



Speech by
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CHILD PROTECTION BILL

Mr BEANLAND (Indooroopilly—LP) (5.23 p.m.): At the outset, let me say that this legislation, which was formulated for the purpose of protecting Queensland children, was substantially prepared during the previous National/Liberal coalition Government's term in office. In fact, during that time a Bill not dissimilar to this Bill was introduced into this Parliament. Therefore, this side of the House will certainly be supporting the legislation. However, let me say that we do have some problems with some of the details of the legislation, and I will talk about those when the time comes and perhaps move some amendments to some of the clauses.

I think that every member of this House, as occurred with the adoption of children legislation that we dealt with recently, would support this legislation. After all, the purpose of this legislation is to provide for the protection of children. If we consider some of the things that are occurring in the community today in relation to children, we cannot help feeling that there is a need for new legislation. One only has to look at some of the matters that are being raised at the current Forde inquiry to realise that in the past our children have not been protected as well as they should have. Therefore, without doubt there is a need for new legislation to update child protection laws and bring them into the 20th century.

Clearly, this Bill touches upon many issues. Some of them relate to the philosophical way in which we approach matters. Having said that the Opposition supports the legislation, at the outset—so that I do not miss saying this—I thank the Minister and her staff for the briefing that I had in relation to it.

I turn to some of the issues contained in this Bill. As I say, it is a very large piece of legislation encompassing a whole range of issues that relate to children. One of those issues relates to accountability. Much emphasis is placed by the Minister on this Bill being for the protection of children. However, to whom are the authorised officers and the chief executive officer who are mentioned so freely in the Bill accountable? I know that some clauses of the Bill relate to a requirement for people to go to the courts for temporary assessment orders. However, as we all know, the department for which the Minister is responsible does much more than that. It prepares reports and makes a whole range of decisions—decisions that are made in very sensitive and emotional situations and, of course, cause a great deal of stress and distress. The Minister is aware of that as much as I am. I am sure that every member of this House receives a range of complaints—the Minister receives them, the shadow Minister receives them, all members of Parliament receive them.

I think that it is fair to say that when the Children's Commissioner was set up, whilst at the outset it did not go as far as one would like because the legislation was somewhat rushed in view of the fact that Parliament was demanding that something be done—and, clearly, there has been a lot of talk about this—there was legislation in this Parliament before it was dissolved to give some accountability by the department to the Children's Commissioner. If we are not going to get some type of accountability, the whole system starts to fall down. Even if the thousands of departmental officers do everything according to Hoyle and everyone in the community is happy, there still needs to be accountability. After all, in the Health area we have the Health Rights Commission and in the Justice area there is certainly a great deal of accountability in relation to all sorts of things.

Some time before I took on this responsibility, it was raised with me that there were some accountability problems. For some years I was not quite aware of the lack of accountability in the legislation of departmental officers who are charged with so many responsibilities—and I am not just talking about this legislation but about a number of other pieces of legislation that fall within the Minister's portfolio that also deal with children, family concerns and emotional issues. There is a lack of ability for someone to put in place checks and balances. The departmental officers are accountable to the chief executive, and the chief executive is accountable to the Minister. However, there is no outside, independent arbitrator looking at these decisions that are made.

The confidentiality clauses of the legislation strictly limit and set out very clearly the role of the Children's Commissioner. We can all say, "If we are going to limit the role of the Children's Commissioner within the legislation, then we had better look at the operations of the Children's Commissioner itself. After all, the Children's Commissioner was to be an independent commissioner." The legislation, at the direction of Parliament, set out the commissioner's functions. However, at the end of the day, the commissioner has no real power.

Ms Bligh interjected.

Mr BEANLAND: It is all right to point fingers, but the member happens to now be the Minister.

Ms Bligh: And I'm doing it.

Mr BEANLAND: The Minister has had eight months in which to do something. There was legislation before the Parliament.

Ms Bligh: That was flawed.

Mr BEANLAND: If it was flawed, it was not flawed very much. For eight months, the Minister has had an opportunity to fix up any small areas of the legislation that needed to be fixed up so that it could come forward. The fact is that that has not happened and more time has now passed by. **T h e s e** matters have been discussed in this Parliament on other occasions. I go back to when the Children's Commission legislation was introduced. The member for Yeronga and other members on that side of the House were waxing lyrical about the need for discretion to be exercised. It was said that there should be opportunities for accountability to an independent authority.

The roles of the appeals tribunals are very limited. I believe it is fair to say that the Children's Commissioner has not received any increased role under this legislation. In fact, perhaps the role of the Children's Commissioner has been reduced. There is a need to look at the legislation because we need to do a great deal in this area.

