—just park that to one side—you would see that there are major erosions of human rights in relation to a child not having the right to seek legal advice and indicating or approaching a court, or a parent coming to a court themselves. Things change. Life changes. As you said, Rachel, you may have 10 grandchildren living with you. That is not permanent, though. They might go back home in two years time. That would be a further stumbling block in relation to that?

Ms Lewis: Yes.

Mr McARDLE: The final question I have is in relation to the wishes of the child. It has been said on many occasions that that is usually gained by talking to the child and gaining their wishes. Is it as clear cut as that? You shook your head there to say, 'No. Wake up, McArdle. You're wrong again.' Could you explain to me how, in your culture, the wishes of a child are learned?

Ms Atkinson: When I look at the wishes of the child, if they are already in a placement, they are going to be influenced by whomever is caring for them at that time. A schoolteacher can influence a child. The lady up the road can influence a child. The child is right. Yes, they have a voice. Their voice should be heard, but a lot of work should be done to make sure that that is clearly the child's voice.

We have seen in practice—and there is evidence of this—where the child says this. Yes, of course, the child is going to say that, because you have asked the child. They are going to agree. We need some protection that the true voice of that child is really being heard. No child wants to not be part of their family, or their community, or where they belong. I think we have to work out very cleverly how we make sure that we are hearing the child.

Mr McARDLE: You are talking about the elders—a bit like a SCAN team—getting together. How is the child's voice heard? At that level, how is an assessment undertaken to determine if the child's wishes are the child's wishes or somebody else, shall we say, is imposing their will?

Ms Atkinson: I recently participated in a case conference with eight children. I sat in on it. I was on a telephone in Townsville and this family was in Wagga Wagga. The foster carers, child family service officers and other key agencies stepped out. They had a facilitator in the background who was not part of any decision-making but only the ears and they talked to the family and the children. It was clear what those children wanted. It was totally different from when the other players were there.

What came out of that was that they always want their mum and their dad. They always want that. They talked it through. Those eight children are placed with their aunty with a connection to mum and dad. That was the best outcome. When all of the people were in the room, the voice of those children was what the department stated and that was that they want to be there with the carer. I clearly witnessed that. Get the right space for these children to freely say what they want. Get families safe away from the department. They will tell you what they want. That was a good outcome. I heard two different views from the children, but their real view was to be with mum and dad.

Mr McARDLE: Thank you very much.

CHAIR: From a time perspective, we were planning now to have a community lunch and then come back for another session. You are very kindly hosting us for lunch. We suggest that we have you in the room and keep going and maybe have lunch after, if that is okay? We do not want to lose you, because it is so valuable to have you. I am going to ask some questions now and then I want to open it up for a free-flowing discussion so that people can have an opportunity.

Ms Atkinson: The blue card and the grandparents.

CHAIR: Absolutely. We need to come back to the blue card. I will ask a number of questions. Before I do that, though, I want to make a comment in regard to why we are here. As a parliamentary committee, we can be from different make-ups from across the parliament, but this committee has three government members and three non-government members. We really try to take not a party-political approach to these things. We come together. We try to be bipartisan. I think this committee does that well. I hope that you feel very comfortable talking to us, because we really value your input. We hear from you. We heard from Mount Isa yesterday—traditional owners, community groups and stakeholders—and tomorrow we will hear from Townsville. We have had a hearing in Brisbane also. We have heard from the department and stakeholders.

We invite submissions. I think the committee process is so important, because we need to understand what legislation looks like on the ground. Often what we write, approve or read is not necessarily what you see in practice. We want to make it work for communities. When we got this bill, certainly, it was very important for me—I am not speaking on behalf of the committee—to come to a community such as Palm Island and understand what does and does not work.

Then we go back with all of your feedback and provide a report to the parliament. The main decision we have to make is should the bill be passed? Should it not? Should it be passed with an amendment? That is not binding on the House. Ultimately, we will debate it in parliament, but what you say here is incredibly influential to the report that we make. When we stand on our feet and talk to the House about the bill, we will talk about the things that you have talked about and reference what you have been saying. That is why we have a transcript, because your voices are far more powerful than ours will ever will be, because you are living the experience. We appreciate your wisdom.

For me, three questions focus on three limbs of the bill. That is in regard to recognised entities, self-determination, the child placement principles, which feed into the permanent care orders—and there have been a lot of comments about that—and information exchange. I will refer to elements in Palm Island

the bill. I do not want to make it really boring and confusing. No-one likes reading legislation. No-one reads it for fun, but I think it is important that you know what is proposed in the bill. A lot of the feedback that you have been providing, in my view, is reflected in this bill. I think that is a good thing, but I want to know if my interpretation of your feedback in regard to it is right.

The first is recognised entities. Natalie, you have certainly made some comments about this—what recognised entities do and what they should do. Rachel, you did as well. The bill picks up on that and I think you have provided feedback in the process. I hope that it would be reflective of that. The current section on how recognised entities operate and decisions about Aboriginal and Torres Strait Islander children, I have heard that do you not feel that they are necessarily local, that they are speaking for your community, that they have the embedded connection and that it should be somebody more at a grassroots level. The bill gives a new definition about who is an independent Aboriginal and Torres Strait Islander. That will include, 'An individual who is an Aboriginal or Torres Strait Islander person'—somebody in the community. The bill is taking it from the recognised entity and saying, 'If you are a person in the community, then you are somebody who can or should have a say.' I think that is really important. I just wanted to say that that is currently in the bill.

The other thing I want to say is the feedback that I have read in submissions is that, currently, recognised entities may be viewed by the community as a tick and flick. To quote what we heard yesterday from the department, the bill is putting that onus on these individual entities being advocates for the community and being a voice for and a point of facilitation for your wants and wishes in discussions. I think that is really important. I read your submission. You are happy with the move in that regard, Natalie? That is supported?

Ms Lewis: Yes.

CHAIR: And Rachel?

Ms Atkinson: Yes.

CHAIR: The second point I want to come to is self-determination. I appreciate my deputy chair's comments also seeking clarification so that we really understand what that means when we go back and what you feel that that means. I do not have a child safety background. I have learned so much from the hearings yesterday and today, and in talking to your mayor, who also has a background in this area, about how important these principles are, that they have been guiding principles but they have not been given the focus and attention they should to empower your community.

I want to look at the bill as it currently stands. The bill says, 'The following principles'—those child placement principles apply. That is prevention, partnership, placement, participation and connection. Principles in an act are not just warm, fuzzy things. They are what the act is about. From what I have heard today—and please correct me if I have misinterpreted anything—they should be the principles of the act. They should be right up the front, which is the point of them, because this act should work for your community. It should empower you to have a voice in that process. I think that is also clearly supported by both of your agencies.

