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

WEDNESDAY, 20 SEPTEMBER 2017

Townsville

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Committee met at 10.35 am

CHAIR: Good morning, ladies and gentlemen. Before we start I request that mobile phones be turned off or switched to silent. I now declare this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee open. I would like to acknowledge the traditional owners of the land on which we meet—the Bindal and Wulgurukaba people—and pay my respect to elders past, present and emerging.

My name is Leanne Linard. I am the chair of the committee and the member for Nudgee. The other members of the committee here with me today are: Mr Mark McArdle, deputy chair and member for Caloundra; Mr Aaron Harper, member for Thuringowa; Mr Sid Cramp, member for Gaven; and Dr Mark Robinson, member for Cleveland.

Today's hearing is part of the committee's examination of the Child Protection Reform Amendment Bill 2017. The bill was introduced by the 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.

There are a few procedural matters before we start. The committee is a statutory committee of the Queensland parliament and as such represents the parliament. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. Hansard 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 this hearing, I remind members and witnesses that their comments should not identify a child subject to the Child Protection Act 1999 or Youth Justice Act 1992. I am sure you will appreciate that this is necessary to protect children and ensure their privacy is respected. Comments should also not refer to matters currently before the courts.

I welcome Bryan Smith, Executive Director for Foster Care Queensland. Thank you for your written submission. We appreciate it and we have certainly read that. Would you like to any opening comments before we ask you some questions?

SMITH, Mr Bryan, Executive Director, Foster Care Queensland

Mr Smith: Foster Care Queensland has been around since 1976 as a peak organisation. We represent the state's 5,300 foster and kinship carer families no matter where they are, and that is extremely important to us as the peak organisation funded. Our management committee are all foster or kinship carers who have more than a combined 200 years of experience in fostering. We also have extensive foster carer advocacy and support team representatives throughout the state who provide input into any paper that we undertake. They provide local area feedback on what is going on. We have representatives from as far away as Weipa right through to Coolangatta. We endeavour to get as broad a cohort of information and feedback as we can in terms of providing any paper or feedback to any committee—in this particular case, on the bill.

CHAIR: Thank you. I will give the member for Cleveland the opportunity to start with questions.

Dr ROBINSON: Bryan, do you have a view on the permanent care order element of the bill? What are the circumstances in which that could be a useful measure? Are there potentially areas where it might not be so useful or one would need caution? Do you have any thoughts in that area?

Mr Smith: I think you are right. I think there are two areas to the permanent care order, and that is around achieving that order in the first place. We have just over 1,600 children and young people on long-term guardianship and other orders at the current time. The permanent care order is essentially one step removed from that more towards adoption.

Where we have children in very stable family based placements and where that stability can achieve permanency for children, the permanent care order will help to achieve that, as close to adoption as we can. I think we said in our submission that one of the reasons we do not favour going to adoption—other than looking at the over-representation of Aboriginal and Torres Strait Islander families in our community but also in the general community—is that most of our children have

siblings. Most of those siblings can be detached from each other throughout their time in care. That is through parents being somewhat detached in terms of area. Sometimes it is in terms of biology. We often find that we have siblings of children who can be right across the state. One of the problems with adoption is that it tends to remove those children from the sector. When we remove them, at times we can remove their siblings from a process as well, so we detach the siblings.

The biggest thing for our children is connection. We know that from being foster carers for the past 26 years. Our oldest daughter is 37 years old now and has four children of her own. The biggest thing for her was the connection to her family as she grew up, as it was for many of our children. If she were sitting here today, she would say to you that the ongoing connection to her family is what actually gave her an adulthood that she could attach to—nobody closing doors on her but having the freedom to guide conversations and relationships on her terms. One of the problems with adoption is that it can very easily cut that off.

The permanent care order goes some way. It allows for a child protection order to remain. It also allows for some supports to remain in a process as well, remembering that all of our kids have suffered trauma no matter how stable they are. We know from our cases that most children through their journey usually start to seek behaviours as they come into being teenagers. As puberty hits we start to see a rise in behaviour that is going to be there. A lot of that is because of interrupted development in their past but also because of the trauma that has occurred. It is at that time, even if we have a permanent care order, that they need support. It allows for those supports to continue to be in place as well. I see it as a significant order. I do not see it as significant in as much as we are not going to have hundreds and hundreds of children on these orders because I do not believe that that will happen. It will be the most stable of our children and their families who would come on to these orders at any given time.

Dr ROBINSON: In terms of the cautionary element of my question, do you have any thoughts about how one might approach that in terms of Indigenous children and the desire that exists quite strongly within the Indigenous community for them to be—there is a term for it—brought back to the families in the long run if they have been in care? Do you have a view on that or a comment? Do we proceed with caution or do we proceed at all?

Mr Smith: I think we need to proceed with a lot of caution. The reality is that, when it comes to our Aboriginal and Torres Strait Islander children and their connection to culture and community, we do not try hard enough at the current time. We have to work on that. I think the bill sets out some areas around that which we have not commented on.

We need to work right from the start with Aboriginal and Torres Strait Islander children in the sense of their community, contacting community and kin and doing the assessments of kin much, much earlier than what we do at the current time. What can often happen is that children come into care and be removed from their homes and, because of the busyness of the child protection sector, it can then take time, and sometimes a lot of time, before that work is undertaken in terms of looking for family.

I could not see Aboriginal and Torres Strait Islander children being on permanent care orders. In a perfect world we would be working with the communities a whole lot earlier and a whole lot stronger in terms of self-determination of the community, with the children remaining in the community or going back to their community—but we have a long way to go.

Dr ROBINSON: The term ‘reunification' of families has come up in our hearings.

Mr Smith: Yes, and if not reunification then connection, because again we also do not do that right.

Mr HARPER: Welcome, Bryan and everyone here today. As the local member here in Townsville I am really looking forward to the last part of our northern trip. We were in Mount Isa on Monday and Palm Island yesterday. Some of the points you made with regard to self-determination and the importance of culture and connection were raised yesterday by the Palm Island community, so I welcome your comments. I will say from the start that I have family who are foster carers, so I commend everyone. When you say that there are 5,300 foster families in Queensland that is commendable. The child care that you provide runs the gamut, and there is no doubt that this is a very challenging and complex area. I note from your submission that you extensively consulted with the stakeholder advisory group concerning the formation of the bill, but you made the comment that the term ‘out-of-home care’ is offensive. Can you unpack that a little bit?

Mr Smith: Prior to 1999 the term ‘out-of-home care’ was not in the legislation. In fact, the term used in Queensland was alternative care or alternates care, even though the bill dated back to 1966 or 1964. In terms of the bill we lobbied quite strongly that the term ‘out-of-home care’ not be used and

why, but it subsequently did go into the act and we have worked with it; however, you very rarely find us speaking to it and the reason is that our children are not out of home. If you ask any one of our children coming home from school, 'Where is home?' they will say that home they live in. That is with their foster or kinship carers, just the same as it would be with their families. For foster carers and kinship carers it is also offensive. It is more offensive for kin because they are family. That is their home and their generational home, and they absolutely see that as not being out of home. 'Out-of-home care' is an awful term to describe children in care because they are not out of home. As much as possible we need to try and normalise the environment for our kids. The term 'out-of-home care' does not do that.

Mr HARPER: With regard to clause 36, you said that long-term guardianship orders are 'very difficult to navigate'. Can you expand on that point?

Mr Smith: As we found in more recent times with changes to the bill, OCFOS has been implanted into the department to essentially provide advice and help direct child safety service centres to orders or where orders should be, but DCPL are the mechanism for taking the order to court. We have heard from more than one region in recent times that they do not want long-term guardianship orders. They find they are too much work. They have too much other work to do on short-term custody orders, so they do not want to see them. It makes the department take a step back from longer term orders because of the amount of work that has to be done and the very real possibility that DCPL may not even get to it. It is a concern that we are not undertaking work as a matter of priority on those orders, especially if we have stable children with stable families who deserve the right to permanency in their lives. While we are seeing changes to the bill which are very positive, we have to undertake some practical work to help achieve the aim of the bill. Our problem is the actual practice.

Mr HARPER: Are there any other key aspects of the bill that Foster Care Queensland suggest we address as a priority?

Mr Smith: The concern that we have with short-term custody orders is that they may, in practice, push legal representatives to ask for continuing interim orders while they are processed, and the minute a short-term custody order starts there is a two-year time frame. We know that, with short-term custody orders now, interim orders and temporary custody orders can stretch on and on. Our fear is that this will continue to occur, and because it is two years from a short-term custody order we may be four or five years down the track before we even start that order. That remains a concern for us when we look at permanency for children.

Mr CRAMP: Mr Smith, thank you for coming in today. I very much appreciate it. In your submission you have noted that—

The amendments to Section 5A to insert the words "*both through childhood and for the rest of the child's life*" is significant ...

The bill provides transitional arrangements for children aged 15 to 18 through to 25. I am sure that most members on this panel have constituents who have children in foster care. I personally have been told they feel that children are left out in the cold once they hit 18. To some degree this bill will ensure there are transitional arrangements, as would be the case in any other family with parents looking after children. You said 'for the rest of the child's life'. Does that differ from the objectives of the bill? Obviously 25 is the limit. Does Foster Care Queensland hold the view that it should continue for a longer period of time?

Mr Smith: I think there are two different aspects to the bill. One is with regard to extended support from 18 to 25. That is significant and brings us into line with some other states in terms of support and what that support may look like. We have to work really hard once the bill does become legislation to ensure that those support processes are in place until the age of 25. However, with regard to 5A, which is the paramount principle of the act, my reading is that it has a different meaning. We have a responsibility as a community for all children, and we have a responsibility to all children for the whole of their lives. I think that is the meaning of the paramount principle, and I have to say that that is the way I read it.

