



Speech by

Dr LESLEY CLARK

MEMBER FOR BARRON RIVER

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CHILD PROTECTION BILL

Dr CLARK (Barron River—ALP) (5.54 p.m.): In common with my parliamentary colleagues here tonight, I congratulate the Minister on bringing this legislation into the House. As everybody who has spoken tonight has agreed, it is well overdue that we replace the 1965 Children's Services Act.

The fundamental challenge facing the Minister was to achieve the balance between the rights of the child and the rights of the parents. The debate tonight has obviously reinforced the fact that opinions vary greatly about where this balance should be, or where it is, in this legislation. To my mind, the Minister has, quite rightly, clearly chosen in this legislation to make the welfare and best interests of the child paramount. But there is another party involved in protecting children who have experienced abuse and neglect, namely, foster-parents. And in my contribution to the debate tonight, I would like to focus on the essential role that they play and a recognition of their special needs and the needs of their own family as they extend their love to the children in their care who become part of their family.

It is unfortunately true that foster-parents feel on occasions that they have not had the level of support they need to carry out this important role. The legislation that we are debating tonight provides an opportunity, I believe, to redress that situation. I commend the Minister for her serious consideration of the submission from the Foster Parents Association of Queensland and her preparedness to address their concerns in amendments to the Bill which the Minister will outline in detail later.

In particular, I understand that there is a proposal to include a specific provision for the chief executive, in his functions, to promote a genuine partnership between foster-parents and the Department of Families, Youth and Community Care—a partnership that will recognise the sacrifices that foster-parents make, and a recognition that they do have an intimate knowledge of children in their care that is enormously valuable—and that we will be able to have a clearer understanding of the rights and responsibilities of both foster-parents and the State Government. Of course, this can only benefit children in their care.

I know that foster-parents were very concerned about the prospects of natural parents being told immediately of the whereabouts of children in their care and the risk that this could potentially pose to the child and to the foster-parents' own family. I believe, though, that the Minister will be able to provide sufficient reassurances on this point and that the information will be divulged only when the chief executive is satisfied that there will not be a risk to the safety of the child or the foster family.

Confidentiality is a very important aspect of these issues. Some members in the debate tonight have quite rightly referred to how important it is in situations such as those that we learnt about last year, including the so-called boy in the box, that it not be made public knowledge that those are the experiences that they are going through; that they should not be named; and that that should not be a matter of public knowledge. However, there are, of course, occasions when foster-parents will need to be able to divulge confidential information that may relate to some of the past history of a child. For example, if I can just refer to that particular case, if the child is at a party with neighbours, they would not want to play hide-and-seek and put a child like that into a small, confined space. They would want to know that that is the sort of situation that might traumatise a child—without going into details. That is the sort of information that needs to be divulged to teachers, family friends and neighbours to make them understand better the special needs of that child.

Mr Lucas: They could quite easily use a fictitious name, as well.

Dr CLARK: Certainly. Fictitious names are a very important way of dealing with these issues. Once again, I believe that those concerns can be addressed. There is no doubt that the concerns of foster-parents are legitimate, but they can be addressed, and they are going to be addressed in this legislation.

Dr CLARK (Barron River—ALP) (11.31 a.m.), continuing: Yesterday in this debate, I was raising issues regarding the role and involvement of foster-parents that had been raised by the Foster Parents Association of Queensland, and I would like to continue with that further discussion.

While the Bill that members are debating here today quite properly embodies the principle that families should be supported to nurture and care for their children, there clearly are examples, like last year's infamous boy in the box case, to which I referred yesterday, that confirm that not all parents are capable of this task no matter how well they are supported. In those circumstances, it is necessary for children to be placed into care.

Foster-parents have discussed with me their concern that, at times, the contact that the child has with the natural parents has been traumatic for that child and has, they believe, potentially even led to cases of further abuse. This is clearly a very difficult issue for the departmental officers who have to make decisions about the nature and extent of family contact. It has led to court cases which, of course, I will not discuss here, and it has led to media interest.

