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

Members present:

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

Staff present:

Mr K Holden (Committee Secretary)
Mr J Gilchrist (Assistant Committee Secretary)

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

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 15 SEPTEMBER 2017

Brisbane

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Committee met at 12.00 pm

CHAIR: I declare this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee open. I acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. I am Leanne Linard, the chair of the committee and the member for Nudgee. The other members are Mark McArdle, deputy chair and member for Caloundra who is attending via teleconference; Mr Aaron Harper, member for Thuringowa; Mr Sid Cramp, member for Gaven; Dr Mark Robinson, member for Cleveland, also attending via teleconference; and Ms Leanne Donaldson, member for Bundaberg, who unfortunately cannot attend today's hearing.

Today's hearing is part of the committee's examination of the Child Protection Reform Amendment Bill 2017. The bill was introduced by the Hon. Shannon Fentiman, Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence, on 9 August 2017. The committee is required to report on the bill by 28 September 2017.

A few procedural matters before we start today. This committee is a statutory committee of the Queensland parliament and as such represents the parliament. It is an all-party committee which takes a non-partisan approach to inquiries. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence. Witnesses have been provided with a copy of the instructions for witnesses so we will take those as read. Hansard will record the proceedings and you will be provided with a copy of the transcript. This hearing will also be broadcast live on the parliament's website.

Given the sensitive issues in relation to child safety which may be raised during this hearing I remind members and witnesses of the requirements in standing order 117, questions concerning a child subject to the Child Protection Act 1999 or Youth Justice Act 1992 must be asked in a manner which does not identify the child, and standing order 233, the sub judice rules. I advise that these standing orders also apply to answers to questions.

GLOVER, Ms Jen, Acting Assistant Director, Legal Aid Queensland.

BELL, Ms Toni, Acting Director, Family Law and Civil Justice Services, Legal Aid Queensland

DEAN, Ms Jessica, Acting Principal Lawyer, Children and Young People, Legal Aid Queensland

CHAIR: Would you like to make a brief opening statement before we ask questions?

Ms Glover: There is nothing I wanted to add to our submission. I am happy to just take questions.

CHAIR: On behalf of the committee can I thank you for your submission. We always appreciate the time taken by those who obviously have a significant frontline investment in what we are looking at and it certainly assists the committee. We will open up for questions now. Deputy Chair, did you have any questions?

Mr McARDLE: I do. Thank you for coming today. Can I take you to the top of page 3 of your submission and clause 17 that amends section 51B. Could you expand upon that a bit further if you do not mind? I have read the submission, but can you go a bit further into that? It deals with the issue of the case plan must provide an alternative goal in the event that this is not possible—that is, returning the child to their parents. Then you talk about the concern you have of confusing messages that could send to a parent.

Ms Glover: I think this identifies a concern which is one that was raised by some of our practice lawyers that if there is a goal of returning the child to the family's care but an alternative goal that also needs to be included in case planning processes from the very outset of effectively parallel planning

for the child to remain in out-of-home care as a permanent option, we have a concern that that sends potentially a quite confusing message to parents about Child Safety's commitment to what should be at that stage a shared goal of returning the child to the parents' care.

Mr McARDLE: I am just trying to understand how you would deal with that differently. You could not keep the second plan, alternate plan, hidden, could you?

Ms Glover: No, I don't think so. I think if that issue is being planned for from the very outset then, as we have indicated, it seems like an issue that would need to be handled very sensitively because there is the potential for raising that parallel permanent plan to lead to the parents not having faith or trust in the work that Child Safety is trying to do to return the children to their care at that point in time. If that proposed amendment is retained and that discussion of that permanency care goal starts from the very outset of the child's time in out-of-home care—

Mr McARDLE: It would create, you would say to me, a suspicion potentially in the mind of the parent that the real goal is not to return the child or the children as the case may be?

Ms Glover: Yes.

Ms Dean: The beginning stages of an intervention are often extremely emotional, obviously, especially if it comes on the heels of the removal, particularly with very young children. It is a situation where the parents are already a little bit on the back foot when it comes to the relationship with Child Safety. As Jen said, the suspicion and trust issues in conjunction with a formal planning for an alternate future where the children might be returned to their home does not really lend itself to a very strong working relationship with Child Safety which is really important to establish at the very beginning.

Mr McARDLE: Communication would be pivotal from day 1?

Ms Dean: Yes.

Mr McARDLE: Could I take you to page 5, variation and revocation of permanent care orders. You raise the question on clause 38 that only the Director of Litigation can make application to vary or revoke a permanent care order. You then talk about the right of a child. Given the act can apply up until 25 years of age, if I recall correctly, you say that the child should have the right to make an application. In fact, you are in sync with the Youth Advocacy Centre. They raised that point in their submission as well. The point I would ask you to consider is in regard to not just the child; what about the parent? The clause is quiet, as I understand, in relation to not just a child not being able to make an application, but a parent cannot either. Do you see they should have that right equally or really you are saying the child should have the right?

Ms Glover: In relation to that question of whether parents should have the right to apply to vary or revoke a permanent care order, I suppose that is not an issue that we raised in our submission because the policy intent behind the proposed permanent care orders is that they are distinguished from other forms of long term out-of-home care specifically by the fact that they are not able to be varied or revoked by a parent to create an extra level of certainty for children and young people in their out-of-home care placements. But we were significantly concerned that the child who is the subject of that permanent care order does not, under the proposed amendments as they stand, have the right to apply to vary or revoke and instead would be required to go through a process which would effectively require convincing two government agencies, first Child Safety and then the Director of Child Protection Litigation, to bring that application.

Mr McARDLE: If we consider the bill is to establish certainty, I am not quite following why allowing this amendment would provide continued certainty, but not allowing a parent to seek to review would discolour certainty.

Ms Glover: I think that the circumstances that would lead to a child seeking to vary or revoke their permanent care order would be similar to the circumstances where the Director of Child Protection might be applying to vary or revoke a permanent care order effectively where the child's situation living with that permanent guardian is no longer tenable and what it would be doing is giving the ability for the child who is in that situation to be able to directly bring that issue to the court's attention.

Mr McARDLE: You talk about the two-year orders at pages 3 and 4. Then you say at page 4 that the inclusion of interim orders should not be taken into account in the two-year rule; is that right?

Ms Glover: Yes.

Mr McARDLE: Why is that? Is it because the interim orders are only based on information that perhaps is not thoroughly tested?

Ms Glover: That is not specifically raised in our submission, but it is certainly true that interim orders are made by courts during adjournments and they are not based on a final acceptance of the evidence in the way that a final child protection order is. The reasons that we have raised the concern about the inclusion of interim orders in this calculation are effectively around the unpredictability of the length of time matters are before the court.

Mr McARDLE: The delay in the system you are talking about?

Ms Glover: Yes, and delays that are not within the control of parents.

Mr McARDLE: I accept that. The backlog of the courts or reports being prepared et cetera.

Ms Glover: Yes. There are certain things that need to occur in a court proceeding that are not within the court's control either, like the convening of family group meetings.