Mr CRAMP: If that were to be inserted it would seem very significant because we are really not putting a time limit on the government's resources to assist that child. Are you saying that at 50 years old a foster-child would receive some form of financial or regulatory assistance? I know that children in non-foster care arrangements are not subject to that and we are talking about equality here. It is certainly not my intention to place any child in a more difficult situation, but there has to be some reasonableness and limits with regard to this. That concerned me to a degree. It is quite a significant change and, as you said, it goes to the heart of the bill. Where does that leave regulatory bodies and governments in relation to the responsibility for foster children in their adult lives?

Mr Smith: That is something I probably could not answer legally, to tell you the honest truth. For me, it did not go that far. It is a recognition of responsibility for children post 25, if you like, in terms of what the bill says. It is about recognition by the community that we have a responsibility to our children. Whether that is a regulatory responsibility or not is only something that lawmakers can determine, not me. I certainly do not see it as that broad, but it is about recognition.

Mr McARDLE: Thank you, Bryan, for coming in today and thank you for your submission. I want to start with the word 'permanent'. Not in the sense of the permanent care order, but just the word 'permanent' itself. We have received submissions and we heard from witnesses yesterday and in Mount Isa on Monday. They refer to the stolen generation, particularly with regard to the Indigenous population. That is a theme that has come through very strongly. The word 'permanent' implies a potential second wave of stolen generations. On Palm Island that was made crystal clear to us. In fact, the Islanders said that they wanted the right to determine when a child should stay on the island and when a child should leave the island—translating that to here, either stays with the family in the broad sense in Townsville or the greater region of Townsville—but the authority stays with them. That is what they see as the best way forward. They want western civilisation to back away and allow them to deal with their children and their grandchildren. It was also quite clear that the grandmothers of Palm Island—and I suspect elsewhere across the population—are the guardians of the safety of children in Indigenous communities. That then led to a very clear statement: permanent care orders could well be seen, given historical fact, as generating a second lost generation. Given your involvement across Queensland, would you say that is a summation of how most populations in Indigenous communities feel?

Mr Smith: It may well be. For us there are two aspects of permanent care orders when looking at permanency for children. One has obviously been the over-representation of Aboriginal and Torres Strait Islander children in care. We quite purposely have not gone into the changes to the bill dealing with Aboriginal and Torres Strait Islanders because we feel that they are much more expert, if you like, in determining what is best for their people; however, we do have a view on permanency. I guess the easiest way is to go back to the start: harm is harm. If a child is harmed, they are harmed. It does not matter whether the child is Aboriginal or the child is white. If harm occurs the state has a responsibility to deal with it. It has to deal with that in a very compassionate way, absolutely, and especially with regard to the community they are in. I think we should always strive wherever possible, whether the child is Aboriginal or not Aboriginal, to ensure that the child stays within their community. When we look at permanency with kin, currently the act tells us that we should seek family first. Permanency for us means permanency initially with the family, and we have to do the work to seek family. Whether that is an Aboriginal and Torres Strait Islander family or a non-Aboriginal family, we have to do that work to seek family. Some areas of the state do it very well and some do not. Where we can make a connection with family the child remains in their community and they remain with kin. That should be always the optimum in terms of where our children are.

Mr McARDLE: The second point that was raised yesterday, and I think it is right—I have been in Parliament now for some period of time and there are lovely, pretty words in all this; they all read beautifully in relation to George Street, they do not relate to the real world, with all due respect—was that the execution of the words on the ground in local communities, either in Townsville, Coen, or Palm Island, is where it falls down. Have you had the opportunity to discuss, as part of your organisation, with the Indigenous community how they feel about permanent care orders?

Mr Smith: More than 20 per cent of our foster care advocacy and support team are of Aboriginal and Islander background and two of our management committee. They have all discussed permanency and what it means and it means different things, I have to say, for different people. I think you are right. What you see on the ground is very, very different. They are all nice fluffy words that we deal with in George Street; however, the reality is when you are sitting down in the community there is a whole lack of understanding around those words and I don't blame them. They are very, very difficult to negotiate at the best of times. We have to look at our Aboriginal and Torres Strait Islander communities as very, very separate to the rest of the community in terms of culture, the values of culture, and the way in which we actually see their local communities. For instance, for a permanent care order, and I think I said earlier I wouldn't ever see an Aboriginal or Torres Strait Islander child on a permanent care order—

Mr McARDLE: Why is that?

Mr Smith: I think if we do the work appropriately with our Aboriginal and Islander communities, we listen to them and what the needs of the community are, we do the work with the community in the first place in terms of securing kin—and kin in Aboriginal and Islander terms is very, very broad;

however, we need to seek that kin, we need to allow the community to help us seek those kin—then in all but a few cases it should be that those children can remain in community wherever that be, either connected directly to their parent or connected to kin.

Mr McARDLE: You would agree with me that the bill does not allow that to occur, does it? It says a permanent care order can apply to any child.

Mr Smith: Yes.

Mr McARDLE: I will come back to that in a moment. The other point is that when you consider a permanent care order having been made, there are very limited grounds to review a permanent care order. It is done by the Director of Litigation only. It might well be from an approach by a parent or even a child. My concern with that is that just say you have got a little boy or little girl—I do not care whether Indigenous or not Indigenous—at four years of age and they are in a permanent care order scenario, and six or eight years passes by and they are now at an age when their wishes will be given more weight by a tribunal or a court or a judge as the case may be, they have no right within themselves to seek a review of that order. They have to go to somebody to get legal advice. It cannot be a guardian ad litem who can seek the order. The Director of Litigation can do so but only in very limited circumstances under section 65A of the act. That takes away, I would have thought, an intrinsic right in our society of a child to seek redress of concerns they have. I think we both know that under the federal jurisdiction it allows a child to make application in their own right through a guardian ad litem or someone of that nature and also to seek a review. A child can suddenly come of an age where the court will make a decision based upon their wishes. Contact is a prime example. A 15-year-old boy or girl who does not want to have contact with a parent, sadly the court is more likely than not to follow that because they have a point of view formulated at an age based upon their own experiences that the court will adhere to.

My concern is this, and I apologise for the long preamble, the child's rights are taken away once that order is made but the parents' rights are also removed forever and a day and I find that inherently reprehensible of any jurisdiction to remove the sanctity of the right of a child or a parent to seek a review of a court order that impacts upon them so implacably. Would you agree with that?

Mr Smith: Absolutely with regards to children, and I will explain why. I absolutely agree with you with regards to a child and I can give you an example of that. We have had our granddaughter since she was seven weeks old through Family Law now. It was in child protection it is now Family Law. We know that as she grows she will have the right to determination in terms of where she may want to be or how she may want to communicate with her parents, and she is absolutely encouraged to do that. That is not to say that that would be the case in all cases, unfortunately. I do agree with you that I do not think there is enough provision for children and there should be in terms of growth. What does happen for a 13 or 14-year-old when they want extra connection and yet the order is not allowing that to occur and they have got to seek legal advice? They shouldn't have to. We should always promote connection with family no matter what we do. That includes all family of origin, including birth parents. Part of any permanent care order, as I would see it in terms of proceduralising it, is that part of the procedures have to be the connection with family. While a permanent care order is certainly there but it is not adoption, then a child has a right to connection to family and that is an absolute must. We have to ensure that procedurally that absolutely occurs and it occurs better than what it does now.

Mr McARDLE: I think you made mention earlier in your opening statement about children being separated throughout the state who may well be of the same parents, at least the mother anyway. That worries me in a permanent care order scenario as well because you may well find that one set of foster parents do not communicate with the other set of foster parents, whether Indigenous or non-Indigenous. How would you deal with that in a permanent care order?

Mr Smith: I think there are two ways of dealing with it, in permanent care or long-term guardianship to other, in terms of doing that. There currently isn't any support service in place for long-term guardians. Essentially, if they are not continuing to be active foster carers or active kinship carers then they are essentially not classed as carers any longer once that order has been taken on the child. However, we continue to support them as an organisation. However, there is no support service. If they were attached to a support service prior to that child having an order, once that order is then taken that support drops off. So, there needs to be a support service in place for children and young people and their families on both long-term guardianship orders and permanent care orders. That also ensures that in a very non-intrusive way, and we call that case responsive. Foster and kinship care services provide 24-hour support now in terms of what they do, but you would not have that expectation of families with children on long-term guardianship to other or permanent care orders. However, you would have an expectation that some monitoring takes place of those families. They

still have to be able to meet the statement of standards under the act, which they should have to, but it needs to be done in a relationship so the family can continue to be family and so permanency is actually permanency. However, there is that support base available from the service to actually do that, plus some monitoring to take place. There is a second point of the ongoing connection to family. You make a point of two different foster families where there could be tensions for instance. We have to work really hard to overcome those tensions because it is not about the adults in our life, it is about our kids and it is about their ongoing connection to family. If we do that then the adults have got to come along for the ride.

Mr McARDLE: That leads to the next question I have. Can you please explain to me not the factual circumstances, but the rationale behind children being separated between two foster families? I am not having a crack at your organisation. Generally speaking, what is the rationale behind that if the principle of this act would be to foster the family connection? To me that is at odds with reality. What is the rationale behind it? To me it does not fit with the wording as I see it or the ethos contained in this bill.

