Speech by

# Hon. ANNA BLIGH

## MEMBER FOR SOUTH BRISBANE

Hansard 11 April 2000

### CHILD PROTECTION AMENDMENT BILL

**Hon. A. M. BLIGH** (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (4.31 p.m.), in reply: I thank all contributors to the second-reading debate this afternoon for what I think have been some well-considered comments and to recognise the support of the coalition, Independents and other members of the House for the Bill.

I will address a number of issues that have been raised in the debate. Firstly, can I say to the shadow Minister that indeed it did take 12 months from the passing of the Bill until its proclamation and for that, frankly, I make no apologies. This Act, as he knows, replaced the Children Services Act 1965. It was in the minds of many a piece of legislation that was 35 years overdue, and it not only replaced an Act but significantly changed practice. It was an extensive process not only for the officers of my own department but for members of the magistracy and the judiciary, for police officers and for other groups that we work in partnership with such as the Foster Parents Association of Queensland and many other organisations that provide residential care for children in the care of the department.

This was an exercise that we undertook with a great deal of focus and seriousness and not one that, in my view, could have been treated lightly or done in just a couple of months. It should come as no surprise to any member of the House that providing that sort of training on a comprehensive and detailed level to that many officers not only in the Brisbane or the south-east corner but right across the State warranted a great deal of thought, effort and time.

It was also the case that young people and children who were on orders under the Children's Services Act had to have those orders translated into orders under the new Act. That was, of course, no mean feat, given that in Queensland we have approximately three and a half thousand children under some form of an order. It would have been foolish to have started the training before the Bill was passed through the Parliament because, of course, the Parliament had every right to make amendments to the Bill and that was in fact what happened.

I am very satisfied that the amount of work and effort put in by, particularly, officers of the Department of Families, Youth and Community Care and the Office of Child Protection and some other departments, particularly the Police Service, was very, very important and worth while. I think that the officers involved deserve our congratulations and I thank them for the work that they did and acknowledge the importance of it.

I will address a number of the issues on which the member for Indooroopilly sought further advice. Firstly, in relation to appeal periods, a number of speakers in the debate this afternoon have raised this issue. I direct all of those members who raised the question of appeal periods to the Scrutiny of Legislation Committee report and the replies—the very extensive replies—that I provided to the Scrutiny of Legislation Committee that go into a great deal of detail about the provisions that relate to the shortened appeal periods. Obviously what I was seeking to do in bringing this into the Parliament for consideration was to find a balance between the need to find suitable appeal periods for parents and others affected by these sorts of decisions, because they are very important decisions, without putting in place such an unwieldy and lengthy scheme that the legitimate interests of children would be damaged. I think that the Bill before the House does find that compromise.

Because I think the member for Indooroopilly may have been under a misapprehension, can I just clarify that the 10-day period for appeals in fact also applied to judicial review. In fact, the judicial

review provisions allow for three days to notify a decision for a judicial review and then 28 days to lodge the review application. Those 28 days begin from the date of the decision. Ten business days would be allowed for court appeals and those 10 days run from the date that the notice is received by the person seeking to make the appeal. As I said, I am confident that parents and others who have a legitimate and serious interest in these matters will make those applications during that period without any undue difficulty.

I turn now to the definition of "parent". I understand the concerns raised by the member for Indooroopilly, but again I think he may have been a bit confused. The amendment to the definition of "parent" is concerned to include persons with custody. Persons with custody are those relatives of the child who are not the child's parent but are a relative of the child who have been awarded custody of the child under section 58(1)(d) of the Act. It would not apply to foster carers. So the amendment to the definition of "parent" will not include foster carers. I can understand his concern that such a wide definition might confuse the issue of what "parent" means, but if he looks at section 58(1)(d) of the Child Protection Act he will see there is a provision there for a relative who is not the parent to be awarded custody by the court. I think he would agree that a relative who has court-ordered custody of a child ought to have the right that a parent would have; the sorts of rights that are given under the Act to make appeals against decisions, for example.

In relation to the reporting requirements, I am concerned to see any equivocation from the member for Indooroopilly on this issue. Sometimes I have to question whether or not he has ever really been a supporter of the Forde inquiry and its recommendations. I would have thought that anybody who had read the report of the Forde inquiry and paid attention to its hearings would be fully aware of the concerns that were raised by the inquiry and by a great many members of the public that some of the issues that were brought before the inquiry may never have occurred and never have been experienced by people who were residents of institutions if somebody in a position of authority or power had made a report to somebody who could have done something about what was happening.