Mr McARDLE: My final question is this: Legal Aid acts on behalf of children across multiple jurisdictions—Family Court, state court et cetera. The Public Advocate I understand is now appearing at some of these hearings; is that correct? Where does their role differ to a child rep or a separate rep appointed via the court through Legal Aid? Where is this difference between the roles?

Ms Glover: Legal Aid appears on behalf of children and young people in two contexts in child protection proceedings: as directly instructed advocate—that is where the child is instructing a lawyer in the same way that an adult would, so the same way their parents would; or as separate representatives whose primary role is to act in a child's best interest but also to put their views and wishes before the court. The child advocate role, which was created in a previous round of amendments, is generally limited to ensuring that the child's views and wishes are known to the court and assisting the child to put those views and wishes before the court. Sometimes child advocates might be appearing in matters where there is no separate representative and no direct representative in circumstances where the child might not want to directly instruct a lawyer and for whatever reason the court has made a determination that it is not useful to have a separate representative involved. Occasionally child advocates are also involved in proceedings at the same time as a direct representative or a separate representative. In my experience, usually a child advocate will be involved initially and may choose to step out or step back a little bit from the court proceedings because it is sometimes not very useful for the child or young person to have multiple lawyers representing their views in different ways and potentially can be a bit confusing for the child as well.

Mr McARDLE: Thank you very much.

Mr HARPER: Good afternoon, ladies. Thank you for being here. Thank you to the Legal Aid Queensland team. You do a very challenging job. It is probably a bit of a thankless job. I have just read an interesting book by Cathy McLennan—you would be familiar with it—*Saltwater.* Yes, member for Caloundra, I will get that book to you next week.

Mr McARDLE: I have heard that before.

Mr HARPER: You are in Townsville with us. We are off to Palm Island actually. I drew a whole heap of synergies between the objectives of this bill and some of the observations Cathy wrote about in that book. Working in the child safety space is a thankless task and is real frontline stuff. There are some pretty clear objectives with this bill about promoting permanency care orders. You have made some observations in your submission. I will take up from the member for Caloundra's comments around children wanting to make an application themselves to revoke an order. Other submitters have talked about the Gillick competency. Can you unpack that a little? When you talk about a child making those, what is the detail around that?

Ms Glover: As part of the requirements, if a child wants to directly instruct a lawyer and get a grant of aid to do that, the lawyer has to be satisfied that the child has the competence to give them instructions. The test is Gillick competence. Broadly, that is an understanding of the decisions that they are being asked to make and the consequences of those decisions. When we are talking about a child having the ability to apply to vary or revoke an order themselves, that would be specifically in relation to children effectively who are Gillick competent and able to convince either a lawyer who would be acting on their behalf or the court itself, if they were bringing that application on their own, that they have that competence.

Mr HARPER: There is no age limit or anything like that?

Ms Glover: Sadly, no. I think a general rule of thumb might be that over the age of, perhaps, about 12 you may be more likely to have the competence to give instructions to lawyers and if you are under the age of 12 you are perhaps less likely. However, that rule of thumb is not fixed in any way. You cannot assume that a child who is 11 will not have the ability to give you instructions.

Ms Bell: Or that a child who is 13 has the ability.

Mr HARPER: Exactly. In your submission at page 5 you talk about reasonable efforts by Child Safety. You talked about addressing some child protection concerns that have yet to be meaningfully and consistently implemented. Can you unpack that a little? Obviously you work very closely with Child Safety in this regard.

Ms Glover: Certainly we are very conscious and it is obvious in our practice that the reforms recommended by the Carmody report are being rolled out and we are seeing changes to the practice framework, which is promoting a greater degree of early intervention with children and families. However, from our practice experience it is not clear that those changes are solidly embedded across the state and that we could be relying on the idea that early intervention is always well resourced and consistently implemented across the state, which might make you less concerned about limiting the period of attempts to return a child to the parents' care to two years. It is for that reason that we have wanted to raise this issue of perhaps a more balanced approach that might involve implementing this other recommendation that was made by the Carmody report, which is about the court being satisfied that Child Safety has made all reasonable efforts, effectively to return a child to their parents' care before making a very intrusive order like a long-term order.

Mr HARPER: It is a very challenging area. The report that you are referring to is the *Taking responsibility* report?

Ms Glover: Yes.

Mr HARPER: Through the public briefings with the department, we have been told it identifies 9,000 children throughout Queensland. It is a huge task and a really difficult area.

Ms Glover: Yes, absolutely. It is certainly not intended as a criticism of the department in their implementation of the process. As I said, in our practice we are already seeing evidence of the implementation of the reforms around supporting greater levels of early intervention and support of parents. From our perspective, it is more about having a balance requiring the court to be satisfied that those reasonable efforts have been made and if they have then that would lead to a conclusion, I suggest, that a long-term order would be appropriate. However, in circumstances where that is not able to occur, at that point it may then be reasonable to provide for another short-term order. Because Legal Aid has lawyers who act in the best interests of children and also act on instructions of parents and children, we come to this submission with both of those perspectives. For our separate representatives acting in the best interests of children, it is difficult to see that we are serving children's best interests if we are not giving their parents a fair shot in court proceedings.

Mr HARPER: I have family members who are foster-carers in another state. They have five children and have just had permanency care orders appointed to an 18-month-old beautiful Indigenous baby. There is so much that they put into giving those children a loving and caring environment. It really has opened my eyes to the world that we live in. On the final page of your submission, you talk about the protection of lawyers who disclose privileged information in response to section 159. You raise the point of unintended consequences. Can you bring some detail to that?

Ms Glover: The potential unintended consequences of leaving the provisions as they are would be to create some uncertainty for parents and children who are seeking legal advice from community legal centres that the information that they are providing is going to be protected by legal professional privilege. We feel that if this provision is implemented it will not be completely protected by legal professional privilege. The potential unintended consequence of that would be, if people feel uncertain about whether they can trust that the information they are giving is going to be protected by privilege, that might lead to them being less likely to seek legal help from a community legal centre. For some parents, older children or young people who want and need legal help, that is a really unfortunate outcome, because for some of those people community legal centres are the best and most appropriate legal service for them to seek support from. We think this provision, as it is currently worded, would create a demarcation between the rights of people who get legal advice from community legal centres and the rights of people who get legal advice from private firms, for example, in terms of how legal professional privilege might apply and protect their information from being disclosed.

Mr CRAMP: I am trying to get my head around what the member for Caloundra was speaking about in regards to clause 38 and permanent care orders. You say that under this section it may be rare for an application or a child to proceed in this manner, but really we are trying to make it fairer for all children. I have to agree with you: it would strike me as putting children who are under permanent care orders at a disadvantage to come and see groups such as Legal Aid. Have you looked at scenarios of how that would disadvantage the child not being able to go to a legal aid centre as opposed to just going through the director?

Ms Glover: If this provision is implemented as written, a child who comes to Legal Aid and says, 'I'm very concerned'—for whatever reasons—'that it's not appropriate for me to be subject to a permanent care order anymore', the advice would have to be, 'This is not something that you can directly do anything about yourself'. The legal advocacy, to the extent that we could provide that for the child, would be advocating with Child Safety to take the concern seriously and make the appropriate referral to the Director of Child Protection Litigation and perhaps further advocating with the Director of Child Protection Litigation about why that application to vary or revoke the permanent care order should be brought. I agree with you in terms of creating a special disadvantage for children who are subject to permanent care orders in them not having the ability to apply to vary or revoke a child protection order, which would make them dissimilar to every other child who is subject to a child protection order.