Mr Smith: I think you are absolutely right. We do not match kids to families, obviously; that is between the agencies and the department service centres. However, our thoughts, and very, very strong thoughts, are that wherever possible siblings should, when placed into care, be together. Absolutely. What we find, and what we have found from being carers for a long time, is that we have seen parents drop off the scene and disappear and those kids have been okay if they have had connection to their siblings, their brothers and sisters. It is their brothers and sisters that provide a huge level of support for each other as they grow. We know that from some of the statements around young people, for instance, who are close or could be at risk of homelessness. When talking to those young people we know if they have had some connection to their family which had been lost they wouldn't feel lost, that they would actually have something to grab hold of. Every piece of work that we do should be in terms of the best interests of the child, the child's absolute wellbeing, and in terms of doing that, wherever possible—and there are cases where you cannot place kids together, an example can be in terms of matching where there has been predatory behaviour between children and it is not safe to have the siblings together in the short-term at least, that all has to be weighed up in terms of having a look at the matching principles—children should be placed together.

Mr McARDLE: When I spoke about the right to review, I spoke about parents and children. You made it quite clear in relation to children the right should exist. You did not touch upon parents, but I suspect your answer about children was a negative in relation to parents having that same right; would that be right?

Mr Smith: I think once we get to that point of permanency for children, the connection to their family of origin, including their parents, is paramount.

Mr McARDLE: Can I stop you there for a second. When you talk, and you have, to the Indigenous community, the family is a much broader body of people than in Anglo-Saxons, as I am and I suspect you might be as well and my colleagues at the front table. It is grandmothers, aunts, uncles, cousins, it is kin that go way back. If I recall correctly, it is the grandmother who is the mainstay of many of these families. The permanent care order really removes the right of someone like that, does it not, as well?

Mr Smith: I think it is how we proceduralise it. If we work with the communities effectively and work with the communities at a level where the community has some control in the process, then connections should take place. It absolutely should take place. In fact, it is a must.

Mr McARDLE: Why remove the right to seek a review of a parent or a family member in the sense of the Indigenous population and let alone the non-Indigenous population? That is what I cannot fathom.

Mr Smith: I think if we get to the stage where a child has gone through the processes, and sometimes not so nice processes of being in care and there is no other alternative, which means the department has done all the work that it possibly can to place the child with family and ensured that that child's permanency can take place because they cannot return to their family of origin because of ongoing risk of harm, then permanency needs to take place if it means that they could be at risk. While I absolutely believe in the child's rights in terms of not only their self-determination in the way in which they are cared for but also their ability to actually challenge the system as they get older as well, you could argue that the parents lost that right by virtue of the harm that has occurred to these children in the first place and the ongoing harm or risk of harm that occurred to these children. I think there is an argument both ways, quite honestly.

Mr McARDLE: We will not concur on that point I suspect.

Mr Smith: That is okay.

Mr McARDLE: My final question is this: would you agree with me that to the Indigenous population the use of the term 'a permanent care order' could bring back echoes of the stolen generation?

Mr Smith: Absolutely.

Mr McARDLE: Thank you very much.

CHAIR: I appreciate that there are many other elements of the bill, but permanent care orders have been a topic of significant focus in written submissions and also from what we have heard in Mount Isa, on Palm Island yesterday and in Townsville here today. You make a comment in your submission that two years is enough time for the department to work with a family to progress a child returning to their parents by being able to meet requirements of the case plan. The feedback that we have had—if we can put Aboriginal and Torres Strait Islander families to one side, because you have been quite clear about whether these orders are appropriate for that community and you have said that they are not.

Mr Smith: No.

CHAIR: If we can put that aside, I would like to focus on the other cohort of children. Something that I have heard—and certainly what came through in the Carmody inquiry—is that children themselves have put forward feedback that they want permanency and that they are sick of feeling like they do not have a permanent home. They can be removed. One of the benefits I understand of a permanent care order—and it is one element in many different elements that can be utilised if all parties feel that it is optimal for them, so it is not being imposed—is for those parties to come to the table, as I understand the drafting of the bill, to say, 'This is what we want to pursue.' I understand that some of them have said, 'I don't want to be under the care of the chief executive. I actually want to be under the care of a particular individual who matters to me.' A permanent care order, if the parties agree, is a positive thing because suddenly they are not under the care of the chief executive. Is that what gave rise to you saying here that it is a positive thing? It can be a positive thing in the appropriate situation.

Mr Smith: Absolutely. It is positive. Again, in terms of being a foster carer and working in the system for such a long time, I have listened to kids who say, 'I am on a short-term custody order. I don't know where I belong,' and they are always going to court or somebody is changing their case plan or they are not progressing to another order. We see that currently with short-term custody orders where they go on and on and on. At times we can have a child go through their journey in care—their whole journey in care—on short-term custody orders and never achieve any form of permanency. Is that okay for kids? Absolutely not. We would not seek that for our own children. We should not seek it for children in care. We should absolutely, whenever possible, ensure that the welfare and best interests of the children are paramount. That is what the act says. Section 5A says that safety, wellbeing and best interests of children should be the paramount principle—and they should be. That is why we have child protection legislation. Permanency as part of that can be very, very positive where all the factors align in terms of how permanency can occur.

CHAIR: I agree with you. Of course they have to all align. Some kids, as I understand from testimonies we have heard, absolutely want that. They have an arrangement and they do not want the intrusion of the checks. That, I understand, is one of the key differences between a long-term guardianship order and what the permanent care order would do—that is, the department would step out and allow that family unit to be a family unit and be a home, rather than, as you say, staying in out-of-home care on short-term orders. Thank you for that. I wanted to clarify that.

I want to turn to the cohort of children that the deputy chair has questioned a lot about, and that is Aboriginal and Torres Strait Islander children. I come back to your point which echoes much of what we have heard—that permanent care orders are not an appropriate consideration for that cohort. You mentioned that 20 per cent of your advocacy team are of Aboriginal and Torres Strait Islander descent. Is that correct?

Mr Smith: Yes. They are.

CHAIR: Could you explain to me what your advocacy team does in the process?

Mr Smith: The foster care advocacy and support team essentially are all volunteer foster carers or kinship carers. They are specialist trained in advocacy and they act as volunteers on behalf of Foster Care Queensland in their local communities. If there is a carer issue they can go to a local

person who can deal with that locally and hopefully address that locally without having to progress any further. We have four staff based throughout the state and one based here in Townsville. They deal with more complex cases.

Our hope always is that most of the cases that we can deal as foster carers can be dealt with within their local community—and they are. We rely on Aboriginal and Islander FAST representatives to give that local flavour. For instance, our representative in Weipa provides a really good overview of her community within Weipa and how it works—what is going on in the community at any given time but also in terms of feedback. An example of that would be our Partners in Care forums that have been going on. We have had very little representation from Aboriginal and Torres Strait Islander carers in those forums. The reason is that we did not use our heads properly in terms of how to engage Aboriginal and Islander carers. Our FAST representative has now organised her local community up there to get together, with her facilitating it being part of the local community, to be able to provide feedback. By working within the community and allowing the community to drive it we are getting the feedback that we require.

CHAIR: The bill makes some changes around recognised entities and what is considered an independent Aboriginal and Torres Strait Islander entity. We certainly received some clear feedback—we were on Palm Island yesterday—about the importance of having representative voices of a community and about the deeply embedded connection and understanding of relationships within a community. I know you said you left this area aside for those who can speak more strongly with more experience in this space, and I respect that, but you have made a lot of comments—which I think have been echoed, and I support totally—about the importance of that connection and the importance of that voice in the process. The other thing we have heard is that it is not necessarily happening in practice on the ground. They are not being engaged early, as you said. The community is not being given the opportunity—I think self-determination is a strong element of the bill—to own and control and have a say in the ultimate decisions of their community. I imagine you would feel that is a positive move, but I would love to hear your direct feedback about whether you think it goes far enough.

Mr Smith: I do not know whether it goes far enough yet. I think we have to test that in terms of the way in which the changes in the bill can work within the communities. We could go all out and make huge mistakes. I made the comment earlier about having balance within the community. In terms of the bill, when we look at recognised entities, for instance, we have to remember that, while changes in the bill can be very positive in terms of engagement with the Aboriginal and Islander communities for forms of self-determination within that where it is appropriate to do so, we also have to ensure that the allied agencies around that being recognised entities—there are two critical things with recognised entities that they absolutely have to have. They have to have a genuine connection with the community in which they are involved, but that has to be balanced with some knowledge of the system and working with the system. The reality is that we have a system that we have to work with. The services provided in the system have to have knowledge around the system. Recognised entities, if they have that balance, can then translate that in a language that is understandable to their communities. Have we achieved that so far? I do not know that we have. However, I think the chance is there to do it, and I think we can.

CHAIR: With regard to the matching principle, another comment that has been made before is that a child may have had 20 placements—which to me would seem to propagate the trauma which already occurred to bring them into the system—before they receive, or whether they ever receive, a longer term placement. How does that happen from your point of view?

Mr Smith: We have significant matching principles in terms of matching children to placements. One of the problems is that, firstly, we have to better define the piece of work we undertake in terms of identifying kin at the start of a child's journey in care for however long that is going to be. We have to get better at that, ensuring that that work is a priority in terms of identifying kin and placing with kin wherever we can. That has to be the priority in terms of matching children where it is safe to do so. They still have to be appropriately assessed and not be a risk to the child.

Secondly, if that is not possible in terms of the matching principles, one of the concerns we have is that we do not have enough foster carers. For instance, the largest single service in the state is Churches of Christ Care in the south-east. They have 550 children with that service for 365 carers. It is not that they are busting at the seams; they are not. They are a very large funded service. However, they are continuously recruiting carers, but it is becoming more and more difficult to recruit foster carers. The reality is that it is our environment. More and more people have to work. More and more people have to be able to pay for everyday things. We know that the percentage of parent couples working is much, much greater than it was 10 years ago.