In regard to self-determination, this feeds into permanent care orders. When we look at permanent care orders, or guardianship orders, the wording is that, before the granting of an order for a long-term guardianship or permanent care order, the court must take account of the local community's wishes—so not 'may' but 'must'. Personally, that is important. You know your kids and your families. This act will say 'must'. The court cannot just take a child away. It is really concerning to me that anyone would have that impression—that the bill is trying to do that, or that permanent care orders are trying to do that. The court must hear from the community and the families. It must hear from your communities about what is in the best interests of your children. Obviously, those elements are supported. It is on permanent care orders that the opinions diverge. Is that fair to say?

Ms Lewis: Yes.

CHAIR: I am still trying to get my head around permanent care orders. I think that everything you have said makes a lot of sense. Under the bill, they will not be entered into unless it is seen as the most appropriate and that comes from the community itself. I am not advocating for any particular elements. That is not my job. My job is to try to understand whether it is good or bad. My understanding of a permanent care order is that the control, or oversight of the child, transitions from the chief executive, which is not what any person wants—they do not want their child to be under the care of the chief executive of the department—to a particular guardian, who may well be, as the

community wants, a kin, whether that is an aunt, an uncle, or a grandparent. Is that never a good thing? That is what I am trying to understand. Is that not seen as a positive?

Ms Atkinson: That could be a good thing if we could trust that it would be to the family. We have grandparents being kinship carers for their grandchild, or an aunty looking after them. At the end of the day, every effort is made to work with the family to reunite, but the child is still central to their community and their family. That is a good thing in the end but, unfortunately, we see permanency planning where they go into non-Indigenous families and they are lost to this community, or other remote Aboriginal communities. That is where the concern is. Those children can be lost.

If someone locally in this community has their niece, nephew or grandchild, for that to proceed you would still need the whole family to come together and agree with that. That is a better outcome for the child—to have guardianship with the grandmother, aunty, or uncle, other than the government, being the guardian for the child. However, to do that we still have to make sure that we have met every obligation under those child placement principles and never use that permanency planning to place any of our children in a non-Indigenous family removed from this community, or other communities.

CHAIR: I apologise for repeating what I am sure you already know in depth. I want to get my head around whether this bill deals with your concerns or it does not. The way the bill is drafted, it states that, when a court looks at making a permanent care order, in deciding whether to make an order the Childrens Court, 'must have regard to...Aboriginal tradition and Island custom relating to the child; and...the child placement principles in relation to the child.' Does that provide the level of protection and security to give you that sense of safety, or is it still ultimately a trust issue? Is it an issue that maybe cannot be overcome by the drafting of legislation? Is it a practice issue on the ground?

Ms Morton: I think that comes from the department themselves in making that decision to go to the executive to place a child. I think it is totally with the family in making that decision. The department goes away from that in making choices. It does not always happen, but sometimes it does, that children go to family. I would say 90 per cent, most kids just go. They make that decision themselves. Parents here get frustrated. They come up to you and say this and that. It is not exactly my job, but they do come up to me and Aunty Luella with their complaints about what is going on.

CHAIR: The bill is trying to empower and say you actually must talk to the community first before you make those sorts of decisions, and that is something that is very well received.

Ms Morton: Who is going to go with the department workers to the court to make that decision? Where is the RE? Most of the time if they are depending on the RE, those REs are not from the community.

CHAIR: I will be asking the department about moving from the RE, which may not be community-based, to the independent entities, which could be a particular group such as a justice group that understands the community or a family member. That is in the bill. It is understanding exactly what you said, that is, how does that work in practice when an order is being sought in the court. It seems to be really positive, because the decision should come from you. The other thing that Sid Cramp, my colleague, mentioned—and you seem comfortable with long-guardianship orders—is that in the suite of things, even though the decision came from the community you do not think that a permanent care order would be useful in any respect, because you said situations might change. Is there ever a situation you can envisage where that would be helpful if the decision came from the community, or no?

Ms Lewis: It is important that it says upfront that they must have regard. Also, right after that section—and I do not have the bill in front of me, so I cannot quote the exact page—it says 'if the court is otherwise satisfied'. It actually has a really strong statement to begin with, 'must have regard'. Then you work your way through it and it says, 'If they are convinced otherwise that it is in the child's best interests, they actually do not have to'. The placement creates a big giant loophole that bad practice can dive through.

Mr McARDLE: The guiding principle in the bill is the best interests of the child. That is the paramount consideration over and above every other consideration, as in the Family Law Act as well. Although I suspect we have a subset of issues or questions, it is that principle that becomes the guiding light moving forward. I am getting a difference of opinion from some of the answers that have been given. I am getting the impression, on the one hand, that you do not want legal involvement, that is, court involvement in determining where a child should stay. Natalie, I am getting the impression from you that long-term guardianship orders are okay. They are quite different statements.

Ms Lewis: I think long-term guardianships, as they appear at the moment, with some vastly improved practice to support those provisions are sufficient to achieve long-term stability and the different aspects of permanency that are described within the act. Legal permanency is the goal, but really the permanent care order is the blunt instrument for legal permanency of a child. If we are trying to say what we want is for children to be able to have strong connections, to have stability in where they live, to have stability in the relationships that they have with their family, their peers, their siblings and everyone else, those permanency goals are absolutely important. They can be satisfied and achieved under the long-term guardianship without having to go to a permanent care order, whereby you sever that opportunity for families to actually pursue reunification as an option.

Mr McARDLE: That runs contrary to the principle of self-determination. As I understand it, the people of Palm Island are saying they do not need a court order. I think you are talking about long-term guardianship as a court order. I cannot reconcile the two.

Ms Lewis: I am sorry, let me clarify. I am saying that we have a suite of orders available under the act at the moment. If we think about those as a continuum and if we actually have active involvement with community and the right people making those decisions and taking responsibility for them upfront, we actually do not need to activate any of those legal instruments down the track. That is the absolute preferred option. I am saying we do not need to go that extra step that we cannot return from, by saying we need to have a permanent care order.

Mr McARDLE: Thank you very much.

Mr Friday: I think a child should be placed on trust. You have to trust the community. A child will trust you because he loves you and we are protecting him. We have the PCYC here and we put them there to protect them. They could be going down at the jetty and anything could happen down there. They could have an accident. I have seen them down there and the police keep going down to direct the children. Children will trust only the mother and father and the babysitter. They really need babysitters, if you are willing to pay the babysitter.

Mr Barry: The white man has to trust the black man. If a black man growls at kids, they listen; if a white man growls at kids, they walk away.