Mr CRAMP: This would all be based on Gillick competency?

Ms Glover: Yes.

Mr CRAMP: These children are already under extenuating circumstances. For a child of any age, to approach Legal Aid is a major issue. I do not know how they would even decide to do that. You would be almost an unauthorised third party dealing in this; would that be right?

Ms Glover: Yes. Once the application was brought, the child would be a party to the application, but up until that point you would not have a direct role in trying to make the application be brought. It would just be informal advocacy on behalf of the child.

Mr CRAMP: I put on the record that I recognise you said this may be rare, but that does not make it correct. We do not look at things and how rare they are to make it fair.

Ms Glover: Yes.

CHAIR: Member for Cleveland, do you have any questions for Legal Aid?

Dr ROBINSON: I do not have any questions. A lot has already been covered.

CHAIR: My final point of clarification follows on from a question that the deputy chair asked in relation to your comments on pages 3 and 4 under 'Duration of child protection orders'. With interim orders being taken into account, you commented that you feel they should not be. My reading of this is that interim orders are excluded from the two-year time frame by clause 34 and amended section 62(5). Is your view that that does not actually exclude them or you are not happy with the wording? Can you clarify that for me?

Ms Glover: As we read the proposed amendments, the interim orders would be excluded from the calculation when the first child protection order is being made. The interim orders leading up to that first child protection order would not be counted, but a subsequent application for a child protection order would then take into account interim orders. Your time frame would run from the date that the first child protection order was made through to the date that the second child protection order ends. If that was joined by a period of interim orders between those two orders, those would be counted, as we read the provision.

CHAIR: My recollection, which may not be perfect, from the briefing from the department is a little different. That may be an interpretation issue that I will seek clarification of when we have the department in again. Finally, at the top of page 4 under 'Expression of the amendment', you say—

> We respectfully suggest that the wording of the proposed amendments to section 62 may be difficult to understand and apply, and suggest consideration be given to alternative expression of these.

Did you have a particular suggestion in that regard? We appreciate your learned opinions in regard to these things, so that we can seek further clarification from the department. Had you provided this submission to the consultation that the department did?

Ms Glover: Not in relation to a suggested alternative wording of this section. In formulating our submissions, we found the explanation in the explanatory notes much clearer and the examples given were clearer than the wording of the section itself. I think it is potentially just about making it a little bit simpler though a plain-English approach.

CHAIR: Your submission raises some more interpretation issues around the drafting of the bill. Was this submission provided to the overall consultation process, or some of these elements? Did you submit to that? I want to understand what of your concerns they already have.

Ms Glover: Certainly we were consulted prior to the bill being before parliament.

CHAIR: Is it the same issues that you have raised, are there new ones or is it a bit of a mix?

Ms Glover: It is probably a bit mixed, but overall I do not think the issues would be completely new.

CHAIR: Thank you very much. On behalf of the committee I thank you for the work that you do and for taking the time to come and assist us with the bill. We very much appreciate it.

WIGHT, Ms Janet, Director, Youth Advocacy Centre

CHAIR: Welcome. It is nice to have you with us.

Ms Wight: Thank you for asking us. We appreciate it.

CHAIR: We appreciate it and we certainly appreciate your submission and, of course, the important work that you do in this space and your expertise while we are looking at this bill. Would you like to make an opening statement before we ask questions?

Ms Wight: I would like to clarify that the Youth Advocacy Centre is a centre for young people. Our concerns are driven absolutely from that perspective. We do not perhaps have the broader ambit that other lawyers and Legal Aid might sometimes have. Our comments are always very much focused there. That does not mean to say that others do not have legitimate interests. It is just that that is where our advocacy comes from.

Our main area of business is youth justice. Of course there are a large number of young people in youth justice who are subject to child protection matters or concerns, so there is a significant overlap there. Whilst we do some child protection work, we probably would not have the same level of expertise as our Legal Aid colleagues. We work with 10- to 18-year-olds. That is really important. We are working with 'Gillick competent' children. That is the basis for us acting with a young person.

I would perhaps say that Gillick competency would go to at least the age of 10 and could go below depending on the issue. It is very much about the issue. We charge our children with offending at the age of 10. We very much take the view that children should be given every opportunity to demonstrate that they are able and willing to participate and to provide instructions on that basis.

CHAIR: Thank you very much. I will go first this time to the member for Cleveland because he was cut short last time. Did you have any specific questions, Mark, of the Youth Advocacy Centre?

Dr ROBINSON: I do not have a specific question but I am listening.

CHAIR: I will start the questioning then. Thank you for your submission. I was particularly interested in your comments on page 2 of your submission in regard to the obligation to provide children under particular child protection orders with information. You reference there section 74A. You also make the comment at the end of that section—

> New section 79A must therefore place obligations on the long term or permanent guardian to ensure the child has this information.

I agree with you that that is incredibly important. My understanding is that the bill introduces obligations on the chief executive under section 74A to ensure that prior to a final long-term guardianship order a child is told about particular matters and these include the obligations of their guardians under section 79A. Is it your view that that does not go far enough, that that is not clear enough? What are your key concerns?

Ms Wight: Our concerns are that it seems that it is just a one-off situation that could happen very early. If the child is taken into a long-term arrangement when they are quite young and are given that information when probably they are least able to actually understand what that means, then there needs to be something that says that later on as the child's maturity increases that information is brought to their attention again and probably in a manner which is more detailed. If you have a five-year old coming into long-term care as opposed to a 16-year-old, although that would be unlikely I suspect, the level of understanding of who to contact, how to contact and what you can do would be quite different. This is something that I think our lawyers have experienced on an ongoing basis over the years. Young people may be told information at one point in time often when care and protection matters are on foot or just after they have been finalised, but they often do not get reminded along the way—'You have these rights in the charter. You have this right to appeal.' They do not retain those things. Why would they? If things are going well, it is not the sort of information that young people living very much in the moment, as we know they do, will keep.

As time progresses it is not about wanting to drive any sort of wedge in the relationship but about having some sort of communication from time to time that would say, 'The child is now two or three years older. We just need to make sure that they are okay, that they understand that they have some ability to ask questions, to have things tested and, if they are unhappy, that they do have the right to actually challenge the situation they are in.' It is a tricky one because you do have to find that balance between, as I say, not disturbing a relationship but ensuring that these young people are aware that they can go to someone. We know the vulnerability of some of these young people.

CHAIR: Is there any practical way, Ms Wight, that you feel that could be best achieved?

Ms Wight: Maybe there is some work that the QFCC and maybe the Office of the Public Guardian, as statutory agencies, could do to ensure that the information on their websites is kept up to date so that young people can be given perhaps places to go to find that information rather than perhaps being sent a fact sheet out of the blue which makes them think, 'That is a bit odd. Why have I got this?' It is about having is a place to go where they know there is information that is for them in a safe place.