CHAIR: I imagine it is not an easy role.

Mr Smith: No. It is not an easy role at all in terms of them having to deal with the system. We have had some changes this year to child care which will help that process. However, it is not the whole thing. We have to make it easier on carers to become carers so that they tell other people to become carers because they are the greatest advocates for becoming foster carers. We can then employ much greater matching principles if we have spare carers. Right now we do not.

CHAIR: The breakdown is clearly that match between the child and the carer and that is why there can be rolling placements. Is that essentially your response?

Mr Smith: It can be. The typical late Friday afternoon placement comes in at four o'clock. A placement needs to be made so an emergency placement is made. There are some carers in the system who only do emergency placements. Thank goodness they are there. However, it is at that point in time when the system can let itself down. While we can go through the best matching principles in the world, if we do not have the carers there who match the child's profile and needs and strengths then we do not have them. We tend to them place them with the next best, if you like. That sometimes can be out of area. If you are talking about a child and their school, often the only thing the child has left when they are removed from their family is their attachment to their school. For me, that is a major consideration in terms of the matching principles. We need to be able to promote, recruit and support carers in a much better way.

CHAIR: Bryan, on behalf of the committee, thank you very much for coming today and for answering all of our questions. It is lovely to learn that Foster Care Queensland is based in my electorate.

PEREIRA, Ms Cathy, Principal Solicitor and Coordinator, Aboriginal and Torres Strait Islander Women's Legal Service North Queensland

CHAIR: I welcome Cathy Pereira from the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland. Cathy, thank you for the submission you made to the inquiry. We very much appreciated that. Would you like to make an opening statement before we go to questions?

Ms Pereira: I should say that our submission was quite brief but it was all we had time for. The Aboriginal and Torres Strait Islander Women's Legal Service has been established for 11 years. It is a service that is managed by Aboriginal and Torres Strait Islander women only. At the moment it employs 50 per cent Aboriginal staff and 50 per cent non-Indigenous staff. We are a fairly small team. We are a community legal centre. There are only six of us, including a community development worker on Palm Island. We go to Palm Island fortnightly and do domestic violence court and also give legal advice and take on legal representation from Palm. We are very committed to the needs of Aboriginal and Torres Strait Islander women and their children. Our main areas of practice are family law, domestic violence, child protection and, to a lesser extent, anti-discrimination.

Our submission mainly focused on the concerns around permanency planning, which our organisation has great concerns about because of our experiences working with Aboriginal and Torres Strait Islander women, particularly the loss of connection with family and community and also the practices that we have seen taking place through the department of child safety. We do not think that they necessarily reflect the good intentions of the act, for whatever reason. We do have great concerns about children being permanently removed from their families and communities.

Mr HARPER: Welcome, Cathy. I thank you and your team for the work that you do in this space, particularly with the women's legal service here in Townsville.

Ms Pereira: Thank you.

Mr HARPER: I think you would be familiar with another Cathy—Cathy McLennan?

Ms Pereira: Yes.

Mr HARPER: Who wrote the book *Saltwater*.

Ms Pereira: Yes.

Mr HARPER: After reading that book, I drew many synergies with the bill that is before us today, because it talked about the issue of case plans and looking after children.

Ms Pereira: Yes.

Mr HARPER: Here we are, 30-odd years later, dealing with the same issues. We need to get the fundamentals right. If I am feeling generous, I am intending to buy this book for my colleagues here so that they can read it, because I drew so much from it in what we are dealing with today.

Ms Pereira: Right.

Mr HARPER: Some of the commentary that we heard from Mount Isa and yesterday at Palm Island was around simplifying the language of the bill, because it becomes complex in terms of definitions of permanency of care, or self-determination. I ask you to expand on those two points, which you have spoken about, particularly around permanency of care so that we can get on the record your views from the women's legal service, please?

Ms Pereira: Starting from the very beginning, the language of permanency, as I have said in my submission, is that it sounds negative. It sounds as if people are being cut off from their families. It sound like a permanent solution. All of those have negative connotations around children being separated from family and community, which we take very seriously because of the stolen generations legacy.

It is ironic and tragic that a lot of the children going into care now are the second generation of kids who are descended from stolen generation families. I do not think that the impact of that legacy can be underestimated. That separation from family, not having a connection with their culture, or who their family is, or their Aboriginal and Torres Strait Islander identity, I do not think the impact of that can be underestimated. It is an absolute tragedy. It is the parents who are the children of stolen generation parents who are sometimes the ones struggling to come to terms with issues in their own lives—the grief, the intergenerational trauma. There is a study out at the moment that suggests that trauma is embedded in people's DNA. If that is the case, it does not take much of a jump to imagine how that affects the children of stolen generation parents.

Mr HARPER: We certainly heard that yesterday on Palm Island. It was articulated very well in respect to that generational trauma, as you have talked about. If we do not use the words 'permanent care order' or 'long term' how do we describe it? What is the other option?

Ms Pereira: We have an alternative in long-term guardianship. I know that we have heard that 'long-term guardianship' is unsatisfactory, because it can be challenged by parents and so forth, but the reality of the situation is that the only circumstances in which you can realistically challenge a long-term guardianship order is if there has been a very dramatic change in the parents' circumstances. If that is the case, you would have to ask why there should not be a review. I think on a case-by-case basis, anyone who is going to challenge it through the court is going to be seeking legal advice, hopefully, and that legal advice will give them some indication of their prospects of success. I do not think that any competent lawyer is going to encourage a person wanting to challenge a long-term guardianship order to do so unless there are good grounds for that.

If you are asking what if it is a parent who is not legally represented, but who is litigious, there are ways that their capacity to keep challenging can be challenged, anyway. They can have their application dismissed. They can have a stay on future applications if they are just being vexatious. It is not as if it is not managed by the courts and the legal system. There are systems to manage that type of situation.

Having said that, I take on board what the foster carer has been saying about some children wanting to have permanency and to remain with their families, but I would have thought that that could be managed in terms of the child having the right to make that application with legal assistance.

Mr HARPER: Absolutely. I do not know if any my fellow members have been to a graduation where foster children, who turn 18, transition into adult life. I am very pleased that one of the aspects of the bill is to provide support until they are 25.

Ms Pereira: Yes.

Mr HARPER: I heard their stories in Townsville, on a case-by-case basis, of finding a fit, of finding a family where they felt loved, nurtured and given support without the constant reviewing of their cases. They just want to get on and have some kind of a normal life.

Ms Pereira: Yes.

Mr HARPER: Would you comment on that point? Should it be left for children to be able to have a say on a case-by-case basis in that long-term guardianship? If we remove the term 'permanency of care', what is your opinion on that?

Ms Pereira: On a case-by-case basis. Why should children not have the right to make that application if they want to as long as they are legally supported to do so? There is the potential for that. We have a legal aid system. It provides free legal support for people in certain circumstances. There is no reason that cannot be adapted to children who are seeking permanency. I think that is something that should come from the child rather than from the DCPL, or another body.

Mr HARPER: The only point to make is that it should be a Gillick competent child

Ms Periera: Yes.

Mr HARPER: A child of an age where it is appropriate to make those decisions.

Ms Pereira: That is true. The other comparison I am thinking of is that, in the Family Court, even though potentially a parent could go on challenging parenting orders for children, in reality it is not going to happen, because there is a certain age where the court is going to say, 'There is no point in making orders, because the child is old enough. The child's wishes are given much greater weight. There is no point.' You cannot force a teenage child to stick to orders that that child does not want to stick to. There is a certain amount of pragmatism built into those processes as well. The courts are not going to make orders that are not going to be adhered to, generally speaking.

Mr HARPER: Thank you very much for that.

Mr CRAMP: Thank you, Ms Pereira, for coming in today. Thank you for your submission. I note that, owing to the time, this is what you have put in, but some of your points are quite relevant. I refer to the bottom of page 3 of your submission. I share some of your concerns about the day-to-day decisions made by departmental officers in regard to the welfare of children. This was brought up yesterday at Palm Island by many of the local residents, especially the members of the elders group. They felt that more emphasis could be placed on support services for the family unit, be it the parents or members of the broader community, to allow children to remain in their place. I agree with you in that the most well-intentioned departmental officers may see themselves as rescuing a child, but if they step back and take an objective view, perhaps sometimes the best thing we could do is provide the support mechanisms to allow the child to stay where they are loved and nurtured, because there are other members of the community, especially in Indigenous communities. That being the case, what are your thoughts and those of your organisation? Could the bill address support services for

the family unit, or the communities, to allow the children to stay? This bill is all about the child, but sometimes you do not need to focus on just the child; you need to focus on the environment around the child to ensure the child's best welfare. Could you give me your thoughts in regard to providing more support? Could the bill address that?

Ms Pereira: Absolutely. Thank you for that. That is exactly our starting point and where we would always start. Fundamentally, the child should remain with the family if at all possible and support should be built around that rather than putting children into care.

This whole notion of permanency carries with it at least two possible views: permanency with the parents or permanency in out-of-home care. If you are looking at permanency with the parents, why even use that language? Why not just provide the families with the support for their child to stay in care? The child should not be removed in those circumstances.

I have seen many, many cases of children being removed unnecessarily, particularly babies. That concerns me particularly. The department relies on psychological theories like attachment theory when it is convenient for it, but when it is removing babies because of sometimes an overreaction or a lack of support being given to the parents, then attachment theory goes out the window. I wonder if those workers are thinking about how that child will be affected by having its life disrupted and being removed suddenly from their mother at a very young age. I find that notion quite appalling. I do not know why there cannot be more supports given to those parents to keep their babies with them except in the most extreme circumstances. Of course, if a baby is genuinely unsafe with the parents and cannot be made safe, that is a different situation. There are cases where there is no other option but, in the large majority of cases that I have seen, with a bit more support children could have stayed with their parents.

