



Speech by

KAREN STRUTHERS

MEMBER FOR ARCHERFIELD

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CHILD PROTECTION BILL

Ms STRUTHERS (Archerfield—ALP) (2.46 p.m.): I commend the Minister for introducing this very important and long-awaited legislation. I also wish to commend a former Minister, Anne Warner, and former director-general, Ruth Matchett, for their determination to introduce new child protection legislation and improved child protection practice in this State. A change of Government in 1996 brought a slowdown to this legislative reform process. I want to put on the public record that in my experience these two women had nothing but compassion for children and a strong desire to ensure that children in this State live free from abuse. Their terms in public office in this State deserve significant praise.

Having worked in a statutory child protection role for a couple of years in the early 1980s, I am particularly keen to ensure that Queensland maintains a high standard of child protection, legislation and services. There are no simple solutions. I disagree with the member for Indooroopilly, who said that penalties for parents are the way to go. In fact, many parents would argue that, having contact with the department is penalty enough, with the stigma and other things associated with it.

This legislation is essential if we are to maintain contemporary and effective child and family support practice into the new millennium. It is a credit to officers of the Department of Families, Youth and Community Care that they have provided a high standard of care to thousands of children and families in Queensland without adequate legislation. They have done this largely because of their development of and adherence to effective and contemporary departmental practice standards and principles. However, this alone is not enough. I think that, rather than being praised, departmental officers cop a fair bit of abuse in their line of duty. Much of this abuse comes from families and the general public. The officers of the department have a difficult job and they receive little reward or thanks for it. In the vast majority of cases, the officers of the department provide a very professional service to families. They must have effective legislation and supportive leadership within the department in order to do their job well.

Under the previous Government, staff had to tolerate unacceptable levels of interference from the offices of the Minister and director-general. Rather than promoting accountability, the hands-on approach from these officers fostered chaos in some families and, in a couple of cases, the former director-general put his own safety and that of his staff at risk. The professional skills and judgment of staff were at times overridden to the detriment of the children and families involved. Staff morale was low in the department. In recent months I have witnessed substantial improvements in staff morale and respect for the job that the officers of the Department of Families have to do.

Before I discuss the improvements that this Bill will bring, I want to recount quickly a story about a wonderful Aboriginal couple whom I met when I was working in the Northern Territory. I am not certain of their names, but I think the fellow's name was Ronnie Brumby Shooter. For the purposes of today's debate, let me call him Ronnie Brumby Shooter.

Ronnie and his wife were carers for lots of Aboriginal kids who were taken into care by the department that I worked for. For 12 months or more, Ronnie and his wife had care of two infants, a two-month-old baby and her two-year-old sister. The parents of the two children had serious glue and petrol sniffing addictions. The kids were living in a very unsafe environment. When the kids were placed into the care of Ronnie and his wife, it was made clear that the goal of the department was to reunite the children and their natural parents as soon as possible. Ronnie knew this goal well, as he had had

lots of kids in his care, but on this occasion he became very attached to the babies. I remember vividly Ronnie, choked up with tears, asking if he could buy the kids from me. This is the sort of difficulty inherent in this area of practice, as people get very attached to kids. There are a lot of emotional issues in this kind of work.

Ronnie's strong attachment to the kids and similar tensions that emerged in my child protection work demonstrated to me the importance of effective child protection legislation. That legislation must respond fairly to the varying roles and responsibilities of all players in the system and the inherent attachments and tensions that emerge. That legislation must spell out the principles upon which children are to be provided for if they come under the care of the State—principles such as the primacy of the child's family in taking responsibility for the care of the child; the importance of cooperation and good communication between Government, parents, carers, children and support agencies; and respect for the role of carers who take on the responsibility of fostering kids. I take this opportunity to pay tribute to the tireless efforts of the committed families who provide foster care to kids in need in this State. Another essential principle is the importance of culturally appropriate intervention by Government in the protection of children. The existing Queensland legislation has been left wanting in all of the areas that I have mentioned.

For instance, what principles were spelled out in the 1965 Act? The answer is: none explicitly. As stated earlier, the important principles of accountability and rights of individuals have been developed in departmental practice standards, but not in legislation. Similarly, the paramount rights of children to protection have been set administratively, but not in the existing legislation. What provisions were in the 1965 Act to encourage culturally appropriate services to indigenous children? The answer is: none. Again, the departmental officers are to be commended for developing the child placement principle to guide their practice. What about the rights of the family? No specific legislative provisions exist in the current law. Families are reliant on departmental officers, the police and others applying departmental practice standards to the provision of information and the inclusion of parents in decision making.

I would like to examine a couple of practice examples to demonstrate the improvements that will result under this Bill. Let us take the first example: an allegation is received regarding a number of cigarette burns to the arms and legs of a six-year-old child. The parents refuse to allow departmental officers to see the child. A medical examination is essential with this type of concern. Currently, departmental officers will take the child into custody, which necessitates an application to the Childrens Court for an order for a child up to 18 years, in order to have the authority to take the child for a medical examination. This process is very threatening to parents and the application by the department is for far more authority than is warranted or required to complete the investigation.

Under the proposed legislation, the departmental officers will apply for a temporary assessment order to allow the child to be taken for a medical examination and to be placed safely if a medical examination indicates that that is necessary. Once the child is medically examined, it may become clear that the sores are school sores and not cigarette burns. I am told by good sources that to the untrained eye school sores look like cigarette burns. If that is the case, the child will be returned immediately to the family. The issue will be resolved quickly and without the family having to go to court. The family may be offered assistance by the department if required. These improvements make good sense, as this process is far less threatening to families.

Let us take the second example: it is alleged that a parent is sexually abusing a 14-year-old child. When the departmental staff investigate the matter, both parents refuse to allow the child to be spoken to or medically examined, although every effort is made to convince the parents to allow this. The parents also insist that the child is a liar. Threats are made against the child. Under the existing inadequate legislation, departmental officers will take the child into custody and apply for an order for a child up to 18 years in order to have the authority to place the child safely, have a medical examination done and speak with the child about the concerns. Because the matter involves the threat of the parents losing permanent custody of the child, this process is adversarial and threatening, which reduces the chances that the family will be willing to work with the department to ensure the child's protection.

Under the proposed legislation, the department will apply to the court for a court assessment order to allow the child to be placed safely, a medical examination to occur and the child to be spoken to. This process of investigation is likely to take some time due to the nature of the concerns, so an application for a four-week court assessment order is more appropriate in this case than a temporary assessment order. At least one parent is likely to be able to work with the department during the course of the assessment order and may be able to demonstrate that he or she is protective of the child despite initial reaction to the investigation. This example also highlights the central importance of the needs of the child who is at risk.

I am particularly encouraged that this Bill has incorporated the Charter of Rights for a Child in Care. This charter correctly enshrines the obligations and responsibilities that the State has to children who are harmed and are unable to live with their parents. The Child Protection Bill comes to the

Parliament having been in the making for many years, and it comes to the Parliament having been through a rigorous consultation process. The non-Government organisations that are providing a great deal of support in this area, the Foster Parents Association and others, have all had input into the Bill.

I trust that this legislation will be received by members of this Parliament with the degree of goodwill and support that it deserves. Any member who does not support this legislation ought to be viewed with a degree of suspicion for their failure to support the needs of children in this State. We cannot play politics on the issue of child protection because that does nothing to serve the children and families of this State. We must all cooperate to ensure that the additional resources that are needed will flow into this area. I wish this leading-edge child protection legislation an easy passage through the House.