CHAIR: When you say 'a place to go', do you mean online?

Ms Wight: Yes, online. I think that is also very important. I think sometimes people do not appreciate that people would like to receive information or seek information in a private way. They do not necessarily want to have to ring someone up and say, 'I want this,' because they feel that they are then putting themselves out there and they are going to have to answer questions and that sort of thing. If they know there is a place to go so they can check things out for themselves and think some of that through before they make the step of deciding to actually talk to someone, I think that is really important.

CHAIR: Thank you very much. We will now go to the deputy chair for questions.

Mr McARDLE: Thank you for your submission. I think you heard Legal Aid touch upon section 65AA in relation to children having the right to make an application in relation to a permanent order. You agree with that as well, I note, in your submission on page 1. You also agree that parents should not have the right to make that application.

Ms Wight: I make no comment really in relation to that. As I said at the beginning, our voice is always that of speaking up for and on behalf of children. That was the driver for saying we thought the child should be involved. I would not say that that means that we think parents should not be. There would be situations probably for us where that parent might be in fact a young person, a child at law themselves. In those situations it might be that we think that in fact there is some ability that that might happen. Obviously if it is a long-term order that might be less likely because the young parent will probably be an adult by that stage themselves. That is about the only situation where I see a crossover. We would not be advocating that parents should not—only that children should, if that makes sense.

Mr McARDLE: It does. My final question is in relation to the sharing of information. You raise a question of legal professional privilege in clause 66, which amends section 159R(3). Could you elaborate on that?

Ms Wight: Only that, as we read it because of the way the definitions are currently drawn, it means that for the Youth Advocacy Centre as a non-government agency that is receiving government funding our lawyers are placed in a different situation to private lawyers and even lawyers from Legal Aid. In theory, we can be required to provide information which would normally attract legal privilege. As I have indicated, it does say that there is no penalty for failure to respond to that. That is a very difficult position to put a lawyer in to say at law that you are required to do something but then to find that you actually are in breach of what would be your normal obligations of legal professional privilege.

We would not be happy, I would say, if that were applied to all lawyers. At least if it were applied to all lawyers that would be one thing. The problem here is that there is a particular group of lawyers who are being placed in a completely different situation. I think that Ms Glover from Legal Aid articulated very well the issues that can come from that. It is about us generally being able to say to our clients, 'You can be honest with us. We can get good instructions from you. We will represent you because we will not be telling anybody else what you have told us.' That is desperately important also for the system to work well. We cannot do the right thing by children and we cannot do the right thing by their families if people cannot provide the information in order for the procedures to operate openly and fairly and appropriately. I think it is really important that legal privilege is something that we can claim just as any other group of lawyers would be able to.

Mr McARDLE: In reading your submission you refer to clause 66 and you say, '... does not affect waive or otherwise affect a claim of privilege by the person the information is about.' I think you are saying that the phrase 'by the person the information is about' causes you concern because it should really cover both the person and the legal practitioner involved.

Ms Wight: This is right. The reason we picked up on section 159R was that it was not in the original consultation draft that we saw. When the bill itself came out and we saw this clause, initially we thought that the point had been taken and it had been addressed. Then our lawyers looked at it a little more closely and said, 'No, actually this is addressing a different situation.' It is saying that the information remains privileged when it has been passed on, but that is not the same thing as saying that the lawyer does not have to pass it on in the first place.

Mr McARDLE: Would you argue the point that the child has to have absolute confidence in you and/or your organisation and that that particular amendment could erode that confidence because there could well be a situation where you are required to divulge information where in other circumstances—for example, Legal Aid or private legal practice—you would not be required to do so?

Ms Wight: That is exactly right. As I say, there is no offence created if you do not comply with that request. There is also the protection of one of the other sections—which I cannot recall now—in relation to you not being in breach of your professional obligations. That I do not think gets us over the hurdle. We believe that it would be open, for example, for people to take a view that it was problematic that lawyers were not complying with a legal request, if it can put it that way. We find ourselves caught in a very difficult position, especially as an organisation that is funded. There is an argument possibly that could be made, 'We observe that you were made this request and you failed to comply with it. It is a legislative request. It requires you to do it. There is no penalty, but it says you are required to do it.' We think that makes things difficult. It would be easy to deal with this by putting in some extra wording to address that specific situation of lawyers in community legal centres or similar agencies.

Mr McARDLE: I do not think that if you did it or did not do it you would not get any pushback from the Law Society or an organisation of that kind. Is that right?

Ms Wight: My understanding is that the Law Society may have made—I cannot remember. I thought a read a sentence in their submission that maybe mentioned that. I have spoken with a number of lawyers in and around Legal Aid and QLS who are associated with their committees who seemed to understand what we were saying and certainly saw that there was a problem.

Mr McARDLE: Thank you very much.

Mr HARPER: Thank you, Ms Wight, for your submission and for being here today and again for the work you do in this important and challenging space—and for over 35 years. You obviously have some experience.

Ms Wight: Yes, indeed.

Mr HARPER: I picked up on two points in your submission. One was on the last page where you say, '... the legislation does not specifically require a case plan to be in writing.' That is interesting. You go on to say—

> While it would be assumed that this what would happen, it would be appropriate for this to be stated as it is for many other types of documentation or information in this and other legislation.

That is a good point. I imagine that it needs to be picked up in the legislation that the case plan is actually in writing and agreed to.

Ms Wight: It was just one of those things that when we were going through the bill it came to our attention and we though that it is interesting that we cannot find where it is saying 'in writing'. I do not think on a practical level that it is an issue, but I think it would be appropriate for the legislation to be quite clear so that somebody does not think that they can hold a case plan in their head and that it is clearly written down so that everybody knows what that case plan is. I think that is important.

Mr HARPER: The second question I have—although that first one was an observation—relates to this statement on page 2, where you say—

> YAC is not convinced that an application in relation to variation or revocation of a permanent care order should be managed differently to a long term guardianship order—

Can you explain that for me?

Ms Wight: I think it was about who can apply for the variations and revocations. As I understand it—and I must say that I do not practise these days; I am in the role of the director rather than in the court—the fact that you can make an application to revoke or vary a long-term guardianship order would say to me that I do not see why you cannot therefore have the same right in relation to a permanency order. They are both supposed to be long term. The main difference I see between the two is that in one the state still has a significant role whereas in the other it has a much less significant role. I do not quite understand why a distinction would be drawn between the child and possibly the parents' right to look at that permanency order.

As I think I tried to describe there, we were told when we raised this in the consultation that the processes can be quite complicated and that it might be difficult. I see them being no less complicated or no less difficult if you are applying for a variation or a revocation for a long-term guardianship order. Frankly, if our processes are that convoluted, we need to look at our processes to make them friendly for children and their families who are already in quite difficult circumstances. We do not need to make it any more difficult for them by having processes that are unworkable from their perspective.

Mr HARPER: Thank you very much.

CHAIR: Member for Cleveland, do you have any questions?

Dr ROBINSON: I am good, thanks.

CHAIR: I thank you, Ms Wight. It was lovely to have you here. We thank you for your input into the bill. We really appreciate it.

Ms Wight: Thank you for the opportunity to be here.