Mr CRAMP: Thank you for that. I will take it one step further. Yesterday on Palm Island a very good point was made that, in some circumstances, it is just not appropriate that the child stays with its natural parents but, with the right support in place and the right assistance in the community, especially in isolated, remote communities like Palm Island, an appropriate person within that community, and probably a blood relative, or definitely kin—

Ms Pereira: Absolutely.

Mr CRAMP: If it is not appropriate to leave the child with the parents, there would be an appropriate person, especially if there were some supports to make sure that that child and that person caring for them is supported. Sometimes that person is a grandma, an aunty, or an uncle. Would you agree with that?

Ms Pereira: Absolutely, yes. I think that all of those options should be explored before a child is removed, unless it is an emergency. Even if a child has been removed in an emergency situation, there is nearly always going to be a family member or somebody who can look after that child.

Mr CRAMP: Do you think that the bill addresses that? Do you think that more could be done? The comment was made by one of my colleagues that that is a policy and procedural issue. I always find it safer to put it in the act to make sure that there are support mechanisms. Do you think that there is something that we could seek to include as an amendment to this bill to make sure that the department provides that support, or at least looks at it?

Ms Pereira: I think that even having the word 'permanency' right at the beginning of the act as a principle in 5A is completely inconsistent with the other things that the act is trying to achieve. They are trying to achieve an arrangement that is in the best interests of the children and that children can be kept safe, and permanency does not address that at all. It does not say anything about whether a child is safe or whether a child has connection with family. Because it is inconsistent I think it should be removed and it should not be included as a principle, at all. I am sorry; can you repeat the last part of your question?

Mr CRAMP: Should there be amendments to the act so that the department at least shows a demonstrated process of ensuring that family support was looked at or put in place so that the child could remain in the community?

Ms Pereira: Yes, I think so. I think that it should start with some of the principles under the UN guidelines for children in alternative care, mainly, that the fundamental unit of society is the family and that children should remain with their families wherever possible. Some of those things are being said in the act, but then you have this inconsistent thing about permanency planning. I think there should be more emphasis on providing support for families. It has to happen on the ground, as well. That is the bit that is missing sometimes. If there was a stronger reflection of those principles around the Convention on the Rights of the Child and the UN guidelines for children in out-of-home care and

alternative care, possibly the mindset would be different from 'can we achieve permanency'. I think 'can we achieve permanency' is a bad way to start in an act that is about the protection of children. I do not need to search very far to come up with examples of children who have been in alternative care and who have come to great harm or died.

I think that mixing permanency and the notion of the safety of the child does not fit. The first priority has to be can the child stay with the family and can we support the family to ensure that happens? If not the nuclear family unit, what about the extended family? That is consistent with the child placement principle for Aboriginal and Torres Strait Islander children, but I would like to see that implemented a bit better on the ground, because it is not being implemented in very many cases.

CHAIR: In your submission, you comment on section 6AA, which I will come to in a moment. I am interested in your views around the replacement of the current section 6 in regard to recognised entities and decisions about Aboriginal and Torres Strait Islander children. I am interested in your views on how the act as it stands currently in regard to recognised entity works and how they empower or speak on behalf of community and involve community in all sorts of decisions. What are your views on how the amended section 6 will operate? Is it better or worse?

Ms Pereira: I think there are times when the recognised entity has been too closely bound to the Department of Child Safety and that is to do with the management of it. Basically, we support self-determination very strongly. Once there is more independence between the recognised entity and the Department of Child Safety, they will be in a better position to provide that input into each case. I am reluctant to speak about it, because you have members of the recognised entity here and I feel that they can speak for themselves. I do not want to be seen to be speaking for them.

CHAIR: I am more interested in whether you have received any feedback from people you are seeing on the ground about how it operates?

Ms Pereira: Do you want me to comment on how it operates right now?

CHAIR: It would appear on reading the act that section 6 is about giving broader recognition to independent Aboriginal and Torres Strait Islander entities. As you said, they will receive that feedback, but currently there is a perception that it is tied to the department. Hopefully, this will allow more of a voice in the process.

Ms Pereira: I am not saying that it is now, but it is certainly has been. Certainly there have been instances in the past where, basically, the recognised entity has been put under pressure to be the voice of the department, in a sense.

CHAIR: We heard something similar in Mount Isa.

Ms Pereira: I do not want to go into that in too much detail. I thinks there needs to be more self-determination; that is all.

CHAIR: Do you have any views on the new section 6, which is being inserted, which gives broader recognition to independent Aboriginal and Torres Strait Islander entities, which could be an elder in the community, and whether that will help?

Ms Pereira: We are supportive of that idea, but we are also supportive of there being an ongoing recognised entity that is independently funded. We support the recognised entity, but we also support elders in the community and others having a voice.

CHAIR: I think the bill reflects that. You are supportive as it is written here?

Ms Pereira: Yes.

CHAIR: In your submission at the top of page 3, you make some comments in regard to section 6AA. You say you are very supportive of the principles about Aboriginal and Torres Strait Islander children that must be taken into account.

Ms Pereira: Yes.

CHAIR: You do comment about the reading down of that section. Can you extrapolate on the amendment that you proposed in your submission and why you think that is so important? What is your concern?

Ms Pereira: Again it comes down to departmental practices. The reading down off it, as I see it, is that it says all of the nice principles about how it should work and then it says, however, that it does not have to happen in those terms if it is either not practicable or there is an emergency situation. I am a little concerned about that. If we are talking about a decision that has been made about placement, I do not think there should be a circumstance where the child placement principles are not adhered to, except in a situation where urgent action is required. If you are making an urgent

decision where children are being harmed and they are being removed from their family, so a decision has to be made right now, that might be a situation where the urgency overrides the child placement principle. A lack of availability itself should not be a reason. Lack of availability in circumstances where it is urgent is understandable; in any other circumstance, no, I do not think it is acceptable. All I am suggesting is that they should be read as 'not available and urgent action is required'.

Mr CRANDON: My colleague Mr Harper raised the issue of language in the bill and the term 'permanent care order' and changing that wording. You can change the wording of what you call the order, but the impact is still the same; isn't it?

Ms Pereira: Yes, in a sense it is. We are opposing permanent care orders and other permanency arrangements.

Mr McARDLE: The word 'permanent' need not be there, but the outcome of the order under whatever you call it is still the same, whether the word 'permanent' exists or not.

Ms Pereira: We are opposing the entire concept, actually. We do not like the language either, for the reasons I have explained.

Mr McARDLE: Changing the wording does not change the outcome, does it?

Ms Pereira: No, the outcome has to change; you are quite correct.

Mr McARDLE: That is my point: the title does not really change the content.

Ms Pereira: No, but in the worst case scenario, if the bill is introduced and makes an amendment to the act, I am really concerned about the impact on some of our parents. While the focus of the act is the children, of course, and it should be, the children should not be seen in isolation. That is a mentality where children have to be taken out of there and rescued and put somewhere else and then we police the parents and make sure that they are perfect parents before they get their kids back. That is very damaging stuff. I do not think there is enough understanding around the impact on the parents. Most of the parents are not intentionally bad parents. They need support, except in cases where there is harm and the child has to be removed.

Mr McARDLE: Sexual abuse is a situation that comes to mind most readily, I suspect.

Ms Pereira: Yes. There are other situations where a child is really at risk of being harmed or has been harmed. However, in most cases, parents want to be good parents, they want to have their children with them, they want to do the right thing by their children. When the children are removed, particularly amongst our clients, it is so devastating. It completely sends them off the rails. Let us say that the children are being removed because the parent has a drug dependency or something like that. It is not going to cure the parent by removing the child. If that parent has a dysfunctional mode of coping, all that will happen is that it will drive them further down that path and remove the likelihood that that parent will be able to address the issues at all. If there is more support given in the home to the family, the parents and the children, there is a chance that that problem can be addressed. Removing the children is always a negative outcome in those situations.

Mr McARDLE: I take it from your commentary that you would agree that the right for a child to seek a review of a permanent care order should be part of this bill?

Ms Pereira: Yes.

Mr McARDLE: Do you agree that parents should also have that right? Parents go through bad times, sometimes very bad times, but they get back on track. Should they have that right, as well, to review a permanent care order?

Ms Pereira: I do not agree with a permanent care order—

Mr McARDLE: No, but if you accept that as a premise.

Ms Pereira: Yes, I think parents should have a right to review. If the parents' circumstances have really changed so significantly that, in fact, they should resume parenting of their children, they should have an opportunity to put that case before the court. It is not to say that the child has to be exposed to that. There is an assumption amongst some lawyers and maybe legislators that every time an action is taken in the courts the child is going to know and understand what is going on. Very often that is not the case. It is more likely to be the case with teenage children who may be quite anxious about that process, but they are also going to be savvy enough to know whether or not they want to return to their parents. I think it is wrong to assume that children are always going to be happy and safe in out-of-home care or that they are always happy to be removed from their parents. Very many of them, I think, would prefer to go back to their parents if it were safe to do so.

Mr McARDLE: You made the point that the court will manage applications that go through it. You get legal advice as to what you can or cannot do, chances of success or otherwise. Of course, that is all premised on the basis that you have the right to go to court, isn't it?

Ms Pereira: Yes, that is right.