Mr Friday: This is a new generation. We are not talking about the olden days; I am talking about today. I have seen all these young mothers and fathers grow up. They are all here now. I have seen them grow up and they are respectable and they respect their elders. I have seen them all grow up. I am 59 today. It is my birthday.

PRIOR, Councillor Roy, Palm Island Aboriginal Shire Council

Councillor Prior: Is there somewhere in the bill that provides some form of support for the mums and dads at the end of this? Ultimately, the goal is that the kids need to rejoin mum and dad. You do not want a revolving door. If mum and dad have a problem or issue or some form of alcohol or drug problem, there needs to be some kind of support written into the bill that says, 'This is what we need mum and dad to do to reengage with the kids'.

CHAIR: Councillor, in large respect that is captured in practice and policy around supporting families and what happens on the ground, rather than the hard edge of legislation and guardianship.

Councillor Prior: What happens is that the grandparents will usually end up with the kids and then it becomes a problem in itself, because grannies and grandfathers already have their kids and grandkids. Taking on an additional four or five kids, or even one or two kids, in an overcrowded house creates another problem in itself, not only for mental health but in terms of food and so on. We are putting this system in place and rewriting the bill to cater for some of these kids and some of the problems. We want to keep them here; yes, I agree with that. However, we cannot have the revolving door. The mums and dads need to get some help. It is as simple as that. Otherwise, that baby or that child will be back in the safe house within two or three weeks.

Ms Atkinson: There are a number of points there. I do not want us to lose the grandparents. An issue that will marry up everything that we are talking about in terms of self-determination is the blue cards. We know that epidemic right across the nation and right here in this community is our grandparents and their roles and responsibilities in protecting children. We will not need this act if we could get smarter in terms of support, exactly as you talked about. How do we resource and support the hidden protection of our kids in this community, in Townsville and in Queensland? How do we recognise and support that? How do we get government to shift their thinking about their draconian way of coming in? If mum and dad are not coping, we will step in and start working on a long-term plan. Their short-term plan is to remove. We need to take a step back and think, those child placement principles are going to be the best tool that we can use, if we can implement those principles. The Queensland government needs to start resourcing us to be able to do that. I think we are making headway now in the community. As was said before, there is no removal. However, we have a safe house that we cannot use for anything other than if a child is being removed. Those are the rules that we will talk about later.

We have to get strong legislation and government policy and procedures have to get strong in how we preserve Aboriginal children in this state and how we support them. To do that, the key stakeholders are our grandparents. We have great grandmothers looking after kids at the moment. That is what you are talking about. We can work with our parents through our policies and procedures, but somewhere grandparents have to be legislated for, because they are the backbone. Right across our nation, they are the backbone of preserving and keeping us where we are today with Aboriginal kids.

Mr HARPER: To touch on your commentary about blue cards, the Attorney-General and the police minister attended a community crime forum in Townsville last year. I do not know if anyone from here attended that particular forum. That issue was raised directly with the Attorney-General. We have a number of men's groups and you would be familiar with Uncle Alfred Smallwood's men's group.

Ms Atkinson: Yes.

Mr HARPER: Yesterday in Mount Isa we heard about the men's group there. They also raised the issue of people wanting to help. They have made mistakes along the way and now they want to pass on their learnings, but because of the restrictions around gaining a blue card it became very difficult to get involved in programs. I know that the Attorney-General took that particular advice on board at that meeting. One of the last things that was raised in that forum was cultural mentoring. We have heard about that again, today. There was a recent announcement made in Townsville about funding for the Yinda program. I do not know if you are familiar with that. It was called the Youfla program. That is under Queensland Youth Services. That program is about using our respected Indigenous elders in the community to connect with kids. We find a lot of them are in the youth justice system or have been through Child Safety. The program connects with them on country and then gives support to families, as well.

Ms Atkinson: I read that, yes. For argument's sake, say I want to be a kinship carer. I could get a blue card, but in my household I have two nephews who cannot get blue cards. The department assesses me as a carer and says I can get a blue card, but they do not really trust me and they are not going to let me take kids because I have living with me my two nephews who cannot get a blue

card. It is contradicting when they assess me and say, yes, I can be a carer and they can give me a blue card, but they do not really trust me to protect the kids because I have two nephews who cannot get blue cards. Do you see what I am saying there? Carmody came up with a fair bit about that. If I throw out my nephews to take in the kids, they become homeless.

Ms Norman: There is a lady now who has grandchildren and her son cannot get a blue card. She cannot keep her son in that house. That is wrong. Who is dividing and conquering here?

CHAIR: While we are talking about blue cards, does anyone else want to make a comment about blue cards?

Mayor Lacey: Rosina has raised the blue card issue, which I think is an important discussion to be had. I know that the KAP is trying to put a bill through the House with the intention of making some amendments to the blue card.

CHAIR: We cannot comment on that bill, because we are constrained by this, but as it relates to your ability to enter kinship and family relationships it is very relevant. We are interested in that. Thank you.

Mayor Lacey: Whether this is the committee to do it, or a new committee, the blue card definitely needs some in-depth conversation. In coming back to what you read earlier in terms of the 'must', we cannot have a bill that is going to the House that says 'must'. On listening to Natalie from QATSICPP in terms of them telling us that the court can decide otherwise, you are either in or out. Do you know what I mean? Otherwise, particularly when it comes to our children, this process is just wasting our time.

The intervention is paramount. I said to the committee this morning when the community members were in the room that the social indicators of our numbers in terms of our prison population and youth detention is all spiralling out of control. It is spiralling out of control because we have no control over it. The people who get funded to do it, we need to know also from them that, for every dollar that you are getting in terms of investment, how much is hitting the ground. There is a range of services out there in terms of making our community a safer and better place for everyone, including our children. We need to rethink the model that is suggested and rethink the bill where the community is at the forefront of making sure that court should be the last resort, not the first resort. The community intervention should be the first resort because, in the community, importantly, we are dealing with the after effects. We are trying to put out the bushfires and become the chief fire commissioner. There are so many bushfires around the place. We are trying to keep up with putting out the fires when we know that we cannot put out the fires. We have to stop lighting the fires and get goodwill from the government and the parliament in terms of rethinking a new model.

To be honest, the recognised entity was not the model that should have come into an Indigenous community, particularly Palm, Yarrabah, Woorabinda, Mornington, Doomadgee. That model should never have come into our community. There should have been a better thought process of having our own system in our community in giving our people the opportunity in terms of self-determination. What does 'self-determination' mean? In terms of the clause that you read out, it is really important that, if amendments are going to be made and it is argued on the floor of the House, you are either going to do it or you are not going to do it at all. You cannot swing the pendulum the way you want to swing the pendulum. Otherwise we end up back sitting at our next parliamentary committee hearing regurgitating and chopping wood for practice, because we are never going to get anywhere. I think it is really important. It is good to hear from Luella that in five years no kids have gone into care. That is okay, but there are still kids currently in care. How do they get back to our community?