We all receive complaints, whether they are legitimate or not. For the complainant, of course, the emotional situation is occurring at that time and thus all complaints are legitimate. I am sure all members are aware of that. It is important that we have an independent arbitrator to look at these issues. People will then have somewhere to go with their problems. At the moment people get pushed and shoved around the place. They go from one member of Parliament to another. Sometimes their problems are fixed and sometimes they are not.

I am sure people go to the Minister's office and, with the best will in the world, the ministerial staffers or the departmental officers try to attend to these matters. In many cases the complainants end up going back to the same officer who was very much involved with the original decision-making process. I am sure that all members agree that this has to be looked at. I am looking forward to seeing that legislation. This particular piece of legislation will not rectify the situation.

I want to touch on another matter which relates to this legislation. I am referring to those people who are unable to control their children. What happens to those children when they come within the ambit of the department? A number of people have been to see me. These are all very sad cases. I am sure the Minister has come across this problem as a Minister and as a shadow Minister.

I recently had a situation in which the parents found that they could not control their child so they went to the department. They believed that the department would be able to exercise more control. They handed over control of the child to the chief executive. I understand that shortly after that they found out that the child was in an even worse situation. He was sleeping on park benches and getting even more into drugs. He was keeping very bad company, namely, with people who had committed offences and had spent some time in prison. This child has gone from bad to worse. To say that his parents are distraught would be a clear understatement.

The legislation talks about protecting children, but there is no way that the legislation will enable that sort of situation to be brought under control. I will look at one or two amendments that may help improve that situation. There is little that the department seems to be able to do. In the main, officers work from 9 a.m. to 5 p.m. Of course, I realise that they are on call and that they work late hours, but the situation becomes very difficult because of the number of cases involved. We have to look at protecting children across-the-board.

The legislation is silent on some of the issues that we need to address. Unfortunately, the legislation does not talk about responsibilities, and I believe this is one of its major shortcomings. Children must be encouraged to mature into adulthood and accept responsibility for their actions. The Minister might say that the legislation is concerned with protecting children. It is clear that one of the chief executive's functions has to be to try to instil a sense of responsibility in these children. I accept that many of these children are very young. We must encourage these children to take responsibility for their actions.

Ms Bligh: What can we do to legislate?

Mr BEANLAND: I can answer the Minister in relation to that. We have to look at the language of the legislation. How do we legislate access to education? It is a nice term, but what does it really mean? It means that children have access to education, but it does not mean that they are going to learn from it. We need to send some very clear messages to children.

The role of the chief executive is set out in the legislation. Among other things we see this—

- "(a) providing, or helping provide, information for parents and other members of the community about the development of children and their safety needs; and
- (b) providing, or helping provide, preventative and support services.
- (c) providing, or helping provide, services to families to protect their children.
- (d) providing, or helping provide, services for the protection of children and responding to allegations of harm to children."

It goes on. Surely one of those roles would include endeavouring to encourage young children to accept responsibility as they mature into adults.

I know what happens within the department with regard to responsibility. Departmental officers look at the legislation and they try to adhere to what is set out in the legislation and perform their functions and roles as set out in the legislation. If these things are not spelt out in the legislation, departmental officers would say—and I do not blame them—"Well, it doesn't actually say that we have to try to encourage these young people to develop and mature into responsible adults." I was a little surprised that the legislation did not contain something to this effect.

All legislation dealing with the protection of children is important. Children must be taught to accept responsibility for themselves, for their families and for the community. Sometimes children are fed with throwaway lines to the effect that they do not have any responsibilities because they are children. We all have responsibilities in this world. There is no such thing as a free lunch.

If we can somehow instil in children the importance of being responsible, we may find a way to tackle the juvenile crime problem. If we put that into the legislation, it would also offer encouragement to parents. I accept that the legislation does not relate to families, that it relates to the State. Nevertheless, I am sure that the Minister will find, regardless of what anyone might believe now, that people will start to look at this legislation and say, "If this principle is not in the State's legislation, we do not have to worry about it, because the State is setting the standard."

We should be looking at including this principle because we are setting a benchmark. We are saying to the broader community, "This is the standard." Therefore, we should be incorporating it. I know this legislation has been in the making for some time and that there has been a lot of input. Nevertheless, I feel that it ought to have been included. It is amazing how some people can take pieces of legislation and quote them out of context. Not everyone is as well educated as the Minister and other members of Parliament who hold degrees. This legislation could easily be used by members of the broader community. It will become a yardstick for people. Therefore, it is imperative that Parliament sends a clear message to the community about the acceptance of responsibility. If the Parliament fails to do that, it sends a message to children that they do not have to accept responsibility for their actions. That would not be in any of our interests.