The recommendation from the Forde Inquiry in that regard was that we should move to legislate to make it mandatory for officers of the Department of Families, Youth and Community Care and staff of residential facilities that are funded by the department to provide residential care for children should be required as a mandatory requirement of their employment to report incidents where they reasonably suspect abuse to be occurring. The amendments before the House will not have the effect of requiring mandatory reports to be made about foster carers; they go directly to the departmental staff and those working in our residential facilities.

The mandatory report requirement is for these staff to make a report. The report then requires a comprehensive investigation. The report in itself is only the beginning of the process and I can assure the member for Indooroopilly that all of these reports are taken very seriously and investigated comprehensively.

I will touch briefly on the issue of body piercing and tattooing. The amendment before the House merely seeks to secure the status quo in relation to the tattooing of minors. The Children's Services Act prohibits the tattooing of children and provides an offence provision in relation to that. It was my view that, although perhaps society's attitudes about tattoos have changed significantly since 1965, in general terms there would still be widespread concern about the tattooing of children. However, I am very aware that the issue of body piercing and tattooing is one in respect of which social mores are changing much more rapidly than the law has been able to keep pace with.

To this end, with the support of Cabinet I have established an interdepartmental working group comprising representatives of the Premier's Department, the Department of Justice and Attorney-General, the Department of Health and representatives of my department to work through some of the issues that might better protect young people and provide opportunities for their families to be involved in these decisions, for example, through the provision of parental consent requirements. I look forward to the outcome of the deliberations of that working group and to bringing any suggestions and options that it brings forward to the attention of my Cabinet colleagues for their further consideration.

I wish to address a couple of other points. The member for Indooroopilly expressed some concern about advocacy services being provided for young people—their cost implications and locations. I can assure him that in the scheme of things cost implications are relatively modest and these moneys have already been allocated from the $10m made available this year. The money will be allocated on a recurrent basis. In fact, over the next couple of weeks we will be advertising the availability of those funds. It is intended that the services will be located independently of the Department of Families, Youth and Community Care in the non-Government sector.

Regular inspections of facilities are already being carried out. It is already a requirement and is already to some extent being done. Their frequency is specified now in service agreements. It would obviously be done on a case-by-case basis. However, their frequency will be specified as part of the service agreement of an agency, and the funding will be contingent upon that.

**Mr Beanland:** So it could be every three months or six years?

**Ms BLIGH:** That is right. But the frequency will be detailed.

I wish to address some of the issues raised that were not necessarily to do with the Bill, particularly in relation to the question of the rights of parents in circumstances, which I think we would all regard as very serious, where young people under the age of consent are involved in prostitution and are living on the streets. I assure the House that, far from being powerless in these circumstances, the Child Protection Act 1999 provides increased powers for both departmental officers and police officers to enter a premises, to search the premises without a warrant, to remove a child to a place of safety or to take an application for a child protection order to a court where a child is at risk of harm. People will recall that the definition of "harm " in the Child Protection Act includes the risk of harm of sexual abuse. I do not think anybody would argue in any court that a child who is at risk of prostitution is at risk of sexual abuse.

It is my view that the provisions of the Act provide ample powers for these matters to be dealt with. The reasons why young people might be on the streets and prostituting themselves are very complex, and a legislative tool to remove them from a place of danger will by no means solve the problem overnight. Not only the officers of the department and the services we fund but also the families themselves have to take some responsibility for working at a very focused level in partnership with the services that are available over a long period so these things can be turned around.

The member for Indooroopilly called for some consideration of the need to legislate for parental powers. I ask the member for Indooroopilly to highlight in some detail, if he wants to pursue this line, what specific powers he is suggesting should be legislated. If he is suggesting that parents should be taking action to remove children from premises, that would border on vigilanteeism, and I do not think that is what he is seriously suggesting. If he wants to have a serious debate on this issue, I would welcome it. But a serious debate requires serious detailed thinking and a little more than rhetoric and slogans.

Any misapprehension about the application of the Charter of Rights and its relationship to the United Nations and its application to children other than those who are in the care of the department started with the mischief that was created by the hand of the member for Indooroopilly, so it is fairly hypocritical for him to express mock concern about it at the moment. But I take on board his comment.