CHAIR: Thank you, Mayor Lacey.

Mayor Lacey: What Rosina is saying in terms of the blue card system and rethinking of it, our MP for Thuringowa has indicated that that also became a big issue with the Townsville meeting with the Attorney-General. I think it is really important. The court process should not be the front end of our business. It should always be the back end of our business.

Mr HARPER: Within the confines of this bill, I ask the secretariat whether, as a committee, we can make a recommendation around blue cards or at least write to the Attorney-General's office. Obviously, it is an issue that has been raised and articulated here. It relates directly to the bill. I do not know whether we need to consult on that.

CHAIR: Yes, we need to talk about it. Mayor Lacey, thank you for your comments. I want to come back to a few things. I know from a time point of view it is pushing on, but it is so valuable talking to you.

Kerry: My name is Kerry and I am from the justice committee. I understand that, with the blue card, if it was a 'must' I have noticed a couple of people have been doing programs in order for them to get it back. Say a family member in that house has a serious charge. How long will it be? Is there a certain length of time that he should do these courses in order for him to get his blue card back so that the children can come back into the house? It could be a one-off charge. I will use my family. My mum looks after children. My brother, culturally, was informed that his cousin did something wrong. So he as a big brother hit him and he used his head and charged him. Now, he has an assault over his head. He cannot get a blue card. Say, if it happened today, how long does he have to do these courses in order for him to get back a blue card?

CHAIR: Thank you.

Ms Atkinson: There is a glimmer of hope in terms of where blue cards are going now. When I spoke to people in blue card in the department, they talked about some of these communities overcomplying. With our men's group, when there is youth going there, the men and the youth coming together are parents. Therefore, those parents do not need that blue card, because they are already responsible for their child. We were overcomplying. They are shifting their thinking. In terms of the Child Protection Act, it clearly states that there are rules and regulations on what a carer and a kinship carer should be. We need to shift a little bit of that and trust that the carer, or the key player in the family who has been assessed, is going to protect the children. I think what we talked about with those blue cards with the whole of the family is difficult in any Aboriginal or Torres Strait Islander family, because we have overcrowding. We have a shortage of housing. Of course, other families are going to come and stay in that household. The government should start to trust that the person designated as the carer is going to protect the children.

CHAIR: Thank you. With regard to the blue card and the comments by the member for Thuringowa, while it is not in this bill and we cannot make a recommendation in regard to amending the bill, it is certainly something that we can look at and talk about and provide some commentary in the bill. I know that it has been a while now, but I never got to the third part of my comments—and I know the conversation needs to flow; we have had so much useful information—and that is information sharing. I want to get your thoughts on that. I wanted to come to you first.

OBAH, Ms Winnie, private capacity

Ms Obah: I am going to go back to kinship caring. Kerry has just bought it up too about the blue card. I have two great-grandchildren who I have in care with me and my partner in a two-bedroom flat. I have 11 grandchildren and the father of the children is one of those 11. He is in trouble and his mum and dad both have to go to court for the children. Luella should know about this one, too, as it is with the child services mob. I have them in my house as great-gran. Would my grandchildren need a blue card to come into my house because I have the children with me? That is the thing that is playing on my mind. I cannot have anyone at home, because they do not have a blue card. What goes there? The grandparents of my daughter and son-in-law, will they be able to come home and stay the night? They do not have a blue card. What goes on with that?

CHAIR: We cannot advise, but we can certainly thank you and take feedback about some of the complexities and the challenges that your community is facing. Thank you.

Ms Bligh: A blue card recipient has to be 18 or over. If it is of a sexual nature, or they are known to the police, that would be a big no-no. But it is not. It is just every day.

Ms Obah: I thought I would bring that question up, because my granddaughter and that are living permanently there until they are 18. They have come back. I have a three-year-old and a one-year-old child as well. I have them until they are 18.

Ms Atkinson: Are you the long-term guardian? That is the point I made before. How many kids do you have now?

Ms Obah: I have two brothers.

Ms Atkinson: Yes, but the other grandkids.

Ms Obah: I have 11. Their father is one of them.

Ms Atkinson: The key thing is that it has kept the kids in this community. That is absolutely in the best interests of the child. You talked about grandparents. What is the responsibility in terms of supporting and strengthening the roles of our grandparents.

CHAIR: I did want to come to that point about grandparents. You talked about us needing to legislate around grandparents. What did you mean?

Ms Atkinson: I do not know where it fits. We have to now start saying it as it is. The grandparents—and Winnie is one of them—are the strength behind our kids. You sit in this room and I will guarantee that nearly every grandparent in this room has been responsible or is still responsible. We have great-grandmothers sitting in this room responsible for their children. The definition of 'family' is not just mum and dad. From what I am saying, we are at an epidemic in terms of grandparents being responsible for our kids. I have seen it over and over. We need to talk to mum and dad. In most instances, it is the grandparents who need to be involved. Go back to those principles and what an entity could be. It is the family first and foremost before we branch out.

CHAIR: I want to mention the third limb of the bill. It has not come up as strongly. It is about information. Yesterday we heard a comment about the sharing of information and having a right to information about your family if you had been a carer. The bill will enable the department to disclose to children in care or people who have previously been in care information that is about them and also relay information about someone else. That came through in someone's comments yesterday—about how important it is that you should have a right to access that information. I think the comment was made in our Brisbane hearing about, if it is heavily redacted, there is a strong sense of grief around, 'I am entitled to information about me.' It is not something that has been coming up in the feedback, because, understandably, people are focused on other elements. I would imagine that that would be something that is very important—people being able to access information if it relates to them. Does anyone have any comments to make about that that we can incorporate into the report?

Ms Atkinson: Every person is entitled to know what is being said about them. I think every child and every parent should have the freedom of information to access everything. I 100 per cent support that every child has a right to know.

CHAIR: Maybe someone who has grown up in care should be able to access information to connect back with kin and community.

Ms Atkinson: Yes.

CHAIR: Is there anybody who has not said something who would like to? We really want to make sure that we hear from everyone.

Ms Lewis: There were a couple of points that I wanted to pick up on just for clarity. The first one was to build upon the concern raised by the councillor around the importance of prevention. With the inclusion of all five elements of the child placement principle, the first element is prevention. It requires that people have equitable access to the supports that they need to keep their children safe at home. We saw it as a real strength of the bill in that it does introduce this scope of responsibility for the department much broader than the tertiary child protection system. It talks about the fact that our first port of call should be to get the supports to families that they require.