This applies in particular to children under the control of the chief executive. Some of those children find themselves in that situation for a range of reasons, most of which are unfortunate. For example, many come from dysfunctional families—that is the term that seems to be used these days. Many come from horrific family backgrounds. Many have had a problematic upbringing. Some may come from violent homes. Some of these children are taken into the care of the State, and other children find themselves in the care of the State for other reasons. For example, some of these children come from loving and caring backgrounds and find themselves in this situation through circumstances beyond the control of the parents or the child. I am raising these matters because it is imperative that consideration is given to them. I intend to move some amendments at the Committee stage. As I said before, this legislation has been a long time in the making, and it has been here previously. However, I still think we need to look at a couple of areas that can be improved so that we set clear principles to be used as benchmarks.

The legislation is based on the United Nations Convention on the Rights of the Child and also on the Declaration of the Rights of the Child. One principle in that convention concerns the definition of "harm" to children. However, I notice that no reference has been made to the words "moral" or "spiritual", as are contained in the second principle. I can accept that in a piece of legislation such as this people would be reluctant to mention the word "spiritual". However, I believe reference ought to be made to the word "moral". Principle 2 of the Declaration of the Rights of the Child states that the child shall enjoy special protection and shall be given opportunities and facilities by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. It states also that in the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration. That last point has been picked up elsewhere in the legislation.

Although reference has been made in the definition of "harm" to the terms "psychological" and "emotional", the term "moral" is not canvassed. As I said, that term is used in principle No. 2. I would have thought that it would have been appropriate to include a reference to the term "moral" in the Bill. Surely we are concerned about the moral wellbeing of the child. This is a very important aspect of a child's special protection. The principle states that the child shall be given opportunities and facilities by law and other means to enable him or her to develop morally, spiritually and in conditions of freedom. However, as I said, there is no reference to the term "moral" in the legislation. It is not apparent why it is not included in the legislation. It is a very significant matter. It is an issue that, I think it is fair to say, will be raised by the many people who will look at this legislation. It quotes the Declaration of the Rights of the Child, yet it omits one of the fundamental aspects of the rights of the child. This is about setting some values for the child and spelling out for people that morals are an important issue. The moral wellbeing of a person is a very important consideration. Those values are the key to raising better young people, and that is something for which we should be striving.

This legislation is setting a benchmark and sending signals. It is something that the chief executive will take into account and departmental officers will be required to pay attention to it. That principle is not in the legislation at the moment. If the issue is raised after the Bill has been passed, people will tend to say, "It's not in the legislation. It's not something that we have to give credence to."

The former President of the Childrens Court referred to these types of issues at length in his latest annual report. Because of the speed with which the previous legislation was passed, I was not in a position to bring that report with me.

Ms Bligh: I'm quite familiar with it.

Mr BEANLAND: I am sure the Minister is very familiar with it. I was going to make the Minister even more familiar with it by quoting a few sections of it. Perhaps we will do that at another time. An important point made by the former President of the Childrens Court was that greater attention needs to be paid to instilling values and morals in young people. In view of the great importance that the former President of the Childrens Court placed on this issue, particularly in his last annual report, I would have thought we should be considering including it in this Bill. He has mentioned this issue on previous occasions. It must have been raised when discussions were held on this legislation. It is an important facet that is not being included in this legislation.

I am very disappointed that we are not addressing the moral wellbeing of young people in this legislation. This legislation is all about creating better citizens—developing and encouraging children as they mature into adulthood to accept responsibility for their actions. Surely we must set values for our children if they are to grow up to become good citizens. Surely that should have been a significant aspect of this legislation. There is no doubt that the more one looks at this legislation and thinks about it, the more one realises that it is going to be used as a benchmark—a standard—by the community at large. Therefore, it is very disappointing—and I am sure many people in the community will find it disappointing—that the legislation did not touch upon this itself and did not encompass it. I do not believe it would have been a problem to have it in the legislation. It would have been a very important guideline, yardstick or measurement for officers to adhere and pay attention to, and to set values and standards for the moral wellbeing of these young people.

It is totally deficient. We cover the processes of protecting children, but it is totally deficient in this very, very important area. It is not just about protecting children, but, as I say, in the back it sets out a charter of children's rights. Surely part of a Charter of Rights for a Child in Care is their moral wellbeing. I cannot believe that it is not as important as responsibilities. That is an important issue for maturing young people.

Tied in with this aspect is, of course, training. The legislation touches upon a whole range of matters. If we are going to go down this track—the role of authorised officers, one of the many new aspects of the legislation—we then have to ask: what programs are going to be put in place to ensure that staff are properly skilled to deliver these services? In recent times the Minister's department has gone through a number of hiccups—a number of problems, a crisis or two—in relation to juvenile

justice. I think it is terribly important that we try to improve the operations of the department as far as this legislation is concerned.

