



Speech by
**Mr DENVER
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MEMBER FOR INDOOROOPILLY

Hansard 10 March 1999

CHILD PROTECTION BILL

Mr BEANLAND (Indooroopilly—LP) (2.30 p.m.): In resuming the debate on the Child Protection Bill, I want to raise an issue with the Minister in the interests of herself and the department. This issue deals with how these matters are handled by the department. A number of people raised this issue with me last night. On page 5 of yesterday's Courier-Mail there appeared an article under the heading "Safe for battered child to go home".

I realise that there are a number of issues that the Minister cannot relate to the House, but it would be in the interests of all concerned if we obtained a few facts in relation to this matter. It would be beneficial if the Minister could put some facts on the record because, on a reading of the article, it seems that the way this matter has been handled is not in the best interests of the department. I received phone calls and comments from quite a few people and a great deal of concern was expressed about the alleged handling of this matter.

I cannot believe that the newspaper article was correct. If it is correct, it certainly warrants a close and thorough investigation by the Minister. I am sure the Minister will do that. No doubt there is a vastly different story to be told. The child was admitted to hospital with severe injuries and a broken leg. The article reads as if the department deemed it safe for the child to return home. The Minister is probably aware of the article. If not, I will make a copy available to her.

Ms Bligh interjected.

Mr BEANLAND: That is good, Minister. I do not think it is in anyone's interests to play politics with this sort of issue. It is important that we establish the facts. The public must be better informed of the types of situations that occur. According to the article there have been appeals to the Children's Services Appeals Tribunal, which is an arm of the department of the Children's Commissioner, and also to the District Court. A number of people said to me, "It was in the paper. It must be correct. It must be spot-on." I was asked what I was doing about getting onto the department and getting stuck into the Minister. I was asked why I was not raising the matter in the House so that it could be rectified in the interests of the community.

I cannot believe for a moment that the article is correct. The important points in the article are probably incorrect. The department could not be reacting in this way. The matter must be clarified at the earliest opportunity.

The second matter relates to the fact that in this legislation we have the chief executive officer taking over the role of custodial parent. I raise this matter in order to allow the Minister to comment on it. I wonder if the Minister has looked at the prospect of requiring these people to pay maintenance. Maintenance should be paid in a sole parent situation. It has been raised with me that the taxpayer ought not to be footing the entire bill. I accept that this is a difficult matter.

There is nothing in the legislation that indicates that attempts have been made to relieve the taxpayer of this burden. I know there will be difficulties in acquiring the funds, but that does not mean that the proper action should not be taken in the interests of the taxpayer who is going to be looking after these children. The guilty party, or the parent—whatever might be the correct term in this case—is allowed to get off without paying maintenance because responsibility for the child has been taken by the chief executive officer.

One area of this legislation that I touched on previously was the ability of children to cause problems for their parents. Parents are placed in a situation where they are handicapped. The legislation contains nothing that deals with this situation. A number of parents have approached me and raised concerns about this matter. I was also approached by a person who has undertaken a great deal of research in this area. This person expressed some concern about legislation that puts child protection in place. One has to be concerned with measures that reduce the role of the parent in dealing with difficult children. As we know, some children have behavioural problems.

There is nothing in the legislation that gives parents the ability to deal with such children. As a result, the children eventually are placed with the chief executive officer. This does not mean that the problem is necessarily solved. We do not want to create a situation where we force parents to suffer. We do not want to encourage children to struggle against their parents. The vast majority of parents go about their responsibilities in a mature and confident manner.

We all approach the responsibility of child rearing differently. I have struck situations where children of 12 years of age have complained because their parents want them to be in bed at 10 or 11 o'clock at night. Some children, of course, prefer to roam the streets. We have to ensure that new laws do not encourage children to defy their parents. This is an area of grave concern to the community.

Many parents have thought that the best course of action with uncontrollable children was to place the responsibility for them with the chief executive officer. This has been done, but the situation has gone from bad to worse. I am not blaming the chief executive officer for that. The point I want to make is that the child has been difficult for the parents to control and we are not giving the parents the ability to control that child.