Leading on from that, there is a concern that we have with regard to the making of consecutive orders and time frames around orders. Our primary concern with regard to that issue is about access to those services. Where a child is on a short-term order and families need access to particular types of supports—it might be mental health supports or substance abuse services—if those services are not available to those family members then what we are asking them to change or to fix or the requirements that we are asking them to meet are outside of their locus of control. When you are putting limits on people by saying, 'You have this amount of time to get yourself together, otherwise your child is gone,' that decision needs to be taken in the context of the availability of services. Are they quality services? Are they meeting their needs? Are they culturally appropriate? Those decisions need to be made in the context of what support services are available. We should not be penalising people twice for an inability to get the services and supports they need.

Ms Norman: That is true. I have a relative who has four boys who were taken off her. She cannot get any of them back because she did not do this program. She has an alcohol problem plus a drug problem. There was nothing for her in that sense. She had to do something else. When is this going to stop? Surely the mother should have a program as well to deal with the alcohol and the drugs. I do not think she will ever get her children back. That is cruel.

Ms Morton: That is where the department has stretched and stretched the time frame of children in care. I have heard from some families saying, 'We are not going to get them back because we have to do this now.'

Ms Norman: Yes, exactly.

Ms Morton: 'We have to go and do this,' and then when they do it—

Ms Clay: There is no support to help them.

Ms Norman: No. There is no support to help them.

Ms Morton: They give them that notion—'Once you do that, you will be able to get them back.'

Ms Norman: These four little boys are all with different families. That is wrong. These are the things that should be looked at. Something should be done about it.

Ms Morton: Rachel, you know about that family. Their kids were taken. They were told that they have to do this and blah, blah, blah. They are still in care. It is just like they keep ignoring you. In my view, I think that the department should have some accountability with families because they make the decision as well. I think that is wrong. Do you want someone to make a decision about your child? I do not think that is right, really. In some cases it might be when it is severe—but, when it is petty, I do not think that is right. I think that the department should have some accountability for making decisions about children.

Ms Norman: Like Rachel was saying about the information, we should know. This white family next door had three little Aboriginal girls. They were next door—my daughter's neighbours. For my grandchildren to see those girls they had to climb up a tree and the other little kids on the other side had to climb up so they could talk and communicate. How is that? Why aren't the department looking into these things if they want to? Why not give it back to us because of what is happening?

Mr HARPER: That is the intention of the bill. We are trying to get that back—culture and connection back to communities. That is the strength of the bill and that is why we welcome your commentary.

CONWAY, Mr Frank, private capacity

Mr Conway: My name is Frank. I work with the diversion programs. We are talking about grandparents. They have always been the backbone of the families. There are many things missing for the men here. I have been to prison on visits. There are over 100 men there. When they get out, are they going to come here and be part of the process? When they do come out, there is not the right services for them. If they come here, they are getting dumped on us. We do not have any counselling skills. Yet they have to come here. It is up to them if they want to do something.

At the end of the day, we are talking about grandparents taking the children. We have all been part of that, but parents and men have to be accountable. Where do they go when they are released? We have worked with a lot of men. They can come here but they do not have to do anything. We need a lot of support and understanding from departments. Money has been dropped on the ground here, but that money is not even spent on the right things. As Mr Mayor said earlier, they need to be accountable for where the money is being spent. You can send them to do a course on domestic violence, but it does not fix the problem. It might be alcohol or drug related, but it does not fix what is possibly a family matter. They are just dumping them all in one program. Drink driving and domestic violence are two different things. Put money in the right places.

People are struggling here and that is why you still see grandparents caring for the children. I would like to see some of my brothers come out and go into the right services so they can get proper help. Some of them worry about their family while they are in there, but when they come out how do we capture that? It is totally up to them. I think a little bit more should be put into correctional services when they do come out on parole. You need to come out and go into the right services to get the right help and then you are allowed back into the community, to your family. The family structure is then helped—men become men, men of this community. We need to start taking leadership in this community.

A lot of decisions are being made here. That is why the men give up today. Why? They go back to prison because it is their only option. When they get evicted from the house because of domestic violence, where do they go? They are out on the streets. There is nothing here for them. We should be looked at as men's group in this community, but we are not. We just do a gathering under a diversion program. We have to look at this. There is no halfway house or a woman's shelter or anything like that where men can go. They tell us we have no house. There is nowhere to go. You are pretty much on the street. You go to your family and there are another 10 people there, so the men have to go back to prison. That is their only option. Put the money in the right place. I think the department has to be accountable for some of this.

Ms Norman: I agree. We could not have the men come to the women's shelter. They would not let us. The men need a place of their own.

Mr Conway: How do we get ownership back in the community if the men are not here? We are still down here getting trampled.

Ms Bligh: The rights and dignity of Aboriginal men have been stripped away. That is why the women take the lead. It is not their fault. It is the system that has done it. As Frank said, we have a women's shelter. We have a safe house. Where is something for the men to fall back on—a shelter for the men, a proper gathering place?

Ms Norman: Our children see this.

Ms Bligh: Yes. That is why respect has gone out the window.

CHAIR: On behalf of the committee, I thank you for your feedback, your honesty, your willingness and your time—I know time is precious—to come and sit with us and educate us about what is happening on the ground so we can be so much more informed when we go back and report on the bill. We are now going to a luncheon. Thank you very much for organising a luncheon for us. It is open to the community. Please do not feel that you have to stop talking to us. There might be some people in the room who did not feel that they wanted to speak formally in the *Hansard* transcript. We would very much welcome a chat with you. On behalf of the committee, I thank you for your input today. It is incredibly invaluable. Thank you for everything you are doing in this community. Can I also just say that you have the most beautiful island. It is such a pleasure to be here.

Proceedings suspended from 1.26 pm to 2.21 pm

CHAIR: Good afternoon everyone. We will start our afternoon session. I now declare open this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee. I would like to acknowledge the traditional owners of the land on which we meet, the Manbarra and Bwgcolman people, and pay my respects to elders past, present and emerging, particularly those elders whom we might have in the room today. My name is Leeane Linard. I am the chair of the committee and the member for Nudgee. Present with me here today is Mr Mark McArdle, deputy chair and member for Caloundra.

Mr McARDLE: Good afternoon everybody.

CHAIR: Mr Sid Cramp, the member for Gaven.

Mr CRAMP: Good afternoon.

CHAIR: Mr Aaron Harper, the member for Thuringowa.

Mr HARPER: Hello.

CHAIR: And Mr Mark Robinson, the member for Cleveland.

Dr ROBINSON: Hello.