EDWARDS, Ms Sue, Coordinator, Family Inclusion Network and Micah Projects

WALSH, Ms Karyn, Chief Executive Officer, Family Inclusion Network and Micah Projects

CHAIR: Welcome. Would you like to make an opening statement before we open for questions?

Ms Walsh: I would just say that we are representing the Family Inclusion Network, which represents parents and NGOs who work with parents, as well as our own work through Micah Projects with parents. We have provided information based on consultation and the work that we have done with parents. We have been working with the Family Inclusion Network for over 13 years. It has recently been funded to try to develop a sustainable platform for the voice of parents in the child protection system and in other areas of policy and legislation that impact on their life.

CHAIR: Thank you for the particular perspective that you bring, obviously following on from our previous witness who brought the other perspective. The committee really appreciates that we get that balance. We will now go to questions.

Mr HARPER: I thank you both for being here and I again express my thanks for the work you do in this challenging space. In your submission, you stated that you had some reservations about the bill. The first one was—

… whether the financial and other supports to families who assume responsibility for children under the proposed permanent care orders will be adequate—

Can you expand on that for us?

Ms Walsh: Consistently, the families that are coming before child protection services or where children are being notified, are parents who live with: a significant range of inequality; poverty; issues around racism and culture; issues around structural access to resources like housing; issues around access to health services where health inequality is growing; issues around access to addiction services if there are issues around addiction; and issues around mental health services. When a parent is struggling with any of their own particular issues around their own life, plus the issues of parenting, there is not the balance of services available to them that become available to foster parents once children are removed in some cases.

Parents feel that there is not enough administrative fairness in the system at the moment that enables them to adequately take steps for help earlier rather than later. Permanency planning and the two-year threshold is one that people feel very strongly is unfair because of the way in which services are provided, the long waiting lists and the access to eligibility to services for their children or for themselves. This period of time is going to lead to the removal of children over long period of times, particularly when their children are young and they will not have the opportunity to redress some of those inequities in that time frame.

Also, many parents and their grandparents were in the child protection system themselves so they really are aware of the adverse effects that removal can have. Certainly, we all acknowledge that some children need permanency planning in the child protection system and that that should exist. However, a lot of children are being removed who are not in the system for that long or multiple placements because issues are not being dealt with in terms of access to resources and early intervention for the families as a whole. We know the detrimental effects of forced removal in the past. Some people find out as adults that they were in the care system simply because of a lack of resources, not because of abuse or neglect. This has been the experience of many people who have been through the child protection system.

Mr HARPER: You could both speak to this other point that you made, where you said you have significant reservations about the proposed permanent care orders.

Ms Walsh: That is for the same reasons—that people do not have access to adequate legal representation; they do not have access to the resources they need to change what is happening or to change the barriers that exist for their own lives or that impact on their parenting; domestic and family violence; and access to stability in housing, which is a big issue. People are constantly on the move. Parents tells us all the time that they are not informed of the services or given proactive entry early enough—that it all happens once notification has happened or once there has been a major issue. They can tell you many attempts where they have tried to get services but there is not the scale of services in the community that will give a timely response without people having to go into the hubs now which are a diversion from child protection but they are still pretty much up at the tertiary end.

People have been trying to access services in the community and are not getting anywhere, even for their children. There are some incidents where children are able to get priority access to services once they are in care, but when they have been with their family they have not been able to get those services in any priority form. They are on long waiting lists and there are often costs that are prohibitive. The imbalance is what we are most concerned about. Even though we have some change in the system, we do not have the scale of investment around family preservation and family support services earlier than we need. Families need support for more than six or nine months.

Mr HARPER: You made some interesting observations. I was drawn to your concluding comments where you talked about the New Zealand Vulnerable Children Act. You state—

The New Zealand Vulnerable Children Act 2014 acknowledges that no single agency alone can protect vulnerable children and that a whole-of-government approach is required.

You talk about housing, health, education, early childhood disability, justice and communities. There is actually a whole-of-government response happening in Townsville called the Stronger Communities Action Group. It brings all of those agencies together to do some wraparound services around families. There is some work happening in government so I was interested in what you wrote.

Ms Walsh: We do not think it is happening early enough. Whilst it may be happening in pockets and it may be happening when children are in care or families are leading into the care system, we think from an investment point of view and a commitment to early intervention and early childhood services there needs to be many more services in the community to support families. They need access to information on understanding child development and how trauma impacts on their life. They need to be able to resolve some of that. We think there needs to be much more collaboration and we are very siloed in our approach to some of those early intervention approaches.

It is not just about the case plan. There is a lot of work being done on sharing of information around case planning, but when you look at how many family centres there are in communities or children centres or early childhood programs that do not require participants to pay, we are still lagging behind in terms of that investment. If you want to organise your system so that you can support children to stay with their families versus how we organise it now after removal or at the threshold of removal, we still need to look at the balance of investment to do that. We need adequate systems so that children's voices are listened to as well as parents' voices and that, as things change, those changes are taken into consideration where there is administrative and legal fairness.

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

CHAIR: I want to look at your recommendation 3, and again I thank you for the particular perspective you bring. Recommendation 3 states—

A two year timeframe for recurrent statutory orders should serve as a guide not a fixed timeframe, following which, permanency orders are to be pursued. Timeframes need to be flexible, not rigid, to take account of the complex factors—

As the chair of this committee in this space, I have read and seen and heard that it is that flexibility which is actually a concern to many people. If ultimately this act is about the best interests of the child, then this lack of permanency and the rolling short-term orders are causing injury to the children. How do we find that balance? Where is that balance between respecting those, as you say, incredibly complex situations—which every member would see when these people come into their office—and the timeframes and complexities et cetera? Where is the balance between putting the emphasis on the best interests of the child?

Ms Walsh: I think it is in the process that you work through, the dynamic of family relations, the efforts that parents are making, the needs of the children and making sure there is equal access to resources, whether children are in care or not in care. It is a dynamic. It is not something that is fixed. A set time frame is not a magic wand. I think we have a lot of history in child protection where rigid time frames do not produce the best results. It is about the quality of assessments. It is about the quality of the voice of the parent and the child. It is about how that is documented. It is about what legal representation both parties have. It is about how you work out the best solution based on evidence not a time frame.

CHAIR: It would seem to me that the intent of this change is actually about trying to put more emphasis on the importance of permanency, moving children into a healthy, constructive and permanent arrangement earlier. Currently, it seems to be, if you look at the review into this situation—and I know you would know it intricately—that that is not occurring.

Ms Walsh: Permanency within a family unit is also a valid goal.

CHAIR: Absolutely.

Ms Walsh: In order to have permanency and stability within your biological family, then there is a trajectory of resources and opportunity that parents need to achieve that. If you removed that opportunity and replaced it with a rigid time frame that says, 'You haven't reached this within this time frame,' I do not think that would be in the best interests of the child.

We know that permanency planning has lifelong impacts. Certainly where it is the last resort and it is the only option based on the evidence and based on the circumstances, that is a valid thing. You do not want multiple placements. However, we have to have an emphasis that the biological parents, if given access to resources and opportunity and services, can make change rather than just have a judgement on what they have achieved during a particular time of two years, particularly when we are saying that they cannot revoke a permanent order because of change.