I refer members to an article by Glenis Green in today's Courier-Mail in which she says—

"... there also seems to be an almost indecent haste in authorities' attempts to then reconcile estranged parents and children—even children who have suffered enormous physical and emotional trauma at the hands of their mothers and fathers.

Why this slavish mentality in favour of natural parents, which in many instances rides roughshod over years of delicate healing and bonding with foster parents?"

She goes on—

"Children thrive on security, routine, stability and consistent, loving care from those closest to them. Even if there was never a question of violence, it is hard to see how any child will not suffer from leaving behind one home at age five for another.

Anyone who has had any contact at all with children knows that years before the age of five, children are bonded indelibly to the people who fulfil the roles of mum and dad, be they biological parents or foster parents. At age five, children don't know the difference. They only know that those people are the centre of their world."

Again, she continues—

"Something is out of whack if, in the scramble to conform to an idealised image of every child living with their natural parents in a perfect nuclear family, we are sacrificing common sense and intuition."

She asks—

"Does anyone ever ask the children in the middle of these bureaucratic tugs-of-war just how they feel?"

That is an important question. In fact, this legislation that members are debating here today does answer that question, because children themselves will have the opportunity to contribute to decisions involving their placement. Again, the article says—

"We need to ask just exactly whose interests are best being served when it comes to making decisions on our children's futures.

There can be only one answer."

Indeed, that is the answer in this legislation, that is, the interests of the child. I believe that it is possible within this legislation that members are debating here today that placement agreements that will be negotiated between the department and foster-parents can address these issues and take account of those sorts of concerns. I am sure that the Minister will elaborate on this further at the appropriate time. Whilst the Minister has made a very great attempt—and a successful attempt—to address the issues raised by foster-parents, there are three outstanding issues, and I would like to touch on those briefly and explain to the House why I support the Minister's view in relation to these matters.

The association objects to the provision in the statement of standards for alternative care which states that corporal punishment must not be used as a technique to manage children's behaviour. As parents, there would be very few of us—I would perhaps not say none—who have never smacked a child. This should not be done in anger, but for a young child who may be putting itself in danger, a smack on the hand is an appropriate response.

Mr Briskey interjected.

Dr CLARK: There are very few of us who would not have done that. But in this situation we are talking about a very special responsibility. The State has that responsibility for children who are in care. I fully appreciate the Minister's concern that she cannot be seen to be doing anything that might encourage parents, however well meaning, to take that approach. I know that there is the view that foster-parents should have the same rights as natural parents under the Criminal Code, where a certain amount of punishment is allowed for, but I believe that there are different circumstances here and I certainly support the Minister's position in this regard.

Similarly, foster-parents would like an addition to the charter of rights for a child in care which makes a statement about the responsibilities of children and young people in care. Once again, I think that perhaps in this instance the Foster Parents Association is perhaps somewhat missing the point. Yes, we do know that children need to have responsibilities as well as rights, but in this particular instance what we really are trying to do here is make sure that the State in particular is doing everything that it really must do to provide care for those children. So it is most appropriate that we do continue with that charter of rights for a child in care. Perhaps there are other opportunities to make clear where the responsibilities lie for children in a foster care situation.

Lastly, I refer to the use of the term "foster-parent". Members would notice that I have actually used that term myself throughout this debate. I am certainly aware that foster-parents wish to see that term retained, because they do believe very sincerely that they are, in fact, to all intents and purposes providing that parenting role. "Care providers" was the initial term proposed for foster-parents, but there has been debate and there has been discussion, and I understand that the Foster Parents Association does accept that "foster carers" is an appropriate compromise at this point in time.

I am aware that the Foster Parents Association of Queensland appreciates the opportunity—sincerely appreciates the opportunity—offered to them to discuss their concerns with the Minister's departmental staff. This legislation provides, I believe—as do they—a framework for developing the partnership to which I referred earlier in this debate, that is, the partnership between foster-parents and the department. I know that they are looking forward, as no doubt are other groups, to being involved in the preparation of the regulations that will provide for the administration and implementation of this legislation. I trust that these negotiations will be constructive and successful because, after all, there can be no doubt that all parties share the same common commitment, and that is a commitment to the welfare and best interests of our children.