Mr McARDLE: A major principle in our society is the right to actually go to a court in this nation to have your—

Ms Pereira: Absolutely. I agree with the comments that you made previously in relation to removing a fundamental right if you remove the right to review. That right of review should be with the parents and the children. The only question about the right of review is whether it is of concern to the children and whether or not it is disruptive. That is where the legal processes actually manage it to some extent, because no competent lawyer is going to advise a parent to review a long-term order if there are no grounds to review. No court is going to accept that a parent should be successful in reviewing an order if that parent is just being vexatious.

Mr McARDLE: Thank you very much, indeed.

CHAIR: I understand the member for Gaven has a supplementary.

Mr CRAMP: It is more a point of clarification based on what my colleague, the deputy chair, was speaking about. I note on page 5 you address some of the issues around permanency of care and I note your preference that it be removed totally in that sense. Long-term guardianship has come up several times in previous hearings. It seems to be that especially in Indigenous communities there is some level of satisfaction that that is applicable and that is appropriate as far as permanency goes, the current arrangements. Would you agree that that is currently appropriate, long-term guardianship, or do you even see that there needs to be changes to that?

Ms Pereira: The thing that we are most opposed to is children being put under a permanent care order where only the DCPL has a right of review and that is if a child has suffered significant harm. That is a very dangerous situation. We are not in favour of children being placed out of the scrutiny of, say, it doesn't matter whether it is the Department of Child Safety or some other body that oversees children in out-of-home care or alternative care, but I think that removal from scrutiny is a very unsafe situation for any child.

Mr CRAMP: Currently long-term guardianship allows for a parent or a child to make that application which is what we currently see. It is not so much about the wording, it is that fact that a parent or a child, as you said, as long as in normal circumstances they would seek that legal advice and that is my clarification. Currently the system does allow for that, for the parent, child or other interested party, to make that application to seek a variance or to at least have the matter reviewed. As long as that is not taken away at the very least, that right still says within the act.

Ms Pereira: I suppose why keep it so narrow as to say it is just the child or the parents. Sometimes a grandparent is able to take over that care as well. That might be the preferred option for the family or if it is not a grandparent it could be an extended family member that the family ultimately supports the child going to.

Mr CRAMP: Very good point. Thank you for that.

CHAIR: Thank you very much. Thank you again for the submission that you made and for your time today also.

Ms Pereira: If I didn't make quite clear, we are really opposed to children not being able to go onto another order after only two years of being in short-term custody.

CHAIR: Very clearly made in your submission

Proceedings suspended from 12.03 pm to 12.12 pm

CURRIE, Ms Nadia, Operations Manager, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

DAHLEN, Mr Lenny, Member Engagement and Partnerships Coordinator, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

MANN, Ms Karen, Townsville Aboriginal and Islander Health Service

MARTIN, Ms Jody, Townsville Aboriginal and Islander Health Service

SHIBASAKI, Ms Nina, Townsville Aboriginal and Islander Health Service

STOUT, Ms Jo, Manager for Recognised Entity, Townsville Aboriginal and Islander Health Service

CHAIR: Would any of the parties from the recognised entity like to open with any comment or would you like us to ask some questions?

Ms Stout: I think just ask some questions.

Ms Mann: I would like to acknowledge the traditional owners of the land that we speak upon, the Bindal and Wulgurukaba people, and their elders past and present.

CHAIR: Thank you very much. Can I start with you then, Jo. I made this comment before, we would love to understand how the recognised entity works in practice. Would you talk to us about that important work?

Ms Stout: The recognised entity is at the tertiary end of the child protection care continuum where there are removals. I have been with TAIHS for about 11 years and an RE for about nine or 10. We try to be innovative in our approach to our business. Some time ago I approached the manager at the Aitkenvale service centre and talked to them about being a bit more proactive in getting children home. This was in around 2012. We got the most children home in the state. We got an award for it in Brisbane. That was due to the hard work of the staff at the RE.

CHAIR: Congratulations.

Ms Stout: We do not just sit around and do nothing about what is happening with our kids. That was a big coup for the RE back then. Nina will probably elaborate on this. Nina has been the cultural family convenor. They trialled it for about six months and it was quite successful. Nina is very good at her job and what she does, and I am sure she will be explain a little bit more about that. I think we have been quite proactive even though we are at the tertiary end of the child protection care continuum. We are very proud of our efforts and what we have done over the past 10 years.

CHAIR: Thank you. Did you want to make any comments, Nina?

Ms Shibasaki: For family-led decision-making we have become an external provider where TAIHS has our own family group meeting business, just to elaborate on what Jo was talking about.

CHAIR: For the benefit of the committee, you are the Townsville Aboriginal and Islander Health Service, so you are doing a number of really important things at the same time. Can you help us to understand how you balance all of this?

Ms Stout: TAIHS is made up of a number of units. You have the medical centre. Within that you have mums and babies. We also have visiting specialists. Then we have four outreach health clinics—one in Heatley, one in the Burdekin, one in Charters Towers and one in Ingham. Then we have the community service programs. I do not know whether you are aware but there is a wellbeing unit. Three services were amalgamated out of the community service program—the family intervention service, the family support service and early childhood development. They were amalgamated to make a wellbeing unit. The RE still sits there. We also have a foster and kinship care service. The community service programs are in town and the health programs are at Garbutt and they have been there for quite some time.

CHAIR: You cover a really large area.

Ms Stout: We do.

CHAIR: How do you do that? Do you have particular workers in those areas to have that connection? On my understanding, not having worked in the area of child protection, from reading what recognised entities do, you have to be connected and know people on the ground and be talking to people on the ground. How do you facilitate that in such a large area? How do you organise your workforce?

Ms Stout: Because the recognised entity is at the tertiary end, what happens is that the intake comes through to the senior prac. Our catchment is from Ingham down to Bowen, out to Charters Towers and over to Palm Island. Then the worker who is allocated the job will make contact with the child safety service centre in that area and they go to whichever part of the country they have to go to to do the job, whether it is an I and A, which is investigation and assessment, or whether they are going out to have a case plan meeting, family group meeting—a whole range of things.

Ms Mann: We also keep our connection with the community to help us when providing advice to the department through network meetings, case conferencing, local workers—

Ms Stout: There is internal case conferencing as well.

Ms Mann: Yes. We have knowledge of the local services—the people, the groups and the elders who can provide that assistance—to provide cultural support to the department as well. Personally as well, as people, we are connected to the community. We participate and actively engage to broaden our understanding as well.

Ms Shibasaki: Our recognised entity is made up of Aboriginal and Torres Strait Islander workers so that covers both cultures. We have experienced workers. We are local people who have lived here all our lives, so our knowledge comes from our own personal experience.

Ms Stout: All RE positions are identified positions.

CHAIR: Do you allocate workers to the dedicated role of the recognised entity?

Ms Stout: Yes.

CHAIR: That is their job. You are doing a lot of things with your programs and the health centre—so they are allocated to that.

Ms Stout: We utilise the health service for various reasons. A child protection worker—Moses is his name—went out on a job and the family had chronic scabies. He rang me and said, 'Jo, is there anything we can do?' I rang the primary healthcare manager and said, 'We have had this. If we can get the children and mum seen to then the department probably will not remove the children.' It is about being innovative in your approach even though you are at that tertiary end. Because Moses made that phone call to me and we were able to get the family in to be seen to, the children were not removed. It is about being proactive about your business even though you are at that tertiary end. All the workers in the RE do that.

Ms Mann: We provide a service that is culturally appropriate throughout. We look at our intake and see who is most culturally appropriate to take on the job. They will utilise whoever is the most culturally appropriate within a community to assist them in providing that support to the department in terms of assessment.

CHAIR: If you were providing that service on Palm Island, for example, you would send—

Ms Mann: We would seek appropriate people on Palm Island to speak on behalf—to get some understanding of that family member and that family situation in the community or what is going on within the community because there could be sorry business as well.

Ms Stout: Some of the families will say that they only want an Aboriginal worker. We have to work with that—not all but some do. It is about managing that as well.

Ms Mann: From our stance, we are more appropriate to identify the appropriate people within our community for the department to utilise as well—

Ms Martin: Also amongst our team.

Ms Mann: And within our team, yes.

CHAIR: I am not sure how familiar you are with the bill and what is proposed, but some of the feedback we have had is that sometimes the recognised entity is perceived as being an advocate or an extension of the department. My reading of the bill is that it is releasing that model to be more an advocate of the community. Is that something that you welcome? Is that something that you think will be an improvement? What are your thoughts?

Ms Mann: In terms of advocacy to the department, from our stance and what we have provided through our submission, the independent entity is open to interpretation and could possibly disadvantage families in their involvement with the department as well. The department can now use an independent Aboriginal or Torres Strait Island person who could possibly not be skilled in the child protection area. That could possibly disadvantage our families in their involvement with the department. It is open. The recognised entity should still be involved. The bill should require the department—it should say that the department must consult with the RE.

CHAIR: You mentioned your 'submission'. Did you make a submission? Do you mean QATSICPP's submission or your feedback to QATSICPP?

Ms Mann: Part of our feedback to QATSICPP.

Ms Stout: Over the last 10 years since I have been an RE I think we have been quite proactive in how we do our business even though we are at the tertiary end of the child protection care continuum where there are removals. Rather than having children removed, we have been proactive around family group meetings and things like that. Nina, as a family group convenor—and a very good one at that—has helped families through that process with their children. I am happy that there have been less removals because we have been innovative in our approach in how we do our business even though we are at the tertiary end of the child protection care continuum.

CHAIR: Certainly what I heard strongly yesterday is that communities do not necessarily feel that their voice has been heard before the department acts. The department tends to act rather than really engage with the community about what they want, what their thoughts are about placement and all of those sorts of things. Do you feel that the bill will better enable that discussion to occur? What is happening now that families feel that their voice is not being heard? You play an important role. Do you feel that that is not the case? I want to understand why communities feel that they are not being heard early in the process. That was not a reflection on recognised entities, by the way. It was a comment about the process.