CHAIR: This brings me to my third question. As a parent myself can I say if you can have a child placed with their biological parents in a safe environment and improvements be made too, what could be a more optimal situation? I think everyone would agree with that. Your concerns that you have just mentioned—the rights of the biological parent, the opportunity to try to get them to a point where the child can return to them. With regard to the collaborative family decision-making processes that provide that opportunity for all members of a child support network including carers and proposed guardians to be included in that case planning and decision-making, it is my understand from reading the materials the committee has that permanent care orders would be another option in a suite of options. If there was a clear situation where those parties in that collaborative decision-making were not indicating that there is agreement that is in the best interests of the child, that would not be the order that would be chosen. They would be choosing a different order. Is that not enough to give you confidence? That is my question: why?

Ms Walsh: I do not think we would have confidence in that. Given the nature of how these meetings occur, parents' ability to participate at any given time—it can take three months to get access to a family intervention service when they first ask for one or it can take longer. I think that the time frame is the biggest issue. The dynamic of a collaborative process would not be of as much concern to us if it was not constrained around two years because things change incrementally. It is not just one thing. These processes do not always happen in a way that everyone can participate in because of lack of resources and services in the community. Parents are regularly saying that they did not know when it was happening, and children young people can say the same thing. As situations change, often there is not that process of review that people fully understand what is going on. It takes more resources and supports for every position—the position of the parent as well as the position of the child—to be able to navigate that system. At the moment people do not feel we have the right mix of services in place to do that.

CHAIR: Finally, it is my reinterpretation—and we have an opportunity with the department, which will be very valuable, to ask the questions that you are raising and we appreciate you raising them—that it is not at two years automatically that children are going to be transferred onto this. This is—again, my understanding—an option. I would imagine that, if there were parents coming and saying exactly what you have said that, 'We did not have the support. We did not feel we had a voice in the process,' no court is going to arbitrarily say, 'Well, that's it. We have reached two years. We will take your child,' because that is not the way the bill is drafted. I really want to understand your concern about—

Ms Walsh: I think why have it then? Why specify two years?

CHAIR: Is there a better way to actually achieve improved outcomes for children with regard to permanency in your mind?

Ms Walsh: Yes. The process itself—evidence, the assessment, the decision-making, the voices of everybody involved whether that is extended family, biological parents, children, young people, and the services involved obviously. I just think that the two-year mark, the feeling that people have is it would be used against them not to progress, and it can take a long time. That is the biggest fear that people have, that it will be forced removal at a two-year mark even though the intent may not be that—

CHAIR: It is not drafted that way.

Ms Walsh: However, we have had plenty of evidence in the past where that was not the intent of legislation either, but it can be used to justify removal or permanency, particularly where there is lots of conflict. I think the interests of the child should be centre, but everyone's voice needs to have equal access to legal representation, administrative fairness and participation in the process, which is really hard to do at the moment.

Mr McARDLE: I have a very quick question. I combined recommendations 2 and 4 together, in particular the monitoring of the permanent care order or care orders. My concern is particularly in remote areas of Far North Queensland, that poses I would have thought significant—are you able to elaborate on how the government would do that, particularly talking about remote organisations or bodies in Far North Queensland?

Ms Walsh: Sorry, I am not quite sure to what—I think by involving all the stakeholders, but there are stakeholders in remote communities as well.

Mr McARDLE: I suppose that my point in terms of stakeholders by way of numbers in the remote areas compared to the South-East Queensland, I would have thought there would have been a significant difference between the number of bodies or organisations. How best can we monitor the outcome of permanent care orders in Far North Queensland or North Queensland or Western Queensland where there are remote Indigenous communities?

Ms Walsh: I think those communities would have a better answer to that than I would. Those communities have processes in place where they are very concerned about the number of children being removed, so they want to see a reduction in the number of Indigenous children in care outside those communities. I would be looking for those communities to contribute to an answer to that.

CHAIR: Thank you both very much for coming before the committee. I appreciate it. I would like to welcome Lucas Moore, Coordinator of CREATE Foundation. I also welcome Leonie Sheedy, Chief Executive Officer and Natalie Wallace, Counsellor from Care Leavers Australasia Network.

MOORE, Mr Lucas, Queensland Coordinator, CREATE Foundation

SHEEDY, Ms Leonie, Chief Executive Officer, Care Leavers Australasia Network

WALLACE, Ms Natalie, Counsellor/Royal Commission Administrator, Care Leavers Australasia Network

CHAIR: Do we have anyone on the phone right now?

Ms Wallace: Yes, it is Natalie Wallace from Care Leavers Australasia Network.

CHAIR: Welcome. I understand Ms Leonie Sheedy is on a plane and is delayed but will be joining us soon. Welcome, Lucas. Would you like to make an opening statement or any comments?

Mr Moore: I have just prepared a very short opening statement because some of you might not be aware of what CREATE does. We are an organisation that was started by young people with a care experience and a foster carer back in the nineties. We now have over 3,000 members in Queensland. These members are all children and young people who have been in care or are in care aged from birth up until 25. We have a network of almost 70 young consultants throughout Queensland who help us with our advocacy work. These are young people are aged 14 to 25 who have been in care or are in care and want to help improve the system with their perspectives.

For our team, there is probably both complexity and a cause for celebration in this bill. Proposed new section 75 explicitly recognises the state's obligation in providing support for young people in care after they have turned 18. As is the modern expectation of a good parent it is a cause for celebration and credit to almost 20 years of advocacy of young people at CREATE and other partners we have in the sector, some of whom have appeared already. We also cautiously welcome the new focus on permanency or stability in the bill, but it is a complex issue and there is more than one road to stability for young people.

The views of children and young people are not homogeneous, as you would probably expect because their experiences are not. Whilst children and young people's views differ about issues like permanency and stability and what it means and how it can be achieved, from my experience over the last nine years at CREATE there are two consistent themes in what they are saying. Where possible, they want to have a say about their lives—funnily enough—and they also want flexibility because situations change and people change. Young people have consistently told us that timely support is the key to preventing arrangements from breaking down and, hence, maintaining stability.

I guess we would like to see in this legislation or in the Child Protection Act more broadly a strengthening of the role of the Queensland government in supporting long-term guardians and permanent carers. There are some very broad statements made in proposed section 159 but we would really like to see that ability for the government to provide support when it is necessary to help arrangements from breaking down because these are young people who have often experienced abuse and neglect and need a lot of help to overcome that.

We want to be sure that the PCO is not just used as a blunt tool to address problems in aiding the system which are not to do with a type of order a child is on. Another change that we would like to see in prosed section 75 about young people after they officially age out of care is an obligation to provide support not just to young people who are on guardianship to the chief executive but also to those who are on long-term guardianship to another and on the new permanent care orders. We would like to see support reviewed on a case-by-case basis. I definitely come before the committee not as a legal expert but as someone who has spent a lot of time over the last 10 years in my career listening to young people and chatting with them.

CHAIR: Thank you very much. Natalie, do you want to make any comments before we open for questions or are you waiting for Leoni?