CHAIR: Today's hearing is part of the committee's examination of the Child Protection Reform Amendment Bill 2017. There are a few procedural matters before we start. This committee is a statutory committee of the Queensland parliament and, as such, represents the parliament. We have Hansard here who will make a record of the proceedings and you will be provided with a copy of the transcript. Given the sensitive issues in relation to child safety that may be raised during this hearing, I remind everyone present that their comments should not identify a child subject to the Child Protection Act or Youth Justice Act. As I am sure everyone here would appreciate, we need to protect their privacy. Also, comments should not refer to matters that are currently before the courts.

This afternoon, the committee has reconvened because we wanted to provide an opportunity for anyone who may not have been at the morning session and who wanted to provide any input. I know that we have a number of people here. We would love to hear from those members if there was something that you would like to share. After that, we will provide an opportunity for any wrap-up comments before the committee meeting is closed. Is there anybody who would like to start? Elizabeth, I think that you said that you might like to speak to the committee.

CLAY, Ms Elizabeth, Private Capacity

Ms Clay: Before we finished at the last meeting, I made the comment—and it was spoken about before—that taking a child from a parent or out of the community should be the very last option, which we do not see happening. At the request of a lot of community people, I am holding a community meeting at the school next week on Wednesday about our children. Over 60 per cent of our population is under 25. We want to talk about the solutions to it. I have to say that they are running wild, but they are only acting out because of the lawlessness, the parties that go on for days. I want to bring all the community organisations into the meeting and get a commitment from them that we will work on solutions.

I live around the farm area and all the kids come to my house. I have been speaking to them and they are bored out of their brains. Going back to the children who are already in care, I have raised over 20 children at different times to keep them out of Child Safety. There is no support for the carers—none. Our community is not a one size fits all. We are totally different. We have a lot of fears, because we all come from stolen parents, or grandparents. We are only too familiar with that. That will have to be amended for this community. This community is totally different from another Indigenous communities. We have to have one model to fit this community.

I want to call on the organisations to see what programs they are delivering and, if there is failure, why is there failure. This involves every organisation on the island, including the police. I made a complaint about the police the other day, because they do not respond to anything. They do not do anything. I do not know what they are here for, to tell you the truth.

CHAIR: Elizabeth, can I just ask you a question?

Ms Clay: They are probably here to search us and all of our belongings for spirit. We have people sitting in jail for that. They do not do anything else.

CHAIR: Sorry, I do not mean to interrupt you.

Ms Clay: What I am trying to say is that all of these things lead to our kids being taken. There are a lot of things going on here. I understand. I used to drink myself. My people drink and do not care for their kids. It is just a helpless, hopeless situation.

CHAIR: Elizabeth, we had a quick chat before the hearing and I would love to hear more about that. You were making a comment that was also raised.

Ms Clay: Yes, that is why I did not say anything earlier, because I did not want to talk about something that was already discussed.

CHAIR: That is okay. You made a comment that I would love to hear more about that was raised at the first session and that was about being a grandparent carer. You mentioned to me 20 members of your family. Can you talk about what supports there are and what supports you need and why you cannot access them so that we can understand that, too?

Ms Clay: The grandparents have all the say. To be totally honest, I really do not know. I have to sit down with some of these people and get an agenda so that we can present a document to you and every other government department so that these things will not happen and put things in place. I have been to a lot of conferences in the mainstream. We want to put the family unit back together, which includes the father—a family unit for the child. No child should be taken out of this community. I know a lot of people—even me—are hesitant to report any abuse, because we are frightened that the child will be taken. A lot of people want to go to our safe house with their children, but they have that fear also. It is about the government department taking our children. I have seen kids come back with their non-Indigenous family and they are quite broken hearted when they leave. There is a way. We have the answers here, but we need to be allowed to do make those decisions. We need to have the first and last say.

CHAIR: Thank you very much.

Ms Foster: Good afternoon. My name is Delena Foster. I am a community member. For years I have advocated for the rights of children who are suffering abuse and neglect. In 1994 we started writing letters. I used to work for the North Queensland child care service, which was based in Townsville and I was the worker on Palm. We started a committee called the Palm Island Community Safety Committee in relation to child protection issues. A number of us wrote letters to various ministers from 1994 right up until when Mike Reynolds was the minister, requesting a safe place for our kids so that if there was a situation at home they could be taken to that place that would be community owned, community driven and community run. At the time, the government was also looking at setting up a safe haven program, so they incorporated our request into the safe haven program. They asked a few people in the community if they wanted to be on the committee and then we had the safe house. When we started writing about the safe house, it was not for child safety; it was for community. It was where we could take our kids and they could be safe on the weekend; it was to get them out of a situation that they were in at home, whether it was domestic violence or other abuse.

At that time there was also consultation about the recognised entity. There was a strong recommendation from the community to say that we wanted it to be community governed and community owned. When that came in, it went to TAIHS in Townsville. Palm Island did not even get a look in. We have people who come over from the recognised entity. I was also a kinship carer for my grandchildren. There was an incident that happened and they came over and gave a recommendation that I was not fit to look after my grandchildren. Everybody in this community knows that I gave up drinking a long time ago, about 24 years ago. This was someone I met on the day, so she does not even know me. I said, 'You don't even know me or the family that I am related to, our family history and stuff like that. You don't even know the history of Palm Island, so how can you make a recommendation about me and say that I am unfit?' That is the organisation that the government chose and they did not even consider what the family wanted for my grandchildren.

The recognised entity needs to come back to community, so that community can have more say on what happens to children who are taken into care. At the moment, the community has no say and we are sick and tired of coming to meetings every year. This is the first meeting that I have come to in years, because I am sick and tired of repeating myself. We have been saying these things for the past 20 years or more. Nobody is listening. We want the recognised entity to be here in the community, so that they know what the family says. If my grannies are taken, people who are working in that recognised entity know me and they know our background and our family history. At the moment, that is not even being considered because we do not have people from Palm Island actually sitting in there making decisions on where our kids are going.

The next thing is that we need to have a safe house where we can take our kids, so that Child Safety cannot come in and just take them. Sometimes, Child Safety will just step in. My grannies came for my brother's funeral in June this year. They did not catch the ferry back. They did not want to go back to where they were staying. Every time we asked Child Safety about them, they said, 'They're good. They don't want to come home, because there is too much drinking on Palm Island.' I

said, 'It's a different story when we are talking to them. When we have family visits, they say they don't want to live where they are.' I have three grandchildren who are living with Mormons. I have nothing against people with those religious beliefs, but I do not think it is right for an Aboriginal or Torres Strait Islander child to grow up in that situation.

Ms Morton: That is not our way.

Ms Foster: It is not our way. We have our religion and we have our faith. We do not need them to drum that into our kids. We hope that from all the information that you are gathering something positive will come out of it and we will see some changes in how Child Safety deals with our community. At the moment, I do not think they do enough to listen to the concerns of the community.