Ms Shibasaki: The act states now that the recognised entity has to consult with the department of child safety before we even talk to the families, whereas as a recognised entity we should be able to go out and see the communities without having to consult the department of child safety. We would like to see that the bill state that.

CHAIR: Would that allow for earlier involvement in the community's wishes being heard?

Ms Shibasaki: Yes.

CHAIR: Thank you very much. I have a much better understanding of how it all works now.

Mr HARPER: Welcome, TAIHS and QATSICPP, and thank you for your input today. I want the committee to drive past the Garbutt facility to see how big the TAIHS facility is. It would be good if we had time to go there. I know from my previous role in the ambulance and the interactions we had with the centre, particularly around health, that the footprint you have in North Queensland is huge. I did not know until this bill that you were the recognised entity for child safety. My eyes have been opened even further.

Ms Stout: We are actually the recognised entity for TAIHS. We were one of only six sites that were picked to have a cultural family convenor, and Nina is our cultural family convenor. That has been very successful with families engaging in the process.

Mr HARPER: As you would be aware, it is a complex and challenging area. The intent of this bill is to try to get this back to communities to have some input. The comment you just made about the act saying you have to connect with Child Safety is on point. I think you are absolutely right. There needs to be an amendment there. Yesterday on Palm they talked about the need to have an independent recognised entity. What are your views on that? When they say 'independent' I think they were trying to say that they want something on the island itself. Could you express your views on that?

Ms Stout: I do not think I should at this point in time until I talk to them; I do not think that is a good idea. That community is a very close, tight-knit community. We go over there to support them. I have not sat with them or discussed with them what they are doing, so I do not think it is fair that I make a comment about it. I do not know enough about it to make a comment.

Mr HARPER: Would anyone else like to comment on that particular point?

Ms Mann: I am trying to get my head around it.

Mr Dahlen: In terms of the independent Aboriginal and Torres Strait Islander entity, it does not discount the fact that it actually is also the recognised entity as it is today. We are in support of an independent Aboriginal and Torres Strait Islander entity, whether that be a member of the community, an elder or a community group who can then also access support to—the recognised entity will be the first contact, but they could always go back to get that legal advice around the child protection system to support the participation and the decision-making of that family who is involved and in contact with the child protection system.

Ms Stout: It is around that family-led decision-making now. Families are the ones who are having a say about what happens in their future and to their children.

Ms Mann: That comes down to the self-determination, as well. There are big concerns around independent entities being delegated for families. If it is a family member who is the delegated person, that conflict of interest can affect the involvement with the department. It can affect relationships within the families, as well, if it is a family member who is the independent entity. It is really good for there also to be a recognised entity, a delegated entity—

Ms Martin: I think what Karen is trying to say is that we believe that they can also play a part and work with us as a stakeholder. That is where Karen is leading that one.

Mr HARPER: I think that was really well articulated, Lenny. Thank you very much for that. You talked about self-determination. Do you want to unpack that a little more? I also want to get your views on the permanent care orders, which you would have heard a bit about this morning. Can you talk to the committee about your views on that particular part of the bill?

Ms Currie: I guess you have heard QATSICPP's voice on permanent care orders. Lenny and I are obviously on the same staff. We think that there are restrictions when it comes to permanent care orders. If the child placement principles were actually followed through, you would not have to get to permanent care orders. The fact that it actually restricts families when the care has been revoked and what not, as was said before, makes it a similar concept to stolen generation; if not the reality of it, then the concept. That is where we see it right now.

Ms Stout: It is the stolen generation all over again, permanent care orders.

Mr HARPER: That is what we heard in Mount Isa and at Palm yesterday.

Ms Stout: We would fight, if that was the case.

Mr HARPER: As we said at both of those locations, policy setting in George Street is one thing, but we have to hear from the community so that we can actually get that fundamental understanding.

Ms Stout: We really cannot go back. We are supposed to be going forward. If you introduce permanent care orders, especially if they are non-Indigenous carers, it will be us who will get the flak from that. I certainly do not agree with it as a manager of the RE, because it is stolen generation all over again if you start giving permanent care orders to non-Indigenous carers. It is just not on.

Mr CRAMP: Jo, you said that on occasion people ask for an Aboriginal representative. Can you explain that a little further, to clarify it for me?

Ms Stout: Do you mean a worker?

Mr CRAMP: Yes.

Ms Stout: We have Aboriginal and Torres Strait Islander families. Because they are two different cultures, they may ask specifically for an Aboriginal worker or a Torres Strait Islander worker. The family may just want their own kind; someone who speaks their own language. It is about language and understanding.

Mr CRAMP: Does that go so far as asking for somebody within their community? We went to Palm Island yesterday. As you said, it is a very tight remote community. Would you ever get a request for a representative from their own community? If that has happened, have you been able to provide that across communities?

Ms Stout: If you go into a community and they want a representative with them, that is quite okay. The RE goes with the department; we do not go on our own. Part of our role is about the families understanding what is happening to them, the process, why the department is on their doorstep. That is our role. We try to be a bit more proactive than that.

Mr CRAMP: Do you see roles for an extension of REs, so that we could see individual REs in each community, not so much associated with TAIHS?

Ms Stout: I do not think they will have REs, just quietly. I could be wrong.

Mr CRAMP: I am not speaking just about Palm Island, but across many of the communities on the mainland, as well.

Ms Stout: Our RE takes in a fairly huge catchment. We service Charters Towers, Palm Island, Ingham, Ayr. Ours is a fairly huge catchment anyway. It is about families understanding what the department is talking about. Some families have no idea why they are there.

Ms Mann: You have talked about Palm Island. It is very important to source appropriate people within those communities, such as the elders within the family that the department is going to have involvement with. The department has an Indigenous worker over there, who is usually a first point of contact if there are any issues or business going on within the community. We consult with her and

she also provides the department with appropriate advice. We also ask the family members who is the best, because at the end of the day they are the best to explain the dynamics within their family. It is the family's choice. They do not have to have the RE there. If they do not want us there, they do not have to have us there. It is better that they do, because we know our business, but some families may not want it. It is their choice who attends any of their meetings. They will not know if it is in 24 hours, five days or 10 days that the department and the RE are rocking up, but they could say, 'We don't want you here', so you have to walk away. It is better that they do have them, because staff know their job.

Ms Mann: I refer to clause 7 on section 5C(2)(b), the partnership principle. A recognised entity should still be identified as a separate entity, because a high percentage of the families involved with the department have lost their sense of culture and connections. Clause 8 refers to an entity being a person of family and cultural significance to the child or child's family. Some parents have grown up in care and do not have a connection to their own families, so they do not have that sense of connection, that sense of family and that sense of understanding of their mob. If they were to get a person within their own group to be an entity, that person may not have their own cultural sense of understanding and connection and would not really provide good advice to the department in maintaining the cultural aspect within the child protection framework.

Mr McARDLE: Ladies and Lenny, thank you so much for coming here today. They say the worst thing in the world is public speaking. I suspect this is the second worst thing in the world, that is, being here and looking at men and women who you have never even spoken to before and being asked questions. It is important from our point of view, because you are literally the interface between the department and Palm Island and other people across this area. Hearing from you becomes crucial in what we will put in our report. Please, do not feel that what you are saying will not be taken into account. It is important. It is vital.

Ms Stout: Thank you.

Mr McARDLE: The work that you do is equally vital. Jo, you said that you and the department would go across to Palm Island. Why does the department go across with you?

Ms Stout: They are the legislative body. They are the ones who raise the concern about the family. They are the lead agency. The RE goes with them to make sure that the process is done the right way and that the family have an understanding of why the department is there. It is right across the whole child protection care continuum that we are involved, from intake through to removals. We do not go to removals, although in some instances we have to agree. If we do not agree, we give our reasons why.

Mr McARDLE: Would you feel that your job might be better or easier if the department was not there and you could interact directly with the community and the family?

Ms Stout: In some respects, although there is a lot of conflict of interest, as well. I come from this community so there are a lot of people I am related to. I do not think family would like me coming to their doorstep. There is good and bad in relation to how this is done. I think there is still a need for the RE.

Mr McARDLE: I am looking at the department being with you. I would have thought that there would be better communication between an RE and the community.

Ms Stout: Sometimes. It depends.

Mr McARDLE: I am not being critical of departmental officers as human beings, but they can be a bit of a stumbling block to open conversation, which is so important when you are talking to children or about children.

Ms Mann: Currently in the act it says that the department must consult with the recognised entity in their involvement with families. For us to provide the most appropriate advice to them, we also have to be there. In terms of investigation and assessment, the family is not aware of when the department is going to go out but we are. We are there with the department when they are making that first contact with families, to make sure that that approach and the assessment and the questions are appropriate culturally, to family dynamics and kinship options, if there is a need for kinship options, and language barriers, as well. Most times, we can get a bit more out of the families than the department can, because there is a stigma with the department. They simply do not want to talk to them. Sometimes the department will give us the opportunity. They will walk away. They will go and stand over at a car and let us have a conversation, just to break down those barriers. Then they will come back and redo the interview. That is why we are there with the department.

If they go to Palm Island, we are there when they go to Palm Island. There are also cultural protocols and traditional adoptions. If you are going into a community that you are not from, as Indigenous people there are certain ways to go about it, as well. Because we are going in with the department, there has to be a certain understanding with the community, as well, from a recognised entity. That is for Bowen to Ingham to Charters Towers.