Ms Wallace: I might make a short statement in case we run out of time. I am trusting you have all read the submission that we put in, so I will not go into too much detail. Unlike CREATE, we work with care leavers on the opposite end of the spectrum. Even though we are a support and advocacy network for anybody who has left care, our members tend to be older—50, 60, 80, 90 and even getting close to that 100 mark. We are dealing with people who have had the legacy of a childhood in care and have dealt with that for many decades. We are very pleased to see a lot of the reforms that this bill is focusing on. We think that if they were done earlier we might not be dealing with the same issues that our members are facing now. The thing that we have the biggest focus on, considering our member groups, is clause 71, the records release. We are obviously advocating for records to be released expeditiously with immediate priority access to older care leavers. The idea of them being

able to access their own information without it being redacted and with as much information provided to them as possible is what we have always advocated for. It is something that causes significant trauma and is something that needs to be addressed urgently. Whilst we also agree with a lot of the other reforms that you have put forward, particularly the transitioning into care and that—is on care leavers being able to access their records and having these records unredacted and provided quickly.

CHAIR: Thank you, kindly. It sounds like we may have been joined by Leonie Sheedy.

Ms Sheedy: Yes, I have.

CHAIR: Welcome. I have introduced Mr Lucas Moore, Queensland Coordinator of CREATE Foundation. We have also just heard from Ms Natalie Wallace, who of course would be known to you. Do you have any brief thing you want to add to your submission, which we have of course received and read, and then we will open to questions? Natalie just made a brief two-minute statement with regard to your submission.

Ms Sheedy: Are you asking me if I want to make a two-minute speech, because I did not hear what Natalie said?

CHAIR: Yes, I appreciate that. We are about to open up for questions. Is there anything briefly in addition to what you have already clearly articulated in your submission that you feel the committee should know?

Ms Sheedy: I think the committee needs to know that we have been advocating and supporting Queensland care leavers for 17 years. We have—based in Queensland. I do not want this to sound like a whinge, but it may be perceived as a whinge. We do not receive one cent—and never have received any funding—for the work that we do. I would like to see a change in policy directive because we help people who no longer reside in Queensland and who live in other parts of Australia and even overseas.

CHAIR: Thank you for those comments. I will open to the member for Gaven who will start the questions.

Mr CRAMP: Thank you for very much for joining us on the phone. I have some questions for Mr Moore. I find your organisation quite interesting. You have really gone to another level with the organisation around I guess almost self-determination for your members, the children in care. I will put on the record that I am an advocate for permanency and adoption, not as a last resort but as a very valid option in many circumstances for young children. Just reading your submission, I note that you have taken commentary from some of your members. Page 5 states that when a child has been living in a foster family for over four years the department should ask the carers whether they would like guardianship over the child because they are stable and happy. Below that there is commentary around one of your younger people saying that once you have that Gillick competency that you should be able to say whether your birth parents get a say anymore. I had the opportunity to sit down with a local foster family with five children. They are two fantastic carers. I met the eldest lad who I had the great opportunity to provide an academic award to at the local school. He is a brilliant young man. He had just been stabilised by the foster parents and then his biological parents took over. It took them over 12 months to get him back on track when he came back six months later because the parents, whilst they were deemed at the time to be able to care for him, quickly fell back into a position where they could not. That being said, are these one-off comments or is this something that you experience quite often where children feel that they are permanent, they are happy and would like to stay in that arrangement? How often does that happen.

Mr Moore: We did a consultation with some of our members in our first submission to the department about it and that is where some of those comments are from. That is definitely the response from a significant proportion of the young people we speak to over the years. They talk about it differently. They often talk about it in terms of permission—I want my carer to have permission. I am not sure if you are aware, but it can be quite bureaucratic dealing with high-risk activity for a young person who is on guardianship. Sailing and canoeing requires approval from the government. As you can imagine, our child safety officers are doing a lot of critical work so that takes a while. Sometimes it manifests itself like that for young people. Other young people we have spoken to express a lot of concern or worry about being disconnected from their family or their siblings when they are in care. I remember doing some consultations a number of years ago now and I could feel the anger in the room from the young people who were saying, 'I just want to see my family.' Some of them are unable to for very valid reasons.

There is, I guess, a real split in the opinion of children and young people. I think it is about the experiences they have had in care. If they have had a rough trot in care, they haven't got along with foster carers or they have not been treated particularly well or they have been moved around a lot,

often those young people can be like, 'I want to go back home.' Especially for Aboriginal and Torres Strait Islander children and young people who want to go back to community. That is an issue you can talk to child safety staff and others throughout the state about: young people running away to community because that is where they feel home is. I think it really depends on the experience you have had how you feel about the issue of adoption and permanency, if that makes sense.

Mr CRAMP: You have brought up an interesting point about the need for permission. That is something the parents brought up. In general they feel they have to go back to the department far too many times. These are two very competent people, themselves both professionals. Do you think the bill addresses that area adequately, that if they have a permanent care order that will give them I guess the rights of, say, biological parents in a normal family situation—normal as in out of any sort of child services.

Mr Moore: Certainly the permanent care order would do that, as does LTGO currently. It makes it easier for people to get permissions, but sometimes we wonder why that cannot happen for kids on the guardianship to the chief executive anyway. Sometimes it is about practice, it is not about the legislation or the rule. There is a really strange one around air travel and the fact that, as far as I understand, the regional directors for child safety have to approve children and young people's air travel. As far as I know that is not actually in the law, that is part of the broader Queensland government policy. It definitely would be easier on those orders, but that does not mean that it should not be easier for the majority of kids who are actually on guardianship to the chief executive currently.

Mr CRAMP: My last question is something you brought up in your opening statement. Things change over time. You talk about flexibility of the arrangements. I did not quite get the perspective of where that was coming from.

Mr Moore: This is probably a bit of a generalisation, but sometimes you can have someone come into care at five or six after some really traumatic experiences in their life. Then when they hit the teenage years some of the issues that often come about in teenage years that come back to your early childhood start to come up for those young people and they can need more support. It might be that all of a sudden a lot of the trauma comes out then and they need significant mental health support and sometimes carers tell us they don't always feel equipped to support young people like that. We have seen and heard of situations where LTGOs break down in those teenage years and then we have a young person who may not have a lot of other networks comes back into guardianship to the chief executive. A permanent care order may be one step towards achieving stability, but what probably is more important overall is timely resources. If you have a carer who is saying, 'Look, this person is at the local public school. It is not working out for them. I would like to send them to a private school.' Sure, that might seem strange, the state paying for the young person to attend the private school, but at the end of the day that is actually saving the state because if that is a successful intervention then that can be really beneficial for that young person to stabilise them. We have heard of carers having to fight tooth and nail sometimes to get that support. I guess that is what we are talking about. Situations can change in teenage years. We have someone on a permanent care order and the feeling is that they are not entitled to a lot of support because they put their hand up and said, 'I can do this'; it doesn't matter at the end of day whether they were wrong originally, what matters at the end of the day is that the kids grow up into happy adults.