Of course, once the legislation is passed, one cannot simply throw it to those people who are going to administer it. The necessary training will have to be put in place to ensure that they know and accept their responsibility for all of its various facets. As I see it, the chief executive officer and his departmental officers, termed "authorised officers" in the legislation, are going to have a very important role to play in the upbringing of these children. Whether they are put into foster homes, cared for by other people or whatever, the fact is that it is going to come back to the department itself, and the chief executive officer and his departmental officers have an important role to play. We will want to make sure—and the Minister will no doubt want to make sure—that they are carrying out that role.

Therefore, the bottom line is that we want to ensure that as children become adults, when they have to live within society's laws and boundaries, that they can cope with the stresses of maturing into adulthood, and of adulthood itself. The staff need training in morale, wellbeing, values and responsibilities in order to carry out this important role. Young people have to receive the appropriate training—and the staff, too, in the first place—to be able to cope with the stress that we face in the community every day. We have only to look at the suicide rate in this State to realise that many young people in this State, particularly young males, are not coping with stress at all.

Considering the powers and the control that the chief executive officer has over these young people, ensuring that they are coping with everyday life when they become adults is going to be an important part of the process, and we need to ensure that departmental officers are trained to be able to impart to these young people the ability to be able to cope. Therefore, gaining those skills through training not just in relation to the provisions of the legislation but within the whole ambit of everyday life is very important. I have already mentioned the moral issue.

Speaking of training, I want to refer to resources, which I think is another particularly significant aspect of the legislation. Let me say at the outset that with legislation such as this it is important that adequate resources be made available because, without adequate funding, the words in the Bill will have little meaning. However, the Minister has given no indication as to what additional funding will be made available to support this legislation. As I say, a great deal more resources is required if we are going to ensure that the legislation works in the way in which it is proposed.

After all we have seen in recent days, the Minister makes statements about juvenile justice. We now have a \$30m program for this financial year and \$33m for the next two financial years but this entire \$63m is now spread over 10 financial years. This is not the sort of thing that can be done within this particular piece of legislation. It is imperative that there be adequate resources.

I would like to hear from the Minister as to what sort of additional resources she is going to receive in relation to this particular area. It is going to become most important that they be provided. Without it she is not going to be able to adequately cope with what is required by the legislation. It is all right to have a Charter of Rights for a Child in Care, but that charter will be worthless if adequate funding and resources are not made available. As I say, that has not always occurred within the department—far from it.

I have just mentioned a problem in the juvenile justice area. Of course, there have been other problems. The Minister rushed in and opened the Quigley Street night shelter at Cairns prior to the Mulgrave by-election. She got it open, but it could not be occupied because this can't do Government could not get the job finished. The centre was not fit to be occupied by staff or by the people for whom it was intended. It is now ready for use. It has been four months and only now is the centre open for business. I understand that it is still not complete.

It is very nice having a Charter of Rights for a Child in Care—it has a nice sound to it—but we have to ensure that adequate resources are made available in this particular area. In relation to this legislation, I think additional resources have to be made available as far as court services are concerned. An additional workload is being placed on the courts—the Magistrates Courts in particular. I can see an additional workload flowing to them following the passage of this legislation. I would like to hear what is going to occur in relation to making additional funding and resources available in that area. It is terribly important that they be able to cope with the requirements of the legislation.

If we look at the legislation itself—if we look at the Charter of Rights for a Child in Care—we see that it talks about safe living environments. That is very good, but I would have thought that it is equally required to be a stable and safe living environment. Stability for these young people is also terribly important. I am sure that the Minister is aware of this, yet we seem to have this problem. I get a range of complaints all the time about young people going from one place to another. They go to a place, they settle with some foster parents or people in care for a very short period of time, and then they are moved on and on and on. That in itself creates grave problems.

Again, it is all very well having such aims in the Charter of Rights for a Child in Care, but we need to put into practice this type of provision to maintain relationships with the child's family and with

the community. I receive a large number of complaints in relation to that sort of issue. Parents complain that they are not given access to their children; they are moved around and so on it goes. Of course, this is something which is very, very close to parents' hearts—the fact that they are not given adequate access to their children. I state again that attention needs to be paid to that issue. I am sure many of these problems occur because of misunderstandings. The staff of the department are very busy and I can understand that, with so many people ringing up, there are only so many people to answer inquiries. There is also a need for accountability on the part of the Children's Commissioner.

The issue of access to education appropriate to the child's age and development was mentioned. Surely we should be looking at appropriately educating the child.