**Mr Beanland:** There's some confusion out there, Minister.

**Ms BLIGH:** I agree with the member for Indooroopilly that there is some confusion out there. I have certainly done my best to dismiss it. I hope to allay any concerns by dismissing the mischief that has been spread about it. I look forward to hearing that he has similarly tried to play a constructive role to dispel any concerns and mischief that people might be spreading.

In relation to the comments of the member for Burdekin, which I will not take much time on, I reassure both him and the House that, far from undermining the democratic institutions of this Chamber, this legislation has not been forced upon the Queensland Government and the Chamber. Briefly, when Commonwealth and State Ministers sit down in a room what each Minister brings to the table is an agreement to take on board the proposal and to present that proposal to their respective Cabinets and subsequently to their respective Parliaments. The member for Burdekin is here to make a decision on the Bill before the House. The member for Burdekin has the power to vote for or against the Bill. It is in no way being forced on him or any other honourable member.

I can assure honourable members that this legislation has been drafted in a way that will consider the circumstances in Queensland, as recognised by the chair of the Scrutiny of Legislation Committee. I suggest that, if the member for Burdekin wishes to quote from the Scrutiny of Legislation Committee report, he should look also at the responses to the questions asked in the Scrutiny of Legislation Committee's report. For example, they outline that, although the relevant provisions of the Bill implement the reciprocal scheme for the transfer of child protection orders and proceedings, they do not and are not required to exactly mirror the provisions of the model Bill as prepared by Victoria and approved by the Community Services Ministers Council.

It was agreed that each State's legislation, while reflecting core requirements to ensure the reciprocity of the scheme, would be drafted to ensure compatibility with each State's child protection legislation, and that is precisely how this legislation has been drafted. I take it from the contribution of the member for Burdekin that he has a vision of some sort of series of anarchist collectives making decisions that have no relationship with each other. If he for one moment imagines that we can secure the protection of children across State borders by each State making up its own scheme without any relationship to each other, his understanding of Federation is fanciful.

In relation to his comments about the organisation known as PLEASE, he commented that these groups should be heard. Can I assure both the member for Burdekin and other honourable members that not only are their concerns being heard; I have met personally with representatives of PLEASE at the request and invitation of the member for Bundaberg. I thank the member for

Bundaberg for her facilitation of that meeting. This organisation is having regular meetings with officers of my department so that the department can understand better the concerns of the organisation and the group can have a better and more well-informed understanding of the legislation and the programs and services available to parents.

I thank the honourable member for Gladstone for her recognition of the work that has been done to build a working partnership with the foster carers and the organisation that represents them, the Foster Parents Association of Queensland. In particular, I note the work that the president of that organisation, Frank Young, has done over the past 12 months to raise consistently the concerns of foster carers and to raise their profile within the department and the thinking that I have brought to many of the decisions placed before me.

I place on the record of the House the work and commitment of foster carers across Queensland. They do one of the most difficult and often unrecognised jobs in our community. All of us have in our electorates foster carers working with some of the most difficult children in our communities. They are making a contribution to the future of our communities in a way that I think very few of us can say we have done.

In relation to the funding issues, I assure the member for Gladstone that I anticipate very minimal funding implications from the bulk of this Bill. The bulk of the Bill relates to the transfer of interstate orders. I imagine there would be a fair degree of reciprocity. I guess Queensland, as a State, will be relieved of certain financial obligations as the orders of young children in our care are transferred to the responsibility of another State. Conversely, we will pick up financial responsibilities when a child under an order from New South Wales or Victoria transfers into Queensland. That is something that we will have to monitor. We have not had a formal mechanism for this in the past. We will monitor it. But in the grand scheme of things I expect that it will have very little impact on our financial obligations, particularly to foster carers, who are looking after most of the children concerned.

In respect of the issues relating to the Forde inquiry recommendations, again, other than the advocacy service, to which I have already referred, I do not anticipate significant financial implications from the Bill. I take the point of the honourable member for Gladstone that, when you are the first off the mark, it means that there might be some unforeseen faults in the legislation. I draw to the attention of the honourable member for Burdekin the fact that one of the benefits of model legislation is that a great deal of work goes into it even before it comes into the Parliament of each State for consideration. I assure the member for Gladstone and other honourable members that, should any unforseen faults arise following the implementation of this legislation, just as improvements are made following the implementation of any other piece of legislation, we will do so in respect of this one. I thank the member for Gladstone for her acknowledgment of the work of the department in bringing this Bill to the Parliament.