Mr CRAMP: I will finish with a clarification. So resources as required. If previous trauma has been brought up in the teenage years or they are having problems with stability, from the sounds of it that may end their current arrangements with their carers. You are saying adequate resourcing would allow for those foster parents to keep those children and get them the care and continue on with that relationship; is that right?

Mr Moore: Yes. Sometimes people talk about permanent care and it is less intrusion and I think that is good but that doesn't mean there should be a lack of support. They are not mutually exclusive. Having the government less involved in your life as a carer or a young person should not mean that sometimes when you need it they can't stump up with some extra help.

CHAIR: Member for Cleveland or deputy chair, I will come to you next. Do you have any questions for CREATE Foundation or CLAN?

Dr ROBINSON: I am good.

Mr McARDLE: I am fine, thank you, Madam Chair.

CHAIR: I want to come to your submission, Mr Moore, and some of the comments. Thank you for your submission and including comments from young people. I think that was really helpful for us to see what the feeling is. I think your comments when you opened up were that there are different views, like with any situation, and it depends on the complexity of the situation. I am referring to these

indicative comments on page 5. My questions to you are similar to the questions that I put to the witness before you, Ms Walsh, and that is do you and your organisation feel that the bill, which would introduce another option in the overall suite of options, and that is permanent care orders, responds to and answers positively some of these comments that have been put in the submission here talking about wanting more permanency?

Mr Moore: Yes. As I said at the start, it is one way of achieving that, but it would be foolish to think that introducing a permanent care order is going solve that because there are some people who are on guardianship to the chief executive their whole life who have had a stable experience. It doesn't preclude that. Some of these comments are from before when a permanent care order was discussed. Often they are talking in those comments about guardianship to another, so not to the chief executive. There are other organisations in the space that have raised concerns about the permanent care order and I hear that as well because there is always that worry that once the government walks away, in a sense, from these children and young people and their carers to be less intrusive and to let them get on with it, people can be stranded by that. We have seen that often. Sometimes when people go to age out of care, sometimes carers or others can be really reluctant to have other people involved because, 'No, we've got this. It's okay', but then at 19 we speak to the young person and they have had a falling out with the carer and the carer is not around any more, they are not even on the scene at all. It is more complex than one order solving the problem. I think there are lots of things that can happen to increase stability and perhaps this is one of them, but it will not solve all of those issues. I think some of the other concerns are especially for Aboriginal and Torres Strait Islander children and young people. As QATSICPP has raised, permanency is broader than who you are living with at that point in time. As Karyn talked about, it is about your family and culture. For some of our young people it is likely that they will go through the system going to 10 or 12 different homes, but if they can have a relationship with one person, a counsellor or a teacher, that can be enough to help them and give them the support they need—they are so resilient, some of these young people—to succeed.

CHAIR: I take your point and the point Karyn made before as to the complexity of many of these situations and, as you are raising, the dynamic nature of these situations that change over time and a young person's views and needs may change over time. I take your point it is not a perfect solution. I do not know if there is such a thing. It is the suite of options that we need to try to make sure that there are options to fit what a child's best interests may be. You raise a very pertinent point, which is something very important to me, and that is the child's voice in the decisions that are being made. I put the same question to you that I put to Karyn before you and that is the conferencing that takes place, the development of the care plan that takes place beforehand and the discussions that would give rise to consideration and the court's consideration about whether this is the right option for a particular situation, do you feel that that adequately involves and provides an opportunity for the child's voice in the process or do you have practical ways that you think the department could better empower the child's voice in the decisions that are made?

Mr Moore: We have made some reference in our submission that it potentially could be strengthened. There are other parts of the act that are not up for discussion in this bill, like how is the child's best interest determined, and one of the things our young people have said is maybe you could ask me as well, not that I have all of the say but that my view is important. I think it is the same with this. Maybe it is about ensuring the child understands what that means. It is a very adult word 'permanency'. What these comments in our submission often talk about is not necessarily we want a permanent care order, but some of us have been moved around a lot and we thought maybe with a bit more help and a bit more training some of our carers could have stuck it through with us and also saying to the department maybe stop moving us around as much please. There is a beautiful comment from a young man in one of our earlier submissions that talks about in normal families when things happen like this we don't move the kid. Really that is what the focus should be in the legislation and in practice. There should be some resiliency in trying to see through these arrangements where appropriate. Obviously in situations where there is abuse by carers then that needs to be investigated and addressed. 'Stick it out with me', is often the message from young people.

CHAIR: Is it your sense that in the discussions that are had and the care plans that are created when they are doing family conferencing, young people are not asked?

Mr Moore: I would not say that. I think sometimes there are some really innovative ways of hearing them. I have heard of people videoing young people and that being played at the meeting and others being an advocate for the young person. I think it depends on what is going on at that point in time. There are some good ideals in the legislation, but it is what that looks like in practice and how the resources are allocated. I think sometimes in child safety service centres it is often about risk management and not youth participation.

CHAIR: There being no further questions, I come to CLAN. I do not want to waste the opportunity to ask you questions also. I thank both CREATE and CLAN for the particular perspectives that you bring, which assist us who are not involved on the frontline to understand the important work that you do. Natalie and Leonie, you have made a number of comments in your submission that are very supportive of the importance of being able to access information and you mentioned records not being redacted. You talk about a desire for that to be accessed on a priority basis. Could you expand on your comments in that regard?

Ms Sheedy: I think it is about the quality of records that are released. We need to go back to the actual requesting of records in Queensland. It is quite prohibitive for people to actually send original documents. I would dearly love you to change that part of the FOI legislation in Queensland. Let us have every care leaver in Australia on the same page and treated with equity. We get so many applications returned from Queensland government, because we do not have a JP to sign the documents. Nobody else in Australia has to do this. It is quite prohibitive. It brings up all those feelings of shame and stigma for care leavers if they have to get a person in authority to witness their documents. We sent you examples of a woman's state ward file, where 'IP release' was put in the middle of every page. Nobody in Australia foes that either, just Queensland. Could you please ask them to remove that? Also, the photocopying is very poor quality.

We do not seem to understand that we are the only people in Australia who have to go to a government department to find our identity. It really needs to be treated with respect. The United Nations rights of the child convention states that governments have an obligation to provide children with an identity. Let us tidy this up in Queensland and make it a lot better than it is, if you would not mind. Let us have the information that you redact. On some people's files, it will have the mother's name left there, but the address is redacted; you turn the page and the name is redacted, but the address is there. There is no consistency. Why can't we know where our parents lived a few years ago or 70 years ago? This is important information. Denying people information based on third parties is so wrong. Nobody else in Australia gets denied that information, but people who are in the care of the government. Please change it.

CHAIR: Leonie, thank you very much for expanding on the submission and for providing the pictures, which obviously really assist the committee, rather than just explaining them in the submission. Natalie, Leonie and Lucas, thank you very much for coming before the committee today. The time allocated for this public hearing has expired. If members require any further information, we will contact you. On behalf of my fellow committee members, I thank all witnesses who have attended today. As each of us has said in turn, we very much appreciate the expert input that you have into what is happening in the community to better inform us. It really assists us so that our reports can be of a high quality and so that we understand what is happening. Thank you very much. I declare this hearing closed.

Committee adjourned at 1.33 pm