CHAIR: Delena, I think that is an important element in the bill. I do not think you were here this morning to hear this, but it does give effect to what you are saying about recognised entities, that it needs to be closer to the community and it needs to be individuals who come from the community and understand the community. The bill does that. It has a strong focus on that. I think that it has been very strongly communicated across the stakeholders that that is so important. I think that is a positive thing.

Ms Clay: There is a woman in Townsville. I have a disabled daughter who is 26 now. I wanted a break and she offered to take her for a couple of months. They have had about five or six children from Palm Island. In that time they bought cars, they both got their degrees in teaching and everything. They would not have been able to do that without those children. I know they were not looked after properly after school. The older kids in care were looking after them while they were studying or doing whatever they wanted to do. It is a big industry for non-Indigenous people, our children. A couple of years ago, I was asked to foster children. I said no, because I am getting too old now. I could not do it. They said, 'On top of your pension you will get \$430 a fortnight per child, on top of that payment'. It is a big industry.

When I go to the shopping centre in Townsville, I see children who do not even come from this area with non-Indigenous family and you know they want to run to you. It breaks my heart every time I see them. One little fellow was about four. He just ran and grabbed me. He was calling me 'nanny'. I found out he was from Mornington Island. He was not even in his area. That has to stop. Like Delena, I am tired of talking about it. I have been talking about it for about 40 years.

Ms Foster: My poor grandkids live in a house with 13 kids in care with an all-white family. All the kids in care were Indigenous. I was surprised at that. When Child Safety come and do an assessment on you, they look at the people living in your house. If you have too many people in your house, they say you are not suitable. Yet they give an all-white family 13 kids to look after under care. My granddaughter turned 13 and moved out of the house. She asked to leave her three younger siblings and be placed in another house, because she does not have any privacy in that house.

Mr CRAMP: I am a first-term parliamentarian. I will be upfront and say that I find it alarming and very sad to see these kids removed. As a father, I would be very upset to have that happen. When you see this occurring, are there any avenues for you to make complaint in regards to the care of those kids?

Ms Clay: Before I started back at work, I stayed in Townsville so that I could get visits every weekend. Every time I had visits, the kids would be hungry and thirsty. I told the CSO and asked them to ask the carer to send something to eat. I made it my business to take fruit and everything for them to eat. They would complain to me. I would tell the CSO, 'Can you listen to what she has to say? She is making complaints.' I was told that they make the complaints and they put it up and nothing happens.

My other two grannies live in Halifax. I always visit. The mother is white and the father is dark. Every time I visit I am concerned because of the swearing. Every word that comes out of her mouth is a swear word. Every time my grandchildren talk, they are swearing. I had them for the weekend. We were at the airport waiting for Child Safety to come over to pick them up and take them back. My little grandson said really loudly, 'You m-f'er' to his brother. I made a complaint about her swearing all the time around the kids and now the kids are swearing, but nothing has been done. The kids will tell them that they do not want to live there, but Child Safety ignores it. They say, 'He just goes like that', but they do not want to live there. When they came over for my brother's funeral, they hid from the Child Safety worker so that they did not have to go back on the ferry. When they came home to my place, the manager from town rang me and asked if it was okay that they stay at my place. I said yes. They said, 'Is their mother there?' I said yes. She said, 'Make sure that their mother does not growl at them or swear around them'. I said, 'She won't be doing any of those things, because this is my place. The kids will be safe. I will be watching them.'

CHAIR: Delena, thank you. Is there anybody else who has not spoken yet who would like to say something? We would not want to leave, thinking that somebody had missed out if there was something that they wanted to mention.

Ms Creed: My name is Theresa and I work on the other side, at the Children and Family Centre. I have known a family on Palm Island and the mum and dad see their kids now and then. I am sure they would love to have their little kids back. It is heartbreaking when they say, 'What can we do? We want our little girl and boy back, but they won't give them back.' They should at least give them a chance with the child and see how they go.

Ms Atkinson: Support that chance.

Ms Creed: And support them. They do not want to leave their little kids; see them just for the day and then fly out. It is not right. They should be supported, whatever they do.

Ms Atkinson: There are a couple of comments I want to make. The Child Protection Act talks about the child placement principles and that they must be adhered to in terms of where you are placing children. Clearly, you can see and hear today that that legislative piece is not being adhered to. There are so many children placed in non-Aboriginal families who become lost to us. With the new changes to legislation, somehow that needs to be strengthened. Could you find a stronger word than 'must'? When children are placed over there in non-Aboriginal families, they are starting to annihilate the culture of this community and our kids are starting to get lost. It is another form of stolen generation. I do not use that word lightly. That is serious to know. It is serious that there is still a high number of kids placed in non-Aboriginal families. The child care officers and the department are not strictly monitored or accountable for that practice.

Going back to what we emphasised this morning, the recognised entity does not work when it is placed in another town. The entity has to come from this community. As Delena talked about, if the people knew who she is or if that community-based organisation was here, they would have been able to make a well-informed decision. However, she would have had a right of appeal. There is none of that. You cannot go knocking on the RE over in TAIHS and say, 'We want you to advocate for us and be a spokesperson. This is our story.' That does not happen. Going back to self-determination, it means giving the decisions back to the community.

CHAIR: Thank you. Is there anybody else who has not spoken? Have we given everyone who did not get to speak in our earlier session—we had a long session as well—the opportunity to speak?

FOSTER, Diane, Palm Island Family Wellbeing Centre

Ms Foster: They need to look at what is working on Palm Island, look at our own people and how we work with our own people. A lot of our people have training. Our passion is to care for our people, care for our children. I think they need to look at that side. They tend to focus more on the negative stuff about Aboriginal people. They need to look at some of the positive things that are coming from Palm Island and what is working on Palm Island. A lot of us go away and do our training. We come back to be with our people, because we want to help our people and especially look after our little children. We know that a lot of work needs to be done with our families. We are passionate about that. We want to keep them here, make them strong, make them good community leaders. That really can be done.

They need to look at what is working on Palm, what is happening on Palm, and look at our people. The answers are here on Palm, not placing our children somewhere else. You hear the stories. Things are not working. People are just looking at our children, because they can get money from them and support them for whatever they do. We want our children back for different reasons. Money is not everything. We know that. In our culture, money does not mean anything to us. Family means everything and getting our children back and working with them to keep them.

CHAIR: Thanks, Diane. We might come to Councillor Geia. Then we will have final comments and close.