I say to the member for Redlands that I endorse wholeheartedly his acclaim for the work of the Advocates for Survivors of Child Abuse. I have on a number of occasions met with representatives of that organisation, including Hetty Johnson. I have to say that I think that the work that this group has done to bring these concerns not only to my attention but also to the attention of the broader public and the community has significantly helped the understanding that people have of some really very difficult issues.

In relation to Parents Place, I understand from the member's comments and from other people who have spoken to me that the resources are available to parents who attend the centre at the Logan Hyperdome. I have asked the department to provide me with options on how those sorts of resources could be made available to people way beyond the south-east corner. It is the only such facility that exists. I think honourable members would agree that wherever parents live, from time to time they will have some concerns about how they are doing their job and whether they could be doing it better. I think we have an obligation to make sure that that sort of resource is available wherever people are.

**Mr Hegarty** interjected.

**Ms BLIGH:** I am waiting for the options in relation to how we might do that. It might mean some change in focus; it might mean a different model. I have an open mind on what that might be, but I am determined to make sure that all parents, wherever they live, have access to the resources that are available to us. As I have said, I have made no decisions; I have no options put to me, and I will keep an open mind on what is available.

I acknowledge the work of the Scrutiny of Legislation Committee and the contribution of the member for Kurwongbah. She is absolutely right when she puts on record some of the difficult and administrative complexities that have been involved in the interstate transfer of children and children on orders prior to the introduction of this Bill. A foster carer may have a husband or wife in the Army and they are often transferred to some quite remote parts of Queensland. Some of our officers are having to deal with other remote officers in other States. That does not make those sorts of transfers easy. I am sure that honourable members can imagine the kind of administrative nightmare that it has

produced at times. It does mean that from time to time children are living in danger; but most often it means that they are simply not being monitored, that courts in Queensland made a decision that those children were at such risk that they should be brought into the guardianship of the department and they are now living in circumstances in which the department cannot be certain that children in the guardianship of the director-general are being monitored to the extent that I think the courts would require when they made the decision to place children outside of the family.

I thank the member for Kurwongbah for raising the concern about an organisation in her electorate seeking to refocus the model of care that they are providing. I will look at that and give it a great deal of detailed consideration. There is no doubt that the placement of all adolescent children poses a number of challenges and that there are some adolescent children for whom we know the current models of care that are available are not necessarily working and they are very difficult to keep in stable placements. One of the outcomes of the Forde inquiry is that a lot of work is being done within the department and in partnership with our non-Government partners to consider what other models might be available. I commend the member for her work with this organisation in her electorate. I can assure her—and I ask her to pass on to that organisation this assurance—that we will give it very detailed consideration. I look forward to working with the organisation to perhaps find some solutions that have eluded us in the past.

I conclude my comments by thanking again the officers of the Office of Child Protection, most notably Anne Elliott, the Parliamentary Counsel and my ministerial staff in bringing this Bill to fruition. There have been 12 months of very hard work to ensure that the implementation and proclamation of the Child Protection Act proceeded as smoothly as possible. As is always the way when a new legislative framework comes into being, there are bound to be hiccups from time to time. However, I have been very, very pleased with the way that this Bill has been implemented. There has been the odd hiccup in a number of area offices on days two and three, and that is to be expected.

This new Act requires the staff of the department—who are working at the front line with some of the most difficult and emotional issues that our community has to face—to do things dramatically differently in a number of instances, and that is not easy no matter where one works or what kind of calling one has in life. I want to put on record here my appreciation and acknowledgment of the very difficult job that they do at the best of times. I am sure that that difficult job has been made more difficult over the past couple of weeks as they struggled to implement a completely new legislative framework on top of managing some very high case loads. Their capacity to do that and to manage that as well as they have has been possible only because of the work of the Office of Child Protection to ensure that they were as ready as they could possibly be with a comprehensive training program and various supportive networks to ensure that questions could be answered quickly and that support was available to ensure that the Act was implemented well. As I said earlier, that was no mean feat. It has taken us 12 months to do it right, and I think it was 12 months very well spent. I am very pleased to see the Act get off to the start that it has. I now commend the Bill to the House.