



Speech by

JULIE ATTWOOD

MEMBER FOR MOUNT OMMANEY

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CHILD PROTECTION BILL

Mrs ATTWOOD (Mount Ommaney—ALP) (4.33 p.m.): I rise to speak in support of the Child Protection Bill 1998, which will replace in its entirety the outdated and limited Children's Services Act 1965. The protection of our children is an issue close to all our hearts. When we read or hear about the abuse of a child or children, which seems to be reported more and more regularly these days, we lose a part of ourselves. We wonder how human beings can inflict pain on or neglect an innocent child—a child who does not have our street wisdom, our physical strength, our age or our ability to defend ourselves. Unfortunately, this happens too much in our communities. It is rarely publicised and mostly hidden within the family unit.

In 1996 there were 9,770 notifications of child abuse in Queensland to the Department of Families, Youth and Community Care. This resulted in 15,478 cases being investigated, involving 11,908 children, and 4,895 cases were substantiated. Neglect was the most common type of abuse substantiated, particularly for children under five years of age. Physical abuse was involved in 34.2% of all cases substantiated. The highest number of substantiated cases of physical abuse involved children aged between 10 and 14 years.

Unless the hearts and minds of the offenders can be accessed, nothing can be done to stop abuse and neglect occurring. But the Government can minimise the impact on and try to protect these defenceless children. The object of the Child Protection Bill is to provide for the protection of children from abuse and neglect, and the Bill responds to the need for children to receive safe alternative care and services.

Understanding of the problem of child abuse has increased immensely over the 30 years since the implementation of the Children's Services Act. The new legislation needs to ensure that the voice of the child is heard the loudest throughout the child protection process. Extensive community consultation has occurred in relation to this Bill, with key stakeholders and members of the community.

The Bill gives officers authority to enter premises without an order in defined circumstances where the child is at immediate risk of suffering significant harm and it is not appropriate to obtain an order. This gives departmental officers the discretion to act quickly in an emergency to prevent harm to a child. Counselling skills on the part of officers is an essential quality in intervening in these circumstances.

The position of child protection officer is a difficult one. It is one which requires good judgment, ability to quickly assess a situation and the characters involved, and ability to provide warmth and protection for a child victim whilst taking a hard line with offenders. Any legislation which makes the job a little easier is welcome. These officers constantly have to balance the rights of the child with the rights of the parents.

What of the rights of the child? The Convention on the Rights of the Child was adopted by the UN in 1989 and has since been ratified by every country except Somalia and the United States. Does the convention extend the notion of child autonomy and rights too far? Elizabeth Evatt, a member of the United States Human Rights Committee, explains that an important distinction between choice rights and protection rights is the centre of the argument. She states that protection rights mean that the States may intervene to protect a child who may be in an abusive situation. The other right is rather like a civil and political kind of right which every human being has.

Australian law allows for protection against intervention until parents have been abusive or neglectful or unless the child is incorrigible. The UN convention intimates that the State could be invited to intervene where parents are acting unreasonably or not in the child's best interest, but there is no guidance in the convention about who should make that decision.

With the Child Protection Bill 1998 the Queensland Government aims to establish a legal framework that will provide for the protection of children whilst recognising that to do so effectively means balancing the competing rights and interests of those involved in the process. This means ensuring that, in protecting the rights of the child, the rights of others, in particular the parents or guardians, are also respected. In addition, the State recognises that providing assistance to the parents or to the child's family will ensure protection of the child.

Departmental practices will be of the utmost importance when both parties attempt to reach voluntary agreements for the protection of the child, and their success will ensure that the overall framework of the Bill works effectively to achieve its aim. I congratulate the Minister for Family Services on this Bill and I commend it to the House.