Mr McARDLE: Listening to all of you comment here today, I see you as being the true link between the child and the outcome involving the family.

Ms Stout: We play an integral part in that.

Mr McARDLE: That is correct and it is a wonderful expression to use: 'an integral part'. You take with you people who are knowledgeable about Palm Island and can converse because they are kin or at least have a kinship connection to Palm Island residents; is that right?

Ms Stout: Sometimes. It depends. Some families do not like their family knowing about it. Really, it is up to them to tell the family; it is not up to us. Sometimes they might want a family member to sit there while you are talking about the concerns that have come in, but you do it case by case. Some families do want a family member there and others do not, because of the shame factor. You just have to take each one on a case-by-case basis to see how you are going to manage that when you go out.

Mr McARDLE: Would you like to see the department step back from the role they fulfil at the moment, to give you more of a say?

Ms Stout: I think that is something that the recognised entity would have to sit and talk about. I do not think that is a decision that you can make off the top of your head, because there are a lot of anomalies that go with that. We live in this community, as well.

Ms Shibasaki: The recognised entity is a link between the independent support people and the department. As we all know when it comes to child protection business, there is a lot of history involved. For the family, it is about how much of that information they will give. Involving the recognised entity allows for the support and also—

Ms Mann: Knowledge.

Ms Shibasaki: Not so much knowledge, but the ease within the family knowing that there is somebody who is skilled and has knowledge of child protection within the room who is able to speak on their behalf and support them along with their family also. Having an independent support person who is there to do more of that support with the family without the recognised entity can be detrimental at times.

Ms Martin: They respect our confidentiality. They are aware that we are bound by confidentiality so we are not going to be blurting it out in the community.

Ms Mann: Communities can be small and stories can filter through communities very quickly. Issues happen within families in communities if there is an independent entity, but it is also supported with the involvement of a recognised entity. Self-determination is where the department steps back but is still involved. Self-determination is when Aboriginal and Torres Strait Islander communities determine the involvement of the department with Aboriginal and Torres Strait Islander families.

Mr McARDLE: You would see a reversal of what takes place now. More involvement with the local community and the entity and the department being there to decide somewhere, as opposed to the department being involved from day one.

Ms Shibasaki: No.

Ms Martin: Case by case.

Ms Mann: That is probably a wish.

Mr McARDLE: Wish upon a star perhaps.

Ms Mann: The department will always be there.

Mr McARDLE: Yes, but their role may have to vary.

Ms Stout: I think it is empowering our young people who are coming up now to step up. It is about looking after people and their communities. I am the oldest in my family and part of my role was to look after my brothers and sisters. That is how it has always been in Aboriginal culture. It is your job, and that is how it goes. It is about families looking after one another again, going back to your grassroots of where you come from and what your role is within that family.

Mr McARDLE: Back to country.

Ms Stout: Yes.

Mr McARDLE: Thank you all so kindly for your words today. As I said, you are the glue that makes it happen. Congratulations to you all.

CHAIR: I have one supplementary question coming back to comments that you made, Karen. Given that we are talking about self-determination, what role do you think the recognised entity—the individual entity or person on behalf of the community—and the department should have in a model that gives true self-determination to a community? Who is making the ultimate decision about a child's placement in a perfect world?

Ms Mann: The independent entity that has been delegated by the family would be the perfect person to make the last and final decision, but that is in support of the recognised entity's participation as well and the department's involvement. If the family has delegated an independent entity, then that person has the decision on what happens with this family but the department has legislation too.

CHAIR: Your view of giving true effect to self-determination for a community is the community owning and having a say about the ultimate decision, but with the involvement of the recognised entity as a person who informs them of their rights? What would you be doing? What is the best role that you can play?

Ms Mann: Help them, support them in determining that decision as well as getting them connected with the appropriate connections within the community. Supporting the family to make the most appropriate decision—

Ms Martin: I think what Karen is saying is that the independent entity is to help our families, because we are the ones that have the most knowledge of the act because we are doing that now. We are the experts in our positions, so as the independent entity to give our families the most appropriate advice and also to work with them to make sure they are making the right decisions for their families.

CHAIR: Ultimately you would want to be in a position where the community views you as an advocate for the community rather than an extension or party or partner to the department? What would be your relationship to the department?

Ms Shibasaki: The word self-determination is so broad and open for interpretation. The amendment says—

Ms Mann: The child should be allowed to develop and maintain a connection with the child's family, culture and traditions. The term self-determination is so broad and open for interpretation that unless defined specifically it has no relevance within the system.

CHAIR: Your comments have been really helpful. It is just for us to try and understand what the bill gives effect to now, what it is proposing, where you think you best sit, what are in the best interests of the community and all of that together really helps us.

Ms Shibasaki: Personally, I think what is in the best interest of the community is families that are working on the concerns that have been raised by the department within a unit. The recognised entity can give advice about what their role is. I just think that nothing has been sorted out, so you cannot put your teeth into anything until you know exactly where you stand. At the moment, recognised entities do not know where they stand. There is nothing that has been given to us in writing to say that this will be the role of the RE. I would not want to speculate about what our role is going to be.

Ms Mann: I would also like to say there are a whole lot of phases within a continuum. I want to be mindful that when speaking of an entity it is which phase the department is involved with the family. When the child is in care and there is a standard of care meeting with the carer, if the family has an entity that works for another organisation that can cause some issues within the family and their feelings towards decision-making.

Ms Shibasaki: TAIHS, where I work, is a one-stop shop for families. We have primary health care, and included in that is mums and babies. We have five child protection units, three that have come together, so when a family comes in their needs can be met. They can come and talk to RE staff if they are concerned about the department coming out to their place. We have a family wellbeing unit where there is early intervention prevention. We have primary health care, we have mums and babies for immunisations, that babies are okay and their milestones are being met. We have primary health care for the parents themselves. I do not know where the RE is going to be. We can certainly give families advice in relation to how they think they are going. If they are not certain, they can always

come in and have a yarn with us. At the moment we have a one-stop shop for families. If they come in early to do early intervention prevention, they do not come to the notice of the department so they do not need the RE.

CHAIR: Jo, Jody and Nadia, on behalf of the committee I thank you very much. I am sorry, our time has expired. I also acknowledge Lenny. We really appreciate your submissions. On behalf of the committee I specifically thank you for coming along. You really helped us to understand how the recognised entity operates, and we thank you for your work.

TAPIN, Ms Topsy, North Queensland Community Services

CHAIR: I understand that you wanted to make a few brief comments to the committee before we close.

Ms Tapin: Yes, thank you for giving me the time to do so. I have worked in the community services and development sector for the past 25 years, particularly in child protection and domestic and family violence for the last 10-15 years. In my position I support families who are going through the child protection system, whether in a work capacity or an independent role.

While the RE is present and has been doing great work, there have been some concerns—this is a personal opinion of mine—with regard to the Department of Child Safety being a client of RE. That causes a lot of confusion for our families. That causes a lot of upset because families think that the RE is actually representing the department, which at times they have to because the department is their client. I think that until we separate recognised entity from the department we will not have our children home, and that is a big concern. You cannot have someone advocating for a family who works for the department. That defeats the purpose of doing the work that is required in our community. I sit alongside my family members who work in RE. I see the great work that they do, but their hands are tied because the department is their client. The committee needs to have a good look at that when you are talking about having identified entities. I strongly believe that it will work, because whoever these identified entities are they are not answerable to the department, so that can give some hope to our families.

I want to make a statement about permanent care orders. I think that is another stolen generation move, and I think that needs to be really looked into. Our goal is to reunify children. They need to go back to their families. I am talking specifically about our Aboriginal and Torres Strait Islander children, who I have worked with during most of my employment. A permanent care order obviously has to be beneficial for these children, but permanent care with a non-Indigenous family affects our children. They lose their culture and their language. We challenge non-Indigenous carers about connecting our children to culture. They think that going to NAIDOC one day a year is providing their cultural connection, but that is not good enough. We want our children with their open families. At the end of the day we want our children back home. Our families are suffering. Our families do not know how to access services. Our families are continually affected by intergenerational trauma, so there are a lot of factors that affect our families getting their children back, so there needs to be appropriate help. There are a lot of services in our community, but it is also about making those services accountable and to provide that service to our families. Our families do not know who to go to. Our families do not know whether they will get their children back. Because past family members went through the child protection system they lose hope. They do not know whether they will get their children back.

The intake, investigation and assessment stage is very damaging. It is very confronting. What happens now is that a child safety officer does the investigation. That is why RE is with them, to make those things culturally appropriate. I am getting a bit worked up here, so I need to calm down. At that investigation stage when RE is there with them the department tells people like me, who are support workers, that they provide information to these families at that stage so that they can address the concerns that the department has. When the department knocks on my door and tells me they are investigating me and there might be a removal, I do not want to listen to that person. It is very important that at that stage the family has the right support, because they are trying to provide information to a family who is being investigated. The conversation is about something that has happened. They are not going to have the ear ready to receive information, so that leads to a lot of misunderstanding by families. Then they get caught up in the 28-day order, and then the next minute they have a short-term order on their back because they do not know how to go through the system. If the committee could consider the independent entity as an addition to the recognised entity and remove the recognised entity from the department.

CHAIR: Thank you, Topsy, for your strong statement. It was very beneficial and helpful to the committee. I thank you and all of the witnesses today for their attendance and patience as we have run a little bit behind. We very much appreciate your input. I know that I speak on behalf of the committee when I say that the trip to Mount Isa, Palm Island and Townsville has been beneficial. It has been incredibly helpful to us. We will go back now with the information and draft our report. We thank you for your input. I now declare this hearing closed.

Committee adjourned at 1.01 pm