Of course, they hand over their responsibility for the child to the department, which they believe is the correct and proper course of action. The child's behaviour goes from bad to worse. There is an even greater lack of discipline and the child becomes involved in drugs and mixes in bad company—people who have committed offences—and things of this nature, which I have heard of, and starts sleeping on park benches and what have you when that child has a comfortable bed in a very good suburb in which they could be residing were they prepared to be a little disciplined by their parents. That does not always happen in these situations.

Mr Fouras: A bit of a touch up, or what?

Mr BEANLAND: I cannot hear a thing that the member is saying. The situation is that the children have to be controlled and we have to look at putting in place some means for the parents to do that, which does not allow for child abuse or anything of that nature—in fact, far from it. By heavens, let me say that by simply transferring responsibilities for the child over to the chief executive officer it does not mean that some mysterious person is then going to be able to control that child. It does not happen that way. It is not that easy. I have found that the situation is not made better by the chief executive officer simply taking over responsibility for the child in that situation. The departmental people have no better ability to cope with or control a young person than did the parents. We would be much better off looking at ways and means of assisting parents in that regard.

Having said that, I notice that section 280 of the Criminal Code, which relates to discipline, has been overridden by a clause within this Bill. I will say something more about that later. I mentioned previously that I believe that this legislation sets a benchmark for parents. However, I also believe that this clause is sending a confusing signal. As a matter of Government policy, if the Minister wants to issue guidelines to that effect, that is a matter for her; it is not a matter that I or the Parliament can overrule. It is a matter for the Government of the day. However, I believe that, by putting that clause in this Bill, it sends the wrong signals, considering that the signal is clearly set out in section 280 of the Criminal Code, as are the sections relating to child abuse contained within the Criminal Code.

They are spelled out very clearly, as is the newer section requiring parents to provide the necessities of life. I hope that we see more use made of that section in the future to instil in parents their responsibility to their child. I put a lot of effort into getting that section, which I think is correct, into the Criminal Code. Previously, a section relating to that issue meant nothing. The former Government revamped that section and now it states that, if parents do not provide their children with the necessities of life, accommodation, medical treatment where necessary, food, clothing and that sort of thing, they could face a penalty of up to five years. I think that we should be indicating to people that they are required to provide their children with those things. That may help the department in some way in dealing with some of these parents who seem to think that they can simply walk away from their responsibilities in relation to their children.

On the other hand, we also have the section that relates to discipline, which means a smack. Sometimes that is as good a way as any that many parents find to solve a problem. It is over and done with on the spur of the moment and they can go on to something else. Of course, many parents do not believe in smacking. That is a matter for them. People have a choice as to how they want to deal with their children. At the end of the day, the important thing is that parents are dealing with their children,

controlling their children and ensuring that their children live within the parental guidelines that are laid down without suffering any abuse. I believe that such an issue could become a little confusing because this Bill will be seen as setting a benchmark in those terms.

One other matter that I want to touch on relates to the role of professional people within the legislation. I notice within the legislation that it sets out the role of the chief executive and authorised officers of the Department of Families, Youth and Community Care. I know that many professional people operate within those areas. However, I want to touch briefly—and I will refer to it later in the Committee stage—on the ability of people who are professionals within this area, those who do not work within the department but provide advice on a range of matters, particularly in relation to court matters. Courts take advice from the chief executive officer, who takes advice from his advisers who are professional people within the department. As I recollect it, the relevant clause of the Bill does not provide any opportunity for advice to be taken by other parties about a particular course of action within the courts. I would like some comment from the Minister about the way in which professional people who are outside the department can play a bigger role in this area.

As I said at the outset, I thank the Minister and her staff for the briefing on this Bill. It is a very important Bill. Certainly, it is going to be regarded as benchmark legislation. I am sure that all members of the House look forward to the legislation working in an effective manner to ensure that the issues that we now see coming out of the Forde inquiry—which, obviously, have been around for some time, going back a decade to the late 1980s, apparently, and other issues relating to institutions—are remedied, that we can rule a line underneath them and make sure that in future, under this legislation, such cases of abuse that have occurred in the past do not recur.