GEIA, Councillor Deniece, Palm Island Aboriginal Shire Council

Councillor Geia: In sitting in the session and listening to some of the feedback and the concerns that we have raised about the bill and the amendments to the bill, self-determination is one that really sticks out to me. Diane as well as the other speakers before me hit the nail on the head. Deputy chair, you kept reiterating the point about self-determination and what it means to us as Aboriginal and Torres Strait Islander people. We want to be able to manage our own affairs. Like the mayor said this morning, we want to be in the driver's seat. We already have the tools. Give us more resources to do exactly what Diane touched on. We can do this. We can do the recognised entity. We can have our own services, facilities for our youth, our children. We can do it. That is what we talk about when you raise it in the bill about self-determination. It is a culturally appropriate way of doing business around child protection.

Our kids are important to us. In listening to some of the stories and looking at some of the elders, they hold back tears, because it reminds them of the trauma that we have come through. We still bear those scars today. As Aboriginal people, we have humour and that is what gets us through. That is how we survive. What is humour? We see serious things, but we look at the funny side of it. The humour, the laughter, that is how we cope as a strong first nation people.

One of the hopes when we leave here today—and you are going around the cape, like my brother said, and like what Mrs Foster stated—is we do not want to come here for another meeting, and another meeting, and another meeting. We want to see some points on the board in terms of improving the Child Protection Act when it comes to Indigenous people in Queensland.

Before you wrap up, can you explain the next step after your consultation, please? Will we have an opportunity to have a look at the draft bill, or is this the draft bill? Not a lot of us understand the parliamentary committee and how you do your business when it goes off to parliament. I just want to make sure about that self-determination. Let us run our own affairs and our destiny. Put it back in our own hands. Thank you.

CHAIR: I will make a few comments in response. The resources given to the committee is we have the draft bill. This is all public information, by the way. It is all available on the parliament's website. We have the explanatory notes. Not everyone can read a bill. The explanatory notes say what the intent of the bill is. When we do a committee hearing like this—and I think it is a really important process and there are 11 committees in the parliament—online on the website are all the submissions that we have received from the department explaining it and all the submissions that we receive from stakeholders who want to have a say. We publish everything online so that everything is out there. The legislation is for the community. Everything that we are reading and receiving will be published. The transcript—everything that has been said—will be available and published so that people can understand and see what we saw. It is not just we as six members of the House. Every member of the House will have access to that information so that, when we take a position on the bill, they can be informed.

We will go back to Brisbane and have another meeting with the department. In fact, we are doing that this Thursday. That is our opportunity to say, 'We heard this on Palm Island, and we heard this at Mount Isa, and we have these questions that are unanswered. We would like to understand better to make sure that we are clear on what you are proposing.' Then the six of us, along with our secretariat, Karl, will go into private meetings and talk about whether we can make a recommendation as whether we think the bill is as good as it is, whether we think that it is bad and we do not support it, or whether it is a bill that can be changed and we recommend changes to that bill.

Ultimately, our report will be tabled in the House. That will be publicly available for you to read. In that report we might reference comments that you have made, or quotes that you have made. What you are saying is far more powerful than what we would say in our opinions on the bill, because this is an issue that you understand deeply in your community and you are speaking on behalf of your community. You might find that you have been referenced in there from the *Hansard* and you can read that. That report is something that every member in the House can read—and often do. The minister will make a decision as to whether she makes any amendments, if we recommend amendments.

There are many bills that come before the House. It is essentially a scheduling that happens. The government chooses what bills come up for debate in what order. When the bill is up for debate, people who want to speak to the bill can stand and have a say. Not everybody in the House will. They will often draw on our committee report to do that. That is why these consultations are so important and so powerful. All the members who are on different committees, or who are doing different things and who do not get to hear from you, get to read what you have said and get to read what we have

encapsulated in that report. I think that is really important. You will be heard, not just by us but by the members of the House. I can assure you that I know that every one of my colleagues here will be referencing the things that you have said in our speeches so that that is in the House.

Then the parliament will make a decision as to whether the bill succeeds or is passed, whether it is passed with amendment, or whether it is not passed at all. That is a process that happens. I cannot tell you on what date we will debate it. Certainly, if that is something that you would like to know, we can advise you when it is on the *Notice Paper*. That is essentially how the process works. I hope that helps. I will come to Elizabeth for the last comment and then I will close the hearing.

Ms Clay: I want to say that Child Safety needs to undergo a cultural awareness course. They come in with their preconceived ideas and beliefs. They have filled their head with things that they read in the media and everything. When they approach you, you feel it straightaway. As I said, every community is different. That needs to be put in place. Deniece talked about it. We need to own it. We should have a committee here that makes those decisions about the children. Even when someone identifies a child who is being abused, or whatever they take them for, why not look at those families before the child is taken? The parents do not get any support. When the children are gone, they do not come back, because nothing has changed. They should see us being carers for those children. We are not allowed to look after our own affairs. Our children are our future. They are not here for us to hand down things down culturally or otherwise. When they go away, they come back estranged from their own people.

Ms Norman: They do not fit in the community.

Ms Clay: A lot of our children are being diagnosed with ADHD. They are medicated. When they are not, they are traumatised and nothing is being done about it. My niece had six children taken into care. They have all been diagnosed with that and they are all medicated. We have more children taken now than in the stolen generation era and most of them are taken for no reason. A white person rings Child Safety. There is an argument. They are there and they take the kid. There are no questions asked. This happens all the time. We want to own it as a community, because it takes a whole community to raise a child. We want to do that.

CHAIR: Thank you. On behalf of the committee, I thank you all—

Ms Foster: Just one thing? Can we put in a submission to you?

CHAIR: Submissions are now closed to the bill.

Mr CRAMP: In saying that, everything that you say has been recorded by Hansard and it will be taken into account. It will be available for every parliamentarian to review when they consider the bill.

CHAIR: That is right.

Ms Foster: The child placement principle really needs to be looked at, because the department is not using that to base their opinions on where they place the children.

CHAIR: Thank you very much. We talked about that this morning. That is part of the bill.

Ms Foster: I just think that, with the child placement principle, the department needs to be accountable to that, because they never use the child placement principle when they remove kids from this community. That needs to be looked at. I raise that all the time with the officers when they come over.

CHAIR: Thank you. That feedback has obviously been taken into account, because those principles have been built in the bill as primary principles. On behalf the committee, I thank you all very much. I know I speak on behalf of my fellow committee members when I say that the opportunity to travel and to hear from people and hear their stories is a privilege. We take it very seriously. We really appreciate the opportunity to come to the island today. It is a beautiful island. We can see the resilience, the strength and the cohesion of your community even just by the four or so hours that we have spent with you today. We really appreciate you taking the time to help us better understand what is happening here. I declare the hearing closed. Thank you.

Committee adjourned at 2.58 pm