



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 10 November 1998

CHILD PROTECTION BILL

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (2.31 p.m.): I move—

"That the Bill be now read a second time."

Clearly, one of the greatest responsibilities of any Government is the protection of children from harm or abuse. I am therefore pleased to introduce the Child Protection Bill 1998, which provides a modern legislative framework for the State to ensure the protection of children in a way that recognises the interests, rights and responsibilities of all concerned. The Child Protection Bill 1998 will entirely replace the outdated and limited Children's Services Act 1965. This Act was drafted in a period when there was little recognition of child abuse as we understand it today. It has an inappropriate emphasis on a reactive approach to child protection and contains orders that are inflexible, unresponsive and inadequate to ensure the protection of our children. In contrast, the Child Protection Bill 1998, developed by the Labor Government, is innovative legislation that will place Queensland at the forefront of child protection in Australia. The Bill is underpinned by the principles of equity and participation, privacy, and the recognition of indigenous, ethnic and cultural identity. In this Bill, the paramount consideration continues to be the child's right to protection. The Bill places strong emphasis on accountability in the exercise of authority, and recognises that both parents and children have a right to information and to participate in planning and decision-making about the best way to ensure the child's protection.

When I was appointed to the Family Services portfolio, I promised swift action to introduce this long overdue Bill, but only after comprehensive consultation. To this end, a broad consultation process has been undertaken during the past eight weeks. Thirty-six regional consultation forums have been held, involving over 650 people. Some 600 information kits were distributed to over 500 community organisations and individuals. I am happy to report that this community consultation revealed a positive and enthusiastic response to the Bill. All key stakeholders and community groups have indicated substantial support for the principles that underpin the Bill. I am also pleased to report that the Bill has been shaped by suggestions and submissions made throughout those consultations. As a result of those submissions and the excellent work of my departmental officers, this Bill is a substantial improvement on that tabled in this Parliament by the former coalition Government.

Most child protection work undertaken by officers of my department is carried out without the need for specific legislative powers. In the majority of cases, action taken to protect children occurs with the family's consent. Nevertheless, in discharging their duty to protect children from abuse or neglect, departmental officers and the police will at times need to exercise some of the powers conferred in this Bill—for example, when action is needed to protect a child from immediate risk of significant harm.

I do not believe that anyone could sensibly advocate that the protection of children, as one of society's most vulnerable groups, can be compromised. At the same time, society rightly expects that the use of significant powers will be strictly defined and controlled, and that adequate safeguards should exist against misuse of these powers. I am satisfied that this Bill achieves a proper balance between access to and accountability for these powers. For example, while the Bill provides that a child may be taken into protective custody in certain defined circumstances, officers must seek a judicial order within eight hours of removing the child. I do not apologise for making this eight-hour requirement

a tight restriction, because the removal of a child from a family is a significant power. While it is desirable that such powers be available, they must be subject to appropriate and accountable safeguards.

Despite a preference to work cooperatively with families to protect children, officers of my department must sometimes seek an order of the Childrens Court to protect a child without the consent of parents. This Bill requires that where these orders are granted they must be at the least intrusive level that is compatible with ensuring the child's protection. A range of flexible orders is incorporated within the Bill to ensure this. One such order, an assessment order, is designed to allow a child's possible need for protection to be investigated. Under an assessment order, actions such as access to a child, medical examination of a child and temporary protective custody of a child may be authorised by a magistrate or judge. If an ongoing child protection order is necessary, further options are provided, including time limited custody and guardianship orders which are not currently available. Currently, under the outdated Act, all orders have effect until the child reaches the age of 18 years.

By establishing the Forde inquiry into allegations of institutional abuse of children, this Government has already demonstrated its commitment to learning important lessons from the past, to ensure the future safety and well-being of children in care. Vulnerable children—those who are in care because of abuse or neglect—must not be further disadvantaged by treatment they receive while in our care. This Bill places special emphasis on ensuring that this does not occur. Under the Bill, children's living arrangements under child protection orders are to be reviewed at least every six months to ensure that standards of care are being met and the needs of children properly addressed.

This legislation will be the first within Australia to incorporate a charter of rights for children in care. The inclusion of such a charter in child protection legislation was a recommendation in the joint Human Rights and Equal Opportunities Commission and Australian Law Reform Commission report entitled "Seen and heard: priority for children in the legal process". The charter consolidates, in an easily understandable and accessible form, the rights of children and young persons articulated throughout the Bill. For example, the Bill respects the rights of children and young people to have their views taken into account. It is often easy for the views of those at the core of our child protection services—that is, children and young people—to be overlooked in this regard.

Foster carers play a significant part in helping meet the needs of Queensland children in care. This Bill recognises their important role and contribution by requiring that they be provided with support and training to assist them in their role. This Bill also recognises and reinforces the indispensable role of community agencies in the provision of child protection services through the inclusion of a statement of standards for alternative care, which articulates expectations about the quality of alternative care services.

One of the most unacceptable issues facing child protection in Queensland is the significant overrepresentation of indigenous children in the State's care. It is therefore imperative that the Bill entrenches the child placement principle, which requires that departmental officers consult with appropriate agency or community representatives when making decisions about Aboriginal and Torres Strait Islander children, and must ensure the maintenance of indigenous children's cultural identity. The inclusion of the child placement principle, which was developed jointly with indigenous Australians, is a key step in ensuring that atrocities such as those detailed in the Bringing Them Home report will never again occur.

I have been extremely concerned recently by the actions of some media outlets in reporting, often in sensational and explicit fashion, the names and identities of children who have been abused by members of their own families. Professional child protection workers are acutely aware of the damage caused to children, sometimes only apparent in later years, when very private information about their family's treatment of them appears on the front pages of newspapers and on television. While I am supportive of the need to raise awareness of child protection matters and to ensure the freedom of the press, there is absolutely no need for this invasive, often simplistic, and irresponsible practice. This Bill introduces hefty penalties for corporations which publish information about child abuse in a way which identifies the child in question. In the balance between television ratings and child welfare, I make no apologies for the fact that this Bill comes down squarely on the side of the child's needs.

I am very proud to introduce this long overdue Bill. It will support my department and its Government and non-Government partners in the difficult and complex work of child protection. Despite the antiquity of the current legislation, much of Queensland's practice for the protection of children is recognised by many as the most advanced in Australia. We still have a long way to go, but this Bill provides the legislative base that will underpin excellence in child protection practice well into the future.

The Bill's implementation will be complemented through the establishment of a new Child Protection Council. For the first time, a peak body will exist to provide high-level advice on child protection matters, incorporating both the Government and non-Government sectors. I am confident

that the establishment of the council will continue the consultative spirit that has characterised the development of this Bill.

Finally, I need to make some comment on the issue of resources needed to implement the intent of this Bill. This was the one concern that was common to all those who commented in the public forums on this Bill. It is clear that additional resources will be needed to adequately support the implementation of this Bill over time. I am confident that these additional resources can be sourced to properly implement this important legislation.

Queensland's children have waited long enough for legislative reform to ensure protection from abuse. I am therefore pleased to introduce a Bill that will deliver this fundamental right to our children. I commend the Bill to the House.
